INDEX VOLUME 39

PLANNING COMMISSION MINUTES

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PORTLAND CITY PLANNING COMMISSION
Agenda 399
Tuesday 7 January 1975
Room 200 City Hall Annex
424 S.W. Main Street

FROM 12 NOON TO 1:30 PM

Commission Members' lunch, followed by Director's Report (Open to the public, but not a hearing.)

DIRECTOR's REPORT

1. Progress Report on Annexation Policy and resolution being drafted for such a policy.

2. Progress Report on Storm Water Control Policy.

AFTER 2:00 PM


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PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

November 26, 1974

Present: PC: Sheldon, Gustafson, Minden, Rose', Trotter
PDC: Walsh
CAC: Thelin, Getner, Hirsch, Soderstrom, Paulson, Ashcraft
Planning & Development: Stout
PC Staff: Bonner, Cannady, O'Hiser, Keefe, Williams, Bellinger, Peurasaari, Scheddel
PDC Staff: Kenward, Olson
Consultants: Blayney and Tulis

The meeting was a combined meeting of the Portland City Planning Commission, Portland Development Commission, and the Citizen's Advisory Committee.

The meeting was called to order by Planning Commission Chairman Sheldon at 7:45 p.m. in room 200, City Hall Annex.

Mr. John Blayney, consultant, made a presentation regarding the report entitled Downtown Portland Proposed Development Regulations. His presentation followed and essentially consisted of a summary of the text of such report.

Mr. Ron Tulis gave a presentation on the Pedestrianway Standards.

The following citizens participated in the question and answer period: Tom Bruce, Jim Crumpacker, and Tom Casciato.

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

December 3, 1974

The meeting was called to order at 12:00 noon by President Sheldon in Room 200, City Hall Annex.

Present: Sheldon, Roso, Shannon, Minden, Rose', Eckton, Wessinger
Staff: Bonner, Cannady, Vail, Munch, Keefe, Baldwin, Cully, Scheddel

Director's Report

Arterial Street Plan

Ernie Munch presented the plan. See Exhibit A.

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APPROVAL OF MINUTES

| | |
|---|---|
| Planning Commission | 30 September-----Approved |
| | 10 October-------Approved as corrected |
| | 22 October-------Approved |
| | 29 October-------Approved as corrected |
| | 5 November------Approved |
| Zoning Committee | 24 October-------Approved |
| | 12 November------Approved |

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COUNCIL ACTIONS

Mr. Vail reported on Council actions. He stated that preliminary actions have been taken regarding the hearings officer.

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CU 105-74 (Latter Day Saints Church)

Applicant: Reorganized Church of Jesus Christ of Latter Day Saints

Conditional Use Request: Retain 3 classrooms

Location: West of NE 50th Avenue, north of NE Couch Street

Applicant's Proposal: The applicant proposes to retain the classrooms that were approved under Conditional Use Request 3498-C.

The Planning Commission approved that request with the condition that the three classrooms be removed after three years. The church proposes to use the classrooms for worship, Sunday School, various departmental functions and other specific activities as permitted by the Conditional Use (CU 9-74) held by the applicant.

Findings: Classrooms were approved under Conditional Use request 3498-C in September 1959 on the condition that the classrooms be removed after three years.

CU 80-73 approved continued use of classrooms until May 30, 1974 (end of school year prior to summer vacation).

CU 9-74 was approved by the Planning Commission allowing RLDS use of surrounding buildings and property of the former Seventh Day Adventist School.

Subject building contains 1,750 sq. ft. of classroom space.

Surrounding neighborhood is residentially developed and zoned R5, single-family residential.

Staff Recommendation: Denial. Compliance with 1959 Planning Commission decision is long overdue.

Mr. Beebe presented a paper "Impact Proposal". See Exhibit B

The following people spoke in favor of the proposal:

Gary Beebe, Pastor, Portland Metro Branch, Reorganized Church of Jesus Christ of Later Day Saints
Mary Brinkhoff, 6527 S. E. Tolman
Janice Smith, 135 N. E. 50th
Clyde Dugan, 5117 N. E. Davis

The following people spoke in remonstrance of the proposal:

Jane Palm, 202 N. E. 50th
W. H. Sammler, 212 N. E. 50th

Letters were received from the Traffic Engineer and the Bureau of Neighborhood Envioronment stating that they had no objection to the proposal.

Letters were received from the following who are favorable to the proposal:

Daisy Hammersley, 1538 N. E. 72nd
Wm & Mary Miller, 4740 N. E. Davis
Tri County Community Council
Southeast Uplift Association

Letters were received from the following who are opposed to the proposal:

Laurelhurst Neighborhood Association
George Kraus, 4757 N. E. Everett
Frederick & Deborah Oerther, 545 N. E. 47th

ACTION: Mr. Shannon moved approval of the conditional use request with the following conditions: (1) that the exteriors of the structures be remodeled so as to better blend with the neighborhood, (2) that the buildings be landscaped, (3) that a fence be put up along SE 50th Avenue from the south end of the temporary classrooms to NE Everett Street with a fence connection from the southeast corner of the classrooms to the fence along SE 50th, (4) that the Design Review Committee review and approve preliminary and final plans for conditions 1 through 3, (5) that the improvements specified in 1, 2 and 3 be completed not later than June 30, 1975.

Mr. Minden seconded the motion.

Ayes: Eckton, Minden, Rose', Wessinger, Shannon
Nays: Trotter, Sheldon, Roso

Motion carried.

* * * * *

6399 Oregon Credit Union League

Applicant: Oregon Credit Union League, deedholder

Request: Zone change from A1 to A1P

Location: South line of SE Ash east of SE 18th Avenue

Applicant's proposal: To develop the subject property as an off-street parking lot in connection with the applicant's office building located immediately adjacent to the west. A new building addition will replace existing parking.

Findings: Applicant has an existing office and parking lot on Lots 3 and 4.

The subject site is vacant.

SE Ash between SE 18th and 20th is residentially developed.

The applicant proposes to enlarge his present office facility on Lots 3 and 4 to create additional record and form storage.

The existing office facility contains 2,356 sq. ft.; the proposed additon would contain 2,356 sq. ft. plus full basement which would far exceed the 4,000 sq. ft. C4 zone limitation.

Traffic flow to proposed parking would be from Ash Street through parking lot to 18th Avenue.

Surrounding zoning to the west, south and east is A1; and M3 to the north.

Staff Recommendation: Denial. There is no justification for encouraging expansion of C4 zone use along Ash Street as would be the case if this parking was approved.

Jim Brady, architect, representative of the applicant, spoke in favor of the proposal.

Nobody spoke in remonstrance of the project.

ACTION: Mr. Rose' moved that the zone change be approved on the basis that the total development, as described by the developer's representative, would have a good impact on the area as opposed to what can be done without the zone change.

Mr. Minden seconded the motion.

Ayes: Minden, Rose'

Nays: Eckton, Trotter, Wessinger, Sheldon, Shannon, Roso

Motion failed.

ACTION: Mr. Shannon moved approval of the staff recommendations for denial.

Mr. Trotter seconded the motion.

Ayes: Eckton, Trotter, Wessinger, Sheldon Shannon, Roso
Nays: Minden, Rose'

Motion carried.

* * * * *

6401 Smitty's Pancake House

Applicant: Southern Pacific Transportation Company, deedholder; Smitty's Pancake House by Robert Breckenridge, lessee

Request: Zone change from R5S to R5P

Location: North of SE Tacoma Street, east of McLoughlin Blvd

Applicant's Proposal: The applicant proposes to create an overflow parking lot having a capacity of 23 off-street parking spaces. These spaces will be used in conjunction with the proposed Smitty's Pancake House restaurant that is to be located on Tax Lot 7, Section 24, T1S, R1E, a former service station location. The applicant proposes that access to the overflow lot be via McLoughlin Boulevard and from SE Tacoma Street.

Findings: Access to the proposed parking lot would be from SE Tacoma Street via a 25-space parking lot next to the proposed restaurant and from SE McLoughlin.

The proposed parking lot extends north of the easterly terminus of SE Nehalem Street and is located across SE McLoughlin from the southeastern portion of Westmoreland Park.

The zone change site lies parallel to Southern Pacific railroad tracks and is in an area that has been the subject of previous zone change considerations (P.C. 5235).

Traffic volume on McLoughlin is approximately 39,000 v.p.d. and approximately 6,800 v.p.d. on SE Tacoma.

The proposed restaurant will operate initially between 6:00 a.m. and Midnight; however, it may be extended to a 24-hour operation in the future.

The plans submitted are in error as to the location of SE Nehalem Street.

Staff Recommendation: Denial. The applicant has not demonstrated a need that would justify expansion of a commercially-oriented activity into the residentially-zoned area. The proposal is for extra parking beyond Code requirements. The proposed restaurant should be of such a scale so that Code required and additional parking are provided on the site.

The following people spoke in favor of the proposal:

George Eberting, 975 John Street, Seattle
(applicant's representative)
Bob Breckenridge, 175 S. Highway 32, Hermiston, Oregon

Nobody spoke in opposition to the proposal.

Letters were received from the following in favor of the proposal:

Sellwood Improvement League
SE Uplift Association

ACTION: Mr. Shannon moved approval of the staff recommendation of denial of applicant's request.

Mr. Trotter seconded the motion.

Ayes: Trotter, Shannon
Nays: Eckton, Minden, Rose', Sheldon, Roso

Motion failed.

ACTION: Mr. Rose' moved that zone change be granted per submitted plans and provided that egress onto McLoughlin be identified with right turn only sign.

Ayes: Eckton, Minden, Rose', Sheldon, Roso
Nays: Trotter, Shannon

Motion carried.

6403R Precision Castparts

Applicant: Precision Castparts

Request: Revocable permit for propane storage tank

Location: 4600 S. E. Harney Drive

Applicant's Proposal: The applicant proposes to install a 30,000 gallon propane storage tank and related vaporizer gas air mixer and pipe system.

Findings: There is a potential shortage of natural gas this winter and those businesses with "interruptable service" need alternate sources of energy.

The proposed location is below street grade of SE Harney and is not visible from residential zoning to the north.

The nearest residences are 150 feet to the northwest and 500 feet to the northeast.

The Fire Marshal will govern safety aspects of the propane storage.

Staff Recommendation: Approval subject to any and all conditions imposed by the Fire Marshal.

The applicant was not present.

Nobody spoke for or against the proposal.

ACTION: Mrs. Eckton moved adoption of the staff report and recommendation.

Mr. Rose' seconded the motion.

Ayes: Eckton, Minden, Rose', Trotter, Sheldon Shannon
Nays: Roso

Motion carried.

SOCIAL POLICY FOR THE WATERFRONT URBAN RENEWAL AREA

Mrs. Eckton asked the Commission members if they felt that she had a conflict of interest. She said that she did not feel that she had a conflict; she has no money invested; she is just interested in people.

ACTION: Mr. Shannon moved that Mrs. Eckton be allowed to participate and vote on the Social Policy as the Commission members feel that there is no conflict of interest.

Mr. Minden seconded the motion.

Motion carried unanimously. Mrs. Eckton abstained from voting.

Andy Raubeson of the Human Resources Bureau presented the Social Policy Report and Social Policy Report Summary. (Exhibits C & D)

The following people spoke regarding the proposal:

Larry Shadbolt, 021 S. W. Curry (Downtown CAC)
Glenn Swift, 1400 S. W. Oak
Kerry Hoover, 2201 N. E. 23rd

Nobody opposed the proposal generally.

ACTION: Mr. Shannon moved to recommend adoption of the Social Policy Report and request that it be sent to Council with the notifications that items 3 and 4 of the CAC report are also recommendations from the Commission; the rest of the CAC report to be appendixed for transmittal.

Mr. Minden seconded the motion.

Ayes: Eckton, Minden, Rose', Trotter, Sheldon, Shannon
Nays: Roso

Motion carried.

Zoning Code Amendment Generally Making Service Stations a Conditional Use

Karen Baldwin presented the Service Station Code Amendments (See Exhibit E)

Monroe Jubitz, 3645 S. W. 52nd Place, spoke suggesting minor changes in the Code Amendment.

ACTION: Mr. Minden moved adoption of the staff report with amendments to read as follows: 33.12.782 Truck service station. "Truck service station" means any premises used for supplying ~~gasoline~~ fuel, oil, minor accessories and services, including body and fender repair, for trucks and truck trailers of any size and for passenger automobiles at retail direct to the customer.

Mr. Trotter seconded the motion.

Ayes: Eckton, Minden, Rose', Trotter, Sheldon, Roso
Nays: None
Abstained: Shannon

Motion carried.

* * * * *

Zoning Code Amendment Relating to Transfer & Termination Section of Conditional Uses Chapter

The staff report was presented by Spencer Vail. It is as follows:

The City Council recently passed Ordinance 137871 which, among other things, added a transfer and termination clause to the Conditional Use chapter of the Planning and Zoning Code.

Section 33.106.040 (c,1) states that:

> "A conditional Use shall be terminated automatically and without right of notice or hearing if the use comes within one or more of the following categories:
> 1. Construction or remodeling necessary for the Conditional Use as approved has not been started within one year after effectiveness of approval."

This section is a very useful tool to have in the Code and since the inclusion of that section last February, all applicants are advised of the one year time limit.

A problem has arisen, however, for those Conditional Uses approved prior to February, 1974. A great many people are not aware of the new wording and limitations now in affect and have relied upon the fact that a Conditional Use, once approved, ran with the land. There are 5 recent instances of this fact: two nursing homes, one church, one office building and a PUD.

In order to alleviate the administrative and legal problems arising from those Conditional Uses approved prior to February, 1974, an amendment to the Code seems appropriate.

Staff Recommendation: The staff recommends, therefore, that it be directed to prepare an amendment that will distinguish between those Conditional Uses granted before and those after February, 1974. Such amendment would provide for a review procedure, similar to that in the Downtown Plan Review by the Planning Director. If it is felt that circumstances have changed in the neighborhood, or that the use is no longer appropriate, a rehearing can be held. Otherwise the project would be allowed to proceed.

ACTION: Mr. Minden moved adoption of the staff report.

Mrs. Eckton seconded the motion.

Motion carried unanimously.

Because of no further business the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

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Exhibit N

# ARTERIAL STREET STUDY WORK PROGRAM

## Purpose of the Study

- To provide for City Council review of a recommended arterial street plan and related policies for the City of Portland which has the combined goals of preserving and enhancing existing City neighborhoods and providing for the safe and efficient movement of people and goods.

- To assist City Council in reaching decisions regarding street improvements, street and traffic control modifications, and other concerns having to do with the transportation system.

- To assist City Council in the determination of required arterial designations necessary to assure federal assistance in the funding of City street projects.

## Description of the Study

The study will involve an examination of existing and forecast auto and transit circulation patterns throughout the City and region, the relationship between existing and forecast land use plans and alternative transportation systems, and the implied relationships between the existing arterial system, forecast land use plans, transportation systems, and the impact upon City neighborhoods. The study will be primarily concerned with developing an arterial street plan which provides for efficient transport within the City, but which is also respectful of the needs of the City's neighborhoods in terms of the impact of the arterial street system. To this end, the study will rely heavily upon the "Portland Street Classification Plan" prepared by the Office of the City Engineer as well as include communication and cooperation with neighborhood organizations throughout the study process.

The study will produce a recommended plan and policy for arterial streets within the City which will clearly address several issues. First, the plan will provide a recommended arterial corridor system which will designate specific streets as major arterials. This major arterial system, which will be developed within the context of the regional transportation system, will pay close attention to the needs of the City's neighborhoods and relate to the requirements of an expanding transit system. In areas such as the Southeast, the study will provide elaboration of the corridor plan including functional design recommendations regarding collector streets, intersections, signalization, and other characteristics of the over-all street system.

Second, in the process of analyzing the City's transportation system in the context of the regional system, the recommended

plan will embody certain implications on a regional level. Based upon various assumptions regarding a future regional land use pattern and transportation system, the arterial street plan will effectively reinforce certain of these assumed patterns and systems and thus imply adherence to certain regional development policies. The regional implications of the recommended arterial street plan will be made explicit in the study report.

Third, the plan will provide recommendations regarding designations of arterials for funding under various federal highway programs. In order to receive funding under certain federal programs, notably Federal Aid Urban, arterials are required to have such prior designation. The arterial street plan will provide recommendations for such designations based on the functional definition of the streets within the plan.

Study Elements

I. Data Collection

1. Review all existing analyses and proposals relating to freeway and arterial circulation and proposed transit facilities.

   This task includes review of all planned freeways and major arterials in the region, all Tri-Met studies aimed at transit improvements, all reports and information generated by the Governor's Task Force on Transportation, information from the City Bureau of Traffic Engineering, the Office of the City Engineer, and other relevant material. Of particular importance in this respect is the review and use of "Portland's Street Classification Plan," a study accomplished by the Office of the City Engineer, which provides a substantial base of data and information.

2. Examine regional land use and transportation plans and forecasts to determine existing and implied transportation demands on City arterials from recent and future growth.

   This consists of a careful review of regional and City travel forecasts and assignments based on existing studies, but evaluating such study products in light of any changes in both transportation system plans and land use plans. In addition, a careful examination of all existing and possible arterials within the City is to be undertaken, identifying both existing traffic problems and other problems created by the impact of the transportation system upon the neighborhoods. Specific elements include:

a. Determination of existing traffic volumes and comparison with design and forecast capacities.

b. Careful scrutiny and identification of capacity constraints and other problems in the existing system, including problems of neighborhood impact.

c. Review of assumptions in previous forecasts.

3. Review plans and policies set forth by neighborhood organizations, the City, and regional agencies.

This task primarily represents an important review and examination of neighborhood actions regarding transportation problems. A series of neighborhood meetings involving the Bureau staff and the consultant will be undertaken to inform citizens of the study, and to identify and document community transportation issues, goals, and preferences. A careful study will also be undertaken to better define the functional structure of neighborhoods in terms of the transportation system. This includes an identification of multi-mode trip patterns, important community activity centers, and significant problems related to these characteristics within the neighborhoods. (This task will continue beyond the one month allocated in "Work Program Schedule.")

4. Review and examine existing and potential sources of funding to accomplish the arterial street plan.

This task is an examination of funding sources available to implement the plan. This includes a review of all highway and transit funding sources as well as those which might be applicable to arterial-related community development projects. The purpose is to carefully define the limitations and opportunities with regard to funding prior to the development of the plan (particularly the five-year element).

II. Analysis and Plan Development

5. Revise regional land use assumptions and modify forecasts and assignments accordingly.

This task represents a careful revision of various previous assumptions and forecasts of future land uses, population, employment and

other factors related to regional development patterns and future trip forecasts. (This task will, of necessity, be accomplished concurrently with task #5.) Revisions (non-computer) in forecast trip generation, modal split, and traffic assignment will be made in accordance with such changes. Specific explanation of all assumptions, quantified where appropriate, will be reviewed by the Technical Steering Committee.*

6. Develop preliminary alternative arterial street plans and policies and examine in terms of impact.

This task will attempt to initially define a system of major arterials. The system concept should be based on the problems and needs which were identified in the revised forecasts, in the neighborhood studies, and on the physical and environmental capacities of the arterials. A "testing" of the proposed alternatives will then be accomplished. Specific elements include:

a. Identification of existing arterials, their capacities, forecast volumes and present and future impact upon neighborhoods.

b. Identification of neighborhoods which should not be divided by new arterials or additional traffic on existing arterials and streets, as well as arterials where reduction in existing traffic volume is needed.

c. Determination of alternative system concepts which delineate major arterials and identify a system of collector streets within the neighborhoods.

d. Examine, or "test" alternative concepts in terms of impact upon neighborhoods, adequacy of system to carry forecast volumes (within the regional network) and consistency with existing and proposed transit system.

e. Review work with Technical Steering Committee.*

f. Present the alternatives at a hearing before the City Planning Commission and Informal City Council.

III. Preparation of Plan Recommendations and Report

7. Prepare a recommended arterial street plan and policy for the City.

Based on the analysis of alternative arterial street systems, develop a recommended arterial street plan and related policies (as described in "Product Definition"). This plan should be developed in two parts: a complete plan with an assumed 1990 implementation date, and a first phase, or five-year plan which is directly related to available funding for implementation during that period. Review with Technical Steering Committee.*

Preparation of graphics for presentation and the report, as well as layout and organization of the report will occur at this point.

8. Refine plan and policy by a specification of functional design solutions at priority points within the systems.

Within each of the alternatives, there will be a careful identification of improvements and modifications needed to accomplish the plan. Particular design modifications needed to increase, reduce, stabilize traffic capacity and to divert or change the nature of traffic flow should be specified. More specifically, analyses should specify: (1) arterials which require increased capacity and arterials which require maintenance of existing traffic volumes; (2) arterials which require reduction of existing or forecast volumes; (3) arterials which need significant improvements in terms of both traffic and transit characteristics, and; (4) the types of improvements needed at priority locations within the system, i.e., those places at which significant problems can be identified. The work should be reviewed by the Technical Steering Committee.*

IV. Review and Submission of Report

9. Review recommended plan and policy with neighborhood organizations, other public agencies, the City Planning Commission, and Informal Council; and consider modifications per such reviews.

Included in this task is the completion of final graphics for presentation and the report, and final editing of the report for publication.

10. Present the recommended plan and policy in report form to the City Planning Commission and the City Council.

*The Technical Steering Committee will oversee the study and will be organized to include representatives from the Office of Planning and Development, the Planning Bureau, the Office of the City Engineer, the Bureau of Traffic Engineering, and the Tri-County Metropolitan Transportation District. The Technical Steering Committee will be responsible for review of work program progress throughout the study period. Its function will be to examine and comment on work underway, to provide a means of contact between the study and the respective bureaus and agencies, and to provide a vehicle for moving the plan toward implementation upon completion of the study.

## Product Definition

The Arterial Street Plan and Policy report will provide the following information:

1. A careful summary explanation of all steps taken throughout the study process including an identification of data collected, data sources, analysis methodology, and description of alternative plans examined. In addition, issues confronted in the study process are to be noted and all assumptions and judgments made in the analysis explained.

2. A fuller explanation of assumptions regarding future regional growth is to be provided, defined in terms of the implications of the final plan and policy. This includes an identification of important regional land use, highway, and transit issues generated by the plan, and recommendations regarding both short-term and long-term planning objectives and policies implied by the plan.

3. A description and explanation of the plan and policy, to include:

   a. An explanation of the plan and policy within the regional context, describing the relationship in terms of recommended plans and policies in land use, highways, and transit.

   b. A detailed explanation of the plan and policy within the City of Portland, including recommendations of arterial designations for various federal program funding.

   c. Preparation of short-term, five-year plan which specifies priority improvements needed to accomplish the plan, and an identification of funding sources for such improvements.

   d. A description of specific functional design improvements recommended for priority locations and segments in the plan.

   e. An identification of issues and problems in the plan and policies which need additional study in greater detail.

   f. An identification of problems related to truck movement in the City and an outline of study elements needed to address this problem (subsequent to the completion of the arterial street plan).

The Arterial Street Plan and Policy will take the form of a report document containing the information described above including maps presenting the street plan, regional elements, recommended categorical designations, et.al. In addition, where shown to be necessary for presentation purposes, appropriate graphics will be prepared presenting similar information.

Exhibit E

PORTLAND CITY PLANNING COMMISSION
STAFF REPORT
3 December 1974

SERVICE STATION CODE AMENDMENTS

Background: In 1972, the design staff of the Bureau of Planning carried out an extensive study of automobile service stations with emphasis on their location and design. The study's goal was formulation of Zoning Code provisions that would regulate service stations as unique land uses. As an interim measure service stations were removed from the Zoning Code as an allowed use and replaced with a conditional use provision that requires renewal every six months.

A considerable amount of staff and Commission time was expended developing a draft proposal during 1972 and early 1973. This proposal followed the format of many other recommendations for service station requlations that were, at that time, being adopted in cities and counties nationwide. It recommended extensive regulation of the design , operation and location of service stations through the adoption of strict locational criteria for their siting; standards for noise control, maintenance, merchandise displays, vehicle storage and rental; and design requirements for signs, curb cuts, landscaping, site and yard sizes. Existing stations were required to comply with many of the regulations within a maximum of two years. The Commission's final recommendations were sent to the City Attorney's Office in April, 1973, for preparation of a code amendment. However, when the City Attorney's Office completed their work in the Spring of 1974, there had been dramatic evidence of changed conditions within the gasoline industry that had resulted in a shared recognition that the service station "problem" studied thoroughly two years before was now substantially altered.[1]

The staff developed a more moderate proposal and on July 22, 1974, a hearing was held before a Hearings Officer on this proposal. The Hearings Officer recommended an even further paring of the proposal. On August 28, after consideration of the Hearings Officer's report, the Commission directed the staff to prepare a code amendment that would provide service stations with a permanent land use designation (the current 6 month renewal expires 1 February 1975), but would substantially reduce the scope of the original proposal.

Specifically the Commission requested a code amendment that would:

- regulate new service stations as a conditional use in C2 and M3 zones, and in M1 and M2 zones where the proposed site abuts an R or A zone.

- require no regulation, except for substantial expansion, of existing service stations.

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1 See staff report, Service Station Study Code Amendment, May 1974 for further details.

- provide for removal of abandoned service stations after ample time for conversion.

Service Station Regulation: The special regulation of service stations is a typical feature of land use control codes. Historically this regulation was based on the principle of protecting public safety because of the storage of flammable liquids. In the last decade, however, justification for special zoning requirements has been based on service stations' unqiue structural and developmental characteristics that have been shown to conflict with the general welfare and convenience. Service stations can:

1. Interrupt pedestrian flow
2. Result in traffic congestion
3. Generate noise, odor, fumes and vibration
4. Because of their "specialized" construction and use, they have a tendency for "short lives" that result in abandoned, difficult to convert, structures.

The goal of controls is to contend with these characteristics as potential hazards to the health of commercial districts and the residential livability of the adjacent residential neighborhoods.

Summary of the Proposed Code Amendment: Consistent with the Commission's instructions, this amendment has been drafted to meet this goal in a very moderate manner. It makes service stations a permanent feature of the Zoning Code as a conditional use in C2 and M3 zones and in portions of M2 and M1 zones. The conditional use procedure insures Commission and neighborhood of review of each new service station except in locations well within M2 and M1 zones. The amendment includes some regulations for the Commission to use in their consideration of each request. The provision on abandonment, the only requirement that would apply to both new and existing stations, is designed to provide the maximum opportunity for useful conversion rather than the destruction of structures.

## PROPOSED CODE AMENDMENTS

### Chapter 33.12 Definitions

33.12.100 Automobile service station. "Automobile service station" means any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for passenger automobiles and for trucks not exceeding a gross vehicle weight (GVW) of 18,000 lbs. at retail direct to the customer.

33.12.782 Truck service station. "Truck service station" means any premises used for supplying gasoline, oil, minor accessories and services, including body and fender repair, for trucks of any size and for passenger automobiles at retail direct to the customer.

33.12.120 Automobile or truck wrecking. "Automobile or truck wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Comment: The existing code mentions only automobile service stations. These changes in definitions are needed to recognize the difference between facilities for small motor vehicles and large trucks and to allow for regulation of each use. The addition of trucks to automobile wrecking is only recommended for code consistency.

## Regulations for Automobile Service Stations in C2 and M3 Zoning

33.42.200 (C2), 33.50.200 (M3) Automobile service stations may be permitted as a conditional use.

33.42.235 (C2), 33.50.235 (M3) In considering a request for an automobile service station conditional use, the Planning Commission shall determine that the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors which the Commission finds applicable.

The following regulations shall also apply:

a. Lot size required.
   (1) The maximum lot area shall be 40,000 sq. ft.
   (2) The maximum frontage on one street shall not exceed 200 linear ft.

b. Screening required.
   (1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Sec. 33.82.020 (b) (1) in the Parking Chapter of this Title.

c. Landscaping required.
   (1) Border planting, including shrubs and trees shall be provided along street frontages.

## Regulations for Automobile Service Stations and Truck Service Stations in M2 and M1 Zoning

Amend Section 33.52.020 Uses permitted in an M2 zone to include in Group 10 as new items - DD Automobile service station when not abutting an R or A zone and EE Truck service station when 100 feet or more from an R or A zone.

Comment: By adding automobile service stations and truck service stations to Group 10 in M2 zoning the provisions would automatically apply in M1 zoning.

33.52.140 (M2), 33.54.140 (M1) Automobile service stations may be permitted as a conditional use when the proposed site abuts an R or A zone.

33.52.175 (M2), 33.54.175 (M1) In considering a request for an automobile service station as a conditional use, the Planning Commission shall determine that the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors which the Commission finds applicable.

The following regulations shall also apply to automobile service stations:

a. Lot size required.
   (1) The maximum lot area shall be 40,000 sq. ft.
   (2) The maximum frontage on one street shall not exceed 200 linear ft.

b. Screening required.
   (1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Sec. 33.82.020 (b) (1) in the Parking Chapter of this Title.

c. Landscaping required.
   (1) Border planting, including shrubs and trees shall be provided along street frontages.

## Chapter 33.94 Nonconforming Uses

33.94.035 Discontinuance of either an Automobile Service Station Use or a Truck Service Station Use in Any Zone.

a. Whenever a service station site is not used for a continuous twelve (12) month period, it shall be considered abandoned. Operation for thirty (30) days or more shall be required to interrupt the twelve month period.

b. All structures and facilities above and below grade shall be removed from abandoned service stations. In lieu of removal, the underground tanks may be emptied and refilled according to the specifications of the Fire Marshal.

c. Upon abandonment, the City Auditor shall notify the deedholder and the lessee (when known) by certified mail of the requirements of 33.94.035 (b). The owner or lessee shall have 60 days after the date of notice to comply with the removal provisions or petition the Planning Commission for an extension of time.

(1) A petition for extension of time must include a statement explaining why immediate compliance with these provisions would result in an unnecessary hardship on the owner or lessee and must include a plan, in phases if necessary, for eventual removal of the facilities.

(2) If the Commission, or its agent, finds after a public hearing and notification as provided for in 33.98.020 (paragraph 3) that immediate compliance would result in unnecessary hardships, that outweigh the benefits compliance would provide to the public safety, convenience, and general welfare, an extension of time not to exceed six (6) months, may be granted.

(3) If, at the end of an extension period granted under (2) above, the requirements of (b) have not been carried out, the City shall have the authority to cause immediate removal. The cost of such removal, plus a 10% administration fee shall be charged to the owner of the property as a special assessment.

DC/KB:bn

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

December 5, 1974

A special meeting was called to order by Vice Chairperson Marjorie Gustafson at 7:30 p.m. in the Red Cross Building, 4200 S. W. Corbett to consider the Corbett, Terwilliger and Lair Hill Plan.

Present: Sheldon, Gustafson, Eckton, Roso, Shannon, Wessinger
Staff: Bonner, Cannady, Wilde, Fox, Scheddel

Mrs. Gustafson asked Dale R. Meyers, chairperson of the Planning Committee to chair the presentation part of the meeting.

Mr. Bonner said that he appreciates the tremendous effort involved in this plan and named the Corbett-Terwilliger Planning Committee the champion planning committee for the City of Portland, presenting a cup to Mr. Meyers to commemorate same.

The following presentations were given: A Plan for Corbett, Terwilliger, and Lair Hill (Exhibit A); Introduction to Downzoning Presentation (Exhibit B); Petition Results (Exhibit C); What Is the Corbett Neighborhood (Exhibit D); Hearing on Corbett-Terwilliger Neighborhood Plan (Exhibit E); Downzoning, the Comprehensive Plan, and Planning from a Legal Viewpoint (Exhibit F); Corbett-Terwilliger Neighborhood Plan (Exhibit G); A-1 Zone for the North Corbett Area (Exhibit H); Our Plans with Downzoning, After Downzoning (Exhibit I).

The people speaking in favor of the proposal were as follows:

Penny Allen, 3627 S. W. Kelly
Eric Silverstein, 3627 S. W. Kelly
Dianne Libeck, 4133 S. W. Corbett
Sumner Sharpe, Urban Studies Program, P.O. Box 751
Portland, Ore. 97207
Mark Friedman, 1525 N. E. Weidler
Al Staehli, 317 S. E. 62nd Avenue
Ross Danielson, 3214 S. W. Kelly Avenue
Ester Berberick, 0350 S. W. Dakota
Connie Veek, 5824 S. W. Corbett

Tom Walsh, 4126 S. W. Corbett spoke but neither for or against the proposal.

Those speaking in remonstrance were:

Bill Wright, 4530 S. W. Kelly
Jack Annand, 3933 S. W. Kelly
Richard Helgeson, 2029 N. Mollala Ave.
Roy Baldwin, 1837 N. E. 54th

The meeting adjourned at 11 p.m. Another meeting will be set to continue consideration of this project.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

December 12, 1974

A special meeting was called to order by Chairman Sheldon at noon in Room 321, City Hall. The meeting was requested by Mrs. Eckton to review case no. CU 105-74,"the Reorganized Latter Day Saints Church's three classrooms".

Present: Sheldon, Gustafson, Eckton, Minden, Rose', Roso, Shannon, Wessinger
Staff: Cannady, Vail, Scheddel

Mr. Vail read a letter submitted by Mrs. Eckton to Mr. Sheldon stating that she was declaring a conflict of interest on her part when voting on this proposal at the December 3, 1974 meeting, and requesting that this matter be reconsidered.

ACTION: Mrs. Eckton moved that case no. CU 105-74 be reconsidered for the reasons stated in her letter.

Mrs. Roso seconded the motion.

Ayes: Rose', Gustafson, Sheldon, Shannon, Roso
Nays: Minden, Wessinger

Motion carried.

The people speaking for the proposal were:

Gary Beebe, Pastor, Portland Metro Branch, Reorganized Church of Jesus Christ of Latter Day Saints
Mary Brinkhoff, 6527 S. E. Tolman
Stephen Bryson, 703 N. E. 74th Street
Janice Smith, 135 N. E. 50th

The person speaking against the proposal was:

W. H. Sammler, 212 N. E. 50th

Mr. Vail read a letter that he sent to all individuals speaking at the previous meeting or writing a letter for or against the proposal

Mrs. Gustafson stated that she had listened to the tape regarding the hearing which took place on December 3, 1974, and asked questions which were responded to by staff, proponents and opponents.

ACTION: Mr. Shannon moved approval of the conditional use request with the following conditions: (1) that the exteriors of the structures be remodeled so as to better blend with the neighborhood, (2) that the buildings be landscaped, (3) that a fence be put up along SE 50th Avenue from the south end of the temporary classrooms to NE Everett Street with a fence connection from the southeast corner of the classrooms to the fence along SE 50th, (4) that the Design Review Committee review and approve preliminary and final plans for conditions 1 through 3, (5) that the improvements specified in 1, 2 and 3 be completed not later than June 30, 1975.

Mr. Minden seconded the motion.

Ayes: Minden, Rose', Wessinger, Gustafson, Shannon

Nays: Sheldon, Roso

Motion carried.

Because of no further business the meeting adjourned at 1:05 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

COUNTY COMMISSIONERS
M. JAMES GLEASON, Chairman
BEN PADROW
DAN MOSEE
DONALD E. CLARK
MEL GORDON

# Multnomah County Oregon

DEPARTMENT OF HUMAN SERVICES
SOUTHEAST QUADRANT MANAGER
4610 S.E. BELMONT STREET • PORTLAND, OREGON 97215
(503) 248-5095

December 5, 1974

George Sheldon, Chairman
City of Portland Planning Commission
Portland, Oregon 97204

Dear Bing:

It has come to my attention that my vote at the full Planning Commission meeting of December 3, 1974, in regard to the "conditional use request" the applicant The Reorganized Church of Jesus Christ Latter Day Saints was a conflict of interests.

Prior to my appointment to the Southeast Quadrant Manager's position for Multnomah County Department of Human Services, negotiation between the Nursing Supervisor in the Southeast Area and the Latter Day Saints Church had taken place with regard to the usage of free space for a health clinic. The Nurses are now under my jurisdiction and I shall be negotiating with the Church at a later date.

Therefore, I am declaring a "conflict of interest" and requesting another hearing on the matter be held.

Yours truly,

Peggy Eckton

Peggy Eckton, Manager
Southeast Quadrant

PE:fg

RECEIVED
DEC 10 1974
City of Portland
Bureau of Planning

THE CITY OF
PORTLAND
OREGON

OFFICE OF
PLANNING AND DEVELOPMENT
GARY E. STOUT
ADMINISTRATOR

BUREAU OF
PLANNING
WEST R. BONNER
DIRECTOR

S.W. MAIN STREET
PORTLAND, OR. 97204

PLANNING
503 248-4253

ZONING
503 248-4250

December 6, 1974

Re: CU 105-74, Reorganized Church of Jesus Christ of Latter Day Saints

To Whom it May Concern:

After the close of the Planning Commission meeting on December 3, 1974, it became evident that one of the Commission members may have a conflict of interest in the subject request.

To resolve the issue, a special meeting of the Commission will be held at noon, Thursday, December 12, in Room 321 of City Hall.

Since your name appears in our files as an interested party, you are being notified of this meeting, and you are welcome to attend.

If it is determined that there is in fact a conflict of interest, the case will be reconsidered on its merits and additional testimony may be taken.

Very truly yours,

Spencer H. Vail
Zoning Supervisor

SHV:st

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

December 17, 1974

A joint meeting of the Portland City Planning Commission and the Portland Development Commission was called to order by President Sheldon at noon, in room 200, City Hall Annex, to hear the presentation on the Housing and Community Development Program for the City.

Present: Planning Commission: Sheldon, Gustafson, Eckton, Minden, Rose', Roso
PC Staff: Wilde, Scheddel
Portland Development Commission: Cogan
PDC Staff: LaCrosse, Olson, Yuzon
Planning & Development: Stout

Gary Stout gave the presentation which had the following topics: (1) Federal Objective, (2) Funding Levels, (3) Eligible Activities, (4) Goals and Policies, (5) Citizen Participation Requirements, (6) Proposed Criteria for Neighborhood Priority for First Year Funding.

Dennis Wilde said that they would like to have a hearing on this program with the Planning Commission and the Portland Development Commission on January 9. He added that the City Council is holding an all day hearing regarding same on January 15.

Following the presentation there was a question and answer period.

Because of no further business the meeting adjourned at 1:35 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

es

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

December 5, 1974

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:00 p.m. by Chairperson Rose'. Present were Members Shannon and Wessinger, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 95-74 Conditional Use for basketball court to be located on Tax Lot 72, Section 24, T1S, R1E, was requested by City of Portland, Bureau of Parks.

Roland Hall, 7657 SE 19th, was present representing the Bureau of Parks.

A letter of approval was received from Clyde V. Brummell, 2212 SE Lambert Street.

Letters of remonstrance were received from Norman C. Berry, 7415 SE 22nd Avenue; Maartje Van Heusden, 7725 SE 22nd Avenue; Mrs. Allen Clapp, 7533 SE 22nd Avenue; and F. G. Putnam, 7605 SE 22nd.

A letter of remonstrance was received, signed by the following people: Norman C. and Nadine Berry, 7415 SE 22nd Street; L. A. Landwehr, 7025 SE 22nd; and Hal H. Huffman, 7325 SE 22nd.

Sellwood-Moreland Improvement League recommended approval of the request.

Southeast Uplift recommended approval.

There was discussion regarding the applicant's plans for future additional provision of parking.

The Staff recommended approval with the condition that additional off-street parking be provided within 2 years.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 101-74 Conditional Use for basketball court to be located on Lots 3, 4 and 5, Block 2, Danke, and Lot 5, Block 2, Fallow's, was requested by City of Portland, Bureau of Parks.

Roland Hall, 7657 SE 19th, was present representing the Bureau of Parks. He stated that the basketball court would not be lighted.

Letters of remonstrance were received from Phillip and Sylvia Saxton, 907-11 SE 16th Avenue; and Mrs. M. Menstell, 2649 SE Stephens Street.

Buckman Community Association recommended approval of the request.

Southeast Uplift recommended approval.

The Staff recommended approval.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 108-74 Conditional Use for fill to be located on Lots 10, 15, 16, 17, 18, and 23, Junction, was requested by Columbia Steel Casting Co., Inc., deedholder.

Jim Stromme, Plan Engineer for Columbia Steel Casting, was present representing the applicant.

There was discussion regarding the applicant's need for approval from other jurisdictions.

The Staff recommended approval subject to any conditions imposed by the City Engineer and Department of Environmental Quality and with the condition that the applicant obtain a permit from the Bureau of Buildings as required by Chapter 70 of the Uniform Building Code.

ACTION: Mr. Shannon moved approval of the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

CU 89-74 Conditional Use for a water pump station to be located on Lots 7, 9 and 10, Block K, Greenway, was requested by the City of Portland, Bureau of Water Works.

This request was considered on October 24, 1974, and deferred for 30 days so the applicant could meet with the neighbors.

Bob Bitten, Chief Engineer with the Water Bureau, was present.

Fred Whitfield was also present representing the applicant. Through the use of diagrams and charts, he described the use, the area to be served, noise level readings taken approximately 75 ft. from the existing water pump station and expected noise levels when the new pump station is installed. He presented photographs of the existing Water Bureau structures and a list outlining dates of meetings between Water Bureau representatives and neighboring residents.

J. W. Rosacker, 2772 SW Talbot Road, was present to ask questions of the applicant's representatives.

Kip Howlett, 100 SW Market was present to speak in remonstrance and to ask questions about the applicant's noise level readings and provisions being made to reduce noise levels for the new facility.

Mrs. Tegard, 2780 SW Talbot Road, was present to state her objection to Water Bureau employees parking across from her garage.

William Tegard, 2780 SW Talbot Road, was present. He stated he would prefer to have the pump station placed at a location between his house and his neighbor's house.

The Staff recommended approval of the revised plan of November 21, 1974, subject to Design Committee review of landscaping plan.

ACTION: Mr. Shannon moved approval of the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

6402 Zone change from A1 to C2 for Lots 19 and 20, Block 2, Wents Subdivision of Lot 10, Glenwood Park, was requested by Anthony Kaiel, Phillip Kaiel, and Louis Kaiel, deedholders; and Stephen and Antoniette Waldram, renters.

Louis Kaiel, 7125 N. Chase, and Stephen Waldram, applicants, were present. They stated that the proposed building would probably be used for one physician and one dentist.

There was discussion regarding the possibility of approving C4 zoning rather than C2. The applicants stated that they felt a 4,000 sq. ft. floor area limitation would not hinder them.

The Staff recommended denial of the request.

ACTION: Mr. Shannon moved denial of C2 but approval of C4. Mr. Wessinger seconded. So ordered.

* * *

V 34-74 Vacation of portions of SE 100th Avenue, SE 101st Avenue, SE 102nd Avenue, SE Duke Street, and SE Glenwood Street, and dedication of a westerly extension of SE Knapp Street, in order to consolidate industrial property and to eliminate a hazardous traffic situation where SE 100th Avenue crosses the company's sawmill operation, was requested by Publishers Paper Co.

Pete Schnell was present representing the petitioner. He cited security reasons for requesting the street vacations.

The Staff recommended approval of the proposed street vacations, and denial of the proposed dedication as presented but approval of a dedication shown on Map 3 (Exhibit A).

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

V 37-74 Vacation of NE Halsey Street, east of NE 30th Avenue, in order to consolidate property for expansion of business, was requested by Hyster Co.

Mr. Rose' declared a conflict of interest in this matter, and thereby reduced the Zoning Committee below the required quorum. Therefore, this matter is deferred until December 10, 1974.

* * *

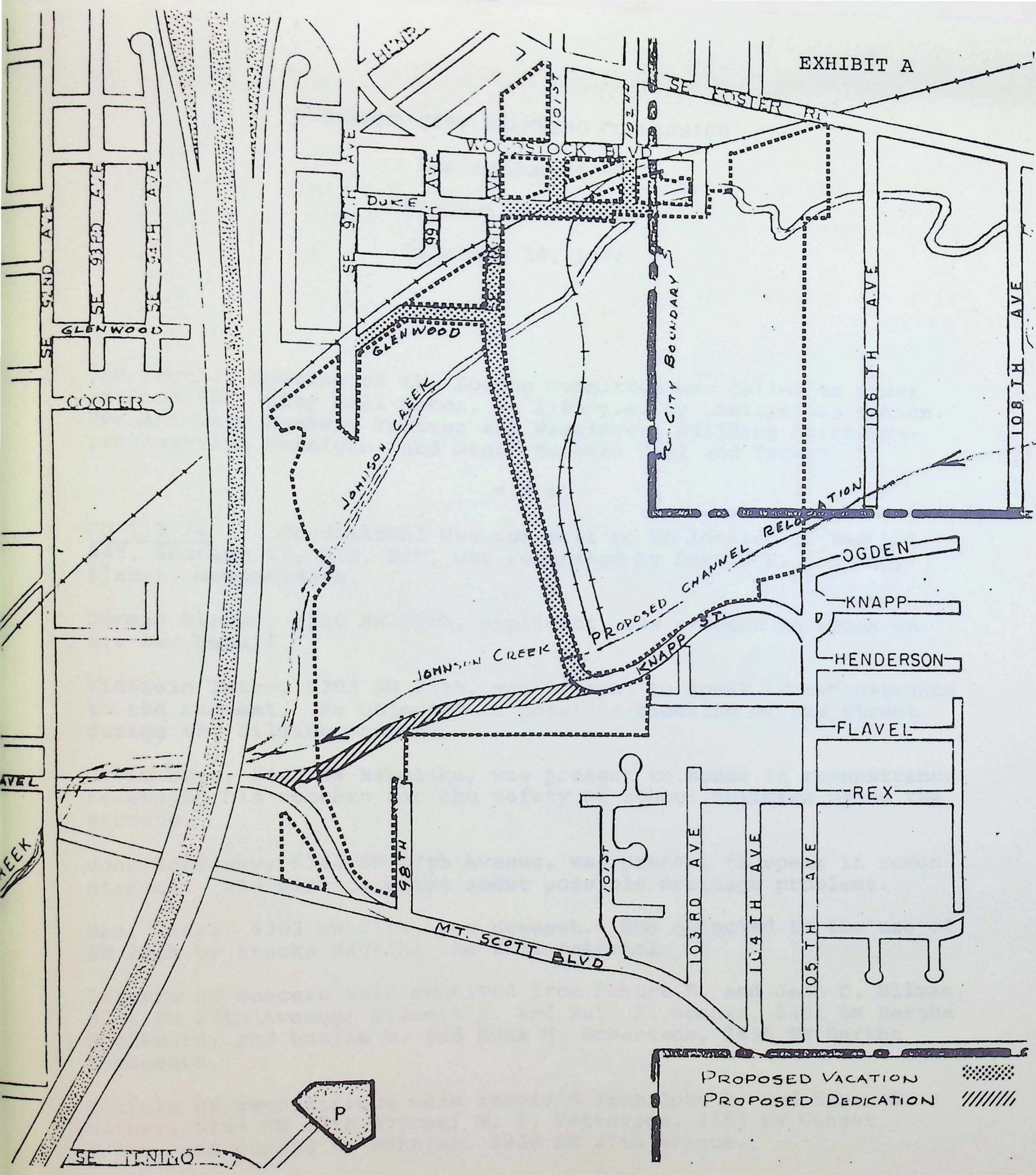
The meeting was adjourned by Chairperson Rose' at 3:10 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

EXHIBIT A




P.C. File: V 34-74

Street Vacation Request: Vacation of portions of SE 100th Avenue, SE 101st Avenue, SE 102nd Avenue, SE Duke Street, and SE Glenwood Street. Dedication of the westerly extension of SE Knapp Street.

Petitioner: Publishers Paper Company



MAP (3)

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

December 10, 1974

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:05 p.m. by Chairperson Eckton. Present were Members Trotter and Wessinger, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 117-74 Conditional Use for fill to be located on Tax Lot 249, Section 17, T1S, R1E, was requested by Dorman S. and Mary Blazer, deedholders.

Dorman Blazer, 6210 SW 27th, applicant, was present to speak on his own behalf.

Winfield Tatro, 6303 SW 25th, was present to speak in remonstrance to the request. He objected to possible blocking of the street during the filling process.

David Boys, 2448 SW Nebraska, was present to speak in remonstrance. He stated his concern for the safety of school children using the streets.

June Kordosky, 6244 SW 27th Avenue, was present to speak in remonstrance. She was concerned about possible drainage problems.

Mrs. Tatro, 6303 SW 25th, was present. She objected to the use of SW 25th by trucks hauling the fill material.

Letters of concern were received from Robert E. and Jean C. Ullman, 6139 SW 27th Avenue; Gilbert A. and Ruth A. Noonan, 2451 SW Bertha Boulevard; and Leslie D. and Edna M. Robertson, 2435 SW Bertha Boulevard.

Letters of remonstrance were received from John R. and Susan O. Mather, 6144 SW 27th Avenue; W. I. Petterson, 2155 SW Sunset Drive; and Ronald E. Bennink, 6238 SW 27th Avenue.

The Staff recommended approval with the following conditions: (1) that the fill will be completed by December 31, 1975; (2) that the completed fill area will be seeded to grass or other vegetation to prevent erosion; (3) that the applicant dedicate the east 20 ft. of the subject property for street purposes; (4) that the applicant improve SW 25th from SW Bertha Boulevard to the south

property line of the subject property to the specification of the City Engineer; and (5) that the applicant shall obtain a grading permit through the Bureau of Buildings and comply with the requirements of Chapter 70 of the Uniform Building Code.

Mr. Blazer stated that he felt that he could not complete the fill in one year as recommended by the Staff.

There was discussion regarding the fact that the City's Water Bureau will be using the subject property for a fill site. Ms. Eckton felt that if the applicant were not able to obtain sufficient fill from the Water Bureau in one year that he might be forced to purchase fill material in order to meet the one-year deadline.

Mr. Trotter felt that a curfew of operation hours as recommended by the Bureau of Neighborhood Environment would be appropriate.

ACTION: Mr. Minden moved approval of the Staff Recommendation with the following added condition:

6. That hours of filling be limited to between 8:00 a.m. and 5:00 p.m.

Mr. Trotter seconded. So ordered.

* * *

CU 118-74 Conditional Use for increased off-street parking and off-street loading to be located on Lot 25, except the south 104.2 ft. of east 157 1/3 ft. and all of Lot 26, Middlesex, was requested by Naomi G. Lee, deedholder; and Portland Habilitation Center, Inc., contract purchaser, by Robert J. Judy.

Robert Stuva, 5112 SE 41st, was present representing the Portland Habilitation Center. He stated that five staff members of the facility are currently parking on the street.

Ted Chilless, 206 Union Station, architect for the applicant, was present.

Southeast Uplift recommended approval with the conditions that code regulations regarding proper screening be met and that the long range goals regarding installation of screening and landscaping be completed as previously submitted to the Planning Commission.

The Staff recommended approval with the condition that all required landscaping around existing and new parking areas and driveways and the landscaping of the SE 73rd Avenue fence line as required by 3974C, CU 10-68 and CU 47-71 approvals be completed by July 1, 1975.

ACTION: Mr. Trotter moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

CU 119-74 Conditional Use for church to be located on Tax Lots 407 and 304, Section 17, T1S, R1E, was requested by Bethlehem Baptist Church, deedholder.

Dick Navin, 6802 SW 33rd Place, Project Director for the Church, was present.

Fred Lawrence was present representing the applicant.

There was discussion regarding the reasons why the Church had not accepted the previously granted Conditional Use approval. The applicant's representatives stated that they had not wanted to accept the condition which would require elimination of all access to Dosch Road.

Richard Talbot, 2822 SW Boundary, was present to request that the condition requiring elimination of access to Dosch Road be imposed again.

A letter of remonstrance signed by eleven people was received in remonstrance to the request.

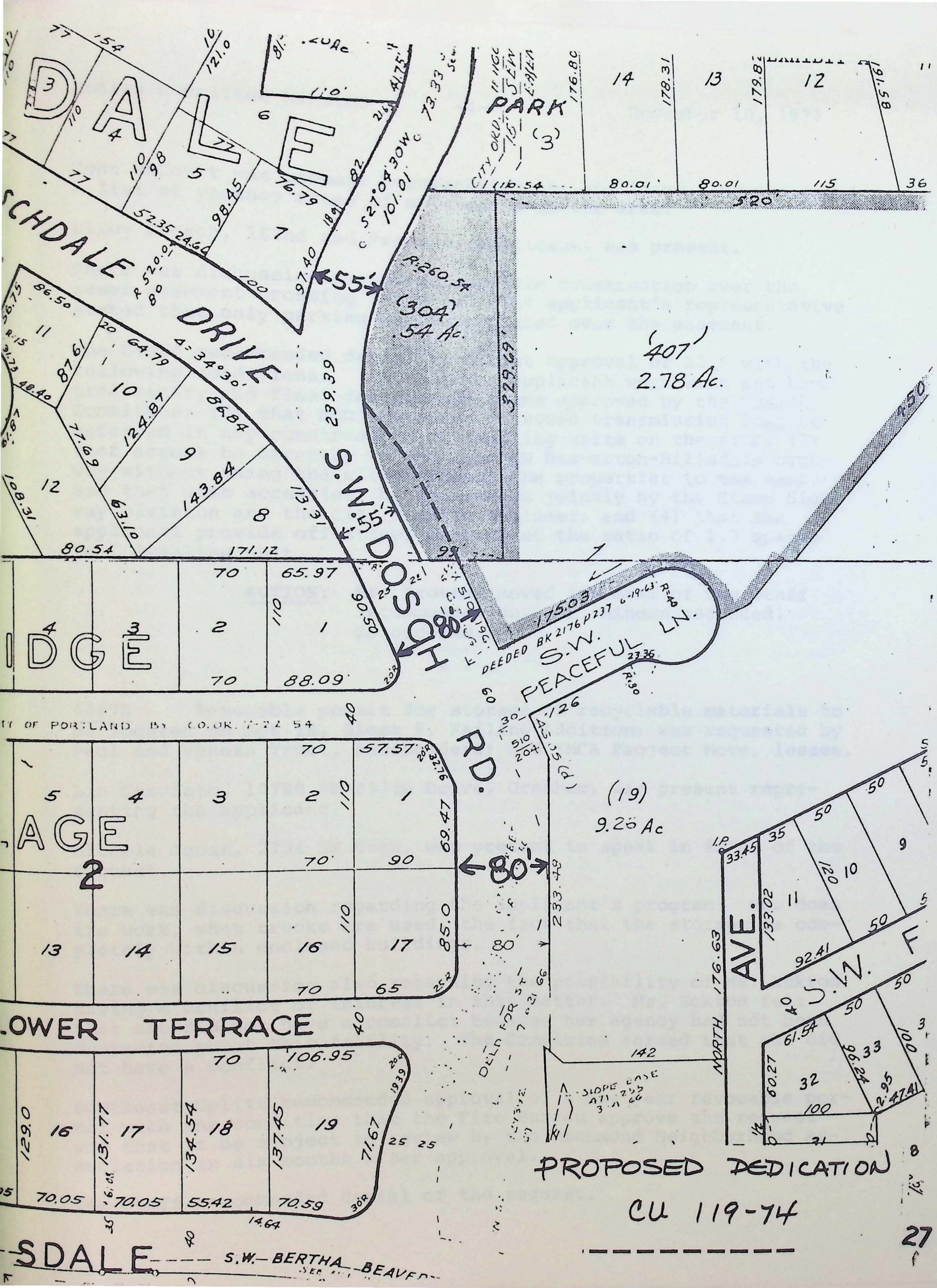
The Staff recommended approval to use the house for office purposes with the following conditions: (1) that the applicant submit a master plan, including any proposals for future expansions or additions to the church facilities; (2) that all access be via SW Peaceful Lane and that all access from SW Dosch Road be eliminated; (3) that the applicant dedicate the area as indicated by the attached map (Exhibit A) to complete widening Dosch Road; and (4) that all Code parking requirements are met and all parking is improved according to Code provisions.

ACTION: Mr. Trotter moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

Ms. Eckton stated that elimination of access to Dosch Road now will not preclude the applicant from later applying for such access if it is deemed necessary in the future.

* * *

6383 Zone change from R7 to A1 for Tax Lots 1 and 2 of Lot 1, Lot 2 and 3, Block 1, Onaway; and Tax Lot 194, Section 17, T1S, R1E; was requested by Glenn R. Zimmerman, Trustee, Dwight B. Zimmerman and Marjorie Zimmerman, Jane S. Meyers, deedholders; and Elroy Prosch, contract purchaser.


DALE
SCHDALE DRIVE
S.W. DOSCH RD.
PARK
(3)
(304)
.54 Ac.
(407)
2.78 Ac.
(19)
9.26 Ac
S.W. PEACEFUL LN.
DEEDED BK 2176 P 237 6-19-63
IDGE
AGE
LOWER TERRACE
SDALE
S.W. BERTHA BEAVER
NORTH AVE.
S.W. F
PROPOSED DEDICATION
CU 119-74
27

John McCourt was present representing the applicant. He presented a list of vacancy rates of apartments in the area.

Elroy Prosch, 182nd and Fremont, applicant, was present.

There was discussion regarding possible construction over the sewer easement crossing the site. The applicant's representative stated that only parking would be placed over the easement.

The Staff recommended denial of A1 but approval of A2.5 with the following conditions: (1) that the applicant work with and have preliminary and final development plans approved by the Design Committee; (2) that HUD standards of sound transmission loss be enforced in any construction of dwelling units on the site: (3) that access be directly to and from SW Beaverton-Hillsdale Highway without using the alley through the properties to the east, and that such access(es) be determined jointly by the State Highway Division and the City Traffic Engineer; and (4) that the applicant provide off-street parking at the ratio of 1.5 spaces to 1 dwelling unit.

ACTION: Mr. Trotter moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6407R Revocable permit for storage of recyclable materials to be located on Lot 18, Block 9, Failing Addition, was requested by Paul and Veneta Truet, deedholders; and YMCA Project Move, lessee.

Lin Casciato, 10780 SE 257th Drive, Gresham, was present representing the applicant.

Michele Jones, 2734 SE 68th, was present to speak in favor of the request.

There was discussion regarding the applicant's program: who does the work, what trucks are used, the fact that the storage is completely within enclosed buildings.

There was discussion also regarding the possibility of Ms. Eckton having a conflict of interest in this matter. Ms. Eckton felt that she did not have a conflict because her agency had not been contacted about this facility. The Committee agreed that she did not have a conflict.

Southeast Uplift recommended approval of a one year revocable permit with the condition that the Fire Bureau approve the request and that it be subject to review by the Richmond Neighborhood Association in six months after approval.

The Staff recommended denial of the request.

ACTION: Mr. Minden moved approval of a revocable permit for one year with the condition that activities occur only between the hours of 8:00 a.m. and 8:00 p.m. Mr. Trotter seconded. So ordered.

The Staff was directed to advise the Fire Marshal to check the subject facility periodically.

* * *

V 37-74 Vacation of NE Halsey Street, east of NE 30th Avenue, was petitioned for by Hyster Co. in order to consolidate property for expansion of business.

Steven Mall, Assistant Secretary at Hyster Co., was present. He described uses to which the subject area would be put.

Bob Goldman, Industrial Engineer for Hyster Co., was present.

The Staff recommended approval of the vacation of NE Halsey Street, east of NE 30th Avenue, provided an easement is granted to the City for any underground utilities and provided adequate fire access is maintained for the Hyster Co. buildings. The Staff also recommended approval in advance for additional streets within the Hyster complex with conditions.

The applicants representatives stated that they would prefer not to have any additional streets vacated at the present time.

ACTION: Mr. Minden moved approval of vacation of the requested portion of NE Halsey Street only, provided an easement is granted to the City for any underground utilities and provided adequate fire access is maintained for the Hyster Co. buildings. Mr. Trotter seconded. So ordered.

* * *

V 19-74 Vacation of the alley adjacent to Block "U", Tabor Heights, was petitioned for by William E. Rokey in order to provide additional yard area privacy and room for a driveway.

No one was present representing the applicant.

Southeast Uplift and the Mt. Tabor Neighborhood Association recommended denial of the request.

ACTION: Mr. Trotter moved deferral of the request so that the applicant could be present. Mr. Minden seconded. So ordered.

* * *

V 31-74 Vacation of a portion of the alley in Block 6, Villa Hill, was petitioned for by Francis Herr in order to prevent nuisance traffic from using unimproved alley.

Mrs. Frank Herr, applicant, was present to speak in favor of the request.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of the request.

ACTION: Mr. Minden moved approval of the request in accordance with the Staff Recommendation. Mr. Trotter seconded. So ordered.

* * *

V 35-74 Vacation of a portion of SE Pardee Street, east of SE 32nd Avenue, was petitioned for by Antonia P. Carbonari in order to prevent motorized vehicles from using this narrow, unimproved street while at the same time retaining right-of-way for pedestrian use and utility location.

Eileen Carbonari, petitioner, was present. She stated that she had no objection to the hammerhead turnaround proposed by the Staff.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of the vacation of this segment of SE Pardee provided that: (1) a hammerhead trunaround is provided at the end of SE 32nd Avenue; and (2) a 6.42 ft. easement is provided for pedestrian foot path and utility easement as shown on Map 4 (Exhibit B). The Staff also recommended approval in advance for the vacation of the remainder of SE Pardee between SE 32nd Avenue and SE 33rd Avenue and also vacation of SE Pardee Street between SE 31st Avenue and SE 32nd Avenue provided the recommended development is accomplished as shown on Map 4 (Exhibit B).

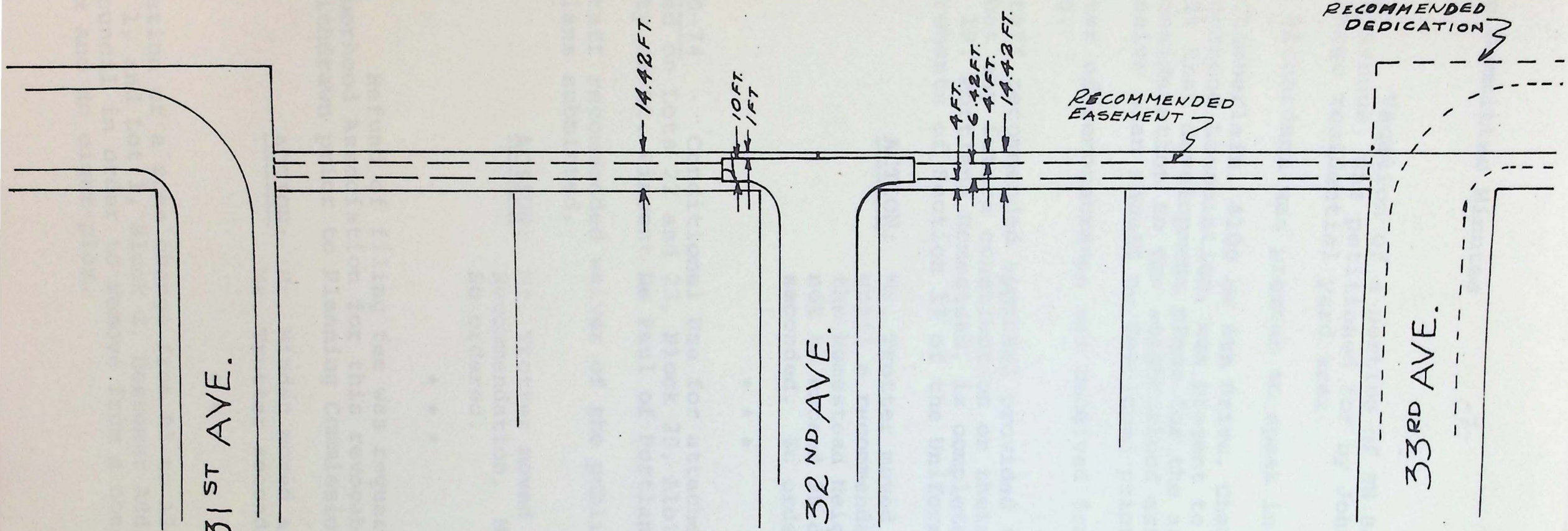
ACTION: Mr. Trotter moved approval of the vacation of the requested segment of SE Pardee only provided that:

1. A hammerhead turnaround is provided at the end of SE 32nd Avenue.

2. A 6.42 ft. easement is provided for pedestrian foot path and utility easement as shown on Map 4 (Exhibit B).

Mr. Minden seconded. So ordered.

* * *




# RECOMMENDED DEVELOPMENT

EXHIBIT B

P.C. FILE: V35-74

MAP (4)

V 8-74 Vacation of a portion of SW Bancroft Terrace, west of SW 6th Avenue, was petitioned for by John A. Richardson in order to enlarge residential yard area.

Clyde Richardson was present to speak in favor of the request.

Dick Chamberlain, 4100 SW 6th Drive, Chairperson of the Homestead Neighborhood Association, was present to speak against the request. He felt that development plans for the area should be presented for consideration to the neighborhood association, or that a comprehensive plan should be developed prior to vacation of the street.

A letter of remonstrance was received from Ted Hallock, 2445 NW Irving.

The Staff recommended approval provided the owners agree in writing that any future construction on their ownership in Lot 2, Block 19, Portland Homestead, is completed in compliance with the requirements of Section 17 of the Uniform Building Code.

ACTION: Mr. Trotter moved deferral of the request until a recommendation is available from the Homestead Neighborhood Association, not to exceed 90 days. Mr. Minden seconded. So ordered.

* * *

CU 120-74 Conditional Use for attached covered play area to be located on Lots 22 and 23, Block 29, Albina, was requested by the Society of St. Vincent De Paul of Portland, Oregon Inc.

The Staff recommended waiver of the public hearing and approval of the plans submitted.

ACTION: Mr. Trotter moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6367R Refund of filing fee was requested by the Richmond Neighborhood Association for this revocable permit request which was withdrawn prior to Planning Commission consideration.

ACTION: Mr. Minden moved approval of the refund. Mr. Trotter seconded. So ordered.

* * *

Initiation of a zone change from R5 to A2.5 for Lots 6, 7 and 8, Block 1, and Lot 1, Block 2, Hessemer Addition, was requested by the Council in order to remove from a nonconforming status a duplex and an eight-plex.

The Committee agreed to initiate the zone change.

* * *

The meeting was adjourned by Chairperson Eckton at 5:10 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

| | COUNCIL ACTIONS |
|---|---|
| 3478. Communication from His Honor the Mayor requesting Council confirmation on the appointment of Sharon Roso to fill the unexpired term of Myron B. Katz to the Portland Planning Commission, expiring January 14, 1978. | Filed |
| 3479. Communication from His Honor the Mayor requesting Council confirmation on the appointment of Ancer Lee Haggerty to the Civil Service Board to complete the term of George Rankins, which expires June 30, 1977. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., November 27, 1974** | |
| **Hearing** | |
| 3480. Report of the City Planning Commission on the appeal of Nick Bunick and John Hill against denial of a variance request of Richard T. and Marjorie E. Anderson, deed-holders, to increase the roof overhang in the east and west side yards from the allowable 20 inches to 34 inches on Lot 9, Lyle Court Gardens, located at 3816 S.W. Lyle Court in Zone R10. Denial reaffirmed. (PC VZ 166-74) | Continued to December 11 |

**The above summary is published by the City Auditor as provided by Section 2-113 of the Charter and Ordinance No. 130672.**

**GEORGE YERKOVICH,**
**Auditor of the City of Portland.**

The symbol ★ indicates emergency ordinance

# COUNCIL PROCEDURE

The following is a summary of the legislative matters to come before the Council at its regular sessions to be held on Wednesday, December 11, 1974, at 9:30 a.m., on Wednesday, December 11, 1974, at 2:00 p.m., and on Thursday, December 12, 1974, at 2:00 p.m. Said matters must have been filed in the office of the City Auditor prior to 2:00 p.m. on the preceding Friday. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of meeting may be considered therewith except where a time limit for filing has been fixed.

Any legislative or administrative matters not listed in said summary may be considered at the session to be held at 2:00 p.m., Thursday, providing four members of the Council vote to consider it (termed 4/5 matters), and it shall have been filed with the City Auditor not later than 5:00 p.m., Wednesday, December 11, 1974.

Documents which previously have been laid on the table may be considered by any session by a majority vote except business which requires four votes of the Council members.

## Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 9:30 a.m., December 11, 1974

### Opening and Tabulation of Bids for Improvement of Streets

### Petitions, Communications and Documents Pertaining Thereto and Remonstrances Presented Prior to Wednesday's Meeting

| | COUNCIL ACTIONS |
|---|---|
| 3540. Report of Portland Boxing and Wrestling Commission for year ended June 30, 1974, by Hugh R. McDonald, Certified Public Accountant. | |
| **Resolution** | |
| **Introduced by Mayor Goldschmidt** | |
| 3541. Adopting the CRAG Interim Development Policy. | Adopted |
| **Hearings** | |
| ★ 3542. An Ordinance providing for the time and manner of improving N.W. York Street from the center line of N.W. 23rd Avenue to the center line of N.W. 24th Avenue, and declaring an emergency, and remonstrances if any. (Y-1 C-8722) | |
| 3543. An Ordinance assessing the cost of improving S.W. Comus Street from the center line of S.W. 39th Avenue to the center line of S.W. 41st Avenue, and remonstrances if any. Total assessment — $26,991.45. (C-33 C-8731) | |
| 3544. An Ordinance assessing the cost of improving S.E. Glenwood Street from approximately 11.3 feet west of the west line of S.E. 41st Avenue to the north, to the centerline of S.E. 43rd Avenue, and remonstrances if any. Total assessment — $38,668.74. (G-7 C-8665) | |
| **Reports from Commissioners** | |
| **Department of Public Affairs** | |
| 3545. Recommending increase in Portland Auto-Port rates to become effective on January 1, 1975. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Department of Finance and Administration** | |
| 3546. On C.C. No. 1510 for 1971, being report of the City Planning Commission on the petition of Mary Lilles, deedholder, and Robert G. and W. C. Bauman, optional purchasers, to change from Zone R10 to R10P, Tax Lot 7 of Lot 6, Tax Lot 12, Tax Lot 9 of Lots 7 and 8, Tax Lot 10 of Lots 8 and 9 and Tax Lot 11 of Lot 9, Block 3, Raleigh Hills, located between S.W. Beaverton-Hillsdale Highway and S.W. 65th Avenue; recommending this item be taken from the table and filed, to be given no further consideration. | Filed |
| 3547. On condemnation of building located at 1831-37 S.E. Washington Street; recommending that time of hearing be set at 9:30 a.m., Wednesday, January 8, 1975. | |
| 3548. On condemnation of building located at 3037-41 N.E. Union Avenue; recommending that time of hearing be set at 9:30 a.m., Wednesday, January 15, 1975. | |
| 3549. Submitting a report of the Director of the Bureau of Planning on the request of Harlow Hickox for a waiver of the one-year period for beginning construction of a Conditional Use; recommending approval of the waiver. | Passed |
| 3550. Returning C.C. No. 2990, being the CRAG Interim Regional Development Policy, with previously transmitted recommendations of the City Planning Commission. | |
| **Department of Public Utilities** | |
| 3551. Transmitting report on Gross Revenue Tax of Western Union Telegraph Company for the first, second and third quarters of 1974; recommending that said report be placed on file. | |
| **Department of Public Works** | |
| 3552. On contract No. 14278 with Don Thornton for construction of the Eliot Neighborhood Storm and Sanitary Sewer System, transmitting three Extra Bills, Certificate of Sewer Completion and Progress Payment Certificate No. 2 — Final; recommending that the three Extra Bills be approved, the Final Certificate be approved, the sewer accepted by the Council and payment made in accordance with the terms of the contract. | |
| **Report from Select Committee** | |
| 3553. Report of Committee on Claims on claim of Thomas J. Hollcraft for damage to a rental property during a forcible entry with search warrant on September 5, 1974; recommending claim be settled in the amount of $115.12. | |
| **Reports from Officers** | |
| 3554. Report of the City Auditor on the petition of LaVerne A. and Josephine F. Granlund for the vacation of all that portion of S.W. Plum Street lying between the east line of S.W. Boones Ferry Road and the west line of S.W. 4th Avenue, together with the approval of the Commissioner of Public Works, subject to certain conditions; recommending that the hearing be held at 9:30 a.m., Wednesday, January 29, 1975. (C-8856) | |

| | COUNCIL ACTIONS |
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| **Introduced by Commissioner Ivancie** | |
| ★ 3574. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing Pallet Storage Rack Components for the Bureau of Water Works, authorizing a contract therefor, authorizing the drawing and delivery of a warrant, and declaring an emergency. | |
| ★ 3575. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing Meter Repair Parts to the Bureau of Water Works, authorizing a contract therefor, authorizing the drawing and delivery of a warrant, and declaring an emergency. | |
| ★ 3576. Extending a conditional use permit granted Portland General Electric Company to install and operate turbine powered generators on Tax Lots 10, 16 and 18, Section 34, T2N, R1W, W.M., Multnomah County, Oregon, in an M1 Zone, by amending conditions (a) and (b) of Ordinance No. 137347, subject to certain conditions, providing for acceptance; approving modifications in Air Contaminant Discharge Permit No. 26-2499 of the Department of Environmental Quality as provided by said condition (a); and declaring an emergency. | Continued to December 18 |
| **Introduced by Commissioner Jordan** | |
| ★ 3577. Granting a leave of absence without pay to Virginia Davis, Community Service Aide, Human Resources Bureau, for a period of time not to exceed eight weeks, beginning October 11, 1974, because of illness, and declaring an emergency. | |
| ★ 3578. Extending Contract No. 14004 with Nudelman Brothers, Inc., for furnishing uniforms to the Fire Bureau, from January 1, 1975, through December 31, 1975, under same terms and provisions, authorizing drawing and delivery of warrants, and declaring an emergency. | |
| ★ 3579. Extending Contract No. 13997 with Munnell & Sherrill, Inc., for furnishing fire helmets to the Fire Bureau from January 1, 1975, through December 31, 1975, under the same provisions except for increase in unit price as of January 1, 1975, and including escalation provision, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 3580. Creating positions and abolishing positions within the Human Resources Bureau for staffs of programs serving the elderly, establishing rates of pay and retroactive pay to July 1, 1974, and declaring an emergency. | |
| **Introduced by Commissioner McCready** | |
| ★ 3581. Grating a leave of absence without pay to Josephine Dalrymple, Senior Stenographer, Office of the Public Works Administrator, for a period of ninety days, beginning October 31, 1974, due to a medical condition, and declaring an emergency. | |
| ★ 3582. Dedicating certain portions of S.E. 28th Avenue, S.E. Tolman Street and S.E. Bybee Boulevard, which abut Eastmoreland Golf Course, for recreational use as a bicycle path, and declaring an emergency. | |
| ★ 3583. Transferring appropriation within the Sewage Disposal Fund from General Operating Contingencies to Transfers to Other Funds — General, Sewer Repair, and declaring an emergency. | |

| | COUNCIL ACTIONS |
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| ★ 3584. Transferring $26,009.50 within the Sewage Disposal Fund from General Operating Contingencies to the Bureau of Sanitary Engineering, Design Engineering (R.U. 146) to provide additional funds for extended construction under Contract No. 14278 for the Eliot Neighborhood Urban Renewal Storm and Sanitary Sewer System, and declaring an emergency. | |
| **Introduced by Order of Council** | |
| ★ 3585. Repealing Ordinance No. 137744, which amended Ordinance No. 130908, which changed from Zone R5 and A2.5 to Zone A1, Tax Lot 54, Section 5, T1S, R2E, W.M., located on the north side of S.E. Division Street between S.E. 75th Avenue and S.E. 76th Avenue, petitioned for by Edward R. and Mary J. Kerchal, under certain conditions, so as to delete conditions therein and add two new conditions, and declaring an emergency. | Passed |
| ★ 3586. Repealing Ordinance No. 137737, which changed from Zone A2.5 and R5 to A1, Tax Lot 107, Section 5, T1S, R2E, W.M., located on the northeast corner of S.E. Division Street and S.E. 75th Avenue, petitioned for by Lydia Gwinner (deceased) deedholder, by Al Gwinner and Samuel E. Hooker, co-executors, and Joe L. Gersch, optional purchaser, upon certain conditions, repealing Ordinance No. 137313, and declaring an emergency. | Passed |
| **Ordinances to Be Read the Third Time** | |
| 3587. Providing for the time and manner of constructing a sanitary sewer in S.E. Barbara Welch Road from the Johnson Creek Sanitary Interceptor Sewer to S.E. Barbara Welch Lane. (B-1 C-8730) (3487) | |
| 3588. Authorizing the use of Eastmoreland Golf Course for qualifying rounds of the 1975 National Public Links Championship Meet without charge for 36 holes, and for entries officially certified. (3513) | |
| 3589. Amending Section 17.12.130 of the Code of the City of Portland relating to interest on delinquent assessments for local improvement districts to provide for the City to pay this interest when the delinquency is due to the time required by the federal government to process and transmit a subsidy. (3530) | |
| **Taken From the Table** | |
| 3590. A Resolution directing the City to promote a policy of non-discrimination in City employment relative to the personal sexual preference of any individual. (3209) | |
| **Appointments, Resignations and Oaths of Office** | |
| 3591. Oath of office of Sharon Roso, Member, Portland Planning Commission. | Filed |
| 3592. Oath of office of Harold Coe, Member, Towing Board of Review. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
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| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., December 11, 1974** | |
| **Matters Continued** | |
| 3596. Report of the City Planning Commission on appeal of The English Evangelical Lutheran Grace Congregation of Portland, Oregon, deedholder, against denial of a Conditional Use for a parochial elementary school on Lots 1, 2, 5, 6, and 41 through 48, Block 5, Gregory Heights, located at 7610 N.E. Fremont Street, in Zone R5 and A2.5. Denial reaffirmed. (PC CU 41-74) (3037) | Continued to January 8, 1975, at applicant's request |
| 3597. Report of the City Planning Commission on the appeal of Nick Bunick and John Hill against denial of a variance request of Richard T. and Marjorie E. Anderson, deedholders, to increase the roof overhang in the east and west side yards from the allowable 20 inches to 34 inches on Lot 9, Lyle Court Gardens, located at 3816 S.W. Lyle Court in Zone R10. Denial reaffirmed. (PC VZ 166-74) (3480) | Appeal granted |
| 3598. Recommending adoption of Goals for the Northwest District and the Northwest District Comprehensive Plan. (3310) | Continued to January 15, 1975 |
| **Hearings** | |
| 3599. Report of the City Planning Commission on the petition of Precision Castparts for a revocable permit for propane storage tank on Tax Lot 211, Section 19, T1S, R2E, located at 4600 S.E. Harney Drive in Zone M2. Approval with condition recommended. (PC 6403R) | Adopted Planning Commission report |
| 3600. Report of the City Planning Commission on the petition of H. Naito Co., deedholder; and the Housing Authority of Portland, optional lessee, for a revocable permit for residential apartments on Lots 1 through 4, Block 17, Couch's Addition, located at 216 N.W. 3rd Avenue, in Zone M2S. Approval with condition recommended. (PC 6404R) | Adopted Planning Commission report |
| 3601. Report of the City Planning Commission on the appeal of Community Evangelical Church, deedholder, against denial of a Conditional Use for church parking for 27 cars on Lots 11 through 14, Block 16, East St. Johns, located on the northerly side of N. Columbia Way east of N. Macrum Avenue, in Zone A1. Approval for 16 parking spaces, with condition, reaffirmed. (PC CU 76-74) | Continued to January 8, 1975 |
| 3602. Report of the City Planning Commission on the appeal of Mr. and Mrs. Jon Lind, against granting the variance request of Derald W. Burns, deedholder, and Tiara Construction, Inc., optional purchaser, to reduce the minimum lot depth from the required 90 feet to 82.5 feet on Tax Lot 244, Section 18, T1S, R1E, located on the west side of S.W. 56th Avenue, north of S.W. Pendleton Street, in Zone R7. Approval reaffirmed. (PC VZ 194-74) | Continued to January 2, 1975 |

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| | COUNCIL ACTIONS |
|---|---|
| 3603. Report of the City Planning Commission on the appeal of Phyllis E. and Henry E. Wilcox and others from the decision of the Variance Committee on the variance request of Eugene and Jacqueline Wilhelm, deedholders; and Wesley and Dorothy W. Ross, contract purchasers, to reduce the minimum lot area from the required 5,000 square feet to 4,928 square feet on Lot 17 and to reduce the front yard, east, from the required 15 feet to 13 feet on Lot 18, on Lots 17 and 18, Block 69, Fulton Park Addition, located on the west side of S.W. Kelly, at the intersection of Fulton Park Boulevard, in Zone R5. Approval of lot area for Lot 17 reaffirmed. (PC VZ 211-74) | Adopted Planning Commission report with conditions (Chapter 70 and storm sewer waiver) |
| 3604. Report of the City Planning Commission on the appeal of Kenneth A. Lundgren on behalf of David H. Woodlee, against denial of a variance to Thomas R. Dicillo, deedholder; and David H. Woodlee and others, contract purchasers, to reduce the number of off-street parking spaces from the required 3 spaces to 0 on Lot 5, Block 14. Feurer's Addition, located at 1219 S.E. Lafayette Street in Zone C2. Denial reaffirmed. (PC VZ 190-74) | Reversed Variance Committee decision; appeal granted |

| | COUNCIL ACTIONS |
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| **Legislative and Administrative Matters To Be Considered by the Council on Thursday, at 2:00 p.m., December 12, 1974** | |
| **Miscellaneous Business** | |
| 3605. Discussion with Attorneys representing interested parties regarding final hearing on Forest Park Estates. | Next hearing in 8 weeks |
| **Matter Continued** | |
| 3606. Presentation of Willamette Greenway Plan by Governor's Willamette River Greenway Committee. (3310-1) | |
| **Reports from Commissioners** | |
| **Department of Finance and Administration** | |
| 3607. On application of Yong and Young Lim for renewal of a Package Store License at Kims Mart, 5301 N.E. Glisan Street, to expire December 31, 1975. | |
| 3608. On application of Louis and Areti Vlahakis for renewal of a Package Store License for Vlahakis Grocery, 33 N.W. 6th Avenue, to expire December 31, 1975. | |
| 3609. On application of Caribou, Inc., to renew a Class A Dispenser License at the Caribou Restaurant, 503 W. Burnside Street, to expire December 31, 1975. | |
| 3610. On application of Walter and Jeannette Cole for renewal of a Retail Malt Beverage License at Darcelle 15, 208 N.W. 3rd Avenue, to expire December 31, 1975. | |
| 3611. On application of Lawrence Lindekugel for renewal of a Retail Malt Beverage License at the Hot N Tot Tavern, 736 N. Lombard Street, to expire December 31, 1975. | |
| 3612. On 1975 liquor license renewal application of William, John and Nota Marcoules for a Retail Malt Beverage License at the Tacoma Cafe, 22 N.W. 3rd Avenue, to expire December 31, 1975. | |
| 3613. On application of Virginia East and Frishia Hubinsky for renewal of a Class A Dispensers license for the Club 101, 101 N.W. 6th Avenue, to expire December 31, 1975. | |
| 3614. On liquor license applications as follows:<br>Cliff and Martha Hanson, Pal's Shanty, 4630 N.E. Sandy Boulevard, RMB, to expire December 31, 1975;<br>Harold Butler Enterprises No. 331, Inc., Sam's Hofbrau, 1850 S.W. 6th Avenue, DA, to expire June 30, 1975;<br>Michael and Sally Johns and Mary Jean Campbell, Ship A'Hoy, 2889 S.E. Gladstone Street, RMB, to expire June 30, 1975;<br>Robert and Anna Roberts, Robert's Grocery, 608 S.E. Powell Boulevard, PS, to expire June 30, 1975. | |
| 3615. On 1975 liquor license renewal applications to expire December 31, 1975. (Adam Bihn, Jr., and others.) | |
| 3616. On application of Bill Liberman, Cedric Lee and Kay Mack for a Class A Dispensers License at Bill and Cedric's Wishing Well, 8800 N. Lombard Street, to expire December 31, 1975. | |

| | COUNCIL ACTIONS |
|---|---|
| ★ 3628. Granting a revocable permit to Willamette Hi-Grade Concrete Company to install, use and maintain a private coaxial cable in and above the street area of S.E. Ivon Street and S.E. 4th Avenue, and declaring an emergency. | |
| **Introduced by Order of Council** | |
| ★ 3629. Granting a revocable permit to Precision Castparts Corp. for a propane storage tank on Tax Lot 211, Section 19, T1S, R2E, located at 4600 S.E. Harney Drive, under certain conditions, and declaring an emergency. | Adopted |
| 3630. Amending Chapter 2.04 of the Code of the City of Portland to provide for referral by the Council to a vote of the people, of proposed ordinances without the requirement of prior enactment by the Council. | |

The above summary is published by the City Auditor as provided by Section 2-113 of the Charter and Ordinance No. 130672.

GEORGE YERKOVICH,
Auditor of the City of Portland.

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| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., December 18, 1974** | |
| **Matters Continued** | |
| 3697. Report of the City Planning Commission on the petition of Robert W. and Helen Meinhoff, deedholders, to change from Zone A0 to C2, Lots 1 and 4, Block 174, Couch's Addition, located on the northwest corner of N.W. 18th and Glisan. Denial recommended. (PC 6293) (3407) | Continued to end of January |
| 3698. Report of the City Planning Commission on the appeal of Bible Temple, Inc., deedholder, against deniel of Conditional Use for church expansion on Lots 4, 5, 6, 25, 26 and 27, Block 24, Mt. Tabor Villa, located between N.E. 76th and N.E. 78th Avenues, south of N.E. Glisan Street in Zone R5. Denial reaffirmed. (PC CU 64-73) (3409) | Continued to January 8 |
| **Hearings** | |
| 3699. Report of the City Planning Commission initiating City FF zoning for Lots 1 through 56 (all), Macleay's Skyline Homes; Tax Lots 27, 28, 15, and 18 except the north 400 feet, Section 32, T2N, R1W; Tax Lot 19, Section 4, T1N, R1W; and Tax Lots 1 and 2, Section 5, T1N, R1W, located at N.W. Skyline Boulevard from N.W. Ash Street to N.W. McNamee Road, recently annexed to the City. (PC 6388) | Continued |
| 3700. Report of the City Planning Commission initiating City FF zoning for Tax Lot 8, Section 9, T1N, R1W, part of Tax Lot 8, Section 4, T1N, R1W, located at N.W. Skyline Boulevard and the Bonneville Right-of-Way, recently annexed to the City. (PC 6389) | Adopted Planning Commission report |
| 3701. Report of the City Planning Commission on the petition of Central Bible Church, deedholder; and The Robert Randall Co., contract purchasers, to change from Zone R5 to A2.5, the north 123.41 feet of Tax Lot 44, Section 33, T1N, R2E, located on the west side of N.E. 90th Avenue north of N.E. Oregon Street. Approval recommended. (PC 6400) | Adopted Planning Commission report |
| 3702. Report of the City Planning Commission on the petition of Andrew L. Moser, deedholder, to change from Zone A1 to M3, Lot 1, Block 248, Holladays, located at 316 N.E. Hancock. Approval with conditions recommended. (PC 6386) | Adopted Planning Commission report |
| 3703. Report of the City Planning Commission on the request of Phares P. and Lucile C. Huggins, deedholders, to amend Ordinance 135424 to allow the continued use of a duplex on Lot 11, Block 10, Mt. Tabor Villa Annex, located at 39 N.E. 79th Avenue, in Zone R5. Denial recommended. (PC 6124 Amendment) | Filed Planning Commission report; permit approved for 4 years |
| 3704. Report of the City planning Commission on the appeal of Fred S. and Samira Farah, deedholders, against denial of a variance to reduce the required lot area from 5,000 square feet to 4,649 square feet and to reduce the required lot width from 50 feet to 46.49 feet on lot 24, Block 1, Windsor Heights, located at S.E. 48th Avenue and S.E. Woodward Street in Zone R5. Denial reaffirmed. (PC VZ 224-74) | Variance Committee decision upheld; appeal denied |

The symbol ★ indicates emergency ordinance

BUREAU OF PLANNING
Staff Report
DPR-39 Oregon Telco-Credit Union
Planning Commission Hearing January 7, 1975


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BUREAU OF PLANNING

Preliminary Staff Report

PLANNING COMMISSION FILE: DPR 39

APPLICANT: Oregon Telco Credit Union

LOCATION: 2100 block S.W. 4th Avenue, between S.W. Lincoln and Grant Streets

LEGAL DESCRIPTION: Lots 1, 2, 3, & 4, Block 22, Caruther's Addition, to Caruther's Addition

QUARTER SECTION: 3228

ZONE: M3S

REQUEST: The applicant requests under the Downtown Plan Review ordinance, approval to construct an office building.

APPLICANT'S PROPOSAL: The applicant proposes to construct a 6-story office building that is 89 feet in total height with 57,812 sq. feet of total gross floor area. Seven off-street parking spaces and one drive-up window are also proposed.

EXISTING SITE CONDITIONS: The south one half of the site (Lots 3 & 4) are presently vacant. The north one-half of the site is occupied by a 38 space surface parking lot used for long-term parking.

EXISTING VICINITY CONDITIONS: (See Vicinity Map) The site is located at the southern entrance to downtown Portland near where Fourth Avenue crosses over the Foothills-Stadium Freeway. Newer one and two story office buildings are located adjacent to the west side of the site and to the north along Fifth Avenue. Directly to the north, across Lincoln Street, is a small garage and a small one story office. Beyond these buildings, on the same block, are two restaurants with surface parking lots. To the east across Fourth Avenue is the South Auditorium Urban Renewal Area. In the Urban Renewal Area, south of Lincoln is Denny's Restaurant and the Ramada Inn. North of Lincoln is a vacant site and beyond this the construction site of an addition to the existing Bell Telephone Company Building. To the south across Grant Street is a vacant gas station presently used to park up to approximately 40 cars on a long term basis. (Acquisition of this site has been considered by the applicant).

CODE AND PARKING CONSIDERATIONS: Pertinent portions of Section 33.50.135 of the Planning and Zoning Code relating to Downtown Plan Review are as follows:

(1) Approval shall be obtained prior to commencement of any phase of construction within the Downtown Review Area as follows:

A. Of the Planning Commission for:
1. Any new structure of over 20,000 sq. ft. floor area;

B. Of the Planning Director for:
3. Any new structure providing ten or less off-street parking spaces;

NOTE: The Planning Director is referring the decision on the proposed 7 parking spaces supporting the proposed building to the Planning Commission for inclusion in the decision to be made by the Planning Commission on the building request.

(3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with Council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.

Applicable items from Proposed Parking and Circulation Policy adopted by the Planning Commission.

Section J. Surface Parking Lots

3. New surface parking lots may be allowed for the following private-use parking:

(a) On-site parking for residential development

(b) On-site parking for industrial development in parking Sector 1.

(c) On-site parking for other development in the low density areas of downtown where such surface parking will not result in more than 24 parking spaces in that city block in which the parking is located. The maximum allowable parking-space ratio for such development is 0.60 parking spaces per 1,000 square feet of land area up to a limit of 24 total spaces per city block.

Section L. Credits for Existing Parking Spaces

In determining the number of allowable parking spaces for new developments, credit will not be assigned automatically for on-street or off-street parking that is removed as part of the new development project.

SUMMARY OF BUREAU & AGENCY RESPONSES

Water Engineer: No objection. "Water service could be provided from a 20" main located in S.W. Lincoln and a 10" main located in S.W. Grant."

Bureau of Police: No objection

Bureau of Sanitary Engineer: No objection

Office of Public Works Administrator: No objection. "Construction plans for the Oregon Telco Credit Union were submitted to this office on October 11, 1974 and permission requested to reconstruct the curb and sidewalk all around the property. The Bureau of Streets and Structural Engineering are now preparing the plans for this work."

Bureau of Lighting: No objection. "The costs for any light relocations, staff design and review, temporary lighting, or other actions that may result from the approval of this proposal, are to be the fiscal responsibility of the applicant. To assure that all street lighting activities meet City Code requirements, all activities that impact street lights must be coordinated with the Bureau of Lighting before being initiated."

Fire Marshall: No objection "Fire fighting access looks good on all sides. Openable windows should be provided at each corner of the building for emergency smoke removal by the Fire Bureau.

The dry standpipe system should be enclosed in the stairwell system. Complete automatic sprinkler coverage is strongly recommended.

The height specifications provided appear to place this building in the "HIGH RISE" classification subject to the provisions of U.B.C. Section 1807. If this is indeed true, full compliance with U.B.C. Section 1807 is required."

FINDINGS: DOWNTOWN PLAN CONFORMANCE: The following constitutes a preliminary evaluation of the development proposal's conformance to the Council-adopted Downtown Plan Goals and Guidelines and the Planning Commission adopted Proposed Parking and Circulation Policy.

CONFORMANCE: Parking and Circulation

1. The site has 38 existing parking spaces while seven replacement spaces are proposed. This will result in a decrease of 31 parking spaces in downtown Portland and, consequently, this project is consistant with policy directed to maintaining a parking lid in downtown Portland.

2. The proposal for seven parking spaces is below the 12 spaces that would be permitted by Section J of the Proposed Parking and Circulation Policy.

3. The proposed parking entrances on Fourth Avenue and on Lincoln Street and the exit on Grant Street are all consistant with Section R. Access to New Parking Facilities of the Proposed Parking and Circulation Policy.

CONFORMANCE: Land Use

1. This proposed office building is consistant with those Goals and Guidelines permitting low-density office developments dispersed throughout Downtown. The applicant's site is located in an area where low density office development is occuring.

2. This proposed office building does not conflict with those Goals and Guidelines calling for medium-density office concentrations adjacent to selected access points into Downtown.

CONFORMANCE: Building Height and Density

1. The height of the building is 75'6 from finished first floor to top of parapet with an additional penthouse rising 8'6" beyond the parapet on either end of the building. This height does not conflict with any adopted or proposed height regulations.

2. The building as proposed would have an Floor Area Ratio (FAR) of 2.7:1 and is considerably below the 4:1 FAR allowed in this area.

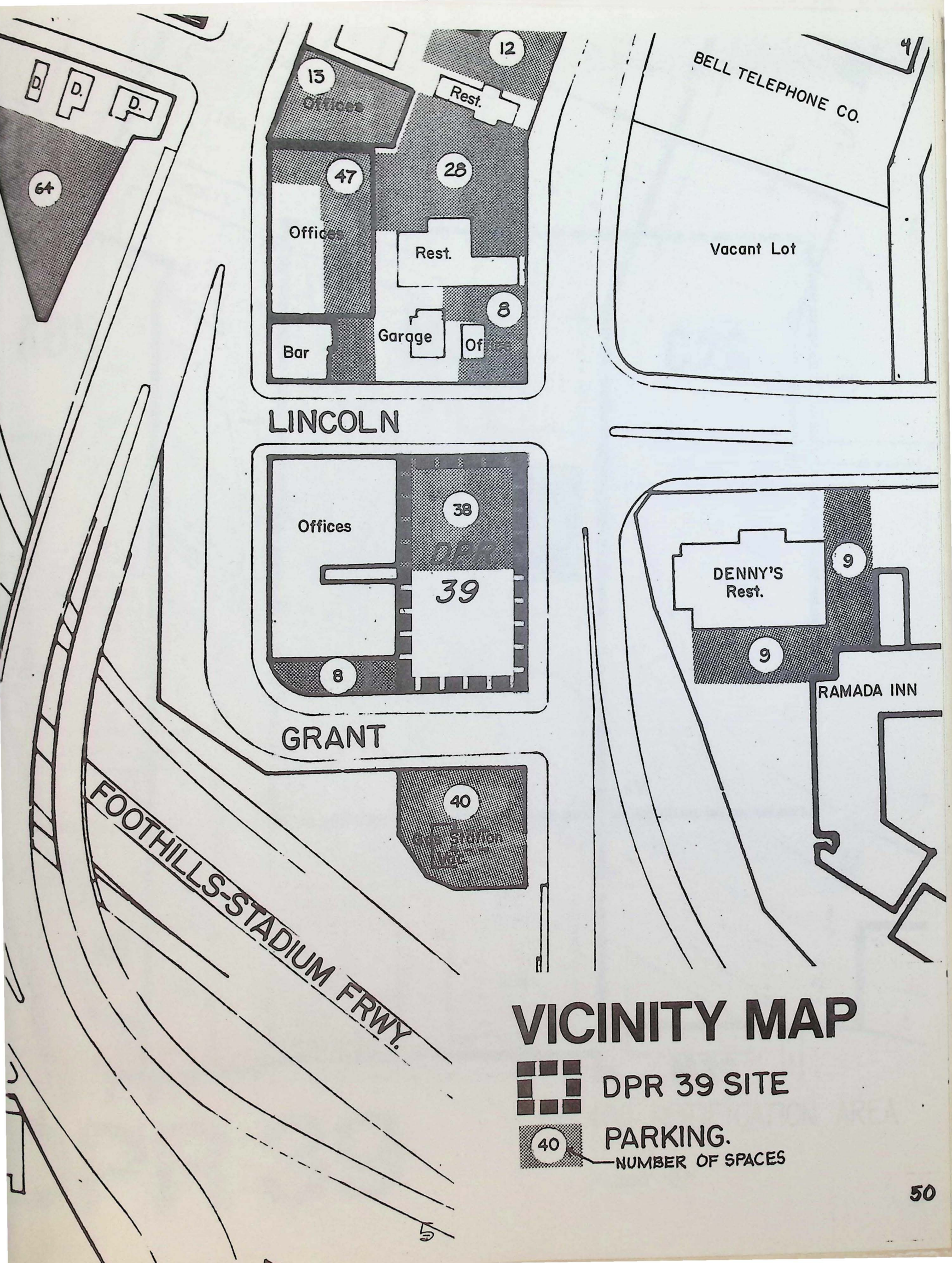
NON-CONFORMANCE: Parking and Circulation NONE

NON-CONFORMANCE: Land Use

1. The use of ground floor space in office buildings for retail and service commercial activities, especially in the retail core, is encouraged by the Goals and Guidelines. The ground floor of the applicant's proposal would be used mainly by the Credit Union for customer service. Thus the proposed ground floor use of this building could be construed as contrary to certain Goals & Guidelines. However, due to the location of this site there is a reasonable question as to the applicability of Goals and Guidelines calling for ground level retail uses.

NON-CONFORMANCE: Building Height & Density NONE

URBAN DESIGN CONSIDERATIONS: A separate report from the Urban Design Committee will be submitted to the Planning Commission at the time of the Planning Commission hearing on this request (DPR-39).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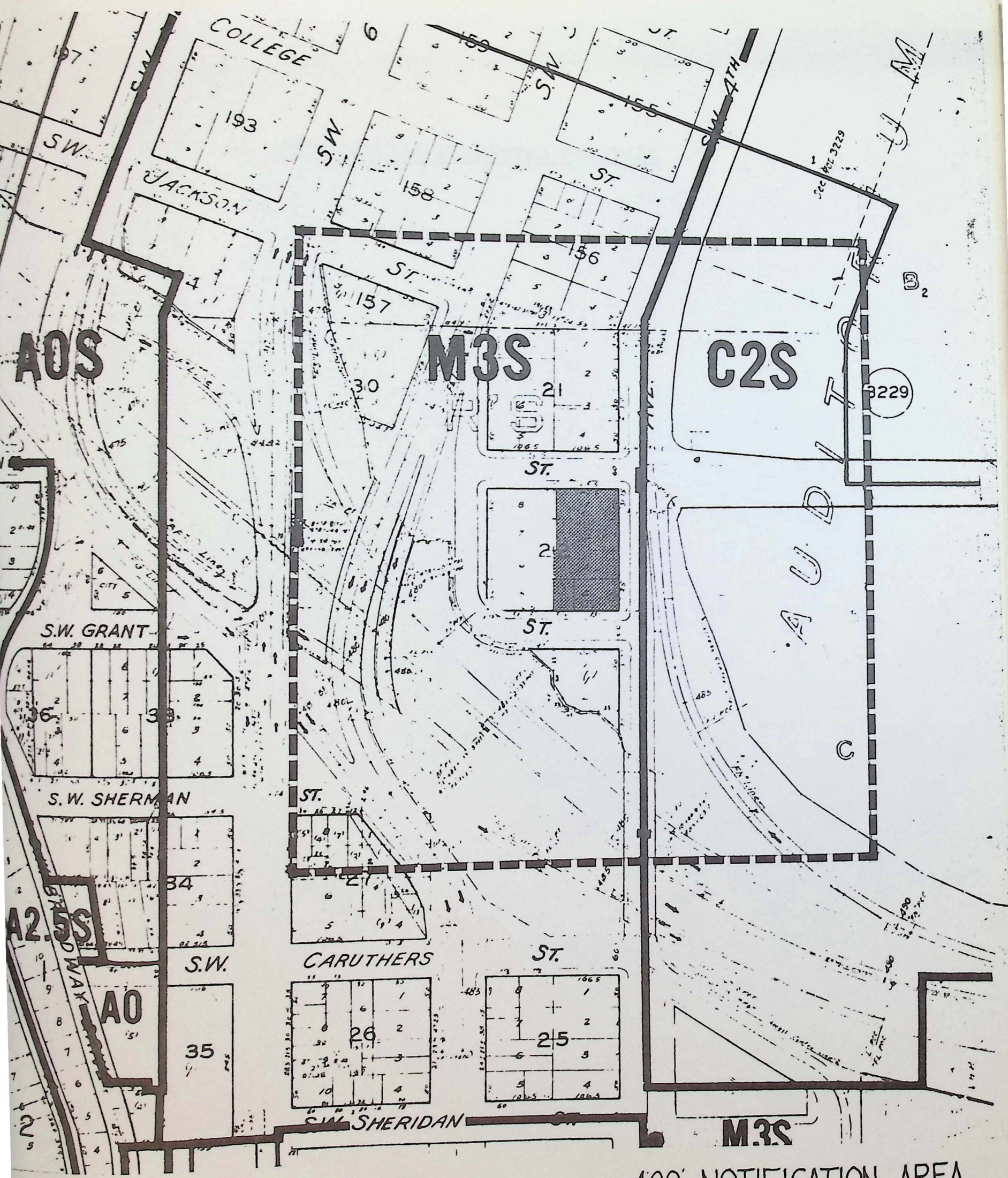



# DPR 39

-- 400' NOTIFICATION AREA

1"=200'

51

## II. APPLICANT'S SUBMITTED MATERIAL

7

# PORTLAND CITY PLANNING COMMISSION

## APPLICATION FOR DOWNTOWN PLAN REVIEW
(to be filled out in duplicate)

I hereby apply for Downtown Plan Review for: (describe fully)

Construct six-story office building on East 1/2 of Block 22, CARUTHER'S ADDITION to CARUTHER'S ADDITION to the City of Portland, Oregon (Between Lincoln & Grant Sts.)

On property described as: LOT(S) The South half of the East 75 feet of Lot 4

BLOCK 22 ADDITION CARUTHER's ADDITION to CARUTHER's ADDITION

which is located at 2100 Block S. W. 4th Ave.

near (cross street) between Lincoln & Grant Streets in Zone M3S

(See Oregon Telco Credit Union Application)

I agree to furnish three copies of a site plan drawing showing exact dimensions and arrangement of the proposed development and any other drawings, topographic surveys, photographs or other material essential to the understanding of the proposed use and its relationship to surrounding properties as may be required by the Planning Commission.

DEEDHOLDER(S)
(signatures must appear)

Walter J. Apfel
Friedel Ruth Apfel.
Husband and Wife
5120 S.W. Richardson Drive
Portland, Or. 97201 (Tel: 244-4508)
Address and Phone Number

[redacted]
(signatures must appear)

Richard M. Spiegel
Husband
5946 S.E. Milwaukie Avenue
Portland, Oregon (Tel: 233-7258)
Address and Phone Number

[redacted]
(signatures must appear)

Ilse Spiegel
Wife
5946 S.E. Milwaukie Avenue
Portland, Oregon (Tel: 233-7258)
Address and Phone Number

CONTRACT PURCHASER

OREGON TELCO CREDIT UNION
321 S.W. 4th AVENUE, PORTLAND
Edward C Gorman Treas-Mgr.

D.P.R. File No: 39

Quarter Section:

53

PORTLAND CITY PLANNING COMMISSION

APPLICATION FOR DOWNTOWN PLAN REVIEW
(to be filled out in duplicate)

I hereby apply for Downtown Plan Review for: (describe fully) _____

Construct six-story office building on East 1/2 of Block 22, CARUTHER'S ADDITION TO CARUTHER'S ADDITION to the citи of Portland, Oregon.

On property described as: LOT(S) 1,2,3, & 4

BLOCK 22 ADDITION CARUTHER'S ADDITION TO CARUTHER'S ADDITION

which is located at between Lincoln & Grant Sts.

near (cross street) _____ in Zone M3S

I agree to furnish three copies of a site plan drawing showing exact dimensions and arrangement of the proposed development and any other drawings, topographic surveys, photographs or other material essential to the understanding of the proposed use and its relationship to surrounding properties as may be required by the Planning Commission.

OREGON TELCO CREDIT UNION

Edward C. Gorman Treas-Mgr.

DEEDHOLDER(S)
(signatures must appear)

Husband and Wife

Address and Phone Number

CONTRACT PURCHASER(S) (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

OPTIONAL PURCHASER OR RENTER (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

Quarter Section: _____

D.P.R. File No: 39

54

## DEVELOPMENT CHARACTERISTICS

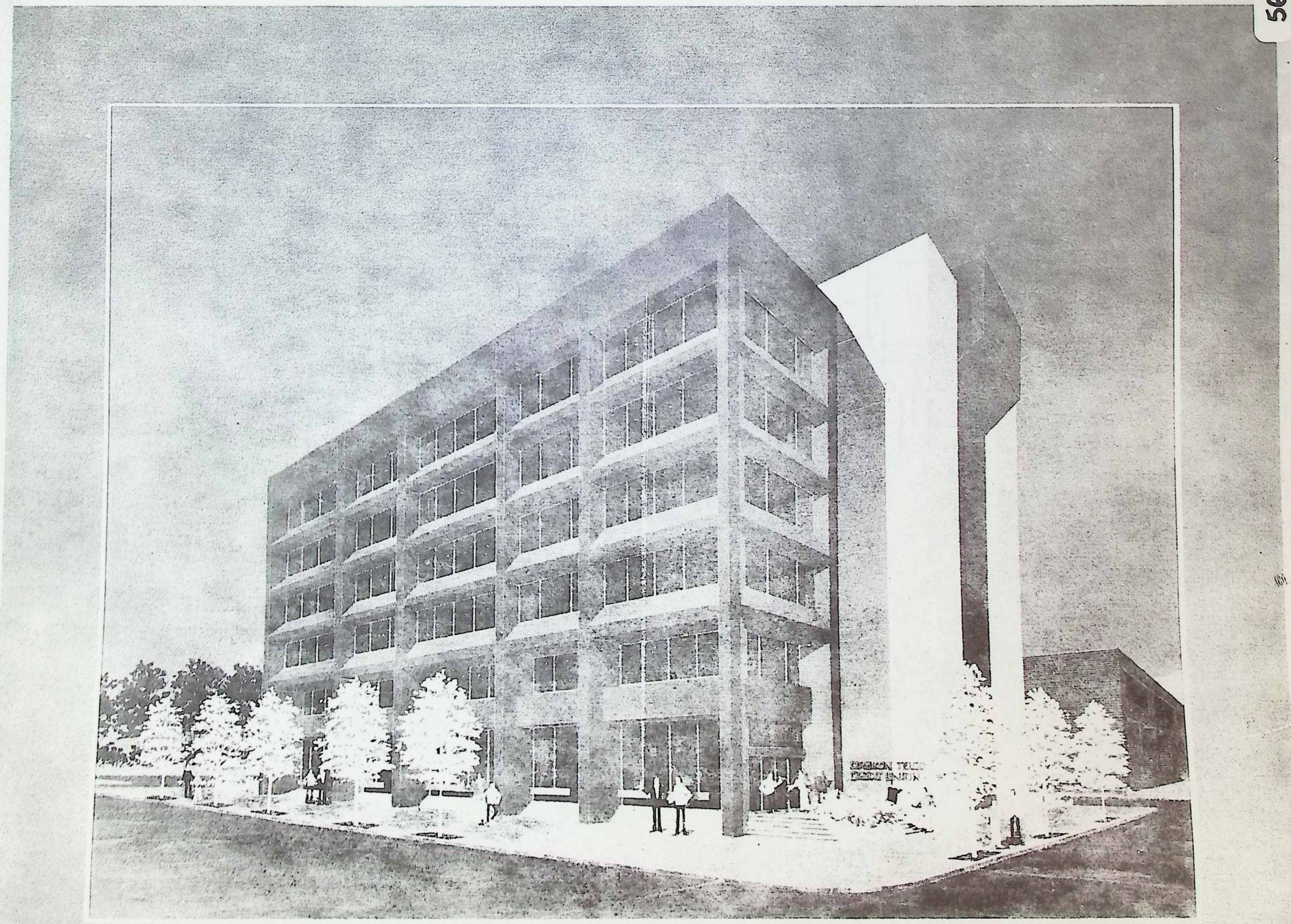
| | EXISTING | | PROPOSED | |
|---|---|---|---|---|
| | Area | | Area | |
| Site | 21,200 | | 21,200 | |
| Housing | | Units | | Units |
| Retail | | | | |
| Office | | | 57,812 ⊕ | |
| Industrial | | | | |
| Open Space | 10,600 | | | |
| Parking | | Spaces | | Spaces |
| Curb | | | | |
| Short-term | | | | 7 |
| Long-term | 38 | | | |

Applicant's statement of project conformance to adopted Goals and Guidelines and other governmental policies.*

The following data we believe will comply in response to the projects conformance to City Council's adopted Downtown Portland Plan/Goals and Guidelines request. The site is located at present in M3S zone, future zoning will be C1. We are located outside of both Mt. Hood/Mt. St. Helens view corridor boundries, retail core, waterfront and historical areas. There were no structures on the site that could have been considered for rehabilitation. We have limited the height and bulk of the building so that we could accomplish a medium/low density project, as per Downtown Plan/ Goals and Guidelines. This was accomplished by designing a project which is 30% less in bulk and 40% less in height than the maximum set goals and guidelines. Our design is human scale oriented by means of esthetic design. Brick was selected as a building finish because of its historical relationship to early Portland buildings, delicate scale and to blend with the adjacent "Ramada Inn" brick project. Insulating glass throughout the building is being used for energy conservation purposes. Eight "Populus Species" trees (Poplars) will be planted in the sidewalks at Southwest 4th Ave. and Southwest Lincoln St. to match existing three Poplars on Southwest Grant St. In addition, large planting areas are included in the open space areas. Both entries to Oregon Telco Credit Union and the building lobby have been designed as plaza and monumental stairs. Extensive interior planting at the first floor can be viewed through the large glazed areas by pedestrian traffic. Vehicular traffic is controlled by ingress at Southwest 4th Ave. and Southwest Lincoln St. with egress onto Southwest Grant St. only. Two loading areas and one drive-up window with four stack-up spaces and 7 short term parking stalls are provided on-site. The building height is 73'-0" average; because of the sloping site, maximum allowable is 130'. The building "gross" area is 57,812 square feet and site area is 21,200-square feet with 11,947 square feet of open space. Allowable "gross" building area would be 84,800 square feet based on 4:1 F.A.R.

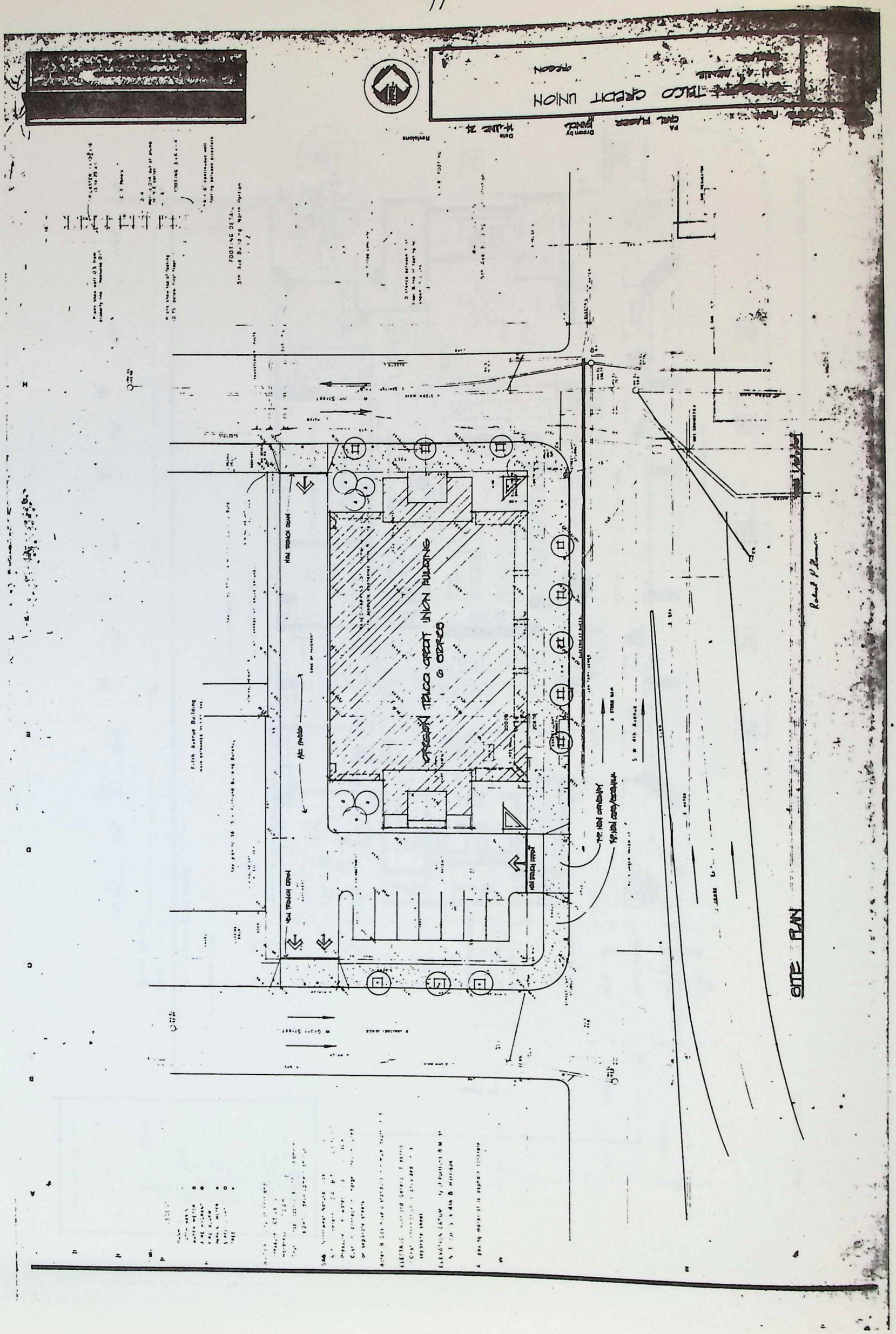


*Planning Guidelines/Portland Downtown Plan 1/7?




Oregon
Telco
Credit Union

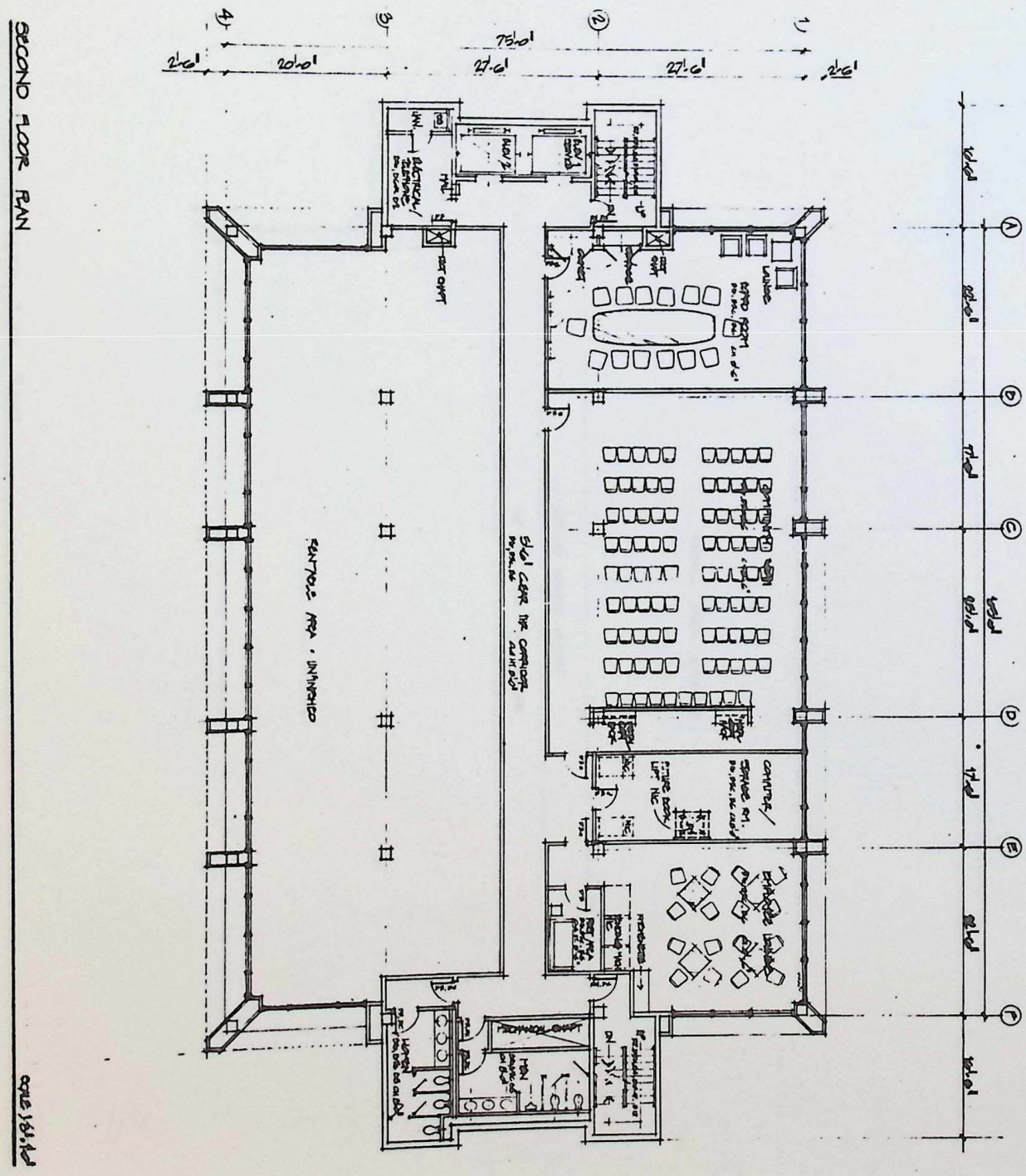
Portland
Oregon



TELCO CREDIT UNION
OREGON
PA
Drawn by
Date
14 JUNE 24
Revisions
FOOTING DETAIL
5th Ave Building North Portion
OREGON TELCO CREDIT UNION BUILDING
6 STORIES
NEW TRENCH DRAIN
Fifth Avenue Building
W Grant Street
S W 4th Avenue
SITE PLAN


57

3







| Job no. | Title | PA | Drawn by | Date | Revisions |
|---|---|---|---|---|---|
| 6118 | SECOND FLOOR PLAN | CARL KLAGER | KANDL | 14 JUNE 74 | 8/14/74 |

A-3

OREGON TELCO CREDIT UNION
8 W 4th AVENUE
PORTLAND OREGON

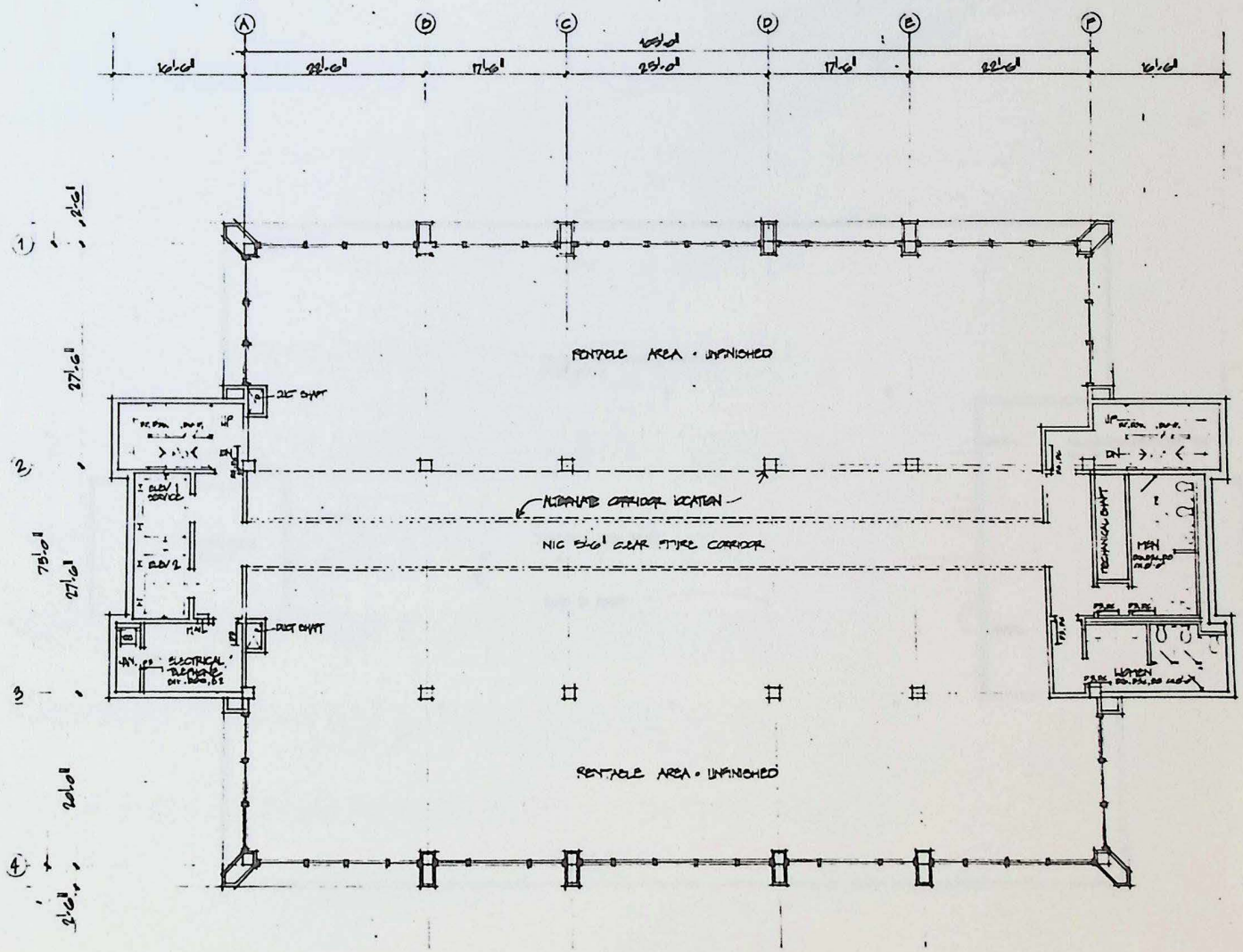
John F. [illegible]

Bank Building & Equipment Corporation

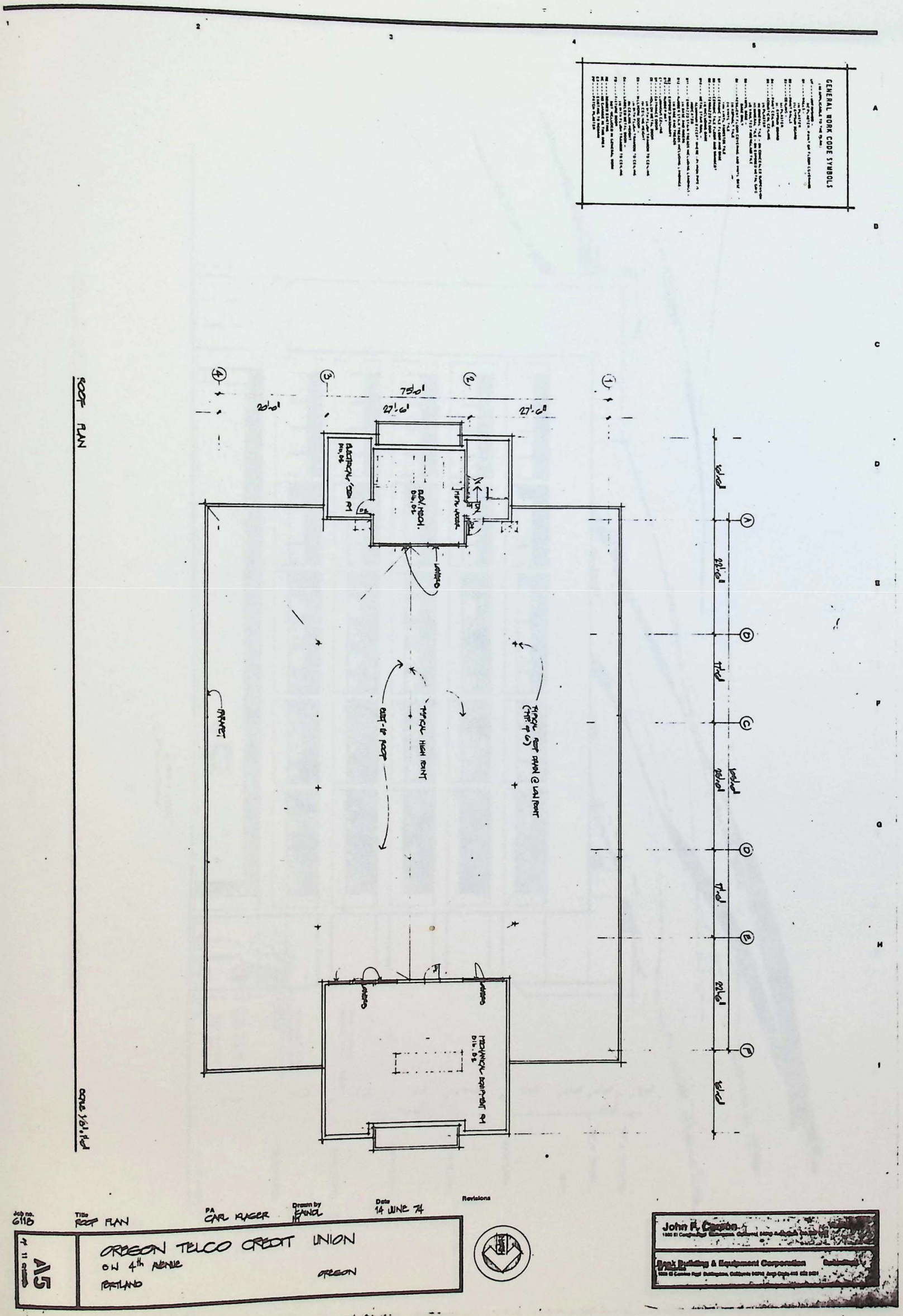
59

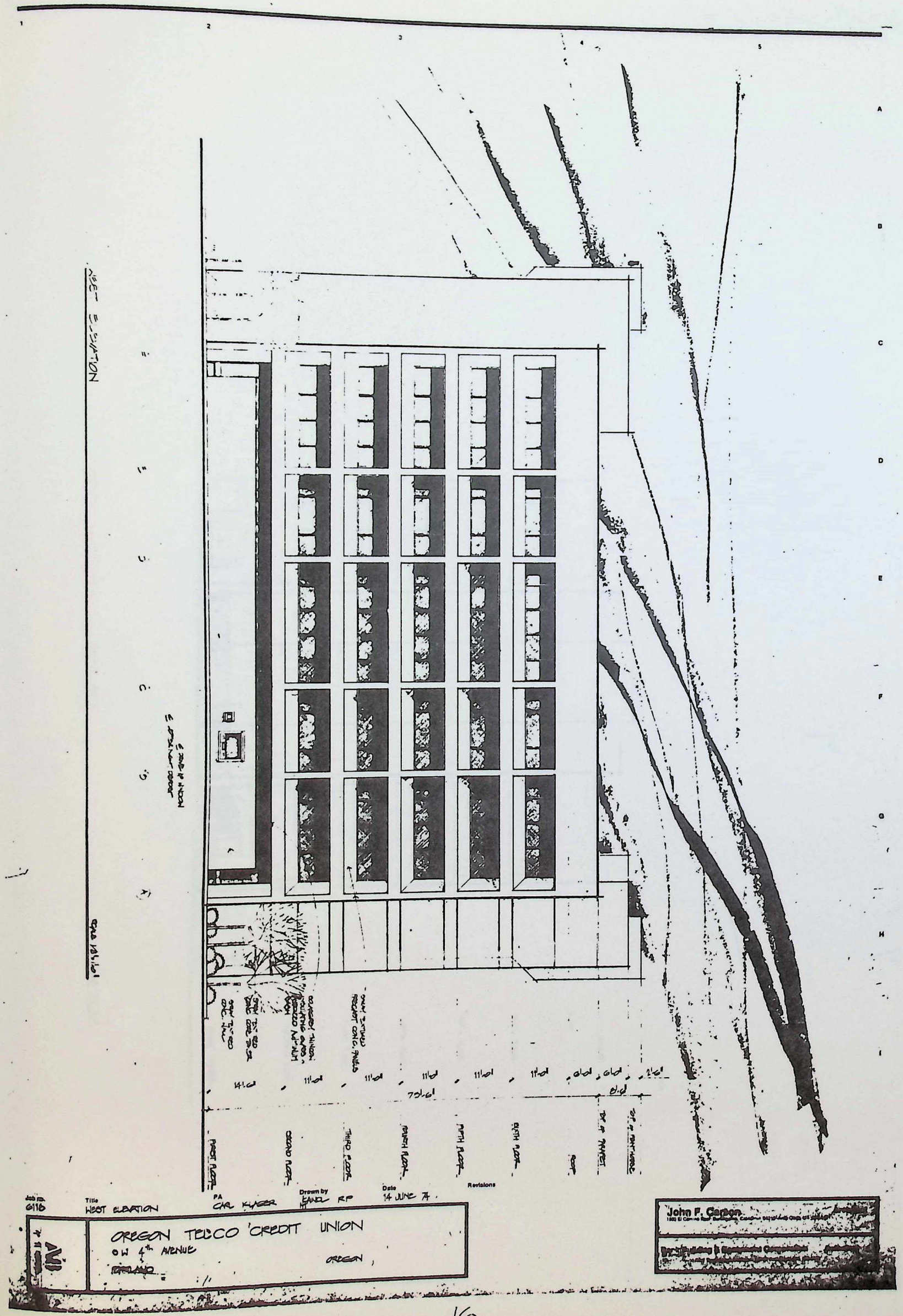
13

**GENERAL DOOR CODE SYMBOLS**



5

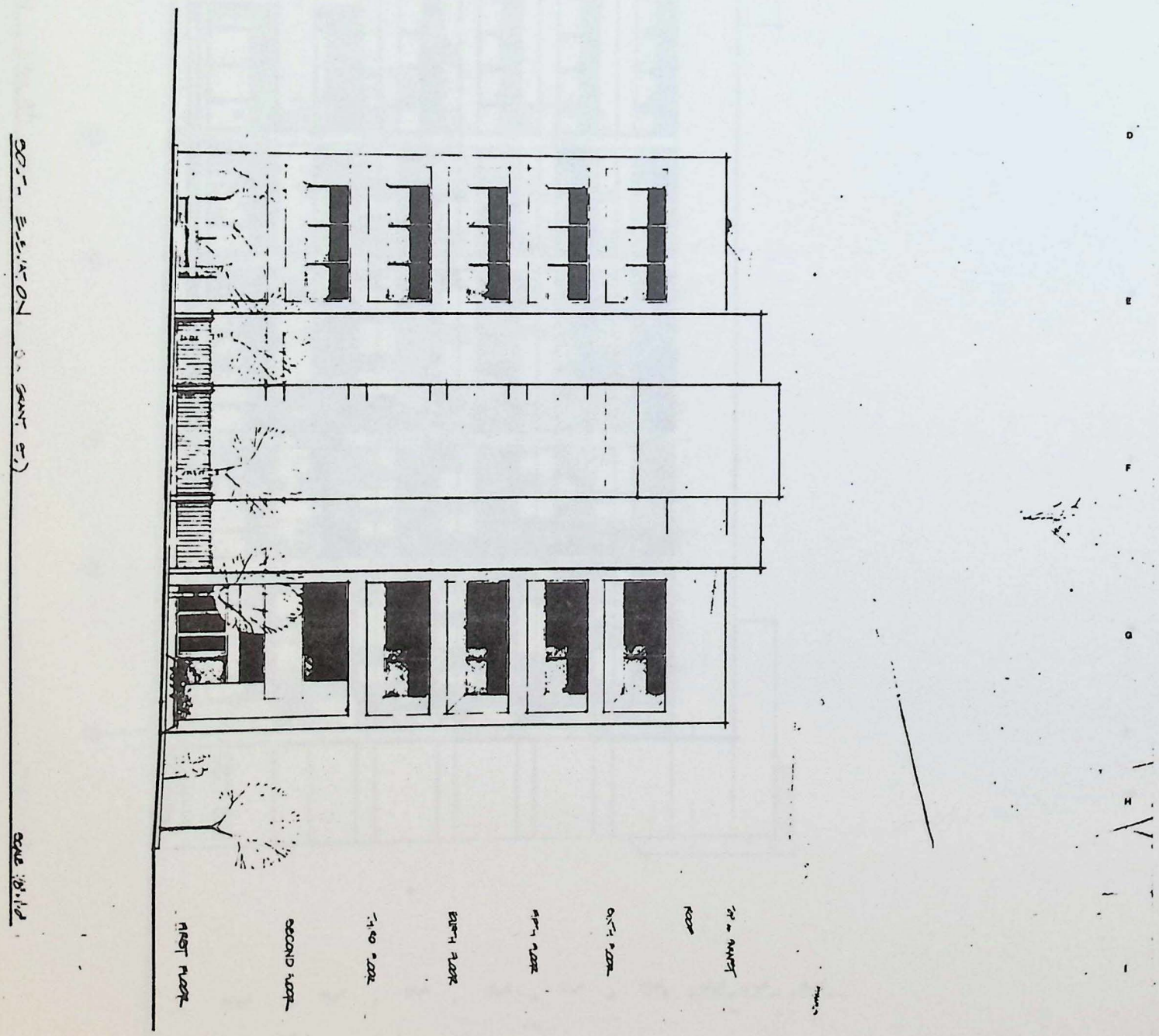

GENERAL WORK CODE SYMBOLS
ROOF PLAN
75'-0"
20'-0"
27'-6"
27'-6"
PARAPET
TYPICAL HIGH POINT
TYPICAL ROOF DRAIN @ LOW POINT
MECHANICAL EQUIPMENT RM
22'-6"
17'-0"
22'-6"
16'-0"
Job no. 6118
Title ROOF PLAN
PA CARL KLAGER
Drawn by KAINOL
Date 14 JUNE 74
Revisions
A5
OREGON TELCO CREDIT UNION
ON 4th AVENUE
PORTLAND
OREGON
John F. Carlson
Bank Building & Equipment Corporation




Job No. 6116
Title WEST ELEVATION
PA CARL KAISER
Drawn by EANDL RP
Date 14 JUNE 74
Revisions

OREGON TELCO CREDIT UNION
OW 4th AVENUE
PORTLAND OREGON

John P. Carlon



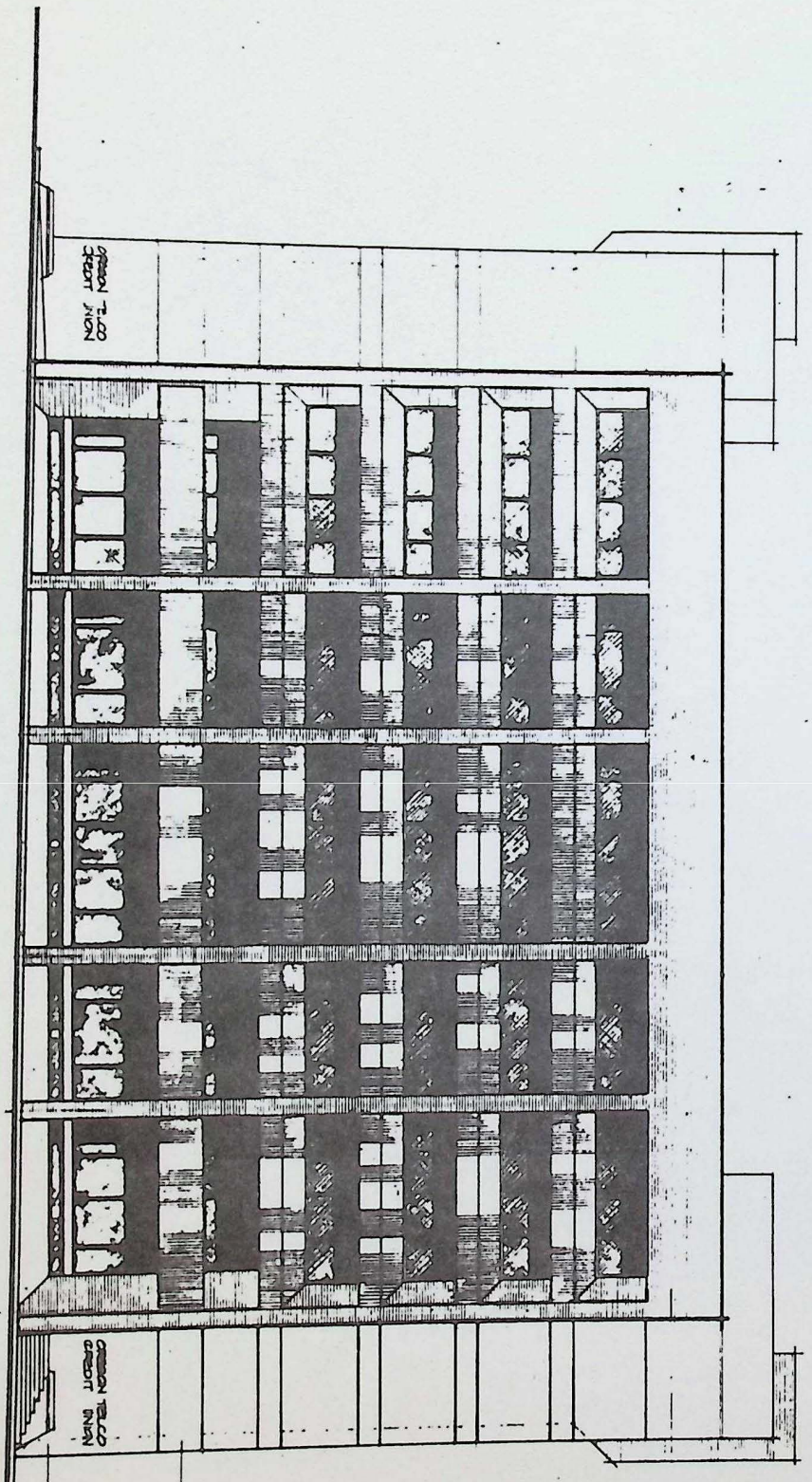

| Job no. | Title | PA | Drawn by | Date | Revisions |
|---|---|---|---|---|---|
| 6118 | SOUTH ELEVATION | CARL KLAGER | KAWOL | 14 JUNE 74 | |

OREGON TELCO CREDIT UNION
SW 4th AVENUE
PORTLAND, OREGON

John F. Carson Architect
1500 El Camino Real Burlingame, California 94010 Area Code 415 692 5451

Bank Building & Equipment Corporation Consultant
1500 El Camino Real Burlingame, California 94010 Area Code 415 692 5451

EAST ELEVATION (ON 4th AVENUE)




Job no. 6115
Title EAST ELEVATION
PA CARL KLAGER
Drawn by
Date
Revisions

Oregon Telco Credit Union
Portland, Oregon

John F. Carl

# III. REFERENCE DOCUMENT EXTRACTS

## APPLICABLE GOALS AND GUIDELINES

### LAND USE

+ Encourage retail use of ground-level space, including shops and restaurants on first floors of office buildings. Keep parking and other non-retail uses from breaking up the sidewalk retail frontage. (COMMERCE General Goal, p. 7)

+ Strengthen Downtown's role as an important center for administrative, financial, personal and professional business, service, and governmental activities. (OFFICE General Goal, p. 15)

+ Encourage at the street level pedestrian-oriented spaces and activities such as plazas, retailing, restaurants, etc. (OFFICE Specific Goal C., p. 16)

+ Strengthen pedestrian access from office facilities to retail, housing and public areas. (OFFICE Specific Goal D., p. 16)

+ Medium density office concentrations at selected access points into Downtown. (PLAN CONCEPT 3. p. 19)

+ Develop a medium-density office concentration adjacent to selected access points into Downtown. (PLAN CONCEPT 2. p. 19)

+ Encourage retail and service commercial activities at the ground level of office buildings, especially in the retail core and along the high density corridor. No other commercial activities will be permitted without specific approval of the Planning Commission. (OFFICE Planning Guidelines 6., p. 20)

+ Encourage commercial activities at street level in all buildings, including parking structures. Convenience retailing -- newsstands, candy shops, barber and beauty shops, restaurants and cafes, flower shops, etc. -- is recommended throughout Downtown in support of office and residential uses. (RETAIL Planning Guidelines 10., p. 20)

+ Encourage developers to create public open space within their projects at ground level. (OPEN SPACE Planning Guidelines 6. p. 25)

+ Remainder of area inside freeway loop development in medium and lower density uses. (PLAN CONCEPT 4. p. 19)

+ Permit low-density office development dispersed throughout Downtown. (OFFICE Planning Guidelines 3. p. 19)

BUILDING DENSITY & HEIGHT

+ Establish height and bulk limitations in the context of a building's immediate environment. Careful consideration should be given to the cost of providing utilities and services and the capacity of the transportation system which serves it to accommodate a given density. (OFFICE Specific Goal H. p. 16)

+ Permit medium density development adjacent to the higher density corridor and at selected access points, leading into Downtown. (BUILDING DENSITY Planning Guidelines 2 p. 29)

ENVIRONMENT

+ Sharpen the visual identity of downtown sub-areas or districts such as Skidmore Village, Portland State University, the future government center and the retail area. (ENVIRONMENT Specific Goal 1, p. 18)

+ Restrict fortress-like facades at street level. (ENVIRONMENT Specific Goal 3, p. 18)

+ Give careful consideration to design of street furniture, planting, signing and lighting (ENVIRONMENT Specific Goal 4 p. 18)

+ Encourage careful consideration of climatic conditions in design and redesign of buildings (ENVIRONMENT Specific Goal 5 p. 18)

## PARKING AND CIRCULATION

+ To design a balanced transportation system which is supportive of the other Downtown goals; and which recognizes that the transportation system should provide more efficient use of both right-of-way and vehicles. This means reducing reliance on the automobile, increasing the number of persons per car and increasing the number of persons moving through concentrated areas on multiple-passenger facilities. (TRANSPORTATION General Goal, p. 14)

+ Develop a mass transit system which could ultimately carry 65-75% of the passenger trips to and through the core, and which provides a viable alternative to the private vehicle i.e. fast, economical, convenient and comfortable.

  1. Improve transit service to Downtown from outlying areas.

  2. Develop a transit system for circulation within Downtown which includes fast, frequent and quality service from peripheral parking facilities. Vehicles should be quiet, non-polluting and of a scale compatible with the pedestrian orientation.

  (TRANSPORTATION Specific Goal A., p. 14)

+ Give maximum accommodation to walking in the core.

  1. Reduce air and noise pollution and pedestrian-vehicle conflicts to provide a healthier, more pleasant atmosphere for walking.

     a. Reduce and where possible eliminate private automobile traffic in the core. Traffic volume should be scaled down commersurate with the needs of the area and to a degree which reflects the viability of the developint mass transit system and the requirements of the federal air quality standards.

2. In recognition of Portland's rainy weather, covered walkways, malls and other appropriate pedestrian ways should be developed to serve the entire core area and to link open spaces and parks.
(TRANSPORTATION Specific Goal B., p. 14)

+ Develop a circulation pattern which responds to the Downtown Plan Goals by:

1. Encouraging elimination of through traffic in downtown.

2. Establishing a functional classification of streets for:

-Transit
-Private Vehicles
-Service Vehicles
-Bicycles
-Pedestrians
-Parking

(TRANSPORTATION Specific Goal D., p. 15)

+ Establish a public parking policy to:

1. Develop an identifiable system of parking Downtown which will best serve all Downtown activities.

a. Redistribute parking facilities to locations which will best serve recommended land uses in Downtown and relate to the circulation and transit systems to be developed.

b. Provide parking facilities for qutomobiles appropriate for both long- and short-term parking in conjunction with good pedestrian and transit access to the rest of Downtown.

c. Provide protected parking for bicycles downtown and at peripheral parking sites.
(TRANSPORTATION Specific Goal E., p. 15)

+ Encourage use of transit by office workers and development of peripheral all-day parking and shuttle service.
(OFFICE Specific Goal G., p. 16)

+ Improve traffic circulation and parking in order to reduce air pollution. (AIR QUALITY Planning Guideline 1., p. 25)

+ Encourage increased use of mass transit.

Note: The City Council, on October 12, 1972 adopted Resolution

31146, A Transportation Control Strategy to Improve Air Quality in Downtown Portland. This program identified measures to be undertaken to meet the requirements of the Federal Clean Air Act and therefore represents an addendum to the Guideline Plan.

The control strategy is designed to assist in implementing various Guidelines contained in this report.

All sections of the City's clean air plan shall apply. (Passage lined out as a result of City Council action April 15, 1973.) (AIR QUALITY Planning Guideline 2., p. 25)

+ Minimize vehicular traffic within all downtown areas and emphasize particularly the limitation or restriction of auto traffic in the following districts:

1. Retail Core
2. Waterfront Retail/Exhibition Center
3. Downtown Waterfront
4. Skidmore Fountain/Old Town
5. West of Waterfront
6. Government Center
7. Portland Center
8. South Waterfront
9. Portland State University
10. South Park Blocks
11. Residential neighborhoods west of 10th
12. North Park Blocks
13. Union Station/Railyards

(TRAFFIC FREE AREAS Planning Guidelines, p. 26)

+ Develop a hierarchy of streets - major, secondary, local - for Downtown. (VEHICLE CIRCULATION Planning Guideline 1., p. 28)

+ Proceed with the detailed designs for the Fifth-Sixth and Alder and/or Morrison transit mall systems. (MASS TRANSIT Planning Guieline 1., p. 28)

+ Much of the existing parking Downtown is disorganized and inconvenient. The Plan reorganizes parking by providing an understandable system which relates to selected access points and traffic streets and distinguishes between short-term (shopper) parking and long-term (employee) parking.

Parking Guidelines will be developed after full review of the traffic consultant's report "Downtown Portland Parking Plan." The review process will involve the public through the Downtown Plan Citizen Advisory Committee, Downtown Committee, City Planning

Commission, interested City Bureaus and local agencies and the City Council. (PARKING, p. 28)

+ Permit service and loading on local streets within each district. (SERVICE AND LOADING Planning Guideline 1., p. 29)

+ Restrict major service and loading on transit malls to off-peak hours. (SERVICE AND LOADING Planning Guideline 2., p. 29)

+ Prohibit service and loading on mojor traffic streets except during late night and early morning hours. SERVICE AND LOADING Planning Guideline 3., p. 29)

+ Permit service and loading on pedestrian malls during off-peak pedestrian usage. (SERVICE AND LOADING Planning Guideline 4., p. 29)



1

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**Applicable Sections of Proposed Downtown Parking and Circulation Policy Adopted by Planning Commission on October 10, 1974**

Section B. Limit on Total Number of Parking Spaces

1. At the end of any quarter of any year the total number of parking spaces available for use in downtown will not be permitted to exceed 39,500, which has been established by survey as the approximate number of spaces existing as of May 29, 1975.

Section C. Parking Sectors

For the purposes of this policy, downtown is divided into six parking sectors by boundaries on the centerlines of West Burnside, Main Street and Fifth Avenue, as indicated on the accompanying map, Exhibit II.

Section D. Allocation of Parking Spaces to Parking Sectors

1. As a general guide for public and private actions, the following sector allocations, which are based on a combination of existing spaces, possible future parking needs, anticipated improvements of public transportation services, and likely possibilities for the development of new parking structures, are suggested as goals to be approached by the year 1990.

| Parking Sector | Parking Space Allocation |
|---|---|
| 1 | 7,500 |
| 2 | 2,500 |
| 3 | 10,000 |
| 4 | 7,500 |
| 5 | 7,000 |
| 6 | 9,000 |
| Total | 39,500 |

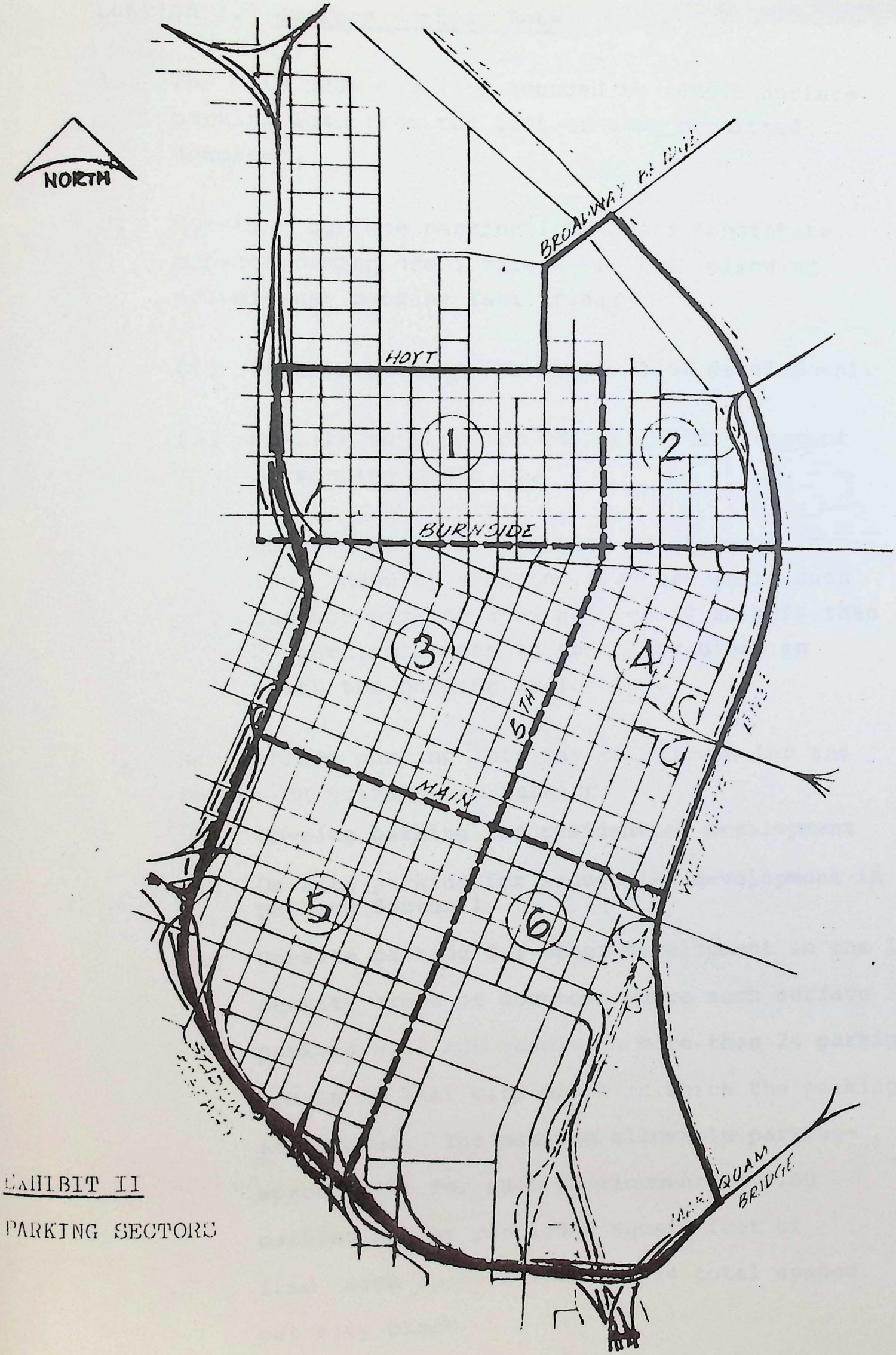


EXHIBIT II

PARKING SECTORS

Section J. Surface Parking Lots

1. The City Code shall be amended to remove surface parking lots from the list of uses permitted downtown.

2. Existing surface parking lots shall constitute non-conforming uses, except for the following private-use parking facilities:

   (a) On-site parking for residential development.

   (b) On-site parking for industrial development in parking Sector 1.

   (c) On-site parking for other development in low density areas of downtown where such surface parking does not result in more than 24 parking spaces in that city block in which the parking is located.

3. New surface parking lots may be allowed for the following private-use parking:

   **(a) On-site parking for residential development**

   **(b) On-site parking for industrial development in parking Sector 1.**

   **(c) On-site parking for other development in the low density areas of downtown where such surface parking will not result in more than 24 parking spaces in that city block in which the parking is located. The maximum allowable parking-space ratio for such development is 0.60 parking spaces per 1,000 square feet of land area up to a limit of 24 total spaces per city block.**

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## Section L. Credits for Existing Parking Spaces

In determining the number of allowable parking spaces for new developments, credit will not be assigned automatically for on-street or off-street parking that is removed as part of the new development project.

## Section O. Traffic Access Streets

1. Traffic access streets are intended to become the principal downtown routes for automobile traffic. Their primary function will be to provide direct and efficient access to parking, particularly to public-use, off-street parking.

2. Effective signing will be placed on these streets to direct traffic to public-use, off-street parking structures. The signing system will indicate when a parking structure is filled.

3. Service to traffic circulating within downtown is a secondary function of these streets.

4. Decisions on design treatment and traffic operations on traffic access streets will give preference to access traffic rather than to through traffic. Through traffic will be encouraged to bypass downtown as a matter of policy. In support of this policy it is intended that: (a) the City will actively pursue a program of improvements for road connections outside downtown in order to reduce the need for through traffic to use downtown streets and (b) the downtown streets will not be improved in such a way as to increase through traffic. Through traffic is defined as that traffic in downtown which has both its origin and destination outside downtown.

b. Streets classified as traffic access streets are listed below and are also indicated on the accompanying map, Exhibit III

North-South Streets:

Harbor Way between Marquam Bridge and Jefferson Street.

Front Avenue between Stadium Freeway and Taylor Streets.

Front Avenue between Stark Street and Broadway Bridge.

First Avenue between Stadium Freeway and Clay Street.

Second Avenue between Salmon and Oak Streets.

Third Avenue between Salmon and Glisan Streets.

✓ Fourth Avenue between Stadium Freeway and Glisan Street.

Broadway between Stadium Freeway and Broadway Bridge.

Tenth Avenue between Market and Hoyt Streets.

Eleventh Avenue between Market and Glisan Streets.

Twelfth Avenue between Stadium Freeway and Market Street.

Thirteenth Avenue between Montgomery Street and West Burnside.

Fourteenth Avenue between Stadium Freeway and Hoyt Street.

Fifteenth AVenue between Everett and Glisan Streets.

East-West Streets:

Harrison Street between Broadway and Front Avenue.

Clay Street between Sunset Freeway and Front Avenue.

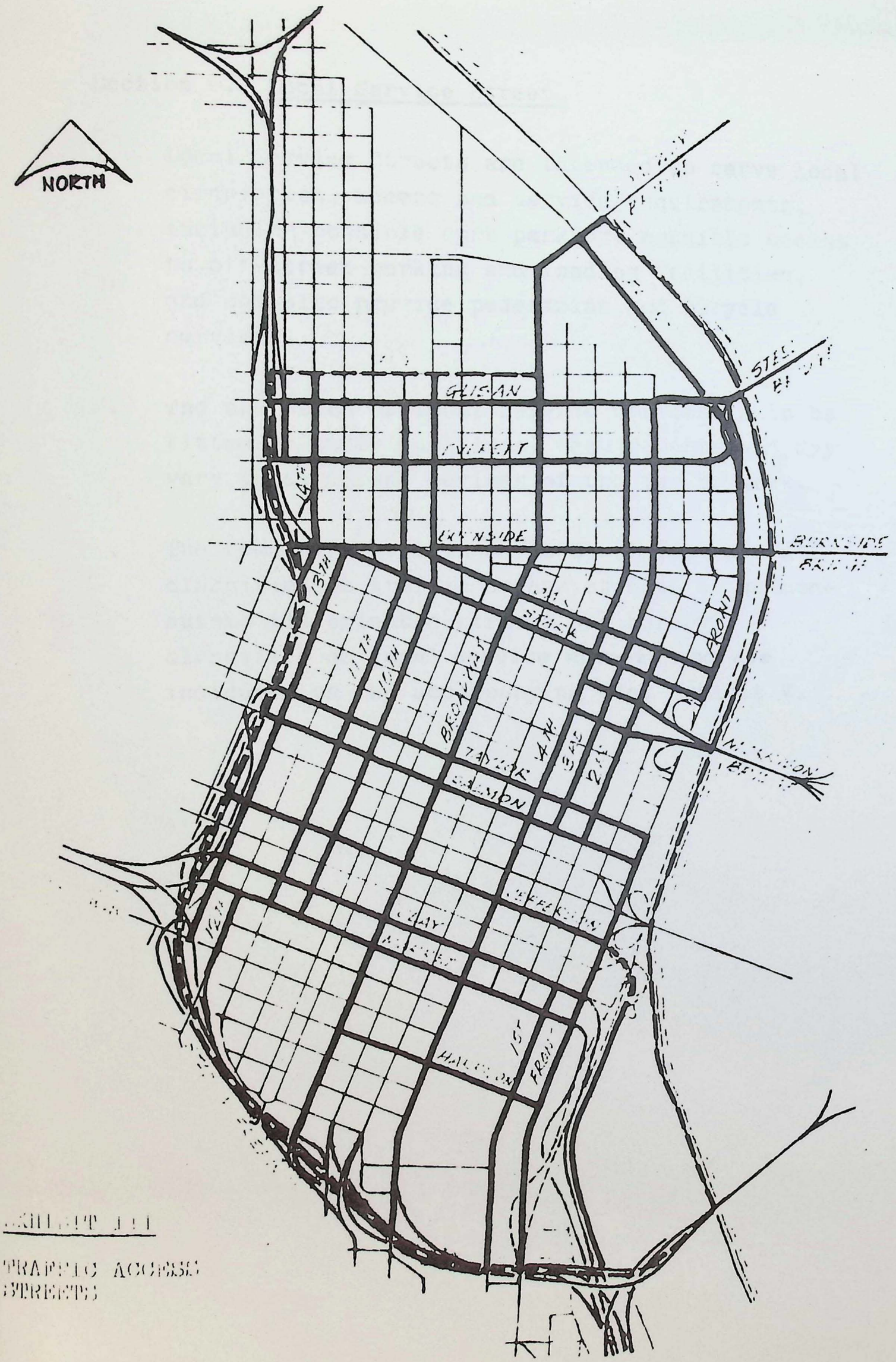


EXHIBIT III

TRAFFIC ACCESS
STREETS

Section 9. Local Service Streets

1. Local Service Streets are intended to serve local circulation, access and service requirements, including possible curb parking, possible access to off-street parking and loading facilities, and may also provide pedestrian and bicycle services.

2. The operation of local service streets is to be fitted to individual local requirements and may vary in different periods of the day or week.

3. The remaining streets in downtown that are not classified as traffic access streets or as non-automobile oriented streets are hereby classified as local service streets and are indicated on the accompanying map, Exhibit V.

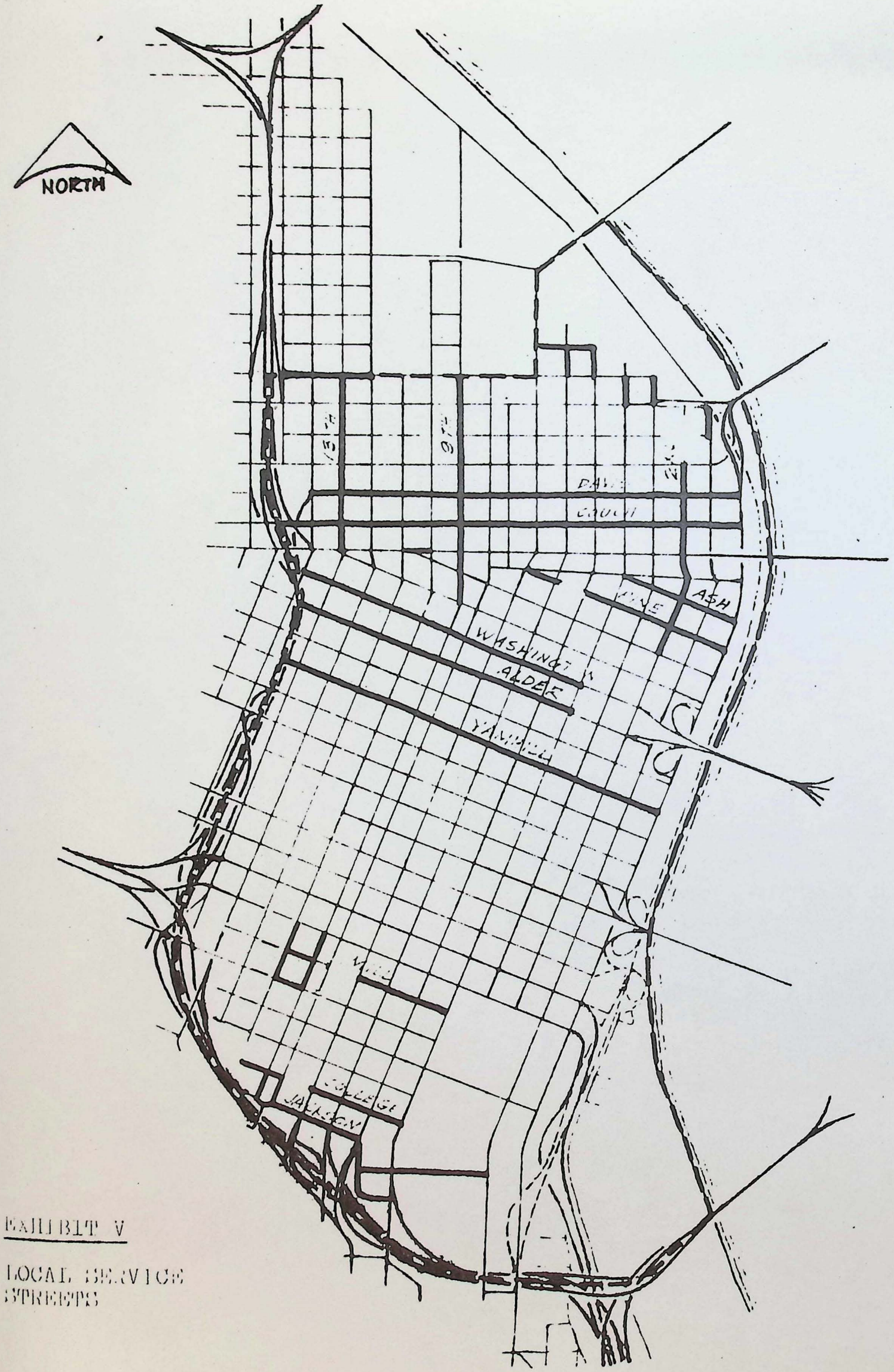


EXHIBIT V

LOCAL SERVICE STREETS

PORTLAND CITY PLANNING COMMISSION
February 4, 1975 MEETING

AGENDA 400

TUESDAY, 4 February 1975

MEETING LOCATION:

ROOM 200
CITY HALL ANNEX
424 S.W. MAIN STREET

TIME OF MEETING:

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting
19 December 1974

A special meeting of the Portland City Planning Commission was held 19 December at 7:30 p.m. to discuss the Corbett/ Terwilliger Plan.

Present: President Sheldon; Members Gustafson, Minden, Rose', and Wessinger. Staff Bonner, Fox and Nelson.

Corbett/Terwilliger Plan

This was the Planning Commission's second hearing on the Corbett/ Terwilliger Lair/Hill Plan. Mr. Bonner stated that the staff will need two months to prepare staff recommendations after all public testimony is taken. The staff recommendations will be distributed to all concerned parties at least 30 days prior to the next public hearing. The staff will submit a complete package to the Planning Commission with recommendations to not just the plan but the ways the staff would recommend the Planning Commission carry out the proposed policies.

Mr. Sheldon turned the chair over to Dale Meyers.

Charles Lanskroner, 3300 NW Yeon Avenue, disapproved of down-zoning from A0 to A1.

Mark Friedman, 1525 NE Weidler, representing those in favor of downzoning, stated that if the plan calls for downzoning in order to implement it then that should be done.

Sumner Sharpe,614 SW Montgomery, felt the Planning Commission should determine what the transition of the area is and then make a plan to incorporate that transition.

Penny Allen, resident homeowner representative for Corbett area, favored downzoning and stated that the bankers in the City would support this policy. (Exhibit A)

Mrs. Gustafson was concerned about the competition of this area with the downtown for office space.

Mr. Lanskroner felt available parking made areas like Corbett/ Terwilliger attractive for offices.

Ross Danielson, 3214 SW Cully, stated that there is less tenant turnover in the older homes than in the new apartments in this area. The tenants deserve a great deal of credit for the maintenance of these homes.

Beth Bown, Lair Hill representative, stated that they would like to make a presentation after the Corbett/Terwilliger

issues are settled. They will present a written statement before other hearings are held on this subject.

John Morris, business representative, felt that parking was a great advantage to businesses in this area.

John Hagen, tenant in the area, disapproved of parking in the area.

E. Lazdins, Eidelman & Lazdins, 3611 SW Hood, asked that the Commission instruct the staff to give careful consideration to splitting the block on which his property lies. He stated that this would create topographical as well as traffic problems.

Georgia Carlo, 3437 SW Water Avenue, would like to see the area maintained as residential.

Al Forest, 3338 SW Corbett, stated that it is impossible to get a loan in this area because it is in a transitional stage.

Penny Allen stated that downzoning would change this area so that banks would not consider it a transitional area and would make loans to residents.

Eric Silverstein stated that the plan calls for rehabilitation but rehabilitation cannot be done with the A0 zoning.

Diane Libeck, 4133 SW Corbett, suggested that the property presently zoned C2 be changed to A1 -- the Planning Committee has not discussed this at a formal meeting. This C2 zone is topographically part of the Corbett/Terwilliger neighborhood and this change would be in keeping with the Plan (see pages 58 and 59).

Dale Meyers stated that the Corbett/Terwilliger area has no quarrel with the Plan.

Mr. Sheldon asked if the Commission had any specific requests or suggestions to give to the staff in its deliberations.

1. Advise the Commission of persons who own entire blocks in the Corbett/Terwilliber area.

2. In the staff's review, a legitimate avenue of investigation would be the amount of available zoned land for office use within approximate equal distance to the core but not limited to the SW side of the City and some handle on how much of that is developed and how much is not developed. How much is available in contrast?

   Why is Mr. Wright not developing his C2 land and why he is developing his A0 land as office use? Why isn't that C2 area being utilized?

What is the availability of A1 land for residential development within the approximate proximity of the downtown?

3. What is the relationship between parking and the office question in this area and the parking policy. What is the effect of the parking policy on the peripheral areas?

4. Could the staff make available to all concerned any statements received in writing.

There being no further business the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

EB:bn

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

January 6, 1975

Present: PC: Sheldon, Gustafson, Eckton, Minden, Rose', Roso, Shannon
PDC: Cogan
Planning & Development: Stout & O'Kane
PC Staff: Bonner, O'Hiser, Bellinger, Barton, Scheddel
PDC Staff: Kenward, Olson

The meeting was called to order by Chairman Sheldon in Room 200, City Hall Annex, at 12:25.

Director's Report

1. Mr. Stout discussed the things that he wished to see accomplished at the meeting on Housing and Community Development Wednesday evening, January 7. He said that the Commissions should determine whether the goals and objectives for the project are realistic, and also they need to listen to what the citizens have to say.

2. Progress Report on Storm Water Control Policy. Ken Hampton gave this report.

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APPROVAL OF MINUTES

| | | |
|---|---|---|
| Planning Commission Minutes..... | November 26, 1974... | Approved |
| | December 3, 1974.... | Approved |
| | December 5, 1974.... | Approved |
| | December 12, 1974... | Approved |
| Zoning Committee Minutes..... | December 5, 1974.... | Approved as corrected |
| | December 10, 1974... | Approved as corrected |

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FOR DISCUSSION

DPR 39-74 Telco Credit Union request to construct a six-story office building and seven off-street surface parking spaces, at SW 4th Avenue and Lincoln Street.

Council actions regarding Planning Commission matters was discussed.

DPR 39 Oregon Telco Credit Union

Applicant: Oregon Telco Credit Union

Request: The applicant requests approval to construct an office building.

Location: 2100 block on S.W. 4th Avenue, between S.W. Lincoln and Grant Streets

Applicant's Proposal: To construct a 6-story office building that is 89 feet in total height with 57,812 sq. feet of total gross floor area. Seven off-street parking spaces and one drive-up window are also proposed.

Findings: Downtown Plan Conformance: The following constitutes a preliminary evaluation of the development proposal's conformance to the Council-adopted Downtown Plan Goals and Guidelines and the Planning Commission adopted Proposed Parking and Circulation Policy.

CONFORMANCE: Parking and Circulation

1. The site has 38 existing parking spaces while seven replacement spaces are proposed. This will result in a decrease of 31 parking spaces in downtown Portland and, consequently, this project is consistent with policy directed to maintaining a parking lid in downtown Portland.

2. The proposal for seven parking spaces is below the 12 spaces that would be permitted by Section J of the Proposed Parking and Circulation Policy.

3. The proposed parking entrances on Fourth Avenue and on Lincoln Street and the exit on Grant Street are all consistent with Section R. Access to New Parking Facilities of the Proposed Parking and Circulation Policy.

CONFORMANCE: Land Use

1. This proposed office building is consistent with those Goals and Guidelines permitting low-density office developments dispersed throughout Downtown. The applicant's site is located in an area where low density office development is occurring.

2. This proposed office building does not conflict with those Goals and Guidelines calling for medium-density office concentrations adjacent to selected access points into Downtown.

CONFORMANCE: Building Height and Density

1. The height of the building is 75'6"from finished first floor to top of parapet with an additional penthouse rising 8'6" beyond the parapet on either end of the building. This height does not conflict with any adopted or proposed height regulations.

2. The building as proposed would have a Floor Area Ratio (FAR) of 2.7:1 and is considerably below the 4:1 FAR allowed in this area.

NON-CONFORMANCE: Parking and Circulation NONE

NON-CONFORMANCE: Land Use

1. The use of ground floor space in office buildings for retail and service commercial activities, especially in the retail core, is encouraged by the Goals and Guidelines. The ground floor of the applicant's proposal would be used mainly by the Credit Union for customer service. Thus the proposed ground floor use of this building could be construed as contrary to certain Goals & Guidelines. However, due to the location of this site there is a reasonable question as to the applicability of Goals and Guidelines calling for ground level retail uses.

NON-CONFORMANCE: Building Height & Density NONE

URBAN DESIGN CONSIDERATIONS: A separate report from the Urban Design Committee will be submitted to the Planning Commission at the time of the Planning Commission hearing on this request (DPR-39).

Staff Recommendation:

Approval of plans as submitted with the condition that a review of detailed plans be undertaken by the Design Committee of the City Planning Commission with assistance of members of the Portland Development Commission Design Council as follows:

1. Architectural treatment of materials, texture and colors;
2. Pedestrian amenities and convenience in relation to circulation, lighting and safety and possible weather protection;
3. Design and coordination of final landscaping plans;
4. Design of signage and graphics.

Reasons for Recommendation:

1. The proposed development accords with land use, traffic circulation and density elements of the adopted downtown plan.

2. The amount of parking is well within the maximum private parking allowed for office development in the Downtown Parking and Circulation Policy recommended by the Planning Commission October 10, 1974, and is consistent with the objectives of this policy and of the Clean Air Program to reduce reliance on the automobile and increase transit patronage.

3. Detailed design review should be undertaken of this development situated at the entrance to the downtown area and immediately adjacent to the South Auditorium Urban Renewal Project in which considerable public investment has been made and careful design review undertaken.

The following Bureaus and Agencies found no objection to the proposal: Water Engineer, Bureau of Policy, Bureau of Sanitary Engineer, Office of Public Works Administrator, Bureau of Lighting, and Fire Marshall.

The following persons spoke in favor of the proposal:

Frank Kliting, Oregon Telco, 321 S. W. 4th Ave.
Robert Sarnoff, Architect

Nobody spoke against the proposal.

MOTION: Mr. Rose' moved adoption of the staff recommendation as follows: Approval of plans as submitted with the condition that a review of detailed plans be undertaken by the Design Committee of the City Planning Commission with assistance of members of the Portland Development Commission Design Council as follows: (1) Architectural treatment of materials, texture and colors; (2) Pedestrian amenities and convenience in relation to circulation, lighting and safety and possible weather protection; (3) Design and coordination of final landscaping plans; (4) Design of signage and graphics, and adding another item (5) stating "that the applicant pursue the possibility of securing interim parking spaces on the property immediately south of the site." Mr. Minden seconded the motion.

Amendment to Motion:

Mrs. Roso moved to amend the motion to include the statement that the Bureau of Planning Urban Design Staff review with Planning Director.

Mr. Trotter seconded the motion.

ACTION ON AMENDMENT:

Ayes: Eckton, Minden, Rose', Roso, Shannon, Sheldon
Nays: None
Amendment carried unanimously.

ACTION ON MOTION:

Ayes: Minden, Rose'

Nays: Eckton, Roso, Shannon, Sheldon
Motion failed.

MOTION: Mrs. Roso moved adoption of the staff recommendation as follows:

Approval of plans as submitted with the condition that a review of detailed plans be undertaken by the Design Committee of the City Planning Commission with assistance of members of the Portland Development Commission Design Council or by the Bureau of Planning design staff with Planning Director approval of the following:

1. Architectural treatment of materials, texture and colors;
2. Pedestrian amenities and convenience in relation to circulation, lighting and safety, and possible weather protection
3. Design and coordination of final landscaping plans;
4. Design of signage and graphics.

ACTION ON SECOND MOTION:

AYES: Eckton, Roso, Shannon, Sheldon
NAYS: Minden, Rose'
Motion carried.

Mr. Sheldon thanked Mr. Trotter for the years that he has spent on the Planning Commission and wished him well. The Planning Commission members gave Mr. Trotter a round of applause.

Because of no further business, the meeting adjourned at 3:10 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

Exhibit A



12/19/74 Further Testimony of the Corbett Downzoning Sub-Committee

CORBETT DOWNZONING ALTERNATIVE B

Implementation of Alternative B

The implementation of Alternative B is not dependent on a decrease in land values in the Corbett area currently zoned AO. It is based on a stabilization of land values. Or, further, the downzoning to A-1 would gradually result in land values based on use rather than speculative future uses.

Implementation of the goals of Alternative B (as expressed on Pages 60 & 61 of the Comprehensive Plan) would involve both private and public efforts.

Private Efforts

Already there exists a group of private individuals who are prepared to buy a large parcel of land held by an absentee property owner; the block contains nine houses, each of which would become owner-occupied after the buyback. The group already has plans for rehabilitation of the houses at lowered costs, such as the contracted re-wiring of all of the houses by one of the people involved in the purchase.

There are other parcels in Corbett which contain houses suitable for rehabilitation, and with the current level of requests to purchase homes in Corbett, it would not take long for other private buy-backs to evolve.

Crucial to private buy-backs or even to the simple purchase of a single-family dwelling for use as a home by a private individual, is the possibility of financing purchases through local banking institutions. We have learned that banks grant loans and mortgages on houses, at least to a certain degree, on the basis of what they feel is the stability or

instability of the neighborhood in which the houses are located. Neighborhood stability might be defined as a condition resulting from the collective belief of its residents that they can live in, and put down roots in, and evolve in that particular neighborhood; it is a belief, both inside and outside the neighborhood, in the possibility of a future organically related to the present.

The Corbett-Terwilliger-Lair Hill Plan, through its general goals, seeks to affirm the future stability of the Corbett neighborhood. And Alternative B seeks to affirm and enhance a stability that Corbett residents already believe in. With downzoning of Corbett to A-1, a public and legal affirmation of the goals of our plan, the most important step would be taken. Portland's institutions, including the banks, would be obliged to support the public policy of the city. Specifically, the charters of Savings & Loan Institutions provide for the civic-minded support of public policy. With downzoning, the future of the Corbett neighborhood will become public policy and we will have the support of financial institutions.

There is already legislation in Oregon which could be utilized by low-income home owners in Corbett to rehabilitate housing already owned or housing to be acquired. House Bill 2398, Low Income Housing Assistance (ORS 456.550) should provide, within the next year or so, for the selling of bonds by the state to finance loans for rehabilitation to persons of low income. This particular program is only one of many which might work in concert with public programs to allow for the implementation of Alternative B.

11

Public Efforts

The Corbett-Terwilliger-Lair Hill Planning Committee has just finalized its budget priorities for next year's Housing and Community Development funds available to the CTLH planning area. It was agreed that the first year's funds should be targeted in the Terwilliger neighborhood and that the second year's funds should be targeted in the Corbett neighborhood, after the land-use issue (downzoning) will have been resolved. The priorities or specific programs for Corbett have not yet been selected, but several programs are both available and under consideration. It could be projected that either a PIL Program (Public Interest Lender loans for rehabilitation of houses) or a high-risk PIL Program would be top priority for the Corbett neighborhood share of HCD funds.

Described in the CTLH Comprehensive Plan on Page 92 is another program which might be of great benefit to Corbett: the public buy-back of parcels held by absentee owners. The public buy-back would be a program administrated by the Portland Development Commission as one means of promoting individual home-ownership through wiping out of land values inflated by AO zoning. For example, let us take the hypothetical case of the public buy back of an entire block in the Corbett neighborhood. If the cost of the block, with an average eight houses on the block, were $200,000 ($5.00/square foot), and the cost of the rehabilitation of the homes were a high of $72,000 ($5.00/square foot, an average of 1800 square feet per home), then $272,000 would be the approximate cost of purchasing and rehabilitating a block of eight homes. With the public program absorbing an average of $12,000 per house to wipe out the inflated land

value, each home could be resold for owner occupancy for an average $22,000, a sum which represents approximately half the cost of a new home of comparable square footage. Excluding administrative costs, the public cost of the block buy back and rehabilitation would be approximately $96,000. This would appear to be a small price to pay for a strong lead, a strong commitment to the implementation of a comprehensive neighborhood plan.

Again:

| | |
|---|---|
| Cost of land | $200,000 |
| Cost of rehabilitation | 72,000 |

| | |
|---|---|
| (replumbing | 1500 |
| rewiring | 750 |
| shoring | 1000 |
| porches | 1000 |
| paint | 1200 |
| kitchen, bath flor coverings | 800 |
| misc. | 500 |
| | $ 6750 |

on an average 1500 square foot house. The figure is increased, for the purposes of this example, to $9,000 per house.

Information provided by Tom Walsh, President, Tom Walsh Construction Company)

| | |
|---|---|
| Total cost, excluding administrative costs | $272,000 |
| Sale of eight homes @ $22,000 - | 176,000 |
| Cost of public buy-back program, excluding administrative costs | $ 96,000 |

Obviously, numerous public and private programs could work together in Corbett. It is not imagined that all of the older structures would be rehabilitated or that the rehabilitated ones would all be improved to the same degree. We in Corbett have a strong interest in retaining our current mix of people which means that we must discover or create programs which will provide for the continuing availability of rental units at reasonable costs.

It is clear, however, that a good deal of private activity would follow from a public commitment, from the creation of a public policy to preserve the Corbett neighborhood. Downzoning of the Corbett neighborhood is of the utmost importance.

It must be mentioned also that Housing and Community Development Funds need not be the only source of monies for the revitalization of Corbett. Tax increment revenue, which is described extensively in the CTLH Plan beginning on Page 79, could provide funding for numerous programs in Corbett along with the rest of the Planning Area. We would like to note at this time that application for the entire tax increment process must be done by May of 1975. Our plans and our future in Corbett depend upon your action.

# PORTLAND CITY PLANNING COMMISSION
## MARCH / 1975 MEETING

AGENDA 401

TUESDAY, 4 MARCH 1975

MEETING LOCATION:
ROOM 200
CITY HALL ANNEX
424 S. W. Main Street

TIME OF MEETING:
See inside

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 401
Tuesday 4 March 1975
424 S.W. Main Street

FROM 12 NOON TO 1:30 PM

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. City Annexation Policy

AFTER 1:30 PM


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PORTLAND CITY PLANNING COMMISSION

&

PORTLAND DEVELOPMENT COMMISSION

Minutes of Meeting
(Verbatim)
January 8, 1975
7:30 p.m., Water Service Bureau

Present: Planning Commission: Sheldon, Gustafson, Eckton, Minden, Roso, Shannon, Wessinger
Planning Development Commission: Walsh
Planning & Development: Stout, O'Kane, Mattson
PC Staff: Bonner, Wilde, Lyons, Barfield, Fox
PDC Staff: Kenward, Olson, Scott, Davis
Public Works: Lindberg
Office of Neighborhood Organizations:Pedersen
Housing Authority: Musolf

Mr. Sheldon -------- this is a public hearing to determine the citizen's views on this act and how the act can support the planning goals for the City and the citizens' goals. Tonight the Commissions will consider the following actions: Approval or approval with modifications of the goals which are displayed before you and I believe that most of you have picked up the information at the back of the room in which the three goals are listed. We will also be recommending, or not recommending that the City apply for these funds. We will also be directing the staff if we approve the other two to begin the planning for the second year. We will be taping your testimony, both those of you who represent groups and individuals after some introductory remarks. We will, because of the great interest in this act, and the number of people who wish to speak have to limit testimony, and we will ask your cooperation at the time before the public testimony and set down some rules. At this time I would like to introduce Bob Walsh and ask him to say a few remarks. Bob,

Walsh - This is a joint meeting of the Planning Commission and the Development Commission, and I think it is important that we somewhat differentiate our roles. The basic role of the Development Commission is to implement whatever final decisions come out of this meeting and many meetings like this and finally recommended by the City Council. Basically the City Council will be acting on recommendations from the Planning Commission and the Development Commission and citizens trying to formulate what is going to be done, and where it is going to be done. On those items which specifically relate to community development, they will turn to the Development Commission and say OK here is what we want done, and here is how much you have to spend to do it, go do it, and that is our role. To a certain extent we would like to go into the history that we have had on community development in the Model Cities area and say these are the types of things that have worked there and it is our experience that these may or may not work other places, so our role on that is somewhat advisory in the early stages, then after the decisions are made to implement them.

Sheldon - Thank you, Bob. At this point I would like to introduce Gary Stout who will discuss the act itself. Gary,

Stout - I see many familiar faces in the audience and therefore I would like to simply highlight some of the previous explanations that have taken place in something like 21 previous meetings, and refer you to my memorandum to the Council of December 6 regarding the highlights of the act itself. It is certainly not all inclusive, but I think at least the major points of the act and the regulations are contained in that memorandum. As you know, the program is slowly coming together. There have been a number of meetings over a period of three months with citizens and City staff in an attempt to formulate this program. We think the time is right now to sit back and look at the program and the concepts that we have now with as much perspective as possible to determine whether or not we are on the right track. After this meeting a consideration of the comments of this meeting will be made and the staff will continue to work with the citizens in the attempt to finalize the program and give final recommendations to the Council.

Stout - As you know, the Housing and Community Development Grant is in effect a block grant. It allows local communities to address housing and community development needs. It is not, however, a revenue sharing measure. I think one of the things that you will notice from not only the memorandum, but from our previous discussions with many of you, is that the Act specifically requires a three year housing and community development plan which is of course one of the reasons that the Planning Commission is involved, as well as the Development Commission. It does not require a shopping list; it requires a plan and a program. It also requires a housing assistance plan for the City of Portland, and finally I think the number of certifications should be mentioned regarding civil rights, citizen participation, relocation, environmental impact statement, financial management goals, and granting maximum feasible priority to the housing and community development needs of low and moderate income families, and it is the activities themselves that should be designed to stabilize the neighborhood or an area. There are other requirements regarding labor law, etc. which I don't think we should really go into. The Act has a number of very strong points and a number of weak points, as far as Portland is concerned. It is sort of a good news-bad news recitation. I think that we should take the bad news first, because there are some limitations to the Act. As many of you know, this is not new money. The 8.7 million dollars discussed for the City of Portland represents an average of categorical grant programs that have previously been received by the City. I guess the second item of bad news is that there is no increase with inflation. The average amount that we have been receiving in the period from 1968 through 1972 is not increased for inflation. Further, the dollar amounts that we actually receive decrease year by year, and so you can see on the chart to my right entitled "Funding Levels" that this year the grant amount is 8.7 million, next year it is 8.1 million, and so on down to 5.6 million in 1980. It is not a 'no strings attached' program as we previously mentioned and there is some potential for dispute with the housing and urban development bureaucracy after an

expenditure is made, which we certainly want to avoid. Because the program is new and not terribly well defined, HUD has suggested that we push off any questionable activities until the second or third year of the program when the program is more formulated. I guess the last item of bad news from the staff point of view is the fact that subsidizing housing allowed under this program will primarily stress existing units and rehabilitation of existing units, which in effect adds to the demand for housing, but does not add to the supply, and I guess in our opinion with the data we have been able to obtain the supply of housing is our most pressing need. OK, having said that, let me turn the coin around and point out that there is a lot of good news in this Housing and Community Development block grant program. First of all, it is a 3 year legislative commitment, with a known amount of funding. Next year it may be 8.1, but we know it is 8.1 million for Portland, for example. The Congress,has in effect has said that that is what they are going to do. We do not have to sweat out an appropriation year by year for the next three years. Secondly, it is a much simpler application than formally took place under a number of categorical grant applications, so it is one application for one set of priorities. Thirdly, it requires much less staff and overhead to handle the application and the red tape and the various guidelines. We have, I think, in these regulations 26 pages of very fine print, triple column requirements written in typical "federalease"by former IRS tax attorneys, I am afraid in many cases, which is somewhat horrendous, but basically these guidelines which are very thin replace a stack of guidelines several feet in thickness under the old program, so it is much easier to work with. We know exactly how much will be gotten. Under the old programs, for example, we may make an application for open space funds. One year we may receive the funds, one year we may be turned down - assuming they are appropriated. Another year we may make an application for a housing program - it may be granted - it may be denied - it may be funded at another level. We know exactly what we are dealing with and that is certainly important. Another thing that I should point out that is very important is that it gives the City Council a means of implementing neighborhood plans and neighborhood improvement programs. In the past, several areas have had prepared plans, for example, Northwest and Buckman, and St. Johns. These plans were approved by council. In the case of Buckman and Northwest the implementation of the plan was disapproved by HUD. Now in this case, the Council can approve not only the plans, but the implementation as well. And finally I would point out that the program is much more flexible than anything that we have dealt with in the past. Because the City has a limited budget commitment of a limited amount of money we tend wherever possible to determine where we might get leverage for those funds by applying for federal grants, and if there is more park money and less housing money, then we tend to orient our priorities that way. Next year the situation may be reversed and we may orient our priorities the other way, so the flexibility and the ability to control priorities is very important. I would suggest that you review the charts. Many of you have seen these before. They have been to the 21 meetings that we were talking about and there are two charts that I would specifically direct your attention; unfortunately they are not side-by-side. The first one is the list of eligible activities. Everyone at one

time or another has seen something on the list of eligible activities that was of interest to them, but this chart must be read in context with the other chart way over here, which was placed over here so that you can't read it in context, the final objectives of the program. In effect, those activities are eligible only to the extent that they meet those objectives. That is why it is simply not a shopping list program of something that may be eligible off of this list, but it is eligible if they are grouped in such a way as to meet those objectives, and I am sorry that we blew it here at the last minute and didn't place those charts side-by-side.

Mrs. Hildress Benson asked Mr. Stout if she could interrupt.

Stout - No, if you don't mind, I would rather not.

Stout - The real test of this program would be to tie the program together with the City's operating and capital budget. The City's capital budget, for example, is the $27,000,000 item in itself. To tie this program in with the City's administrative power and the City's legislative power, nuisance abatement, zoning changes, or other things necessary to enhance and stabilize the neighborhood. To tie this program in with the City's social programs which are currently budgeted in an amount approximating this. I think it is around 8.6 million with an additional potential 4 million dollars for manpower fund. To tie this program in with potential private financing sources, which I think we can do, especially mortgage sources. As you know, in many areas we have low cost housing, which people are not able to obtain a mortgage on, because the banks and savings and loan institutions simply do not know that the future of that neighborhood will be. If we concentrate and coordinate our resources, not just these resources, but others as well, in a proper manner, we should be able to show the banks and savings and loan executives how this neighborhood will be stabilized and improved so that the people that need that housing can obtain mortgages and get into that housing and how this program can be rolled over from one area to other areas in the future to do the same thing in new areas in a continuing fashion. That, I think is the true test of the program. Anyone can spend money, but what private resources can we turn loose, and how can we make housing available to people who need it, not just speculators who need money to invest. Lastly, the program can only be successful if it represents a true partnership between the people who live in the neighborhood and the various City bureaus operating in the neighborhood, and I think we are willing to try to do that from our end. We certainly are because we need that kind of close working relationship to really bring it off. Finally, I would point out that several areas in the city would qualify for the program based upon the low and moderate income criteria. These areas are shown on a map that I can't read because my vision isn't that good.

Wilde - the second one.

Stout - The second map from the left, and I am afraid many of you are going to have to look at this after the meeting, but within those shaded areas of low or moderate income census tracks we have outlined the areas that are proposed to be attacked in the first year. I think attack is a poor word. The areas in which we propose to provide assistance in the first year would be better. The idea would be then to move this program out of those areas in succeeding years so that other neighborhoods that qualify are also assisted, so I think with that general introduction with the December 6 memorandum and the information on the walls I should turn it over to Mr. Sheldon again for the hearing.

Mrs. Benson - I still want to ask a question, Mr. Stout.

Sheldon - Mrs. Benson, we have got to have order in the meeting. You will have a chance to ask your point of information when we have the public testimony.

Mrs. Benson - if you don't understand just sitting and listening and not understanding you lose connections, because I want to know when we are going to come to projects that we already have federal OK's on. Are they going to be ruled out, or will they still be funded along that line.

Sheldon - we will have the answer to that question, Mrs. Benson, in the next two minutes, OK?

Mrs. Benson, 4735 N. Mississippi - OK

Sheldon - before we begin public testimony, I would like to ask those of you to observe some guidelines and some rules. We have at the back of the room attendance sign-in slips and I would recommend that those of you who are interested in this program please sign them and fill them out, if you haven't, that will at least insure that you are on a mailing list, then if there are additional hearings required, either in the immediate future or in the long range future that will assure you of receiving notification of the meetings. There will be an official transcript of the meeting and any comments you want to make on those mimeographed forms which are available will be incorporated and will be considered, which is another reason to fill them out. There is a tape recording of the proceeding and those of you who wish to testify we would ask that you use the microphone which is in the middle of the room, and when you do so please give your name and address for the record. Now we have a great number of people who have requested permission to speak or ask questions. In order that everybody is heard, and unfortunately time is of the essence we must have this hearing and it must be done in a way in which the maximum amount of people can be afforded the exposure to present their views and get their questions answered. I therefore am going to ask that you cooperate with us to see that everybody does have an opportunity to be heard. Now there are people who represent groups, and there

are people who have individual questions. I think in fairness. following previous Commission policy,we will allow those people who represent groups to be heard first. I have two forms up here. Those of you that have filled them out we will go in the order of groups by the people who filled out these forms, and then individuals. The staff is available to respond to questions directly at the time you make your public comment or testimony. I think in order to insure that everybody is heard we are going to suggest the following time limits on your testimony or questions: for those of you representing groups - 3 minutes of speaking time with the option to ask for additional time for testimony, and if a motion is made by a member of the Commission and seconded, you will be given an additional 3 minutes, and those representing individuals - 2 minutes with the same options for renewal of another two. I would like to stress that if you don't feel that that is sufficient, or if you have more comments, please fill out the form and they will be a part of the record. To start with I would like to ask the staff to respond to Mrs. Benson's question, and then I will call by name the individuals who have indicated that they wish to speak, and when I call them will they please come to the microphone and observe the time limit please. Gary, do you want to field that one.

Stout - The Model Cities area - the Neighborhood Development Program area has received approval by the neighborhood and by City Council for a one year improvement program. The federal approval in that area was for 6 months of activity and those 6 months expired December 31, 1974. When we were looking at the regulations, it was very apparent that the only area in which we could maintain community development activity between December 31 and approximately next May 1 when we expect that these funds will actually be available would be in the NDP area. We made a recommendation to Council that they enact a resolution which would request HCD funds for that area for those activities. The Council did so, and the NDP activities will be extended through May 1. Secondly, I should note that I think that most, if not all, of the Model Cities proposed activities are still in the budgeting that has been done to date and will be recommended to Council.

Mrs. Benson - We had a 5 year grant and I want to know what went with that because we did have federal approval.

Sheldon - Mrs. Benson, we don't control the federal government. However, we do control the meeting, and if you insist on interrupting we will adjourn the meeting if you would like.

Mrs. Benson - I don't give a damn. I don't want you to adjourn it, but if you are not going to let people have their input, then you might as well adjourn it, because you have got to have the input from the concerned citizens.

Sheldon - If you will give us a moment, we will get that concern.

Mrs. Benson - Well OK but don't go in such a round about way.

Sheldon - The first group that has asked permission to speak is the Northwest Pilot Project - William Singer or Peter Paulson.

Peter Paulson - 831 S. W. 6th Avenue- We want to be as supportive as we can of efforts being made now to rehabilitate the housing situation in the Downtown area, particularly in the Lownsdale area. Those that work with older people, particularly in the Lownsdale area, recognize the natural systems which have already been developed by these folks with the clerks and maids of the hotels and the shop keepers, and the store people as well, and I think one of the tragic things that happens in any urban city today is when we disrupt as we did in the South Auditorium Project, we disrupt and actually almost destroy communities, and I hope and pray to God that this effort now being made will help us to restore a community in the downtown area which will help us to maintain and support the natural systems and natural relationships of so many of the elderly who seek to live out their lives in downtown Portland. Many people don't realize that there are people who live in downtown Portland, and are proud of living there, and want to continue to make it their home, and I hope rather than closing down hotels, such as the Lennox, we will rebuild these hotels and provide opportunities for people to live as they want to live with dignity and in peace. Thank you.

Sheldon - to clarify your testimony Peter, I assume you are speaking in favor

Paulson - I am speaking in favor of the efforts now in this phase one to see to it that such areas as the Lownsdale and Burnside areas are given adequate funds to do the job. I am speaking in favor of phase one. Thank you Mr. Chairman.

Sheldon - the next group that has asked to speak - The McCleay Skyline Homes - Ronald Lindlay.

Ronald Lindley - Rt. 2, Box 163, Portland - There is a small group here tonight representing McCleay Skyline Homes Area which is located in the Skyline-Newberry Road area, and we are asking for support to obtain City water - continuation of the water line to our district so that we can have City water. We are faced now with the problem of either digging very deep water wells or being put in a position to use water that has been certified unsafe by the State of Oregon, and our group is here to ask that we be granted City water for our district.

Sheldon - I assume therefore that you are not speaking in opposition but are basically in favor of the program and are requesting funds.

Lindley - Right

Sheldon - Thank you very much. I think as a point of order if those of you who are going to testify could at least in describing your individual testimony try to relate it to the issues tonight - the intent at least to pass on the goals, and whether or not you basically

support the program and the goals, or whether you are opposed to them. The next group is the Child Care Council - James Loving.

James Loving - I am also chairman of the Mt. Hood Planning Board. I am primarily interested mostly in the lack of connotation to our social program. It seems to me that most of the conversation and documentation that I have seen around the walls alludes to physical programs, and I am wondering why more emphasis is not being put on the social aspects of the HCD funds. I have been associated with Mt. Hood for 5 years and we certainly have an array of social programs and on-going programs, and the CD Bill does allude to the fact that existing programs that are operating as of January 1, 1975 should be able to continue in supportive to the CD Bill. Also no documentation that I have seen in terms of the Community Development Act has been circulated through the community and City says anything particularly and specifically in terms of the 4 C's program. The 4 C's program deals with child care, and child care is an integral part of the family, and in order to enhance the family you must keep the family intact, so social programs I am particularly interested in and I would like to have the CD Bill and this committee to address itself to social activities.

Sheldon - Thank you Mr. Loving. Could the staff respond to that question specifically.

Stout - Yes, the social programs are eligible in two manners, the first manner is continuation of the Model Cities funded social programs, but only through the completion of the fifth action year; in fact, only through this June. The second manner in which they are eligible is if they are closely related to a physical development program. In other words, not just any social program could be funded, but if it were necessary for the physical development or enhancement of an area, then it could be funded. Let me read the House Conference Report on this. I think it clarifies the intent of the Act. "This Bill does not permit communities to carry on any emphasis in the original activity previously carried on under the Model Cities Program despite its consolidation into a block grant program. Instead the Bill would permit as eligible activity the provision of health, social counselling, economic development training, and similar services necessary to support other approved activities assisted under this title necessary to support the physical development actitivies. This language, while broad enough to encompass a wide range of so-called soft-ware activities is intended to restrict those activities to those that support what is essentially a physical development program." It goes on to say that "The Committee views this restriction as a reasonable one in view of the Bill's primary objectives of eliminating and preventing slums and deterioration and providing housing for lower income families." So there is an eligibility for social programs but again comes back to the objectives and regulations. There are some other regulations regarding waiting time and even if your social program relates to the development program you must first apply for other federal funds, etc.

Mrs. Benson - that is separating natural resources from human resources. Most of those social programs are categorically speaking under human resources and administration of that is HEW. We are dealing with natural resources here.

Sheldon - the next group that would like to speak is representative of QUAD - Emerson Meyers.

Emerson Meyers, Director of Quadraplegics United Against Dependency. I am in favor of this program. I think all of us are in that we desperately need a residence in Portland for the severely disabled. At the present time not even nursing homes will accept quadraplegics and it is very difficult for us to find housing. We had hopes of locating in Northwest Portland, not only as a physical residence but also a place where we could develop and become productive and useful citizens again. Thank you.

Sheldon - Thank you Mr. Meyers. Gary, could you respond as to whether or not the act is appropriate for this kind of activity.

Stout - Yes, it is appropriate to the housing needs of the handicapped and it is now an eligible activity; in fact, it is a requirement that we inventory the housing needs for the handicapped. This again is a joint staff activity, and Mr. Lynn Musolf sitting here in the front who is Executive Director of the Housing Authority, and people on my staff would be happy to meet with you and determine what these housing needs may be. It would be reflected to the maximum extent possible in the housing assistance plan and in addition to that I might mention that another eligible activity is the removal of architectural barriers, such as wheelchair ramps for curb cuts and that sort of thing. This is an activity which was listed, I believe, as priority one in the Northwest Area, and in addition it is an ongoing activity under public works, and I was talking with Mike Lindberg this evening and found that the Council approved today, on an emergency ordinance, provision of six people to place additional wheelchair ramps throughout the City, and this would provide us an additional 660 wheelchair ramps this year, which is over and above our normal quota, or provision of about 300 per year, and he would very much like to work with any group that could help him identify the areas of the City in which these ramps may provide the maximum utility, so thank you very much for your testimony.

Sheldon - All right, - a representative of the Model Cities Citizen Planning Board - Jan Childs.

Jan Childs, 6565 N.E. Eighth - I am speaking as chairman of the Task Force on Community Development set up by the Model Cities Citizen Planning Board to act as a liaison and work with the development of this application, and I am speaking in support of phase one, and particularly in support of the continuation of

the NDP activities. As you are aware, the Model Cities and NDP programs are being consolidated into the Community Development Act prior to the completion as has already been done by the neighborhoods. I would also like to note that Mr. Stout in giving his list of good news and bad news left out one area of good news. I had the opportunity to go to Seattle for a workshop set up by the League of Cities to try to explain the Housing and Community Development Act. It was sort of the case of the blind leading the blind. I think the good news that Gary left out was that the application is here tonight. This again is a situation of very tight time constraint where nobody really knows what they are doing and I think the staff should be commended. Thank you.

Sheldon - Thank you.

Sheldon - A group - the NPCC - Rudy V. Reichelt

Stout - Did she include the staff in the group that doesn't know what they are doing?

Rudy Reichelt, 9224 N. Tyler, St. Johns Area - We have about 7 priorities

Sheldon - What is the group that you represent, Sir?

- North Portland Neighborhood Development. The 7 categories are all covered by your federal objective, I am sure, so I will dispense with those. I do have a statement here. There are several actually that may bring a point out that we need. There must be a maximum effort by City officials not to use this money to do their existing work, which as you can see they could very easily do. Priorities are to be honored in the order submitted, as far as North Portland is concerned. The community center facility will still be a priority for the future and will be included in other budget requests. Any funds not used for implementation or the programs not originally scheduled will be transferred to other projects and priorities on this list; coordinate this program with other programs in North Portland such as crime prevention. Kanton and Overlook area, which you have already discussed, will be covered eventually. Residents would like the program to be expanded to other North Portland neighborhoods in the future and particularly in planning for the short term, and last but not least, work with public works departments to develop new standards regarding street improvements and rights of way.

Sheldon - I gather then that you are saying that your group is in favor of the program.

Reichelt- Oh, definitely.

Sheldon - Thank you. OK, Bob has asked Gary if there are any of those

things on the shopping list which we could not potentially fund under this program, just for a guide.

Stout - No, I don't think so. I think I should point out two things though. Your first concern about, in effect, these funds replacing other City funds is specifically not allowed by the Act. There is a financial maintenance of effort requirement in the Act so that in fact will not happen, or if it does happen and they catch us, we have to give the money back. Secondly, with regard to your recommendation, the Act specifically says that the Council must make the final decision, and in fact, the Council has to do that, under the Law, but they certainly want to consider these recommendations before they make those decisions, which is of course the purpose of this hearing.

Mrs. Benson - Mr. Chairman, St. Johns has always been in the Northwest, so it will be very confusing on the national level to now say that it is in the north, because it is not in the North, it is in the Northwest.

Sheldon - Burnside Community Council - Kerry Hoover

Kerry Hoover, 118 W. Burnside - I have handed each of the members of the PDC and PC our shopping list which includes a list of hotels which should be rehabilitated. I am speaking in favor of the first goal, that is to maintain and improve low and moderate income residential neighborhoods, etc., and in favor of phase one. My specific concern is that of downtown housing, so I will say that the downtown neighborhood is composed of low and moderate income residents. It should be maintained and improved. At this time 4,000 units in the downtown area are in danger of being closed if they are not brought into compliance with chapter 13 requirements. Without financial assistance these dwellings will be lost and the consequences would be disastraous. Portland has the opportunity to avoid this error and the HCD funds are one vehicle that can be used to achieve this.

Sheldon - Thank you. The Portland Recycling Group - Jerry Powell.

Jerry Powell, 1938 S. W. 13th - Our organization as well as recyclers generally are in favor of this phase one plan. We would urge the neighborhood associations, in terms of their priorities or shopping list if you will, to consider the rehabilitation of abandoned or at least worthless pieces of property into recycling centers for which non-profit, or community oriented recycling groups could operate and improve the community health standards. From what we can see in the regulations, it is an amplicable use, and in fact there is a small thing called waste disposal facilities, and a recycling center is a solid waste disposal facility, and we urge both the neighborhood associations and you to consider the renovation of buildings in terms of recycling.

Sheldon - Thank you.

Sheldon - Corbett/Terwilliger/Lair Hill Planning Committee -Susan Stoner

Sue Stoner, representative on the Corbett/Terwilliger Planning Committee. We have completed a comprehensive plan that is now before the Planning Commission. In that plan we have included both your goals 1 and 2. We would be in favor of phase 1. Also I would like to say that in our community meetings where we did develop a budget for HCD funds, we included something that we tacked on to it, and that is that we have a contractual agreement that defines the roles and responsibilities within that partnership between the City and the neighborhood. I have two questions to ask. One is whether the specific budgets that will be presented to HUD will be presented in an open hearing, possibly at City Council time.

Stout - Yes, there will be an open hearing before the City Council makes a final decision on the specific budget figures. The specific budget figures that HUD is looking for are much grosser than the figures that you would be interested in.

Stoner - I think we share North Portland's concern that the budget that our neighborhood approved is the one that goes to HUD and that nothing else is changed on it, or if it is changed and the City wishes to change it, that we have an opportunity to respond to that.

Stout - That level of detail will come back in the appropriation ordinance that the Council passes to actually receive and disburse the funds.

Stoner - OK. The other question that I have,and it has come up a number of times and has never gotten a clear answer to, is in areas where HCD funds are going to be used, do those areas have to be designated urban renewal in order to comply with state law.

Stout - In order for the implementation to take place, they either have to be declared a renewal area, it is my recollection, or the City must delegate certain powers of the City by ordinance to the Portland Development Commission, but one way or the other the power to acquire and rehabilitate must be vested in the Development Commission.

Stoner - OK, will there have to be an urban renewal plan and document?

Stout - As far as HCD funds are concerned, no there would not have to be; however, the Corbett/Terwilliger happens to have the unique distinction of potentially having a tax imcrement area with much greater funding and there would have to be a renewal document for that.

Stoner - OK

Walsh - I think there are conflicting viewpoints on whether you do need an urban renewal plan to qualify for HCD funds. The federal regulations say 'no you do not', but if you are going to tie that whole package together working on a consolidated program, then you do.

Stoner - OK, thanks.

Sheldon - Thank you. The next group is the Southeast Coalition - Larry Lubin

Larry Lubin, 2716 S.E. Main Street - I am speaking tonight for at least 4 people, and I am not even sure who all four are. I am chairman of the Buckman Community Association. I am the Vice Chairman of the Southeast Neighborhood Coalition. Yes, of course, we are in favor of your goals. How could anybody not be in favor of the goals. I am in favor of God, motherhood, and I am against the man-eating tiger. I have in my right hand the famous Buckman Plan. We went through all the struggles with it 3 years ago, 2 years ago, and got all the way up to the point of somebody building an indoor fireplace and that is as far as it ever got. It is still every bit as good as it was. However, 90% of the statistical material for it is just as applicable to the entire inner Southeast plan which we have developed in 39 neighborhood meetings and workshops to cover the Buckman Community Association; Sunnyside, Kerns, Hosford-Abernathy, Sellwood-Moreland, Richland and Brooklyn. We have taken all of the available figures, all of the available facts and over 1500 hours of citizen's time in doing, in some cases, door-to-door surveys, and in some cases just eye-ball surveys in the neighborhoods to see what needs to be done to get some idea as to the quantity that we are talking about. We will of course be very glad to present at least a copy of the plan. Gary Stout has one Incidentally, you had better hang on to it - I didn't realize we were quite as poor as we are, but we have printed up a grant total of 10 copies, and if you would like it signed as a first edition, we will do it, but I would suggest that the City staff has more copying facilities than the neighborhood and if you would be so kind as to make enough copies for the necessary people, we would thank you greatly. Tonight others who are not here I assume signed up to speak. I would like just a show of hands. Could we have some idea of the people from the Southeast Coalition who are here tonight. Just put your hands up please. OK. Thank you very much.

Sheldon - Thank you Larry. Again the Corbett/Terwilliger Planning Committee - Norma Clark
Alright, Thank you.
Again the Skyline McCleay Homes- Mary Brooks

Mary Ann Brooks - I am speaking for about 44 or 45 people of Skyline/McCleay homes and we are in desperate need of water. We annexed to the City in May, 1974, and they promised us that we would have water in 75-76, and we are desperately in need of this water, because some of the people up there in the summertime have to haul water for their household use. Some of the homes up there don't even have inside plumbing, and this is our whole purpose of annexing to the City as we did, and as Mr. Lindley told you the water main comes - it has 1½ miles to go to complete the end of the water line to the City limits now. It comes as far as almost to the fire station on Skyline Blvd, so we would appreciate it if we could possibly come up with some way of getting water up there. I talked to Mr. Arguson today, I talked to Mr. Russell today, and I talked to one other fellow today, and they gave me great hopes, so I am very much in favor of getting water from Skyline Blvd in the McClay homes area, and I thank you.

Mrs. Benson - Mr. Chairman, do they have any money appropriated for that project?

Sheldon - Sabin Community Association - Donna Murray

Donna Murray - I am chairman of the Sabin Community Association. We do support the goals, and housing has always been our first priority and we still need that improvement and we have some real concerns about traffic through our neighborhood, and we are concerned that the NDP area stays in phase one. We realize that some of these other communities have great needs too, but we would like to see our efforts and planning be completed. Thank you.

Sheldon - Thank you. Burnside Area Residents - Mike Marcus

Mike Marcus, Legal Aid - We have been retained by a group called the Burnside Area Residents. We represent their interests as they relate to housing. You have asked many of the speakers who have spoken thus far whether they speak in favor or in opposition to the stated goals. The stated goals are similar in their basic connotations to those goals that have been common to all federal programs dealing with housing. Another thing that has been common to all of those programs is total disaster for those people who most need that sort of a development. San Francisco is one example. There are many examples all over the country where the effect of federal spending in the name of improving housing and neighborhoods has been to eliminate not only the slums but the people who suffer by being residents of slums, and these goals probably sound inconsistent with that; they are not inherently designed to prevent that from recurring here. On behalf of the Burnside residents, the people who live in the Burnside area, I would like to express their concerns first that their hotels not be closed down. I think that the section 13 requirements must be re-examined with a view towards weighing the real needs for fire prevention vs the impact both in terms of cost if you do undertake to rehabilitate and in terms of eliminating low income housing which has been result of section 13 and 14 so far. I would suggest and urge that the rehabilitation of low

income residential hotels be given top priority and that every possible limitation be used so as to prevent that rehabilitation from making the same hotels unavailable to the people who now depend on that for shelter. That is another common occurrence. In other words, the amount of rent that can be charged after its rehabilitation and the number of units that are available must be strictly controlled to the extent that any rehabilitation or redevelopment, or any implementation of those stated goals does result in the dislocation of residents, then they will wish to stop the program. They will oppose the program. They will oppose that implementation and we will assist them in doing so to the extent of our abilities. I think that one more point has to be made on behalf of those people, and that is that relocation is no answer, it never has been historically an answer primarily because it hasn't really been available to the people. A very small percentage of people have been effected by federal programs and housing in fact has received relocation benefits to which they are entitled, but another fact that is rarely expressed and rarely brought to light is that those people that have been given the benefit of relocation benefits have suffered none-the-less and that the research that some people have been able to come up with indicates, for example, that when you dislocate, particularly elderly people, that the mortality rate doubles, and of those many people who are now living in hotels who will be forced to be institutionalized in convalescent homes, etc. 50% of the new admittees of such institutions die in the first year; therefore, the question for our clients is are you going to improve their neighborhood for their objectives, which is to survive there, to live there, and as far as they are concerned they would prefer that you leave their neighborhood entirely alone than to enforce section 13 or rehabilitate their hotels in a way which makes those hotels unavailable to them, so as far as we are concerned we withhold a statement of approval of these plans until we see what they mean, in fact,to our clients, and I urge you to design the program with details which count in accordance with those needs. Thank you.

Sheldon - Gary, would you respond to that issue?

Stout - I agree with the concerns that you express. As a matter of fact, they are my concerns. I recommended to council approximately 2 months ago that we defer the date for enforcing the chapter 13 through the end of this year. The reasons for that were several, but first of all the rate of closures was simply becoming unacceptable and secondly we thought of the possibility of some very low interest rehabilitation loan money being made available to take care of some of that problem through the HCD funds, and in fact wrote an ordinance for Council that said exactly that. The problem that we have run into is not frankly the cost of repairing these structures, but the fact that many of the people owning these older hotels are not in the housing business, they are in the speculation business, and they think the highest and best use of the property is speculation. They wish to turn the property

in many cases into parking lots, and we have had a couple of instances where the chapter 13 closure has been used as an excuse for doing exactly that, so I share your concerns with you, and we are doing everything we can to avoid exactly the problem that you mentioned.

Marcus - Mr. Chairman, I would like to request an opportunity to respond.

Sheldon - OK.

Marcus - Thank you. I notice in the document that has been published in respect to this meeting, that it talks about the needs for private investment. I think that one thing that you will have to come to grips with is to the extent that you are dealing with the lowest of the low income residential area and private investment becomes useless, but you have to accept that. You have to depart from that dependency upon private investment and profit motive as a means of dealing with the lowest income housing. Maybe you are stuck with it for moderate income housing, but obviously that is why section 13 could be complied with if people were in the housing business maybe, and to the extent that private investment isn't going to do it, you are going to do it, because if you don't do it you will be killing people and destroying neighborhoods and that is the simple truth.

Sheldon - Southeast Coalition - Katie Gallagher

Katie Gallagher, Southeast Coalition, 1626 S. E. 39th - All I would like to do is add to what Larry talked about when he talked about the Southeast Plan. I think that perhaps it wasn't made clear to the people here that we do basically approve of phase 1, but our objection is that you have Buckman picked out as the first place for funding for the first year, and we tried to make the point here that Buckman isn't the only Southeast neighborhood that has ongoing planning, and we put these together in the plan that Gary Stout has a copy of, and this is all basically. We want that to be considered. With that in mind, we approve of phase 1.

Sheldon - Thank you. Carol Caldwell of Health-Welfare Committee Multnomah County Democratic Central Committee

Carol Caldwell, 1705 N. W. Irving. I am representing the Health and Welfare Committee of the Multnomah County Democratic Central Committee. We believe that providing low-cost housing should be the first priority for this program, and with that we do support phase 1. However we share Mike Marcus' concern that rehabilitation of low-cost housing may lead to elimination of this housing for low-income persons and we urge that safeguards be provided so that assistance given to old hotels to meet fire codes will also be safeguards so that these hotels will be available for the people who live in the Burnside area. Thank you.

Sheldon - Thank you. Jill Neyer - Oregon Architectural Barriers Council.

Jill Neyer. I am also representing the physical therapy association in some respects because----- First of all, I would like to say that I am in favor of the redevelopment program and I agree with being able to keep people located in the homes that they have been living in. As far as the therapists are concerned there is another reason for making sure that these homes are rehabilitated to become more accessible to the handicapped, because I see many of these people come from the low income areas and they might have had some type of physical disability that requires them to walk with a walking aid or use a wheelchair, and then we cannot send them back to their homes because they are physically handicapped. I am also in support of having some type of housing for the quadraplegics, but they represent a small portion of the people that are disabled. I guess what I would like to say that any place that you are rehabilitating that there be at least a small percentage of these places made available for the physically handicapped, and considering that there are more elderly and maybe more disabled people who are in the low income bracket, that this percentage be higher than the 1½% that is usually considered to make accessible in apartment dwellings for this type of thing. In regard to the Oregon Architectural Barriers Council we would like to say that we would be happy to work with you on anything we can in establishing these for areas that need to be accessible and letting you know what it takes to make a place accessible. Thank you.

Sheldon - Thank you. Virginia Ruggles

Virginia Ruggles, 1935 N. E. Couch. I am representing mainly the Muscular Dystrophy Association as well as the Architectural Barriers Council and National Rehabilitation Association. All of these organizations are concerned with the removal of architectural barriers. In all neighborhoods, especailly downtown and Northwest Portland, already there has been an emphasis in removing curb cuts and having transportation available and some of the other needs that come along with being physically handicapped. Figures indicate that there are at least 52,000 handicapped and elderly people in Portland, and accessible housing is one of the major needs. In that respect I would like to say that I speak in favor of the proposal as long as the needs of the handicapped are a priority, and that is including apartments, group homes, recreational facilities, parks, schools, and any remodeling that is done that it be considered architecturally free. I am also available to help in any way I can.

Sheldon - Thank you. Steve Roso

Steve Roso - I am speaking as an individual tonight, but also as President of St. Johns Boosters. I want to say that we have considerable amount of citizen support from St. Johns, especially for the street improvements, and also for the home improvements. The question

there is just a matter when they get started. We would like to have the opportunity to get started as soon as possible. Mr. Reichelt mentioned in his statement some of his priorities and statements. Primarily, we would like to get started on these street improvements and the residential rehabilitation, and also the commercial and industrial improvements. We are concerned about our total area. We want to maintain it and improve it. St. Johns is an old area. We have an old plan. We would like to implement it and get the thing moving. Thank you.

Sheldon - Thank you. Diane Winnet.
2537 N. E. 50th

Diane Winnet/- I came tonight with not as much information as I should have had. I am speaking for myself, but I know that there are more in my position. First of all, on the aged, I do think that your plan and your phases are wonderful, and on the aged where they are helpless and they don't have anyone to help them I also agreed with those most in need should be the ones that come first. I know that in neighborhoods where there is a run-down district there is less funding to do a whole block at a time than there is to do individual houses. I boughtan "235J" home as a mother alone with a family. They told me that I would get a grant when you move in and you will also be able to take out a loan with less interest, but they didn't say only if you lived in one area,at that time, in POrtland, so there was a few of us that I know of that have lived in other places, and we have been told that if we ask about a loan 'no you are from outside the Model Cities areas' and now there are more and more areas coming into it which is great. In my home I have painted all three sides of my house. I have put up a fence as this was necessary because there was a big deep pond in the back. My whole sidewalk has been condemned. My wiring has all been condemned, but I have made the unwise choice of moving into a government funded home inside an area that won't be funded evidently for many, many years. I would do the sidewalk if somebody would show me how and let me use some equipment. I have thought of swiping some during noon hours. I couldn't build a fence standing up, so I laid it down and built it and got them to help me stand it up. Will there be at any time - is there such a thing as a chance that they will reach individual homes in predicaments such as these.

Sheldon - I will ask the staff.

Winnet - It was an $11,000 home.

Stout - One of the recommendations that we have made is that the critical maintenance loan, that is the home that has a furnace or roof problem, or something really critical, be in effect city-wide. There is no necessity to be in a certain area.

Winnet - What if your house is condemned because of wiring?

Stout - I think that would qualify, but something like the sidewalk or a fence may not, but a critical kind of need, a safety need such as wiring would qualify I think.

Winnet - I wondered, because I have done quite a bit to the house so far, but I have come to a point that I am not able to. I don't have the knowledge to do it.

Stout - I must stress again that we are talking about staff recommendations, and at this point the Council has not passed on them.

Winnet - OK.

Sheldon - Thank you. Are there other individuals that would like to testify?

John Craig, 517 N. E. Stanton - I am kind of interested in what part is the City taking to involve the minority contractors in these different areas.

Stout - One of the specific requirements buried in these many pages of fine print is the requirement that to the extent possible the City use existing manpower and business within the project areas, and of course the minority contract is within one of the project areas. In addition to that I think I should point out the City's affirmative action program for all contractors which is another broader based activity, but as far as activities in the NDP area it will continue more or less the same as it has.

Craig - We are talking about outside the Model Cities area. We are speaking of the program itself in entirety. In the great area that you are speaking of I don't see how you can go the federal government and ask for funds when you don't have a home town plan, and actually you don't have a policy within the Portland Development Commission itself, so therefore this would put the damper on any kind of grant that you would ask for. Unless you get something guaranteed other than the executive orders, just a little more, let's say that the City itself is going to do this and we have a watch-dog service. This is the insurance that we have to have, otherwise I wouldn't go along with the program. Could this be a guarantee written into the grant application? Maybe we could get together and say that a percentage of this given area goes to the minority contractors, or give a reason why we can't. Maybe the home owners or community itself doesn't feel that they want a minority or woman contractor in the area, but if they don't, they can't get the money. I think this should be brought to light.

Sheldon - I think the staff will look into that.

Stout - The requirement is that to the extent feasible that the City make good faith efforts and then document those efforts in writing to the federal government to hire people from the project areas or businesses from the project areas, and we will have to show how we have done that, or if we have not done that, why we haven't. I think that his concern will be taken care of in required documentation of the program. We can't guarantee a percentage, but

we have to guarantee a good faith effort, and that can be proved with percentages, or whatever.

Walsh - And certainly all the equal opportunity requirements that goes along with any federal funding to any project will apply across the board here.

Craig - That is a grip for reading, but to actually apply the law, what is the guarantee here? The money comes from Washington and is given to a certain agency with policies and procedures and a community has a lot to say about how they want to run their community, but yet it is Federal funds. I don't live in that community; we have non-minority coming into NDP program doing construction, so now we are asking to go over and give our services. What is the guarantee that we are going to get part of the action?

Walsh - In the NDP area, I think the minority percentage has been 40%.

Craig - That is beautiful Bob, but we are talking about a whole new area here, There will be over $8,000,000 the first year, so guarantee something in writing, maybe 2.5 million - a small figure. We are human beings and we want to give our craft to the people. We are citizens of Portland, plus we are part of the country, yet we are cut off because of certain limitations, but you can't tell the federal government why this fellow can't go over to Tualitan and do work, he has to stay in the Model Cities area; if so, there is something wrong with the federal funds.

Walsh - Yes, I understand that has got to apply across the board, but more concentration for individuals, whether they be minorities or whether they be contractors in the Buckman area, they ought to get a share of the action in their neighborhood, but because of the equal opportunity requirements across the board, money spent in individual neighborhoods is going to have to comply with those requirements. When we build out in Aloha we have those requirements because it is federal money, and you and I both know that there is a lot of leeway in those things and the job has not been terribly well done in the past. I don't know how to assure you that it is going to get done better, but I think it takes a lot of work from the guys at HUD and it takes a lot of work on the contractor's part and a lot of work on the City's part to make sure that as those funds get spent by various contractors and various neighborhoods that the minority equal opportunity aspects are filled.

Craig - Could we have a task force to meet with you to set up some way to assure that we can actually go into the community without any conflicts? Then if we do run into a stumbling block we can at least say "hey, we at least tried this, but give us the money anyway".

Walsh - I certainly think it is worth sitting down and trying to look at it and figure out how can we do it, can we satisfy HUD by doing it, and go over it all.

Sheldon - Is there anyone else that wishes to testify? Yes the gentleman in the back.

Bill Sanger, Northwest Pilot Project - I am not here to speak in behalf of the project. Peter Paulson has already done that very well. On his way out, Marvin Witt, who was in a hurry, quickly stopped by and asked me if I would speak in behalf of the Northwest District Association, which I feel very unqualified to do and hope that I don't do it any more harm than good. I will say that from my familiarity with the Northwest part of Portland that it is a very thriving part of town. It is characterized by a great diversification of businesses and industry and people. Northwest Portland is one of the largest per capita populations of people over 60. It has many very fine medical and therapeutic institutions and has a great many young people, and the people of the Northwest District are very interested in bringing also into the fold and back into the City a great many of the in-between age groups - family raising people, etc., all of which are very noble aspirations, but one of the reasons that a great many of these viable middle group people are leaving or have left is because of the deteriorating and stationary real estate situation, because of encroaching industry, the proliferation of all kinds of light industry, etc, which is not to belittle, by any means, industry, but the point that I am making is that where industry has money to do the things it needs to do, a great many of the people who own property in Northwest Portland are not in a position to improve or maintain or rehabilitate their property, and when the building goes down there is nothing to replace it but a parking lot, as I have already heard mentioned, and I would like to bring to your attention the fact that for this thriving City and this very interesting and warm group of people to maintain this kind of an image in Portland and in Northwest Portland in particular, so I appeal to you to take this into cognizance when you are thinking of a way to provide funds as we do need money in Northwest Portland to keep this community going and to remain a viable and productive part of Portland. Thank you.

Sheldon - Thank you. Mr. Loving.

Loving - I want to reiterate my minority opinion. Based on all the dialogue that I have heard thus far, nobody seems to be stressing social need, and I come back to reiterate that position. As you know, the City Council prior to a year ago had never been into the social aspects of City Government; now they are, and they adopted a policy to implement that process in the social arena. Mr. Stout indicated that the block grant is a combination of categorical funds and certainly those categorical funds would be divided into various areas and social programs as part of those categorical funds. Now

if these categorical funds are coming into the City under the one umbrella of community development block grant, it seems to me from the diagram over here on the board which has been tabulated as to where every dollar is to be going, the total will come out with an extra 2 million dollars for rehabilitation alone; it is 11 million dollars. Now nothing is being proposed out of that so called categorical grant fund money under the one umbrella of HCD funds in social programs, and to me this indicates that social programs are automatically written out of the first year phase of this program and I would like this committee to address and consider that issue. If this is a categorical program then what are you doing about social programs?

Sheldon - Well, I think it is limited to the kinds of work which is indicated by that first year budget, but I think Gary could respond to the question of the social programs and what will happen to them.

Stout - As I mentioned before,the categorical grant program is primarily just a development program and that information, as you know, is written in the regulations and in the Congressional Intent Document. It is a consolidation of the categorical program, such as Model Cities, but what they are basically doing is taking away those funds. In effect, the categorical funds are averaged in the so-called whole harmless share which is 8.7 million and those funds are taken away year by year, about ½ million dollars a year, until 1980 to get it down to the 5.6 million dollar level which is a formula share, so the thing that is disappearing is the categorical grant programs. If we continued to receive at the same rate, we would be getting more money. The other point that I want to make, and I think that I did make in the opening remarks, is the social program budget for the city is roughly the same amount of money that we are talking about in this program. There is roughly 8.6 million dollars now coming in for social programs at the City level excluding the County level, and excluding the 4 million dollar manpower funding, and lastly, even having said that there is a recommendation for housing counselling buried somewhere in the general budget figures that you see, and in addition to that the emergency repair program that is being conducted with the Bureau of Human Resources and Manpower Youth and with ACD funds for the physical activities. In other words, the actual concrete, or whatever, that these kids that are being trained are using is being paid for with ACD funds under our recommendation and the manpower funds are then funding the children to do this. There is this kind of interlock and I will be meeting with Ed Frank to try to determine where we may do more of that, for example in creating mini parks and that sort of thing that they will be staffing with their people.

Mrs. Louise Wiedlich, 7720 S. W. Capital Hill Road - I am Director of the Northwest Neighborhood Protective Association. I have not had an opportunity to review with the members of our group and committee all of the details of this particular thing that was on the back table here. I do not know how long it has been available, but if it is about like a lot of your federal programs it looks like it is a rush job or you lose the money, I don't know. But anyway,

I would like to refer back to an article in the Oregonian and see if this is related to it. The article is dated May 14, 1974, entitled "HUD secretary defends decision for new federal mortgage funding." Now I may be off on the wrong foot, and if I am I would like to be corrected.

Stout - I think so, but let her read a paragraph.

Wiedlich -"James T. Lynn spoke before the National Association of Mutual Savings Banks and cited 4 factors in answering the complaint that the move could cause additional pull on the money markets and bring more inflation. Al Ullman who spoke earlier at the convention remarked that the program seemed to subsidize inflation rates rather than reduce them, and Congress may have something to say about it." Then it talked about the 3.3 billion federal housing administration veteran money, then it goes on here and he says "Klaman, delegate, we have no indication that the administration has an anti-inflation policy. We have a short term palliative that will aggravate the long term inflation." He questioned the apparent lack of concern the administration has for the federal budget." Then in this other column it says "Lynn speaking at news conference said that there are differences to work out in the Senate and House version, possibly early in August. This would mean 8.6 million dollars for Portland in the first year of the program and 5.7 million in the second year and 5.5 million in each of the next 3 years, or a total of $30,000,000. Under present legislation, he explained, the HUD secretary has to approve the project, but there would be no HUD red tape and the City would get a letter of credit to undertake the project for community development."

Wiedlich - My question is - will this be true that there will be a letter of credit? In other words, there is no money, but you will be creating money out of thin air which will, in fact, feed the inflation and have no backing. Now if you have a project and you are creating money and you are adding to the inflation, are you really helping the people who are in greatest need, or are you not just raising the prices and raising the interest rates and having deficit spending which is one of the main concerns of our whole country now?

Stout - The former way that we used to operate with the federal government was frankly to obtain all the money we could and put it in the bank and earn some interest and then we would have more money at the end of the year. In an effort to avoid that, the federal government has established a letter of credit procedure whereby we receive these funds as we actually expend them; that is to say that we meet a payroll and we draw upon that fund at the bank. I guess I should be happy to report that the federal government is doing its bit to fight inflation in Portland by reducing the amount of money that they are giving us, but I am not.

Sheldon - Does that answer your question Mrs. Wiedlich?

Wiedlich - Well, I don't know. What amount of money did you say is being withheld? Are you going to get the 8.6 million?

Stout - Well, yes, instead of the 10 million that we used to get under the total of the categorical programs of 1970, and this year we are getting 8.7 million. So they are fighting inflation all right, but at our expense.

Wiedlich - Then it is just shifting it into different areas, possibly.

Stout - No it is related to the new program.

Wiedlich - I haven't read all of this, but I notice that there are lots of little things on the side that say that you have to abide by the Civil Rights Act of '64 and something else, and title 8 of this, and I think it is pretty difficult unless a person has had considerable time to study it, as to who is going to get it, is it going to be a block grant, and are we going to go in possibly having it for matching funds for urban renewal, which we in the Northwest area have been fighting very strongly. We don't want another South Auditorium site. Earlier here, several people have mentioned the elderly, and the fact that they will be affected and displaced.

Sheldon - Mrs. Wiedlich, I have to inform you that your time is up. We have a limit - 3 minutes for groups and you have expended 3 minutes, and unless there is a motion from the Commission to extend the time limit 3 minutes I will have to ask you to be seated.

Wiedlich - May I have one more comment.

Sheldon - Yes, if it is brief.

Wiedlich - I would like to say here is another article talking about businessmen urged to request low cost housing units. Now the business-men who were urged, were urged by Mr. Fred Rosenbaum of the Housing Authority at a Hilton Hotel breakfast in March 15, 1974, and I would like to make the following book available to you. It is entitled "The Dismal 30 Years of Public Housing" by Ray Halberg, which may be of interest to you, but there is grave concern that public housing is going to displace the low-cost housing at present. One of our members has apartments renting for $55 a month; 1 bedroom is $62.50, and these are all heat-paid. It is in the Southwest area downtown; they have 60 units and have 10 vacancies, and I would like to bring that to their attention.

Sheldon - Mrs. Wiedlich, I think that you are abusing the privilege of your testimony. Thank you.

Sheldon - Yes sir! do you wish to speak?

Dave Utsinger, 7231 S. E. Sherman - I am representing the Southeast Uplift Advisory Board. I wasn't sure that it would be necessary to speak at this meeting tonight, but I feel that it is in support of the South Coalition's substitute plan for the Buckman area. This plan has not been ready in its entirety for a very long period of time, so we at Southeast Uplift did not have a chance to review the entire plan. We plan to do this in the future. We have,however, received an outline of what they are attempting to do here, and unanimously endorse this concept of substituting the Southeast Coalition Plan to involve the whole inner Southeast area for the Buckman area. This also has the endorsement of the Buckman Neighborhood Association. It is their intent that this be done. I simply think that more emphasis needs to be put on this, that the Southeast Coalition and Southeast Uplift support phase one only if the whole inner Southeast area is represented by the Southeast Coalition as substituted for the Buckman Plan. I believe that each of these groups has been planning for a considerable length of time and that there is as much need in all of these areas as there is in the particular one. Thank you.

Walsh - May I make a comment to that? I think it is going to be the whole outcome of this thing. There is a lot more need than there is money and it is across the board whether it is an individual householder in Northeast Portland or whether it is the Buckman group or any of the other Southeast groups. It is not a very good pie, and ultimately the City Council is going to be faced with a losing proposition. They are going to have to make decisions that X number of dollars is spent one place and doesn't get spent in another.

Utsinger - I think when you study the Southeast Coalition Plan you will see that what they have done is pick specific target 10 block areas in each of these areas for the first year funding so that the equivalent funds that would be available for Buckman could be spread out.

Walsh - You guys are obviously thinking very well ahead on that, but you see I think that the ultimate problem facing the City Council is going to be how much to spend in each particular area. There is no way to win on it.

Benson - Some things are not being said. I represent the National Association of Community Development. I am an executive in the Northwest Region. We are having a meeting at the Sheraton Hotel on the 15th and 16th and everybody is invited for your input. That is the regional meeting. On April 27 until May 1 that is the National Association of Community Development meeting. Come and get your eyes opened to some things that I have been trying to get answers to. OK now my 3 minutes begin.
There is a League of Cities. I don't know how many cities are in it, but I assume from the questions that I asked and there were no answers to, that this is something that goes with the League of Cities and

they will present it to HUD. Complications are going to develop in this program, and I can see them, because these people that spoke from this area out here saying that they came into the City with the expectation of getting water and sewerage, well we don't have enough money to support our treatment plants that we already have in incorporated Portland and suburbia has loaded us up and now we are paying for sewage treatment plants, when ours was adequate, in order that others could tie into it. The federal government is trying to have 2 things and they overlap because we are dealing with the same human beings in human resources, the ethnic side of human resources, and the natural resources. It all has to do with human beings, but most of the concerns come under human resources, and then there is another phase that I am interested in. I am also on the Governor's Commission on Aging in an advisory capacity. One place that you have not touched, and that is Administration on Aging and Administration on Aging has money in there for funding of the aged, and I don't think that you have really gotten into that, but you had better check it out with the Director of Aging in Washington, D. C. because it is supposed to be for the aged, and then you can check also with the Administration on Aging right here in Salem, Oregon, because there are funds for this. They have put the quadraplegics and other handicapped, etc. down for funds, and the aged have some of the same basic needs, that is why they have put in a certain way categorically speaking the social security disability people too, but we go over and beyond that to include those over 65 years of age, and then you have more special needs, and if you work closely with that Administration on Aging in Washington, D.C., in Salem, Oregon, in Seattle, Washington and all the other regional areas. I think you will come up with something that will satisfy the quadraplegic and all of that because there are funds for housing and different things. And I don't want you to mislead that lady that her sidewalk can just go, because the City has gone out and fixed sidewalks and charged it to people's property. Now you know that as well as I do, and if you don't know it, I can get you some reference on it. When we did it, we only had to pay half of it in the Model Cities Area. Now be sure that you listen to the President's State of the Union address. There are billions of dollars going to come of Manpower programs, but there is a lot of different places to look for finances that you have not touched, and you have not put in your plans Mr. Stout, because you have not planned for people 65 years of age and older. Thank you.

Sheldon - I saw some hands back there. Would someone like to testify?

Clara Green, 1818 S. E. Belmont - I am a member of Half the Alphabet Soup, but I am just speaking for myself. One group that I really haven't heard anyone speak for is the renters. Most of this effort on housing is going toward homeowners, which is fine, but there are a great many factors in a neighborhood that make it much more human and desirable for people who are renting in the area,

street trees, better lighting, better police protection, but there are a lot of general things that make an area more desirable, and this hopefully would cut down the transiency, like the Buckman School that has 120% turn-over in some of their grades per year. If the area was made pleasant enough people would stay and their kids would have the benefit of continued schooling. I want to address this to the gentlemen who was concerned about the social services. I am concerned about this also. I can understand that this kind of money can't pay for staff, but I understand it can take care of the acquisition of property and also presumably influence disposition of property. Well, this is just an example. We have a very excellent pre-school in Southeast. They are balancing on the verge of extinction because they need a building. The one they are in belongs to the Highway Commission. They want to sell it, but they don't want to give them a chance to buy it with a small down payment and small payments. This is also directed to something in the same direction that the gentleman mentioned as far as giving ethnic groups fair chances at the contracts. This is one of the things that I was worried about; the small contractor should get a fair chance. I would also like to say that I am concerned about the community workers who will be going out and explaining this to the people in the community and advising them and sort of looking after things so that they get the best out of it that they can. I would like to see those people very definitely from the neighborhood that they were working in. I am from Buckman. I don't feel that someone from Northwest or Southwest would know my neighborhood as well as I know it, and I am sure that they would feel the same way if someone from Southeast came into their neighborhood. That is my 3 points and probably my 3 minutes. Thank you.

Sheldon - Thank you. Next.

Mrs. James Loving, 4228 N. Michigan - First, I am very displeased about a lot of things. First of all the improper planning that goes into all of these meetings, the lack of notification. You don't hear about the meetings until the day before they are going to have it. You never get a chance to look at any of the laws or the rules or anything that is going to go on. When you get here you are hit with a bunch of junk on the wall stating the goals and objectives and I feel that any intelligent citizen should be able to get in advance a chance to look at, and get prepared for all of this stuff that you guys bring to the meeting. Another thing which I am very displeased with is the Albina contractor not getting a proper answer. After all PDC and all the rest have come into the Model neighborhood, they did insufficient work, they did a lot of improper things there, and I feel that when you told him that you will have to see about Albina contractors being able to go and work in other neighborhoods I think that was very unfair and then you went on to explain something about HUD. I don't think the federal government is supposed to be present in this situation, and I don't think they are setting down any

guidelines to you whatsoever to say that this person cannot work in this area, so I think the City and the City Council and you Commissioners and everybody here involved should get together on trying to integrate things and stop trying to give people the run-around. That is all.

Albert Green - I am chairman of the Woodlawn Neighborhood Association. I am also chairman of Model Cities Citizens Participation Working Committee. I have been involved for quite a while and am a concerned citizen. Also I would like to state that I am definitely in favor of a couple of the items I see on your board. It says planning and management activites and administrative costs. This is good to a certain extent, but you can plow all of these monies into planning and administrative costs and there will be very little for the people that need these monies. We need low-rent housing. We need jobs. We need city lights and also as the minority contractor said, he needs some work, and I would like to see that we get some of the action. Thank you.

Sheldon - Gary, would you care to relate to the intent of the monies as far as it relates to planning vs. implementation.

Stout - The planning will be primarily carried on by the existing planning staff which is largely funded from the general fund, not from these monies. With regard to the management of the program, the City staff and the Development Commission staff has been decreasing in size and not increasing. With respect to the requirement, and it is a requirement, that to the maximum extent possible we hire people from the neighborhoods. We will be doing that. We have to, and we want to. I would say also with regard to the meeting notice, I believe something in the range of perhaps 80,000 community press newspapers went out with a full page ad advertising this meeting last week, so I think there was some notice.

Sheldon - Is anbody else wishing to testify? I will declare a 10 minute recess. We will reconvene then and the Commission will then decide what action it intends to take.

Sheldon - This last portion of the meeting, ladies and gentlemen, will be devoted to Commission questions of either staff or testimony that has been delivered to us if the representative or the person that testified is still present, and possibly then a vote on the goals,on whether or not to request the funds, and whether or not to request planning for the second year. I think with that, unless Gary you have any comments you would like to lead off the discussion, I would like to throw it open to the Commission members to ask questions, raise issues, otherwise clarifying the thing in their own mind prior to the vote.

Wessinger - Mr. Chairman, If we are going to vote on the goals, what exactly goals are we to vote on, is it the next to the last one here, or is it the one over here?

Sheldon - The ones next to the last one here.

Wessinger - Are we being asked in any way, shape or form to make any comment on the program activities as a part of the goals, because there is a discrepancy between the two?

Stout - You are not being asked to, but it is certainly not out of order.

Wessinger - Who will make the decision on the proposed program activities?

Stout - The program activities to date have been derived, almost exclusively, with interaction between my office, the planning staff, the PDC staff, Public Works staff, and Parks Department staff in interaction with the neighborhood organizations in these various neighborhoods, and through a long series of meetings they have managed to identify some priorities and some cost estimates and this represents sort of the grand compilation of those. I am kind of reluctant to get too specific about what those are Bill, because frankly they are still tentative and we are reluctant to detail them or to cast them in bronze until we have had an opportunity to have this hearing. It just shows sort of where we are today, and I think the first goal of housing rehabilitation, if we add up everything that the people have talked about so far we are talking about 5.2 million dollars for housing rehabilitation in all of those areas, or about 48% of the total program. As well as housing there is a need for general public improvement and we have listed the kinds of public improvements here and that is in the range of $2,300,000 or about 21% of the program, so that is the neighborhood preservation aspect and the housing preservation aspect. In addition to that there is a commercial preservation aspect which is $1,200,000 or about 11% of the program. I guess that sort of represents the goals in some sort of priority area. Then in addition to that there is overall staff and operating cost which is a little bit misleading because it appears as 2.2 million dollars of staff costs for this program and in fact that is not the case. There is a quarter-of-a-million dollar indirect federal grant cost allocation to this program which would bring it down to just under $2,000,000. Then in addition there is a ½ million dollar overhead cost which deals with lighting and heating, and fliers and materials, and this sort of thing. And finally there is about a 1.5 million dollar staff cost, staff and staff overhead and staff administration for the various activities here; community services, rehabilitation, real estate relocation, engineering program development, and administration, and that is the Portland Development Commission staff, so that 2.247 million of that staff is 1.5 staff overhead.

Gustafson - Does this come before us, or do we just do the goals and then your office takes the implementation decisions directly to Council?

Stout - Well, if things were rational, I could say in fact that that represented a final program, which I think it is going to be sort of like that. My preference would be to bring the whole package to the Planning Commission and ask their approval, and in fact we will do that next year. This year we need to establish a set of planning goals for the Housing and Community Development Plan as a minimum, but in addition to that if you have any comments to offer about the program as it looks now, I think this is certainly the time. We need the goals and the rest is icing on the cake.

Gustafson - So what you are saying is that we talk about goals, but what really happens to the money you are going right to Council with, or do you not even have to get Council approval on what happens to it

Stout - We have to go to Council, but if the Planning Commission has comments to make, I really think that this is the time to make them.

Eckton - I would like to know what is going to happen to the proposal that has been submitted by the Southeast Coalition.

Stout - As of right now it is not included, and I would like to take a moment and capitulate the reasons for that, and I think that those in the audience that have a copy of the memo that I sent to Council please refer to section 2. It sort of indicates what we have done to date and why. If you look carefully at the sources of these funds, you will see that this steered to activities in two areas; downtown and South Auditorium Project and the NDP area. 94% of these funds went into two areas of the City, and in fact I think you could make the case that in downtown and in the NDP area the job is still not done, but in effect in those dollars that is what we spent in two areas. The next effort then was to review the areas in which Council had made past planning commitments or past program commitments (8 areas), and then we determined what would happen if we would take these funds and spread them out over 8 areas rather than 2 areas, and the conclusion that we reached was that it might possibly work, but it seemed rather thin at the time. Now in addition to this the Council at sometime may have a commitment to make on the Mt. Hood corridor which would affect all of Southeast, and if that happens I would assume it would have some sort of priority. The staff report to the Council was that we intend to first work in those areas where commitments have been made and attempt to clean up those commitments in the first year and move the planning program out in the first year for second year funding. The thing that was very pleasantly surprising was the amount of effort that went into this Southeast Plan. Some of the major issues in Southeast cannot be addressed in this plan but have to be addressed by this Commission and that is the zoning issues. It makes no sense to talk about housing rehabilitation when you have M1 and C2 and other forms of zoning

patterns which frankly are not conducive to stable neighborhoods and they are not even reflective of what can ever be expected to be there at the market place. The point that I would like to make is that I think that Southeast should receive some sort of priority commitment for planning and I am willing to recommend that to Council. I am not going to specify just one or another area, because if you look at the map it covers a large area. My recommendation would continue to be that our first effort would be to clean up past commitments wherever possible, because those commitments are extensive. Then I would recommend that we try some financial maneuvering. In effect, the Downtown Urban Renewal Project could potentially reimburse us for some of the expenditures on the chapter 13 hotels and anything else downtown, and I would like to see that happen, because these funds do diminish yearly and I would like to see whatever it costs for hotels plowed back into the program next year and used to expand the program in areas like Southeast. Those would be my recommendations at the staff level. If you look at the map of uncovered areas of low and moderate income areas you will see that they are primarily in North Portland and in Southeast, and I think the second year planning program has to address that issue. Frankly, if people in Southeast are head and shoulders above anybody else in this City because they have got this document, it is still not complete, some sections say that it is not complete, but it represents a massive effort. My recommendation would be that the planning effort in that area,using this as the initial impetus,be given priority.

Shannon - As far as the testimony is concerned, we have heard nothing that I can identify as a goal for the commercial area, and we have a goal here that has been printed for us, that is not on the board, which is to preserve and enhance industries expanded in a further capacity, and my question is--- (we have talked about taking housing, particularly rehabilitating and preserving the status quo and we talk about taking,as this goal says,non-residential areas in the industrial areas which are qualified to get funds through this grant simply because it will then increase the tax base which will then turn around and give greater funds for neighborhoods, and it would appear to me to make more sense if you are really going to talk about commercial services that are directly supportive of neighborhood rehabilitation or preservation which are such things as your local commerical areas which support that particular neighborhood, that is your groceries, or things that make it a neighborhood community, if you are going to talk about commercial investment and curtail it, not make it just an open check because with this you have absolutely no control whatsoever in the type of industry that would be funded under these goals.

Stout - One of the goals of the act is economic development. I am sorry I can't put my hands on it immediately. I know it is in here because I read it. In fact, we used those goals, several in fact, to summarize into the 3 goals that you have before you. I think that essentially you are correct. It is not the purpose of this program to be an economic development program in itself. The purpose is to enhance economic development activities. With regard to the economic development activities in St. Johns, I believe that is primarily an urban beautification effort on the public right-of-way, and then the store owners will be expected to do some things on their own property. With regard to the waterfront esplanade and other areas like that, this would be the area where I would recommend that we spend it this year and then we get reimbursement from tax increment next year and use those funds to go into an enlarged housing program. One of the problems that we have with additional housing relates very much to the administrative problem that you mentioned a while ago. The housing grant takes this roughly 28% for overhead administration, and they are very labor-intensive, check everything, check the code compliance, check the contractor, check the contract kind of procedure, and it takes a lot of manpower. With our existing manpower, we have just about allocated every housing dollar we can allocate. Our choice from here on is to push off some of that housing work to the second year and in effect recycle some of the funds used for other things, or to increase that administrative budget which I am kind of reluctant to do.

Minden - Is there no way that the 28% can be cut down any?

Stout - One of the problems that we have when dealing with bureaucracy, including my own and anybody else', is nominal thinking and if suddenly all of the federal restrictions are lifted we tend to continue to operate as those restrictions were in effect and in working with the Development Commission staff we say in effect that 312 procedures no longer exist, can we clean up the process a little bit and so that kind of thinking is reflected in this housing production. I think we can maybe do a little more, but there has been some improvement already.

Minden - If some of this could be used for seed money, it certainly would help. It would allow the owner to obtain a loan from the bank that won't give him a loan. If so, you could stretch the 8 million dollars a lot further. Is the government rule flexible enough to combine that with the private investor?

Stout - Yes, that is how we get from the 8.7 million to the 11 million, in effect using some of these funds as an escrow in effect, 15% of the loan then is deposited out of HCD funds and that allows us to generate something in the neighborhood of 2.2 million dollars. Now that has gone through the public interest

lending program and some other federal grants are in that $2,000,000 too I might add, but that is done through the Public Interest Lending Program and the Public Interest Lending Program allows the banks to lend us tax free money, which maybe we can lend that money out again at 5.5% or roughly thereabouts; it is a very cheap rate at the present market, and we can only do that though in areas of concentrated community development activity; in other words, where we can show the federal government, that is the IRS, that we have a public purpose behind concentrating those funds in this area, and to that extent we can use the PIL funds. Now the problem is that some people simply can't afford the 5½% interest, and then the rest of the program has to meet these needs. Many of the people on Burnside and Lownsdale are in that category.

Minden - Couldn't it go beyond that? Couldn't a private owner have leeway on that, for instance, and take advantage of everything?

Stout - The way we would like to structure it, is that if he could afford to go out and borrow money at market rates, that is what he would do; if he could afford to pay 5½% that is what he would do, and if he could only afford to pay 3% that is what he would do, and if he couldn't afford to pay anything, in effect, we would just give a loan and the loan would not be payable until the property turned over, so we would structure the program to meet the need.

Minden - But it is flexible enough to go along with the program then!

Stout - Yes, that is recommended.

Chuck Olson, PDC - The rehabilitation staff of the Development Commission, in turning out the rehab program that Gary has talked about, and has identified the other loan money that comes out of the PIL program, we estimate that somewhere about 20% addition to the work load that our staff processes as identified in addition to what our staff processes are conventional bank rehabilitation loans at the current market rates. As we work with neighborhood groups and with property owners there are those that we can help meet with their local banks and help them put together about an additional 20% volume in rehabilitation work in the neighborhoods, and this has had very marked effect in the NDP areas where the program has been going on in the past.

Minden - That is spreading it out, then because the banker gets a little shakey if he doesn't have his share.

Olson - It is called suction. You have something going and it draws a lot of interest.

Eckton - What I was talking about the other day - did you hear me say about the banker coming in first and taking a look at the property, saying it is $11,000 and we are willing to loan $11,000 if you do $2,500 worth of repairs, and loan the people the money for a year

or 1½ years at low interest, or maybe no interest, and have that money paid back and the bank makes the total loan, is that possible? Could it be kept as a revolving account, or even putting the money in Escro?

Olson - I can't answer the detail of that particular question, but I will say that there is the art of the possible and we make every effort to do that and those kinds of things, if they are possible, and banks are interested; we do take the extra step.

Minden - If it would be possible to give to more people as part-owners instead of someone that bought it as an investment, you have much greater chance of getting money out of the thing, and having a permanent solution.

Olson - We have not had a great deal of success with absentee owners coming into this program.

Minden - Is there any way that the City could purchase some of this property?

Stout - That may be possible, but when you talk about purchasing something like hotels, for example, you soon run out of money, and then you have to continue an operating cost problem that there aren't funds enough to meet.

Minden - I meant purchase homes, primarily. There are a lot of homes that are owned by absentee landlords.

Sheldon - What you are talking about is where an absentee landlord is letting his property deliberately decline and it is the single bad piece on the block, and by buying it and restoring it could do wonders in terms of upgrading the whole neighborhood.

Minden - It really would.

Sheldon - Isn't it at least theoretically possible with these funds and under this ACT to actually physically acquire a piece of property?

Stout - It is, and we could do that. I think as far as the City continuing to own it though is against City policy.

Sheldon - No, I assume that the Development Commission might actually acquire it, and the actual attempt would be to resell it to an owner who was either interested in living in it or at least rehabilitating it and upgrading it.

Stout - There is another element of the program that I really have forgotten about, and that is section 8 of the Act, the so-called Section 8 Program. This is a lease supplement housing program. It supplements the difference between the person's ability to pay

and the market rate rent on the unit. It primarily emphasizes the existing units, but I think in working with the Housing Authority and PDC we can work somewhat to use it as a tool to rehabilitate units, in fact, we are going to try to do that, and secondly, work it some more and use it as a tool to construct new units. If we can get some loan interest mortgage money for a long term 20 year mortgage and then one of these 20 year rent supplemented leases and move some people in we can pay off the mortgage with that kind of program, so we do have the possibility and we will work all of those around, and that is over and above the 8.7 million.

Walsh - I understand that Section 8 is basically if you can secure a mortgage interest rate loan that the supplement will make up whatever difference there is. Dollars go further in a rehab project but they will go for new construction.

Stout - They say they will, but the administrative guidelines also require for HUD not to encourage new construction, because of the cost with the market rate, etc.

Walsh - But you have guys down there that are looking for work, trying to keep things moving.

Stout - We are going to be working together on that one.

Minden - You might find yourself with a whole group of new owners that couldn't afford to be owners before. You might get dedicated people who would love to be an owner and that would settle the problem. I think it would be a humanitarian idea. I have seen this happen. I think you have the tools here.

MOTION: Mrs. Eckton moved that the following goals be adopted:

1. Maintain and improve the quality of residential neighborhoods in the City of Portland by:

   a. creating and maintaining a growing inventory of safe and sanitary housing units at prices and rents which households of all incomes can afford -- with special attention paid to the preservation of housing where deterioration is evident though not acute;

      (Because housing quality is a crucial determinant of neighborhood quality and because limited public resources can be spread further if the deterioration has not progressed too far.)

b. investing in public services, parks and public rights-of-way in the residential neighborhoods of the City -- particularly where such public improvements will occur in combination with private improvements;

(Because public services and public parks and rights-of-way are important determinants of neighborhood quality and because substantial improvements to residential neighborhoods will require much more than the limited public resources that are available for public improvements.)

c. awakening a sense of community pride among the residents of Portland's neighborhoods.

(Because a resident's attitude about his neighborhood is at least as important as the physical quality of his neighborhood and because his attitude must be positive if he is to invest his own resources -- time or money -- in that neighborhood.)

2. Preserve and enhance the commercial and industrial areas of the City -- particularly where such efforts will expand economic opportunity for the lower-income residents of the City, promote private investment or prevent private dis-investment.

(Because the nonresidential areas of the City contain the jobs at which residents are employed and, in addition, provide a substantial part of the tax base from which a portion of the public resources must come to support investments in the residential neighborhoods.)

Mrs. Roso seconded the motion.

Shannon - I have a motion to amend. I don't do this because I don't like the draft, but being a lawyer I know how you can work loop-holes, and the second goal is the biggest loop-hole I have ever seen, as far as seeing what they can do. Now I appreciate their desire and need, and I would welcome a drafting which expressed what they wanted to do; therefore, I will make this motion to amend the second goal.

AMENDMENT TO MOTION: Mr. Shannon moved that goal number 2 be amended to read as follows:

2. Preserve and enhance the commercial and industrial services which are directly supportive of neighborhood rehabilitation and preservation.

Shannon - I know that that is not as broad as Gary wants, but he hasn't had an opportuntiy to come up with anything else, and I could not in all consciousness vote for such a broad statement as section 2; it is no goal at all; it is just simply saying this is an economic development; therefore I move to amend.

Gustafson - Then you would not include funding?

Shannon - That is not a goal; that is an implementation, depending upon how you interpret it.

Gustafson - If you can interpret downtown as a neighborhood, then your goal is as broad as the existing goals.

Shannon - One thing that bothers me a little bit is that I am all in favor of the waterfront as developed; I think it is a great idea. However, these areas particularly can be for a higher income program. Certainly the rent structure of McCormick Dock is not going to be available to anyone who is also a participant in the other program. Therefore, I am all for federal funding for that program if there is funding available, but when you have limited resources in the nature that you have I think there is a need to keep it where the direction has been to take it. I also recognize the labor problem; maybe you have absorbed all the labor that you have in the new program; that is an administrative problem that I am throwing back at you because I can't get to that problem in such a short time. Nevertheless, I think it is my intent that that probably would not be supported in my motion.

Gustafson - Then you wouldn't support rehabilitation or enhancement or job production in any recognizably industrial area.

Shannon - As far as I read this, what we could do is go to Rivergate, or any place where we had an industrial park and invest all 8.7 million in developing that and say that we have complied with the goals that are set forth here, and that is why I have a problem in supporting the goals as stated.

Gustafson - In the Northwest District, for instance, you would not then, in the primary industrial parts of the City, agree to any enhancement of that in terms of economic development aspect?

Shannon - All the goals require is that you support them as they help a neighborhood. If you would want to have residents for a particular industry in close proximity that you might be able to justify it. On the other hand, just saying we will develop this

commercial area because it needs to be developed couldn't be done without having to prove that in fact it does relate to the neighborhood.

Stout - I think the primary point that I think should be remembered is that point that Marjorie made in that substitution of a goal in effect could be interpreted as broadly as the original goal; that is to say, that you could call almost anything a neighborhood, and almost anything helpful as far as neighborhood rehabilitation. To determine what this goal is all about it would be necessary to take a look at the specific proposals. I think that we have enough together in that we know basically what we are talking about, and one of them that is not definitely a neighborhood problem, but is a problem that affects a lot of neighborhoods is a need to implement the Union Avenue Plan, and this very heavily involves commercial activities in the Union Avenue core, not only to provide jobs, but to help clear up some of the visual blight and economic blight in that area, and it has been a high priority for the people in those neighborhoods, but it is not a problem that is unique to any one neighborhood. Those funds are once and done; they go out and that is that. Union Avenue is not a good location for housing. It just isn't because of the proximity to that traffic arterial. The second area of activity that I would like to draw your attention to is the possibility of the revolving fund for historic preservation in the downtown, which is something that I think we should establish now, even though the tax increment bonds will take several months to set and wait for the proper interest rates, etc. and the waterfront esplanade,I don't think that we think that we should jump into the waterfront esplanade in a large manner because just phase 1 is over $3,000,000, but I think that we should do something there to make that area useable this summer. Now the latter two projects are not funds that are once and done; these are funds that will come back to the City when the tax allocation bonds are sold, and in fact, I think the staff is considering the use of these funds to expand the program into areas like Southeast. In other words, next year when the funds deteriorate we don't want to add staff that we then have to lay off next year. This is a way of maintaining the housing at a higher level, using funds to see something happen this year that wouldn't happen otherwise, taking those funds and replacing them with other funds, that is tax increment, and adding to the funds available next year to do more things in other areas. That is the total chain of thought on that. I think to determine what the goal really means you have to look at the kinds of things that we are talking about.

Shannon - I appreciate that, but I also know that programs can get monkey wrenches thrown into them and they get lost. You say this is our intent, and then people get criticized because at the time the goals are being set they say that we gave you a goal that isn't inconsistent with what happened and it went astray and we meant to bring

back and repay it, but we couldn't because this program came up and that program came up, and then they say well why did you let them go ahead and do that and now we can't get the money back, and now we don't have enough money to complete the program. There is this challenge.

Stout - I think that anything spent in the Downtown Renewal Area, if the Commission wishes to make a recommendation that that be reimbursed from tax increment that recommendation would certainly be in order, and I would support it.

Shannon - But you are asking us to do it sort of piece-meal.

Stout - The Renewal Area is declared, Dave, and the tax increment is flowing. It is just that the bonds are not sold yet. If your concern is that this goal would be taken, in effect, in a piece-meal fashion, I would think that the Commission should point out that difficulty and make the Commission's recommendation that the funds in the Renewal Area be repaid from the Renewal Area, and be used for other neighborhoods and future use activities. And further if the goal is difficult, even in light of this explanation as far as the first year's activities are concerned, because you are concerned about what this may mean in the second year, we are going to be looking at this entirely again next year and perhaps the Commission may wish to say that these are the first year goals and we will look again before they are pursued. I understand your problems, and I think there are ways of addressing them.

Shannon - Right, and the language that I used was not beautiful language and I would invite the staff to come up with different language. You have already offered qualifications, but the language that is here that you are asking us to vote on I cannot accept. Now, if you want to say commercial and industrial areas within already declared urban renewal area that would define it further.

Stout - But that leaves out Union Avenue, and we don't want to do that.

Shannon - I don't think that Union Avenue is consistent, because that is commercial venturism close to a neighborhood and is supported through a neighborhood.

Wessinger - I think that your goal is just as broad as Gary's, because you think close to a neighborhood, but what is close. I quite frankly move the original motion and call for the question.

Sheldon - In courtesy to Dave's motion we should at least inquire if there is a second before calling the main question. Is there a second to Dave's motion?

Minden - I see what he is talking about, but I am of the opinion

that with all the rules that we have that I don't think it is going to give us any trouble. I think it is safe enough like it is.

Gustafson - What if you talked in terms of priorities and had this clearly established as of lesser priority than the first goal? In other words, a greater safeguard.

Wessinger - The trouble with that one is that then somebody is going to come along and say that we have the priority for housing all the way through, and you would have no money spent for the projects that might help industry.

Gustafson - I didn't say that. I didn't say no priority. I said second priority.

Wessinger - But if you start doing it on that basis you take out the flexibility, I think, for staff to come up with a balanced program for the entire community is the best plan.

Gustafson - Except that you don't want it to be equal. You yourself want housing to be of first priority and you want this to be a second priority, and why not say it. If in fact that went to Council with a program that was 2/3rds commercial you would say that that was clearly not our intent, but there is no way by looking at this to see if it was our intent or not.

Eckton - Are these goals for four years, or at the end of one year can we adopt another goal for the next funding?

Stout - That, I think, was my recommendation in response to my understanding that Dave said that this may be OK as far as the first year is concerned, but I wonder where it could lead us; it is open ended, so it could be a first year adoption. In response to the priority question; the housing portion is 48%, and the commercial portion is 11%.

Gustafson - It is by program activities, but it isn't by the goals. What if you just said in your first sentence 'the Office of Planning and Development proposes the following Housing and Community Development goals, in order of priorities, or in the following order.

Stout - If you change it to the Planning Commission I will buy it.

Eckton - May I amend my motion.

Sheldon - Sure you can.

Eckton - I could amend the motion to say that these be the first year goals.

Sheldon - Sharon you seconded her first motion, will you accept that?

Roso - sorry.

AMENDMENT TO MOTION: Mrs. Eckton amended her motion to include the following preamble:

The Portland Planning Commission adopts the following Housing and Community Development goals for the first year:

Mrs. Gustafson seconded the motion.

Roso - Mr. Chairman, may I speak to that. I think that we have been put in a real bind here time-wise in getting this going at all, and if we renig tonight on our responsibility to let the community know what the goals are so that they can gear up and be ready for the second and third years that we shouldn't be sitting here. If we don't like these goals, we should change them, but we should adopt goals for the full program.

Eckton - I am not saying that I don't like these goals, I think they are OK for the first year. I would like to gear-up tomorrow for the second year goals and begin the process.

Sheldon - To get us off to a dead center, might I suggest something like the following:

The Portland Planning Commission proposes goals which would reserve the right to review as it sees fit, or on an annual basis (whichever way the Commission would like to proceed) and proposes that these first year goals be in the following order of priority:

Minden - I could buy that. I think as Sharon does that time is of the essence. When you see the short time we have here, it may be next year before we get some of these implemented which we are objecting to.

AMENDMENT TO THE MOTION: Mrs. Roso moved that the goals be prefaced by the following statement:

The Portland Planning Commission proposes Housing and Community Development goals with the right to review the goals each year, and proposes that these first year goals be prioritized in the following order:

Mrs. Eckton seconded the amendment.
(See pages 35 and 36 for the goals.)

Eckton - I withdraw my prior amendment.

Sheldon - The main motion in front of us is essentially to approve the goals as written (see pages 35 & 36) with the preamble.

ACTION ON MOTION & AMENDMENT:

Ayes: Gustafson, Roso, Eckton, Sheldon, Wessinger, Minden
Nays: Shannon

Motion carried.

Sheldon - The second item is whether the Commission would care to go on record as recommending that the City apply for the funds. It seems to me rather obvious at this point.

MOTION: Mr. Wessinger moved that the City apply for the HCD funds.

Mrs. Eckton seconded the motion.

ACTION: Motion carried.

Sheldon - The third order of business again requires a motion, and I think it would direct the staff to begin the second year planning.

Stout - Would you like us to consider some of the planning work that has been done privately?

Sheldon - absolutely.

MOTION: Mrs. Eckton moved to direct the staff to start the second year planning for the HCD funds.

Mr. Wessinger seconded the motion.

Motion carried.

Because of no further business the meeting adjourned at 11 p.m.

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PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

February 4, 1975

Present: Sheldon, Gustafson, Eckton, Minden, Roso, Shannon, Wessinger
Staff: Bonner, Cannady, Vail, Munch, Mazziotti, Givens, Hampton, Scheddel

The meeting was called to order at 12:15 in room 200, City Hall annex by President Sheldon.

DIRECTOR'S REPORT

1. St. Johns Landfill and Corps of Engineers Proposal on Smith-Bybee Lakes Area as introduction to special meeting later in the month

Mr. Vail gave the staff presentation. He said that the request is for rezoning of land for expansion of the landfill, and also for permission to continue the landfill. He also stated that there will be a special hearing on Saturday, February 22 at St. Johns Community Center starting at 9 a.m. He also distributed a summary of correspondence of a proposal from the Corps of Engineers for the development of Smith & Bybee Lakes for Planning Commission review prior to the hearing.

2. Progress Report on Arterial Streets Planning

Ernie Munch gave the staff presentation. He told about the many meetings that have been held by the Bureau of Planning in the neighborhoods regarding arterial streets. He said that each neighborhood has distinct problems. (See Exhibit A) He also showed slides of Portland from the 1800's until the present time.

3. Progress Report on CRAG Area Development Planning and Regional Transportation Planning

Mr. Bonner gave this presentation. He said that part of the discussion at the upcoming February 13 Planning Commission meeting on CRAG is the regional transportation planning. He said that one of the basic issues in that area has been particularly light rail vs. bus-way system, or some combination of the two. He added that the bus-way system seems to have a lower initial capital cost, but light rail appears to have a lower long-run operating cost. He added that Tri-Met people do not have a closed mind to light rail.

APPROVAL OF MINUTES

Planning Commission----------December 19, 1974--Approved
January 6, 1975----Approved

Zoning Committee----------January 14, 1975---Approved

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COUNCIL ACTIONS

The Commission discussed Council actions regarding Planning Commission matters.

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ELECTION OF PLANNING COMMISSION OFFICERS

ACTION: Mr. Wessinger moved that Mr. Sheldon be re-elected President and Mrs. Gustafson be re-elected Vice President of the Planning Commission.

Mrs. Eckton seconded the motion.

Ayes: Eckton, Minden, Roso, Shannon, Wessinger
Nays: None
Abstained: Gustafson, Sheldon

Motion carried.

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FOR INFORMATION

1. Presentation by Skidmore, Owings and Merrill on Sauvie Island and West Hills Study

Ms. Frances Diemoz of Skidmore, Owings and Merrill gave the presentation assisted by George Crandall of SOM.

Ms. Diemoz presented the following exhibits: (1) Mailer No. 1: Natural Features, (2) Mailer No. 2: Choices; (3) Mailer No. 3: Recommendations, (4) Sauvie Island and West Hills Citizen Response Sheet.

ACTION: Mr. Wessinger moved that the Planning Commission go on record as favoring the basic concepts of the Sauvie Island and West Hills Plan as submitted by Skidmore, Owings & Merrill, and that the President of the Planning Commission (Mr. Sheldon) be authorized to testify at the Multnomah County Plannning Commission hearing to the effect that the plan is consistent with the planning goals of the City of Portland and would be of benefit to the City of Portland.

Mrs. Gustafson seconded the motion.

Ayes: Gustafson, Minden, Roso, Shannon, Sheldon Wessinger
Nays: None
Abstained: Eckton

Motion carried.

2. Report on Status of Planning of Land Conservation and Development Commission (LCDC) and its Effect on Portland Planning Efforts

Don Mazziotti gave the staff presentation. Russ Givens submitted a report also. (See Exhibit B)

Because of no further business the meeting adjourned at 3:05 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

NOTE regarding minutes of the 22 February 1975 meeting of the Planning Commission regarding the St. Johns Landfill:

Copies of these verbatim minutes have been forwarded to the members of the Planning Commission. Anyone wishing a copy should call 248-4250.

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PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

January 28, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:22 p.m. by Chairperson Minden. Present were members Wessinger, Shannon, Rose' and Sheldon, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 4-75 Conditional Use for a building addition to be located on Tax Lot 41, Section 16, T1S, R2E, and Lots 1 and 2, Clemson Addition, was requested by Boys Club of Portland, Inc., deedholder; Roy J. Cippini, Executive Director.

Mr. Wessinger declared a conflict of interest in this case and, therefore, did not participate in this portion of the hearing.

Don Byers, architect for the applicant, was present. He stated that the Planning Commission had previously granted a similar request by the applicant.

Roy Cippini, Executive Director of Boys Club, and Chuck McClellan, Chairman of the Board, were also present to answer questions.

Southeast Uplift recommended approval with the condition that the applicant, in consultation with the Planning Commission staff, attempt to place trees on the subject property.

The Staff recommended approval of plans submitted with the condition that the applicant place street trees along SE Harold and SE 92nd. Such trees shall be approved as to type and placement by the Staff of the Planning Commission.

ACTION: Mr. Rose' moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 5-75 Conditional Use for office to be located on the west ½ of Lot 8, east ½ of Lot 9, Block 283, Couch's, was requested by Leona Lacy, contract purchaser; and James F. Robb, optional purchaser.

Mr. Rose' excused himself from the remainder of the hearing at this time.

James Robb, 9519 SW Barbur Boulevard, applicant, was present.

Harold Janbor, Vice-president of Hummbard House Condominium Association, was present to speak in favor of using the office for office purposes.

James Nevin was present representing the Alhambra Condominium to speak in regard to the parking problem in the neighborhood.

Nancy Davis, realtor, was present. She stated that parking is available from a Mr. Jakins who owns a business in the area, between the hours of 8:00 a.m. and 6:00 p.m.

There was discussion regarding partial residential use of the structure.

Letters of remonstrance were received from Ron Marks, 1832 SW Elm Street; V Lacy, 1964 NW Johnson; and Roger V. Holm, 3150 SE Belmont Street.

A letter of approval was received from Walter P. Gerber, 1484 NE Alberta Street.

Northwest District Association recommended approval of the request with the following conditions: (1) that one additional dwelling unit be maintained within the structure; (2) that off-street parking not be provided; (3) that the existing building be used and maintained in a residential character; and (4) that the applicant restore the property to a usable condition.

The Staff recommended approval for a professional or business office for the use of James F. Robb and four employees on the first and second floors only with the upper floors to remain residential in use with the following conditions: (1) that the applicant submit proof of a long-term arrangement for 5 off-street parking spaces for at least 5 years; and (2) that no structural changes be made internally or externally that would preclude the use of the structure as a residential dwelling in the future.

ACTION: Mr. Shannon moved approval of the Staff Recommendation with the following added condition:

3. That no space shall be leased to other persons without additional conditional use approval.

Mr. Wessinger seconded. So ordered.

* * *

CU 6-75 Conditional Use for a sign to be located on Lots 3, 4, 5, 8, 9, 12, and 13, Block 14, Goldsmith Addition, was requested by Park Royal Healthcare, Inc., deedholder.

Terry Vaughn, Administrator of Park Royal Health Care, Inc., was present. He stated that both signs on the Park Royal structure would be removed when the new sign is installed.

Dick McGarrity, 2427 NW Marshall, was present to state that neither he nor his wife had any objections to the proposed sign.

Clara Putnam, owner of an apartment at NW 25th and Northrup, was present to object to a lighted sign.

Diane Weidler, owner of a home on NW Kearney and 24th, was present to speak in remonstrance. She felt a sign was not necessary.

There was discussion regarding reasons why a new sign is needed.

Letters of remonstrance were received from Betty Bradlyn, 1133 NW 25th Avenue; and Mrs. D. R. Bottomly, 2534 NW Northrup Street.

A letter stating no objection was received from Arthur Lind, 2432 NW Northrup Street.

Northwest District Association recommended denial of the request.

There was discussion regarding placement of the sign on the property. Mr. Shannon felt that if the sign is illuminated, then it should be located much closer to the healthcare structure than proposed.

The Staff recommended approval of a sign not to exceed 12 sq. ft. in area with the following conditions: (1) that the Staff of the Design Committee approve final design of the sign; and (2) that in accepting this Conditional Use approval the applicant stipulates that the facility is a convalescent hospital and is not nor will it become a medical clinic, and further agrees to remove the two existing signs on the building.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation, but with an amendment to condition #1 so that it reads as follows:

1. That the Staff of the Design Committee approve final design of the sign and a more appropriate location to be much closer to the building.

Mr. Shannon seconded. So ordered.

* * *

CU 7-75 Conditional Use for a church with variances to be located on Lots 1 through 4, Block 1, Victoria Park, was requested by Clifford F. and Opal Stuck, deedholders; and Jonah and Palestine Taylor, applicants (Mount Nebo Church of God in Christ).

Rev. Taylor, 5831 NE 18th, was present. He stated that approximately 85 to 90 people would be the maximum number present at any service. He stated that the current membership in the Church is 5.

Bishop Foster was present to speak in favor of the request.

There was discussion regarding hours of services. Rev. Taylor stated that services would be held on Tuesday and Thursday until 9:00 or 9:30 p.m. in addition to Sunday services.

Jim Douglas, 5766 N. Commercial, was present. He stated that the intersection where the subject property is located is quite dangerous.

Donald Hinsz, 8414 N. Peninsular, was present. He stated that there is an extreme problem with noise and traffic at this location.

There was discussion regarding necessary remodeling of the sturcture prior to occupancy by the Church. There was also discussion regarding the smallness of the site and the fact that there would be no room for expansion if the congregation were to increase greatly in size.

Letters of approval or stating no objection were received from W. Claude and Lyla M. Stites, 7406 N. Seward; Philip, Jr. and Eurmegine Washington, 3135 N. Willis Boulevard; and A. Martz, 2834 N. Willis Boulevard.

A letter of concern was received from Mr. and Mrs. Gust M. Peterson, 3175 N. Halleck.

Letters of remonstrance were received from John and Edith Kowalski, 7474 N. Wall Avenue; Orlando W. Boyce, 3101 N. Arlington Place; Theodore and Agnes Torresdal, 2810 N. Hunt; Orville A. Cline, 8810 N. Burrage; Emma Neuharth, 3158 N. Halleck; Charles B. and Martha L. Wiggins, 3006 N. Willis Boulevard; and Samuel Willis, Jr., 8430 N. Drummond.

North Portland Citizens Committee recommended denial of the request.

The Staff recommended approval to use the existing building for church use with the condition that the parking area be paved and screened according to Code prior to occupancy.

ACTION: Mr. Wessinger moved denial of the request. Mr. Shannon seconded. So ordered.

* * *

CU 9-75 Conditional Use for park improvements to be located on Tax Lot 13, Section 15, T1N, R1E, was requested by the City of Portland, Bureau of Parks.

Ed Erickson with the Bureau of Parks was present.

The Staff recommended waiver of the public hearing and approval of the improvements including the tennis courts, basketball facilities, picnic area, play equipment and drinking fountain.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

6411 Zone change from County R10 and M3 to City R10 and M3 for Tax Lots 28, 29 and 225, Section 15, T1S, R2E, was initiated by the City Planning Commission.

There was discussion regarding the existing zoning pattern in the area.

Southeast Uplift recommended approval of City R10 for the property on both sides of SE Foster.

The Staff recommended approval of City R10 for the property south of SE Foster and City M3 for the property north of Foster.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

6412 Zone change from County R7CS to City R7 for Tax Lot 14, Section 19, T1N, R2E, was initiated by the City Planning Commission.

The Staff recommended establishment of City R7 zoning.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

6410R Revocable permit for truck parking to be located on Tax Lot 1 and Lot 1, Block 3, Home Addition, was requested by Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders.

Mr. Shannon declared a conflict of interest and, therefore, did not participate in the hearing on this matter. Mr. Sheldon was called to attend this portion of the hearing only.

Erwin Kalesse, applicant, was present. He stated that no more than ten trucks would be parked overnight at one time.

Dick Bradjovich, Teamsters, was present to speak in favor of the request.

Carl Miller, Miller Sanitary Service, was present to speak in favor of the request.

Muriel Townshager, 8033 SW 36th, was present to speak in remonstrance.

Neil Riebar, owner of apartments west of Mr. Kalesse's property, was present in remonstrance. He presented photographs taken on a weekend showing the trucks parked on the subject property. He stated that "mini" trucks sometimes unload into larger trucks at the subject location. He presented a petition signed by residents of his apartment stating their objection to truck parking on the site.

Joel Oxley, 8001 SW 36th, was present to speak in remonstrance.

Harry Dieter, 7925 SW 36th, was present and objected to the odor and noise caused by the use.

Bill Long, 8015 SW 36th, was present to speak in remonstrance.

Anna Oxley, 8001 SW 36th, was present to speak against the request.

Letters of approval were received from Horace E. Bixby, Jr., no address given; Carl R. Miller, 6812 SW 36th Avenue; Marion F. Garland, of Southwest Sanitary; Jim Sandby, Sandby Transfer Co., Inc.; and Walter Krieger, Sanitary Service.

There was discussion regarding existing development in the C2 zone to the east. The applicant and those speaking for him stated that if they are not allowed to continue parking trucks on the subject property, there will be no other place in the area for them to park.

The Staff recommended approval of the request to park a maximum of 4 trucks and 6 drop boxes with the following conditions: (1) the applicant shall not allow parking of trucks or buses on SW Evans, SW 35th or SW 36th Avenues; (2) the applicant shall install continuous fencing and screening on the south and west property lines

in accordance with Section 33.82.030, except that access shall be allowed to the bays fronting on SW Evans, such fencing and screening shall be approved by the Planning Commission Staff; (3) truck bay doors on SW Evans shall be used for ingress and egress only and shall be closed at all other times; (4) hours of working on trucks and buses shall be limited to 7:30 a.m. to 6:00 p.m. and conducted and confined wholly within the building; (5) no outdoor storage of materials shall be permitted; (6) all outside parking and maneuvering areas shall be paved; and (7) all other provisions of the C2 zone restrictions shall be enforced.

ACTION: Mr. Sheldon moved to table this request for a period not to exceed one month. In the intervening time the applicant and Planning Commission Staff will endeavor to find a suitable site either zoned properly or for which the Staff would recommend proper zoning either for storage of the trucks and materials or for relocation of the applicant's entire business. Mr. Wessinger seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Minden at 4:25 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

# PORTLAND CITY PLANNING COMMISSION

## Zoning Committee

## Minutes of Meeting

## February 11, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:00 p.m. by Chairperson Eckton. Present were members Minden and Roso, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 8-75 Conditional Use for conversion of a single-family dwelling to office and youth activity area on the east 104 ft. of Lots 6 and 7, Block 3, Laurelhurst, was requested by Joseph and Ada Buxton, deedholders, and First Covenant Church, contract purchaser.

Cecil Naslund, Chairman of the Board of Trustees for the Church, 1805 SE 22nd, was present.

There was discussion regarding what types of activities would be conducted in the basement of the house. Mr. Naslund stated that it would be used for Sunday school rooms and youth meetings. There was discussion also about the possibility of placing an evening curfew on meetings.

Letters of approval or stating no objection were received from Charles and Mary Johnson, 4505 E. Burnside Street; Florence E. Roberts, 151 NE 45th Avenue; Margaret Taylor, 103 NE 47th Avenue; Hideaki and Kyoko Aizawa, William and Margaret Pepper, 212 NE 47th Avenue; Mr. and Mrs. William Moore, 14 NE 44th Avenue; Grace Clymer, 136 NE 45th Avenue; and Velma M. Sies, 24 NE 45th Avenue.

A letter of remonstrance was received from Bernice Johnson, 516 N. Moore Avenue, Monterey Park, California 91754. An anonymous letter of remonstrance was also received.

Southeast Uplift recommended approval with the conditions that the property be maintained as a separate lot apart from the existing church owned property, that screening and landscaping be maintained and activities be limited during evening hours in deference to immediate neighbors.

The Staff recommended approval of the request with the following conditions: (1) that there be no structural changes internally or externally that would preclude its use as a dwelling at any future time; and (2) that yards be maintained in a residential character.

ACTION: Mr. Minden moved approval of the Staff Recommendation with the following added condition:

3. That there be no meetings in the building after 10:00 p.m.

Ms. Roso seconded. So ordered.

* * *

CU 10-75 Conditional Use for church enlargement to be located on Lots 3 and 4, Block 9, M. Patton's Addition, was requested by Archdiocese of Portland, deedholder.

John Stevenson, 4067 N. Colonial, was present representing the Church. He stated that the roof over the stairs is needed for safety reasons and that the bell tower is to be removed because of maintenance problems.

There was discussion regarding the necessity of variances for the proposed construction and the fact that existing setbacks for the church are nonconforming.

The Staff recommended approval of the Conditional Use with a variance to allow a 0 ft. front yard on the west and north with the condition that the staff of the Design Committee review and approve preliminary and final development plans.

ACTION: Ms. Roso moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6414 Zone change from R10 to R7 for Tax Lot 111, Section 21, T1S, R2E, was requested by Glen and Joan Wilcox, deedholders, and Joe and Lucille Wiese, contract purchasers.

Joe Wiese, applicant, 11111 SE Mt. Scott Boulevard, was present.

There was discussion regarding the estimated price of the applicant's planned "low-cost housing." Mr. Wiese stated that it might be approximately $20,000 per unit. There was also discussion about the possibility of the applicant purchasing additional property in the area and then developing a Planned Unit Development. Storm sewers and improvement of SE 98th Avenue at this location were also discussed.

A letter of remonstrance was received from Mrs. Gary Armstrong, owner of property directly north of the subject property.

Southeast Uplift recommended approval of the zone change.

The Staff recommended denial of the request.

ACTION: Mr. Minden moved approval of R7 subject to the condition that within 90 days of the approval by City Council of the improvement of SE 98th Avenue the applicant file a subdivision plat with the Bureau of Planning. Ms. Roso seconded. So ordered.

* * *

6415 Zone change from M2 to M3 for fractional Block 2, James Johns Addition to St. Johns, was requested by William Dunn, executor to the estate of Mildred A. Dunn, deedholder, and Hollcraft Homes, Inc., optional purchaser.

Mark Friedman, 1525 NE Weidler, attorney for the applicant, was present.

Bob Evenson of Evenson, Lundgren and Larson, Architects, was present. He described the proposed site plan and explained efforts made to save a large tree in the center of the site, which was subsequently deemed not feasible.

Tom Hollcraft, applicant, 6805 N. Williams, was present.

There was discussion regarding the proposed number of bedrooms per unit and the lack of play area provided. There was also discussion regarding the possibility of vacating N. Pittsburg at this location. Mr. Hollcraft stated that the neighbors on the other side of Pittsburg will not agree to such a vacation.

A diagram was presented by the applicant showing vacancy rates of apartments in the area.

The Staff recommended deferral of the request for no more than 90 days for re-evaluation of the St. Johns Plan by the Staff of the Bureau of Planning.

There was discussion regarding the possible time frame involved in amending the portion of the St. Johns Plan pertaining to the subject property.

ACTION: Mr. Minden moved denial of M3 but approval of A1 with the condition that development be in accordance with the plans submitted by the applicant, and approval of an amendment to the St. Johns Comprehensive Plan designating A1 zoning for the subject property. Ms. Roso seconded. So ordered.

ACTION: Ms. Roso moved to direct the Staff not to forward the Commission's report on this request to the City Council until the Staff has heard from the North Portland Citizen's Committee as to their recommendation for amending the St. Johns Comprehensive Plan. If a reply is not received by February 21st, the Staff is directed to schedule the request for another hearing. Mr. Minden seconded. So ordered.

* * *

6416 Zone change from A2.5 to M3 for Lot 1 and the west 25 ft. of Lot 2, Block 4, East Portland Heights, was requested by Charles and Beverly Huddleston, deedholders, and Nae Kim and Kim Rhoten, contract purchasers.

Nae Kim, applicant, 2880 SE Division, was present.

There was discussion regarding required setbacks for the proposed structure and that if the applicant's plans were followed variances would be required.

Southeast Uplift recommended approval with the conditions that the applicant adhere to the plans as submitted, that screening be provided as shown and that all construction and regulatory conditions be met.

The Staff recommended approval of the zone change with no variances inferred or implied.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded. So ordered.

* * *

CU 20-75 Conditional Use for signs to be located on Tax Lot 14, Section 31, T1N, R2E, was requested by Providence Hospital, deedholder.

The Staff recommended waiver of the public hearing and approval of the request.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Eckton at 3:10 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

| Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., February 5, 1975 | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
|---|---|---|---|---|---|
| **Hearings** | | | | | |
| 379. Report of the City Planning Commission on the petition of Southern Pacific Transportation Company, deedholder, and Smitty's Pancake House by Robert Breckenridge, lessee, to change from Zone R5S to R5SP on the south 120 feet of Tax Lot 58, except the easterly approximately 17 feet, Section 24, T1S, R1E, located on the east side of S.E. McLoughlin Boulevard north of S.E. Tacoma Street. Approval with condition recommended. (PC 6401) | | | ADOPT PC REPORT MUST BE PAVED | | |
| 380. Report of the City Planning Commission on the petition of Geneva F. Manning, deedholder, for a revocable permit to retain an existing off-street parking lot without the required hard surface paving on Lots 29 and 30, Block 4, Laurelwood Park, located on the southwest corner of S.E. Powell Boulevard and 66th Avenue, in Zone C2. Denial recommended. (PC 6406R) | | | 90 DAYS AFTER OCCUPANCY BY TENANT | | |
| 381. Report of the City Planning Commission on the petition of First National Bank of Oregon, Conservator for the Nan Teague Estate; and Thelin & Blake, Inc., Lessee, for a revocable permit for a used car lot on Lot 5, Block 33, Rose City Park, located on the southeast corner of N.E. Sandy Boulevard and N.E. 50th Avenue, in Zone C2. Denial recommended. (PC 6409R) | | | ADOPT PC REPORT | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
|---|---|---|---|---|---|
| ★ 360. Abolishing one position of Chief Engineering Aide in the Bureau of City Engineer Services, Department of Public Works, and creating in lieu thereof one position of Associate Accountant, fixing the rate of pay, and declaring an emergency. | | | | | |
| ★ 361. Abolishing one position of temporary Lighting Director in the Bureau of Lighting, Department of Public Works, and creating one permanent position of Lighting Manager in lieu thereof, effective March 1, 1975, fixing the rate of pay, making a transfer of funds, and declaring an emergency. | | | | | |
| ★ 362. Accepting a street deed through property at S.E. Tacoma Street and S.E. McLoughlin Boulevard for a corner cutback, in the City of Portland, County of Multnomah, State of Oregon, and declaring an emergency. | | | | | |
| ★ 363. Accepting a street deed through property in Burley Heights, for public street purposes, in the City of Portland, County of Multnomah, State of Oregon, and declaring an emergency. | | | | | |
| ★ 364. Accepting a street deed through property in Burley Heights, for a walkway along the southerly side of Johnson Creek, in the City of Portland, County of Multnomah, State of Oregon, granted by Oral F. Shepardson and Robert R. Finzer, and declaring an emergency. | | | | | |
| ★ 365. Accepting sewer easements through property in Burley Heights, granted by Oral F. Shepardson and Robert R. Finzer, and declaring an emergency. | | | | | |
| ★ 366. Granting a revocable permit to Jack A. Benaroya Company to construct and maintain 4 oversize nonstandard concrete service driveways in the street area of N.W. Yeon Avenue near N.W. 29th Avenue, and declaring an emergency. | | | | | |
| ★ 367. Granting a revocable permit to Western Transportation Company to use and maintain a sewage holding tank, and declaring an emergency. | | | | | |
| **Introduced by Order of Council** | | | | | |
| ★ 368. Changing from Zone C2L to M2L, Tax Lots 69, 70, and 21 except the southern portion zoned M1, Section 11, T1N, R1E, located on the east side of N.E. Grand Avenue, north of N.E. Columbia Boulevard, petitioned for by Western International Investors and Developers, deedholder, with certain conditions, and declaring an emergency. | | | | | PASSED 139442 |
| ★ 369. Granting a conditional use to Bible Temple, Inc., for church and associated parking uses on Lots 1 through 10, inclusive, and Lots 23 through 30 inclusive, Block 24, Mt. Tabor Villa, in Zone R5, and declaring an emergency. | | | | | CONTINUE ONE WEEK |
| 370. Declaring a building at 4018 N. Missouri Avenue to be a nuisance pursuant to Section 24.02.033 of the Code of the City of Portland, Oregon, condemning the same and providing abatement and removal. | | | | | |
| **Ordinances to Be Read the Third Time** | | | | | |
| 371. Declaring a building at 3037-41 N.E. Union Avenue to be a nuisance pursuant to Section 24.02.033 of the Code of the City of Portland, Oregon, condemning the same and providing abatement and removal. (256) | | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| **Introduced by Commissioner Jordan** | | | | | |
| ★ 349. Authorizing the City to apply to the State of Oregon for a grant in the amount of $26,976 for a summer Youth Conservation Corps project, Human Resources Bureau, for the period of June 23, 1975, to August 15, 1975, authorizing contracts, and declaring an emergency. | | | | | |
| ★ 350. Authorizing an agreement with Special Mobility Services, Inc., to operate the Special Transportation Project of the Human Resources Bureau for the period February 1, 1975, through June 30, 1975, transferring funds, authorizing warrants, and declaring an emergency. | | | | | |
| ★ 351. Amending Ordinance No. 138588 to modify the provisions relating to the publication of weekly Council agendas and semi-monthly Planning Commission agendas, and declaring an emergency. | PASSED TO THIRD READING | | | | |
| **Introduced by Commissioner Ivancie** | | | | | |
| ★ 352. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing twenty (20) Intermediate Size Patrol Vehicles to the Bureau of Fleet Management, authorizing a contract therefor, authorizing the drawing and delivery of a warrant, and declaring an emergency. | | | | | |
| ★ 353. Amending Chapter 5.44, Execution of Contracts and Bonds, of the Code of the City to provide that contracts be signed by successful bidder within 15 days of transmittal, and declaring an emergency. | | | | | |
| ★ 354. Authorizing the Purchasing Agent to advertise and receive proposals for supplying and installing a Communications Command and Control System for the Emergency Communications Operating Center, authorizing a contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | | | | | |
| ★ 355. Abolishing two positions of Automotive Mechanic, Class No. 1532, and creating in lieu thereof two positions of Leadman Automotive Mechanic, Class No. 1533, in the Bureau of Fleet Management, Department of Public Utilities, establishing an effective date, and declaring an emergency. | | | | | |
| ★ 356. Authorizing an agreement with Wong-Hart Architects to provide architectural services for the construction of the Regional Forensic Laboratory at Police Headquarters Building at a cost not to exceed $21,000, authorizing warrants, and declaring an emergency. | | | | | |
| **Introduced by Commissioner McCready** | | | | | |
| ★ 357. Authorizing execution of an agreement with Burlington Northern, Inc., for the City to construct and maintain a 36-inch storm sewer pipeline on railroad property, and declaring an emergency. | | | | | |
| ★ 358. Granting a revocable permit to Multnomah County to use and maintain sewage holding tanks for certain bridges within the City limits, and declaring an emergency. | | | | | |
| ★ 359. Granting a revocable permit to Portland General Electric Company to install, equip, use and maintain a precast concrete utility vault in and under the street area of N.W. Everett Street near N.W. 4th Avenue, and declaring an emergency. | | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| **First and Second Reading of Ordinances and Emergency Ordinances** | | | | | |
| **Introduced by Commissioner Schwab** | | | | | |
| ★ 339. Amending Contract No. 13670 with Joseph C. Player for operation of golfing facilities at West Delta Golf Course, retroactive to January 1, 1975, to expire December 31, 1976, and declaring an emergency. | | | | | |
| ★ 340. Authorizing purchase of south one-half Lots 1-4, Block 41, Kenton Addition, as an addition to Kenton Park, for the sum of $3,500.00, deleting unpaid real property taxes, and cost of title insurance, authorizing the drawing and delivery of warrants, and declaring an emergency. | | | | | |
| ★ 341. Authorizing purchase of Tax Lot 5 of Lots 3 through 12, Block 26, Lots 6 and 7, Block 28, Glen Harbor Heights and Replat, as an addition to Forest Park, for the sum of $14,500 plus closing costs, excluding unpaid real property taxes, authorizing transfer of funds, authorizing drawing and delivery of warrant, authorizing escrow instructions, and declaring an emergency. | | | | | |
| ★ 342. Authorizing the City Attorney to proceed with a lawsuit against the State Land Board challenging State rules requiring City to obtain leases and pay rent on submerged or submersible lands in navigable waters and waterways, and declaring an emergency. | | | | | |
| 343. Authorizing amendment of an agreement with the Portland Zoological Society, changing the purpose of the City Improvement Fund from construction of a seal pond to construction of the Northwest Walkthrough. | | | | | |
| **Introduced by Mayor Goldschmidt** | | | | | |
| ★ 344. Authorizing the Mayor and Auditor to enter into a contract with the Portland Chamber of Commerce for a sum of $75,000 for the 1974-75 fiscal year, to further the services and activities of the Convention Bureau in promoting the City of Portland, authorizing the drawing and delivery of a warrant, and declaring an emergency. | | | | | |
| ★ 345. Ratifying and authorizing the purchase on the open market of the City's lamp requirements in lots not to exceed $2,500 each, and declaring an emergency. | | | | | |
| ★ 346. Authorizing the purchase of a certain Police vehicle without advertising for bids, and declaring an emergency. | | | | | |
| ★ 347. Authorizing an agreement with Macadam Investors, John & Condon Properties, and the State of Oregon, wherein certain interests in property adjacent to the Willamette River at Johns Landing will be conveyed to the City and State for the public uses as set out in the agreement, establishing terms and conditions on the use of the property by the public, and declaring an emergency. | | | | | PASSED 139425 |
| 348. Amending Chapter 3.02 of the Code of the City by retitling the Chapter, renumbering present paragraphs and adding a new paragraph relating to the designation of appropriations in ordinances. | | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| 322. An Ordinance transferring $301,700.00 of appropriations within the General Fund, in accordance with the Mid-year Budget Review, to provide for the Homeowners' Critical Loan, Emergency Food and Fuel, and Youth Home Repair projects. (Read Twice) (289) | | | | | |
| 323. Communication from His Honor the Mayor requesting Council confirmation on the appointments of Mrs. Carol Cordes, Mr. Julian Taplan, Mr. Ira Korman, Mr. Larry Morris, Mrs. Jo Brown, Mrs. Molly Sumner, Mrs. Kay Toran, and Dr. Andrew Berger to the Residential Care Facilities Licensing Board. (295) | | | | | PLACED ON FILE NO FURTHER CONSIDERATION |
| **Hearing** | | | | | |
| ★ 324. An Ordinance providing for the time and manner of improving S.E. 47th Avenue from 16 feet north of the south line of S.E. Ellis Street to the north line of S.E. Harold Street (to the west), and declaring an emergency, and remonstrances if any. (47-4 C-8810) | | | | | |
| **Reports from Commissioners** | | | | | |
| **Department of Finance and Administration** | | | | | |
| 325. Transmitting report of the Bureau of Planning on recommendations adopted by City Planning Commission to regulate automobile and truck service stations; recommending passage of the following ordinances. | | | | | PLACED ON FILE |
| ★ 326. An Ordinance amending Title 33, Planning and Zoning, to provide that automobile and truck service stations be conditional uses in certain zones, be permitted uses in certain other zones, defining terms, providing criteria for consideration of the conditional uses, providing regulation of lot size, lot frontage screening and landscaping for truck and automobile service station sites, and declaring an emergency. | | | | | 139416 |
| ★ 327. An Ordinance amending Title 33, Planning and Zoning, by adding thereto a new chapter entitled "Service Station Sites" and providing therein regulation of unused service station sites, providing for removal of structures from such sites, declaring certain such sites a nuisance, providing for notice and hearings, and declaring an emergency. | | | | | 139417 |
| 328. On condemnation of retaining wall located at 1407 S.E. 27th Avenue; recommending that time of hearing be set at 9:30 a.m., Wednesday, March 5, 1975. | | | | | |
| 329. Returning C.C. No. 3328, being an Ordinance granting a revocable permit to Willie J. and Lequata Montgomery for a beauty shop in the home on Lot 13, Block 1, Columbia Heights, located at 1805 N.E. Saratoga Street, under certain conditions, and declaring an emergency; recommending that the Auditor notify all interested parties for a rehearing on this matter. | | | | | ADOPT REPORT |
| ★ 330. An Ordinance granting a revocable permit to Willie J. and Lequata Montgomery for a beauty shop in the home on Lot 13, Block 1, Columbia Heights, located at 1805 N.E. Saratoga Street, under certain conditions, and declaring an emergency. | | | | | CONTINUED TO 2/19/75 |
| 331. On application of Portland Meadows Golf Club, Inc., for renewal of a Retail Malt Beverage License at 901 N. Schmeer Road, to expire December 31, 1975. | | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| ★ 415. Authorizing a refund to Michelle Carlson of a $20 filing fee paid by her in connection with an application for a variance, authorizing the drawing and delivery of a warrant, and declaring an emergency. | | | | | |
| ★ 416. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing all materials, equipment and labor and for cleaning and painting Traffic Signal Control Equipment in place for the Bureau of Traffic Engineering, authorizing a contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | | | | | |
| ★ 417. Correcting the rate of pay for the classification of Water Utility Engineer, and declaring an emergency. | | | | | |
| 418. Authorizing an agreement between the City of Portland and the Portland Development Commission providing for critically needed housing repair services for eligible elderly and/or handicapped Portland residents and authorizing the drawing and delivery of warrants pursuant thereto. | | | | | |
| **Introduced by Commissioner Ivancie** | | | | | |
| ★ 419. Transferring appropriations within the Water Fund in accordance with the mid-year budget review, transferring of appropriations within the Water Fund, and declaring an emergency. | | | | | |
| ★ 420. Authorizing employment of Wilsey & Ham, Engineering Planning and Economic Consultants, to analyze and evaluate the City's present system of water rates and charges, and declaring an emergency. | | | | | |
| **Introduced by Commissioner McCready** | | | | | |
| ★ 421. Authorizing the rate of pay for Grace Games to be raised to $3.69 per hour as Clerk II in the Bureau of Civic Auditorium, and declaring an emergency. | | | | | |
| ★ 422. Authorizing an agreement with Continental Can Company, Inc., for removal of sand and dirt for the City's sanitary landfill as needed from time to time and for such other needs as the City may require, authorizing payment therefor, and declaring an emergency. | | | | | |
| **Introduced by Order of Council** | | | | | |
| ★ 423. Changing from Zone A1 to C4, Lots 19 and 20, Block 2, Wents Subdivision of Lot 10, Glenwood Park, located at 3627 N. Lombard Street, petitioned for by Anthony Kaiel, Philip Kaiel, and Louis Kaiel, deedholders, and Stephan and Antoniette Waldram, renters, with certain conditions, and declaring an emergency. | PASSED 139459 | | | | |
| 424. Vacating a portion of S.W. Plum Street between S.W. Boones Ferry Road and S.W. 4th Avenue, under certain conditions. (C-8856) | PASSED TO THIRD READING | | | | |
| 425. Vacating a portion of the Alley in Block 7, East St. Johns, from the west line of N. Macrum Avenue to the west a distance of 199 feet, under certain conditions. (C-8857) | PASSED TO THIRD READING | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| **Legislative and Administrative Matters To Be Considered by the Council on Thursday, at 2:00 p.m., February 13, 1975** | | | | | |
| **Matter Continued** | | | | | |
| ★ 427. An Ordinance granting a conditional use to Bible Temple, Inc., for church and associated parking uses on Lots 1 through 10, inclusive, and Lots 23 through 30, inclusive, Block 24, Mt. Tabor Villa, in Zone R5, and declaring an emergency. (Read Twice) (369) | | | | | PASSED 139460 |
| **Reports from Commissioners** | | | | | |
| **Department of Finance and Administration** | | | | | |
| 428. On liquor license applications as follows: Louis M. Mattioda, Louis Louie's, 615 S.E. Alder Street, RMB, to expire June 30, 1975; Zaga Nickoloff and Donald Chellis, George's Corner Tavern, 5501 N. Interstate Avenue, RMB, to expire December 31, 1975; Constance Lee Phillips, Connie's Corner, 1650 W. Burnside Street, DA, to expire June 30, 1975; Christopher D. Rocca, Genoa Restaurant, 2832 S.E. Belmont Street, RMB, to expire June 30, 1975. | | | | | |
| 429. On application of Valley Sports for renewal of a Retail Malt Beverage License at the Portland Speedway, 9727 N.E. Union Avenue, to expire December 31, 1975. | | | | | |
| 430. On applications for solicitation permits from Church of the Living God the Pillar and Ground of the Truth; Lincoln High School P.T.A.; Industrial Alcoholic Rehabilitation Association; Lewis and Clark Aikido Club (Renewal); and Unification Church/One World Crusade (Renewal); recommending that permits be granted. | | | | | |
| **First and Second Reading of Ordinances and Emergency Ordinances** | | | | | |
| **Introduced by Mayor Goldschmidt** | | | | | TO THIRD READING |
| 431. Amending Section 33.106.040 of the Planning and Zoning Title of the Code of the City to provide new procedures and criteria for termination of conditional uses, and providing for hearings and notice. | | | | | |
| **Introduced by Commissioner McCready** | | | | | |
| ★ 432. Granting a revocable permit to Holladay Park Hospital to construct and maintain a concrete driveway turnout, located partially under a building canopy in the street area of N.E. 2nd Avenue between vacated N.E. Multnomah Street and N.E. Hassalo Street, and declaring an emergency. | | | | | |
| ★ 433. Repealing Ordinance Numbers 135116 and 139112 which granted revocable permits to East Side Plating Works, Inc., to construct a vehicular bridge and a commercial building respectively, in the street area of S.E. 26th Place near Johnson Creek, and declaring an emergency. | | | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
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| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., February 19, 1975** | | | | | |
| **Matter Continued** | | | | | |
| 496. Report of the City Planning Commission on the appeal of Dr. George A. Bentley, against denial of the variance request of Theodore and Juanita Wright and Robert H. and Charlotte L. Montgomery, deedholders; and Dr. George A. Bentley, contract purchaser, to reduce the minimum lot area from the required 15,000 sq. feet to 13,000 sq. feet on lots 14 and 17, Block 6, Orchard Homes, located at 319 N.E. 62nd Avenue, in Zone A2.5. Denial reaffirmed. (PC VZ 220-74) (243) | | CONTINUED 30 DAYS | | | |
| **Hearings** | | | | | |
| 497. Report of the Portland Historical Landmarks Commission recommending designation of one elm tree, one fountain, two buildings, and three street clocks as Historical Landmarks. | | ADOPT HISTORICAL LANDMARKS REPORT | | | |
| 498. Report of the City Planning Commission on the petition of Leroy F. and Donna L. Chimienti, William and Margaret Helmholz, and Paul J. and Hilda R. Chimienti, deedholders, to change from Zone R7 and R10 to A2.5 and a revised petition to change from R7 and R10 to R5, Tax Lot 61 and 62, Section 28, T1S, R1E, located on S.W. Terwilliger Boulevard, S.W. Lucille and S.W. 8th Avenue. Denial as requested, but approval of R7 for Tax Lot 61 with condition recommended. (PC 6146) | | FILED-FELL BELOW 50%--CC initiated zone change | | | |
| 499. Report of the City Planning Commission initiating a change of Zone from R5 to A2.5, Lots 6, 7 and 8, Block 1, and Lot 1, Block 2, Hessemer Addition, located at 4402-4406 S.E. 57th Avenue and 4423 through 4439 S.E. 57th Avenue. Denial recommended. (PC 6373) | | ADOPT PC REPORT | | | |
| 500. Report of the City Planning Commission on the petition of K. A. Johnson and Alfred Luckenbaugh, deedholders, to change from Zone R5 to M3, Lots 4 and 5, Block 2, South Fairlawn, located at 8212 S.E. Hawthorne Boulevard. Denial recommended. (PC 6408) | | PC REPORT FILED M3 ON LOT 3 AND M3B ON LOT 4. APPROVAL WITH CONDITIONS | | | |
| ★ 501. An Ordinance granting a revocable permit to Willie J. and Lequata Montgomery for a beauty shop in the home on Lot 13, Block 1, Columbia Heights, located at 1805 N.E. Saratoga Street, under certain conditions, and declaring an emergency. (Read Twice) (330) | | ORDINANCE DENIED | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
|---|---|---|---|---|---|
| 493. Vacating a portion of S.W. Plum Street between S.W. Boones Ferry Road and S.W. 4th Avenue, under certain conditions. (C-8856) (424) | | PASSED | | | |
| 494. Vacating a portion of the Alley in Block 7, East St. Johns, from the west line of N. Macrum Avenue to the west a distance of 199 feet, under certain conditions. (C-8857) (425) | | PASSED | | | |
| **Appointments, Resignations and Oaths of Office** | | | | | |
| 495. Certificate of Appointment and Oath of Ocie Trotter as Commissioner of Housing Authority. | | FILED | | | |

The symbol ★ indicates emergency ordinance

| | Affirmation | Referred To | Date Continued To | To 3rd Reading | Filed or Remarks |
|---|---|---|---|---|---|
| **Introduced by Order of Council** | | | | | |
| ★ 484. Fixing a public hearing for March 19, 1975, at 9:30 a.m., in the Council Chamber of the City Hall, on the question of withdrawal from Metzger Water District of a portion of Lot 19, Nichol's Addition No. 2, in Washington County, Oregon, annexed to the City of Portland, authorizing the City Auditor to publish and post notices and expend money therefor, and declaring an emergency. | | | | | |
| ★ 485. Authorizing the drawing and delivery of a warrant in the amount of $60.00 payable to John A. Lee for alleged loss of personal property while in the employ of the Bureau of Parks, providing for release, and declaring an emergency. | | | | | |
| ★ 486. Authorizing the drawing and delivery of a warrant in the amount of $39.90 payable to Harriet Halverson for alleged loss of personal property while in the employ of the Bureau of Parks, providing for release, and declaring an emergency. | | | | | |
| ★ 487. Authorizing the drawing and delivery of a warrant in the amount of $100.00 payable to Pet Ambulance Service for services allegedly rendered at the request of the Portland Police Department during the last six months of 1974; providing for release, and declaring an emergency. | | | | | |
| ★ 488. Authorizing the drawing and delivery of a warrant in the amount of $25.00 payable to James P. Roake for the alleged costs involved in appearing before the Council to challenge an erroneous assessment for nuisance abatement by the Bureau of Neighborhood Environment, providing for release, and declaring an emergency. | | | | | |
| ★ 489. Authorizing the drawing and delivery of warrants in the amount of $13.00 payable to Mark W. Calder for alleged damage to handgun; in the amount of $25.00 payable to Michael J. Callaghan for alleged loss of wrist watch while subduing suspect; in the amount of $78.30 payable to James Eklem, Jr., for replacement of heavy duty glasses allegedly destroyed in a fire; in the amount of $33.20 payable to Jack V. Fox and American Savings and Loan for alleged damage to front and screen door of rental property; in the amount of $75.00 payable to Neil W. Gearhart for alleged loss of leather jacket; in the amount of $25.00 payable to Charles J. Karl for repair of wrist watch allegedly damaged in the line of duty; in the amount of $125.00 payable to Pauline R. Kinney for alleged damage to front door; in the amount of $4.95 payable to LaVerne E. Pearson for alleged loss of record; and in the amount of $35.00 payable to TOPS organization for alleged loss of set of scales, providing for release, and declaring an emergency. | | | | | |
| **Ordinances to Be Read the Third Time** | | | | | |
| 490. Amending Ordinance No. 138588 to modify the provision relating to the publication of weekly Council agendas and semi-monthly Planning Commission agendas. (351) | PASSED | | | | |
| 491. Assessing the cost of improving N. Syracuse Street from the center line of N. Tyler Avenue to approximately 328 feet west of the west line of N. Tyler Avenue. (S-8 C-8708) (392) | | | | | |
| 492. Assessing the cost of constructing a sanitary sewer in S.W. Grover Street, S.W. 13th Avenue, and Private Property. (Dist. 36 C-8729) (393) | | | | | |

The symbol ★ indicates emergency ordinance

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

P.C. File: 6387

Planning Commission Meeting: March 4, 1975

Applicant: Franklin Service Corporation, deedholder

Zone Change Request: R5 to A2.5

Location: 100 ft. east of SE 60th Avenue adjacent to SE Sherman and SE Grant Streets and south of the Park Bureau road east of SE 60th (known as the easterly extension of SE Lincoln Street. (also known as the Mittleman property)

Legal Description: Lots 3 through 36, Blocks 1 and 2 and Lots 3 through 19, Block 3, Mittleman Addition.

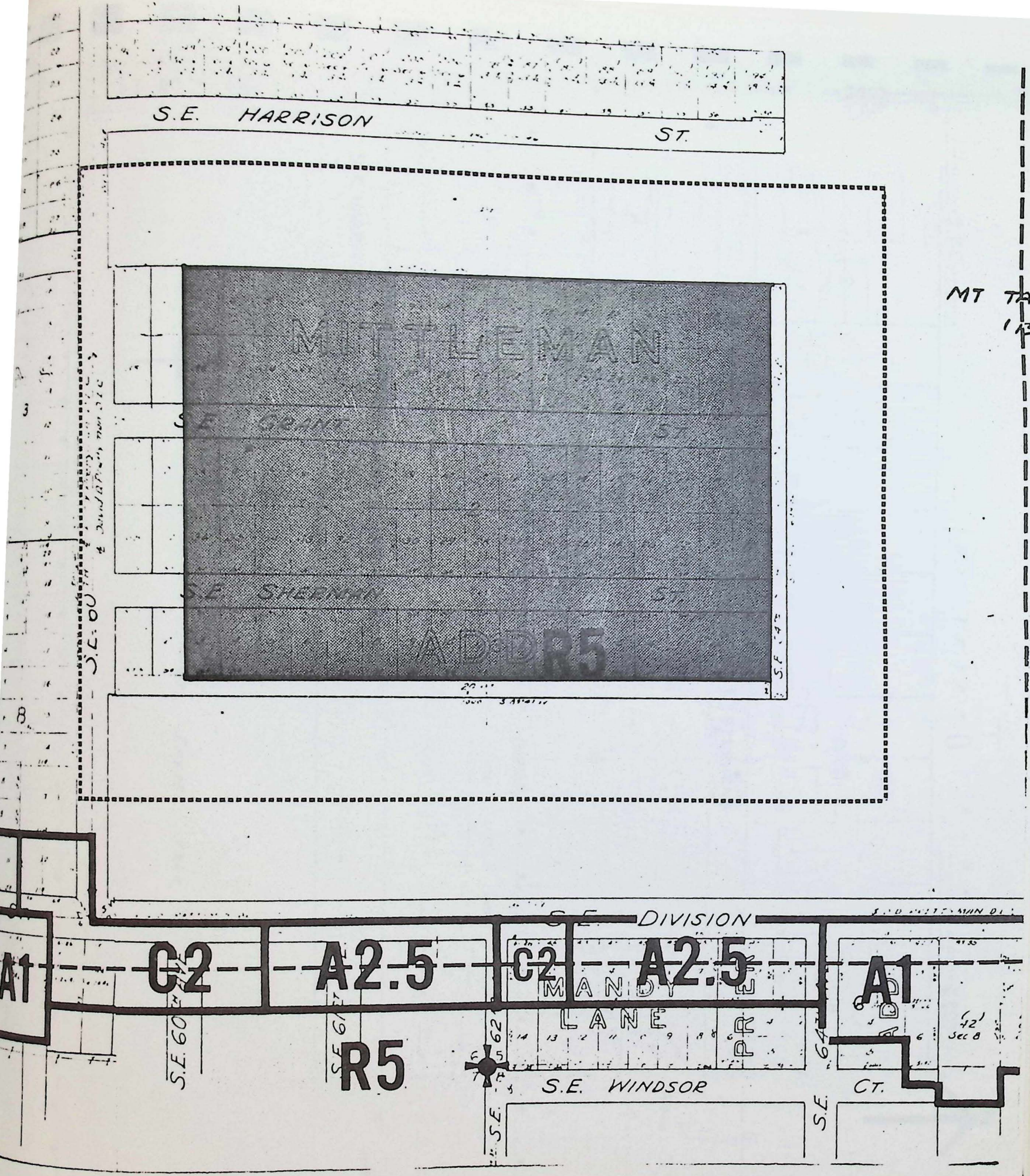
Petition Percentage: The only signer involved in this request is the applicant who also owns Lots 1, 2, 37 and 38 of Blocks 1 and 2 and Lots 1 and 2, Block 3, Mittleman Addition because the subject property abuts City-owned property on the north, east and south.

Quarter Section: 3237

Applicant's Proposal: The applicant proposes to develop the subject property for single-family residential use by constructing 150 owner-occupied units with common walls in three, five, six and eight unit clusters organized around a loop road that has access to SE Lincoln Street approximately 600 ft. east of SE 60th Avenue.

A detailed analysis prepared by the applicant has been previously transmitted to Planning Commission members.

Note: V 39-74 contained in this agenda.




Petition Number 6387

Existing Zoning R5

Requested Zoning A2.5

Signers Area .....

Zone Change Area

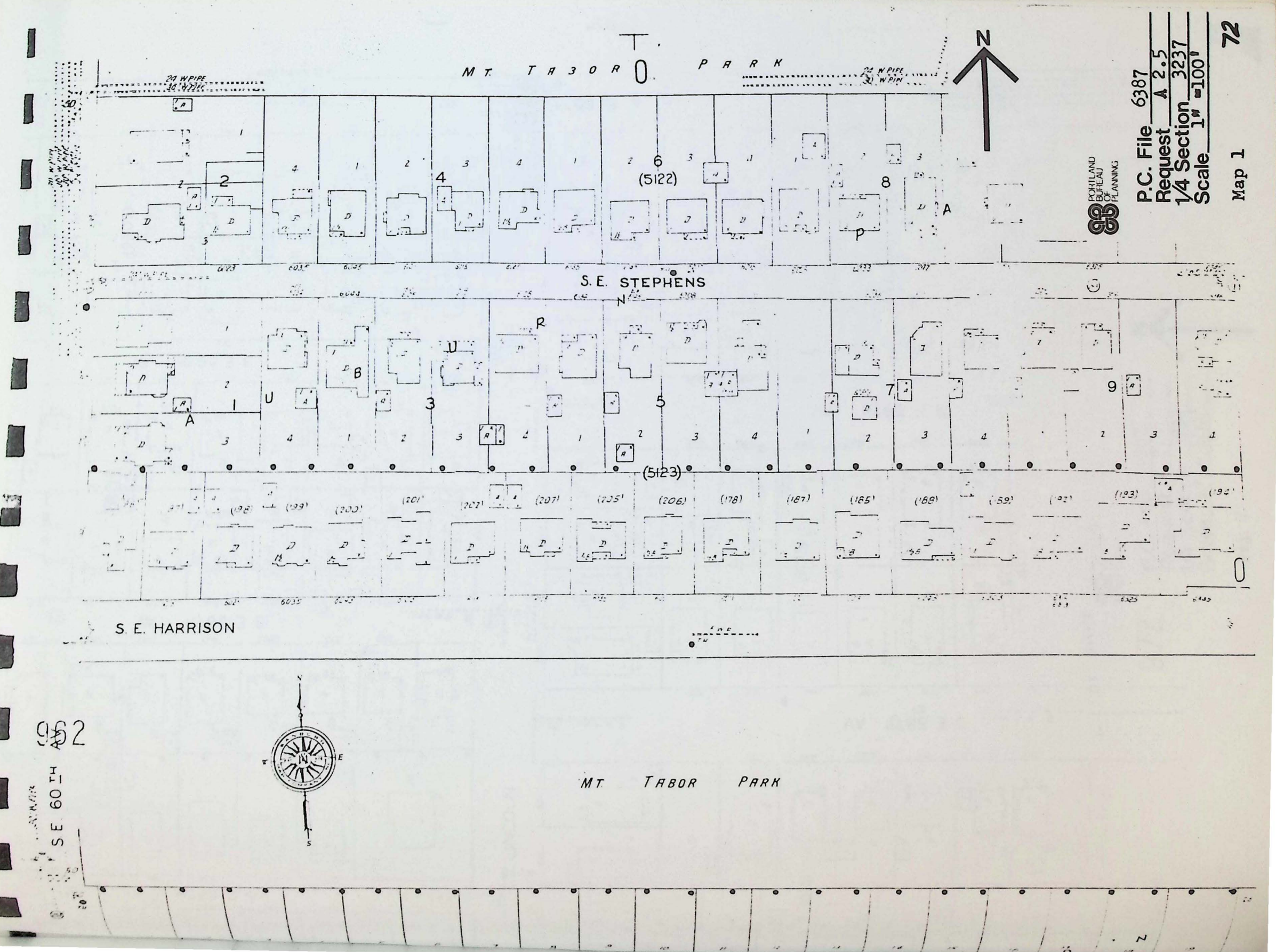
¼ Section 3237

Scale: 1"=200'

Notification Area ------

Portland City Planning Commission

71



MT. TABOR PARK
24 W PIPE
30 W PIPE
N
S.E. STEPHENS
S. E. HARRISON
(5122)
(5123)
MT. TABOR PARK
S.E. 60TH AV
962
PORTLAND BUREAU OF PLANNING
P.C. File 6387
Request A 2.5
1/4 Section 3237
Scale 1" = 100'
Map 1
72

S.E. 57TH AV.

S.E. 58TH AV.

S.E. 59TH AV.

S.E. 60TH AV.

S.E. HARRISON

S.E. LINCOLN

(5214)

(9206)

(9207)

(9214)

(9215)

(9216)

VACATED

PORTLAND BUREAU OF PLANNING

972

P.C. File 6387
Request A 2.5
1/4 Section 3237
Scale 1" = 100'

N

Map 2

PORTLAND ORE VOL 9

# 972

1/4 SEC 3236 & 3336

S.E. SHERMAN

962

VACATED

S.E. 58TH AV.

S.E. 59TH AV.

S.E. 60TH AV.

(9224)

(9225)

S.E. DIVISION

973

(9281)

(9282)

(9279)

S.E. IVON

S.E. 58TH AV.

PORTLAND BUREAU OF PLANNING

N

P.C. File 6387
Request A 2.5
1/4 Section 3237
Scale 1" =100'

74

Map 3

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

P.C. FILE: V 39-74

Commission Meeting: March 4, 1975

Street Vacation Request: Vacation of the plat of Mittleman Addition and all lots, blocks and streets therein.

Petitioner: Franklin Service Corp.

Purpose: To provide a location for construction of multiple housing.

Location: SE Grant Street, SE Sherman Street, SE 60th Avenue and SE 64th Avenue.

Neighborhood: Mt. Tabor Neighborhood Association

Zone: R5 Quarter Section: 3237

Findings: On October 31, 1957, the Planning Commission approved the plat (Subdivision Plat 9-56) for the Mittleman Addition subject to:

1. A 10-foot dedication for street purposes along the east side of SE 60th Avenue.

2. Temporary turn-arounds, of 40-foot radius, on the easterly ends of proposed SE Grant Street and SE Sherman Street.

3. A 34.3-foot dedication to the City of Portland for buffer strip purposes between City Reservoir No. 2 property line and the southerly most property line of the proposed subdivision. (This is Lot 20, Block 3, Mittleman Addition which was deeded to the City in 1958.)

An agreement had been reached between Mr. Mittleman, the Park Bureau, and the Water Bureau concerning street access and a buffer strip. The Park Bureau had agreed to dedicate the easterly extension of SE Lincoln and to improve the northerly half of the proposed street in return for the 34.3 foot buffer strip between the proposed subdivision and the Water Bureau's Reservoir No. 2 property line. Mr. Mittleman was to improve the south portion of SE Lincoln Street by constructing a curb and improving the side strip between the new curb and the existing roadway. This dedication and improvement of SE Lincoln Street has not been done.

The City of Portland, owners of Lot 20, Block 3, Mittleman Additions, has entered into the proceedings of the plat vacation, initiated by Franklin Service Corporation, owners of the remaining lots and blocks of the plat of Mittleman Addition.

The Franklin Service Corporation is requesting also a zone change, Petition 6387, from zone R5 to zone A2.5 for Lots 3 to 36 inclusive, Block 1; Lots 3 to 36 inclusive, Block 2; and Lots 3 to 19 inclusive, Block 3 all in the subdivision of Mittleman Addition in order to construct a 150-unit planned unit development.

SE Sherman Street, SE Grant Street and SE 64th Avenue are unimproved and contain no sewer or water lines.

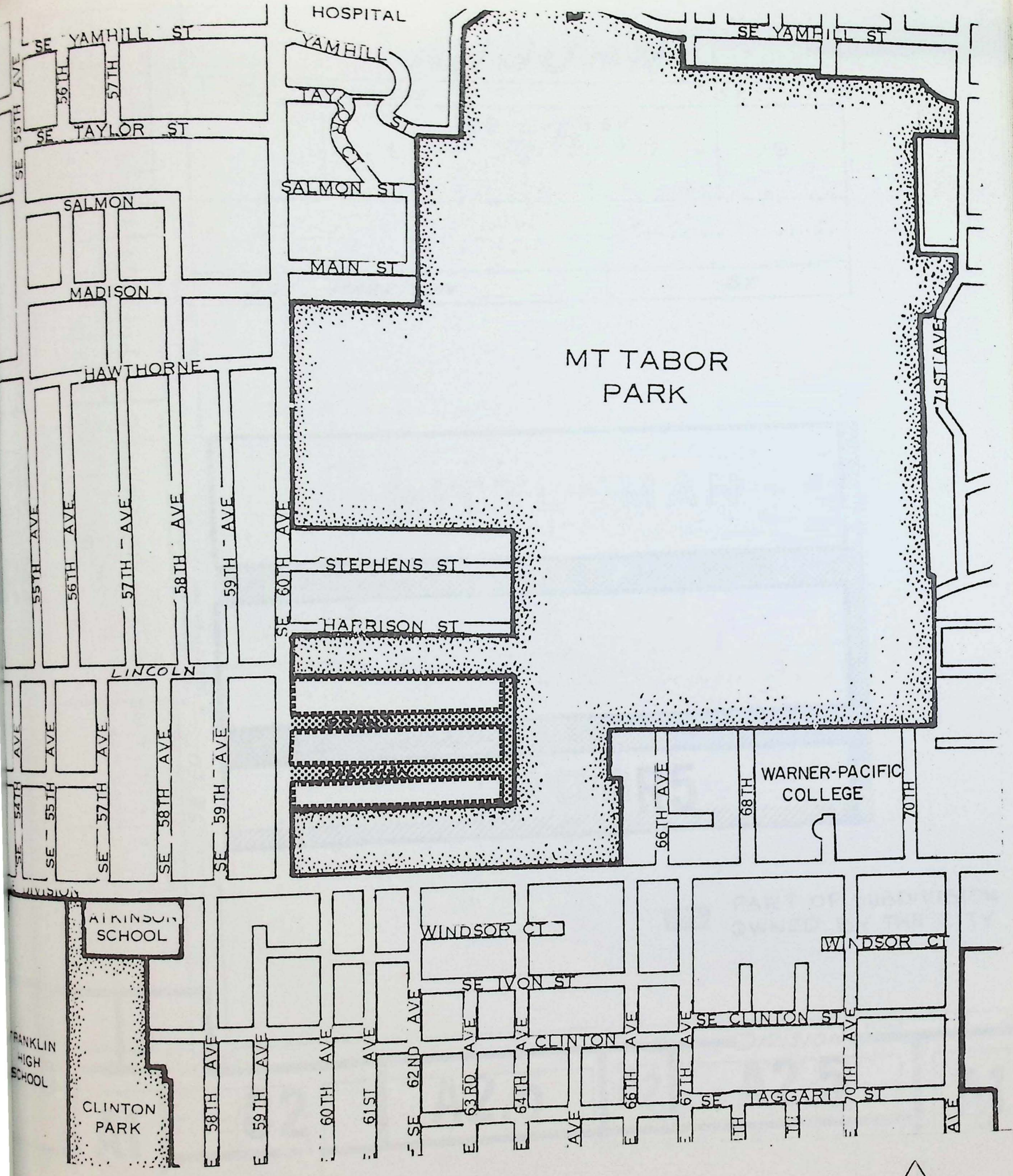
ORS 271.160 states:

> "Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication."

Recommendation: Approval of vacation of the plat of Mittleman Addition and all lots, blocks and streets therein provided that the vacation shall not become effective until either after a replat of Mittleman Addition, approved by the City, is filed with Multnomah County, Oregon, Plat Records or a planned unit development is approved by the Planning Commission of the City of Portland. This plat vacation shall not include the 10-foot dedication required in 1957 for street purposes along the east side of SE 60th Avenue.

Approval of the vacation is recommended because this vacation of the plat will be beneficial both to the public and the neighborhood by providing either a better plat of the area or by providing a better utilization of the site by a planned unit development. The 10-foot dedication required on the east side of SE 60th Avenue in the plat of Mittleman Addition should be retained for future street widening.

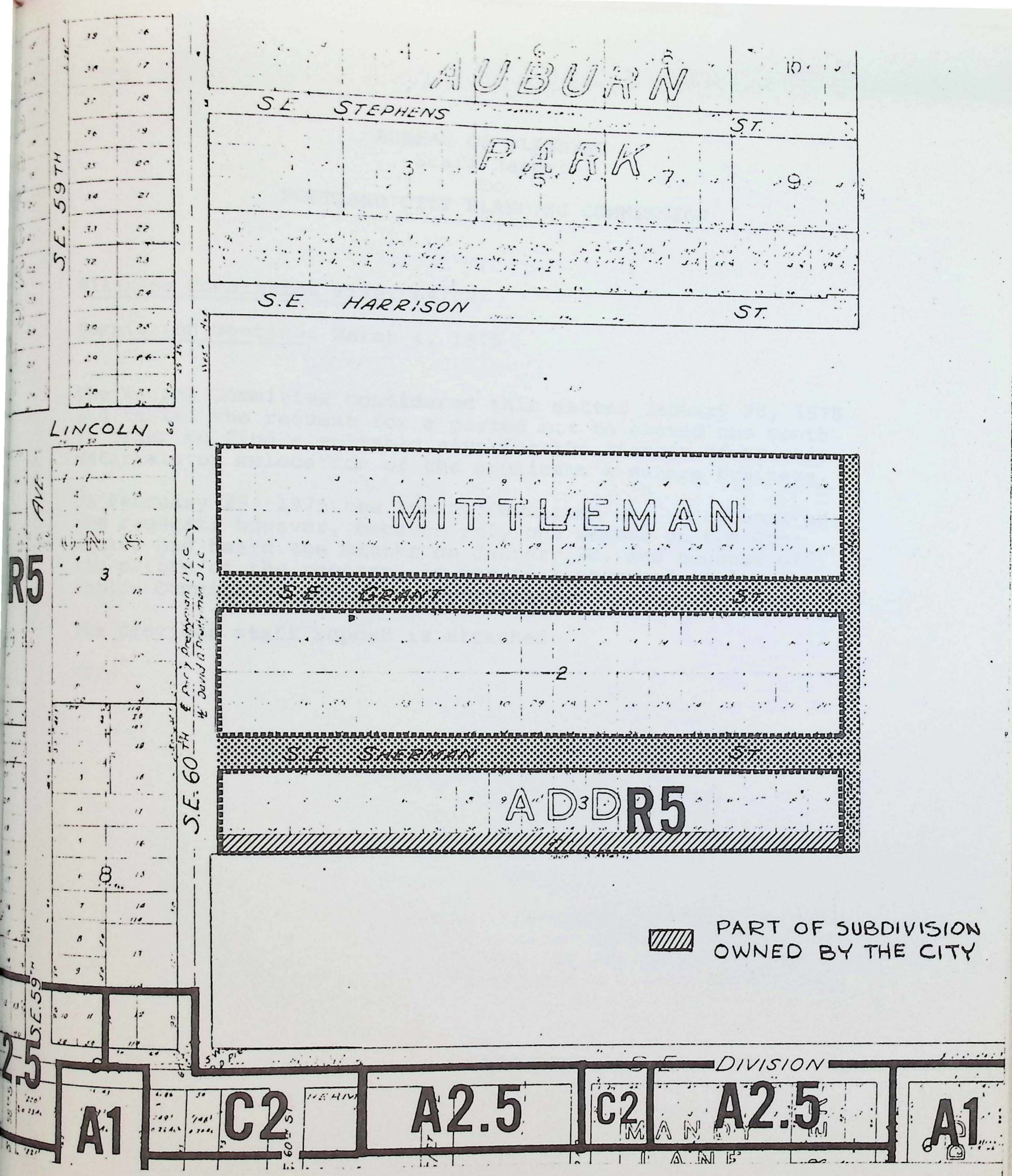
DC/RA:bn




P.C. File: V 39-74

Street Vacation Request: Vacation of the plat of Mittleman Add. and all lots, blocks and streets therein

Petitioner: Franklin Service Corp.




P.C. File: V 39-74

Street Vacation Request: Vacation of the plat of Mittleman Add. and all lots, blocks and streets therein

Petitioner: Franklin Service Corp.

NORTH

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

Planning Commission File: 6410R

Commission Meeting: March 4, 1975

The Zoning Committee considered this matter January 28, 1975 and tabled the request for a period not to exceed one month in order to find a suitable site for the storage of trucks, materials or relocation of the applicant's entire business.

On February 25, 1975 the Zoning Committee was to reconsider the request; however, because only one member on the Committee had heard the matter on January 28, and because of the nature of the request, it was felt that referral to the entire Commission would be appropriate.

The previous staff report is attached.

ST/c

# STAFF REPORT

P.C. File: 6410R

Committee Meeting: January 28, 1975

Applicants: Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders

Revocable Permit Request: Truck parking

Location: 3530 SW Multnomah Boulevard

Legal Description: Tax Lot 1 and Lot 1, Block 3, Home Addition

Zone: C2 Quarter Section: 3825

Applicant's Proposal: To park trucks outside overnight as part of a truck repair business.

Note: There has been public notification of this request.

Attached are the applicant's history of the property and the Building Bureau's history labeled "Referral Resume."

SV:NW:st

RECONSIDERATION

Committee Meeting: February 25, 1975

At the January 28, 1975 Planning Commission hearing the action on this request was tabled for a period not to exceed one month in order to find a suitable site for the storage of trucks, materials or relocation of the applicant's entire business.

December 26, 1974

Planning Commission
City of Portland
Portland, Oregon 97204

Mr. Spencer Vail:

A short history of my business:

The building was constructed in 1953-1954 after five years of operation at 8030 S. W. 35th Ave., a block away. Because of the 9' door clearance larger trucks were repaired outside the building until our 1968 addition with 12 foot doors that allowed us inside repair.

On March 29, 1974, I received a letter from the city building inspector stating I was illegal on four zoning counts.

On June 25, 1974, I received another letter that repairing trucks would be accepted as legal non-conforming use and advised me to apply for a zone change or a revocable permit.

After many many appearances at City office counters, I still am somewhat confused with terminology and proceedures.

On July 3, 1974, I applied for a zone change, now I understand without a buffer zone M2 is impossible.

On December 24, 1974, I applied for a revocable permit. All trucks parked for the night are serviced in our facility. In order for them to adequatly serve the public they must be stored somewhere in the southwest area which is without even a small M2 zone. Many trucks in our area are illegally stored.

I am asking the same consideration be given me as was given trucks at 27th and Multnomah Blvd. and 40th and Multnomah Blvd.

Sincerely yours,

Erwin B Kalesse

Erwin B. Kalesse, president
Kalesse Automotive Service, Inc.
3530 S. W. Multnomah Blvd.
Portland, Oregon 97219

RECEIVED
DEC 26 1974
BUREAU OF PLANNING
CITY OF PORTLAND

EBK/mk

81

REFERRAL RESUME

Location: 3530 S. W. Multnomah Boulevard

Legal Description: Lots 1, 2, 3, 4, 5, 6, Block 3, Home Addition

Zone: C-2

Property Owner: Erwin and Marguerite Kalesse

Address: 3530 S. W. Multnomah Boulevard

Occupant: Kalesse Automotive Service, Inc.

Type of Violation: Truck and drop box storage

Code Section Violated: 33.42.010 in that use of the land as a truck terminal, which is allowed by Chapter 33.52 and Chapter 33.54 but not in Chapter 33.42, does not conform in all respects to the regulations in Chapter 33.42, and Section 33.42.250, which prohibits uses in C-2 zones which are not specifically mentioned in the chapter.

Inspector: Eva Harvey; Barbara Wood

Other City Agencies Involved: Bureau of Neighborhood Environment regarding weeds

Complainant or Witness: L. D. Tonsager, Room 201, Union Station, 800 N.W. 6th Avenue, Portland 97209 (Phone 224-6087) and 16 other neighbors submitting signed statements.

RESUME

Erwin and Marguerite Kalesse
Kalesse Automotive Service
3530 S. W. Multnomah Boulevard

Zone C-2

Legal Lots 1, 2, 3, 4, 5, 6, Block 3, Home Addition

3/11/74 Complaint to Bureau of Buildings from Bureau of Neighborhood Enviroment regarding outside storage and garbage trucks.

3/18/74 Field representative observed four garbage trucks, nine drop boxes, a pile of scrap metal and car parts, and three partially dismantled vehicles around service station. Contacted Larry Nienhueser, station manager, said they lease space to Miller's Sanitary Service. Advised him to remove the dismantled vehicles and discontinue outside storage.

3/20/74 Field representative contacted Mr. Larry Nienhueser and advised him of C-2 zone restrictions, no parking of garbage trucks unless non-conforming. He requested our contact be with Mr. Kalesse.

3/21/74 Report by phone to Bureau of Neighborhood Environment.

3/20, 21, 27, 28/74 Unable to contact Mr. Kalesse.

3/29/74 Letter to Erwin and Marguerite Kalesse regarding truck and bus servicing and garbage trucks and drop boxes stored on C-2 zone.

3/29/74 Report to B.N.E. that dismantled vehicles, junk, drop boxes, and garbage trucks appear to be on unimproved public street.

4/2/74 Bureau of Traffic Engineering reported to coordinator, B.N.E., that vehicles on street area have been moved partially onto private property.

4/9/74 Clarence Crank and Eva Harvey viewed microfilm records of 1968 application for permit #444020 after phone contact with Mr. Kalesse, when he indicated the Bureau of Buildings issued him a permit to build a garage to repair trucks and buses, so it was assumed a legal use. Microfilm record of application shows occupied as "garage" with no mention of "truck." Application shows "see plans." Plans are labeled "An Addition to Kalesse Service Station."

License Bureau records show "Kalesse Automotive Service, Inc., "moved to 3530 S. W. Multnomah Boulevard from 8030 S. W. 35th Avenue March 26, 1954.

City Auditor ownership card shows warranty deed issued to Erwin and Marguerite Kalesse December 13, 1952.

Building inspection cards show Permit 338499 issued to Erwin Kalesse October 6, 1953, to build a one-story, Class VII, Grade 2D garage in Zone 3 at 3530 S. W. Multnomah Boulevard.

4/22/74 Field representative contacted Nick Brajavich, garbage man union representative re garbage man rumor that this problem has been resolved. Mr. Brajavich had met with Mr. Kennedy and Mr. Lind regarding zone change. Advised him talk about it does not solve the zone violation, application must be filed in order to change the zone.

4/24/74 Vehicles removed, drop boxes lined up next to building, garbage trucks and scrap pile still there.

4/18/74 Petitions signed by 18 neighbors asking for removal of garbage trucks, six of the petitions included the statement that they were 1959 residents of this neighborhood and that trucks and buses were not repaired there prior to July 1, 1959.

5/1/74 Mr. Kalesse came to office of Chief Building Inspector for conference on nonconforming use or zone change.

5/7, 8, 9, 14/74 Dates of affidavits from six business establishments that Kalesse had repaired buses and trucks prior to 1959. Petition from 28 neighbors stating Kalesse had operated since 1948.

5/15/74 Don Jeffrey, City Attorney, informed C. C. Crank that on basis of affidavits truck repair is a permitted nonconforming use. Storage of drop boxes and trucks not permitted. Mr. Crank notified Mr. Kalesse.

5/28/74 Trucks and drop boxes on lot.

6/25/74 Ten-day letter to Kalesse.

7/8/74 Kalesse obtained information sheet from Bureau of Planning, prepared and mailed to Kalesses.

9/10/74 Inspection shows one large drop box in rear of building, one green drop box unloaded during observation and stored on lot at side, one Miller Sanitation truck, T212523, parked on lot. Other trucks during observation parked without driver on lot, later moved to pumps.

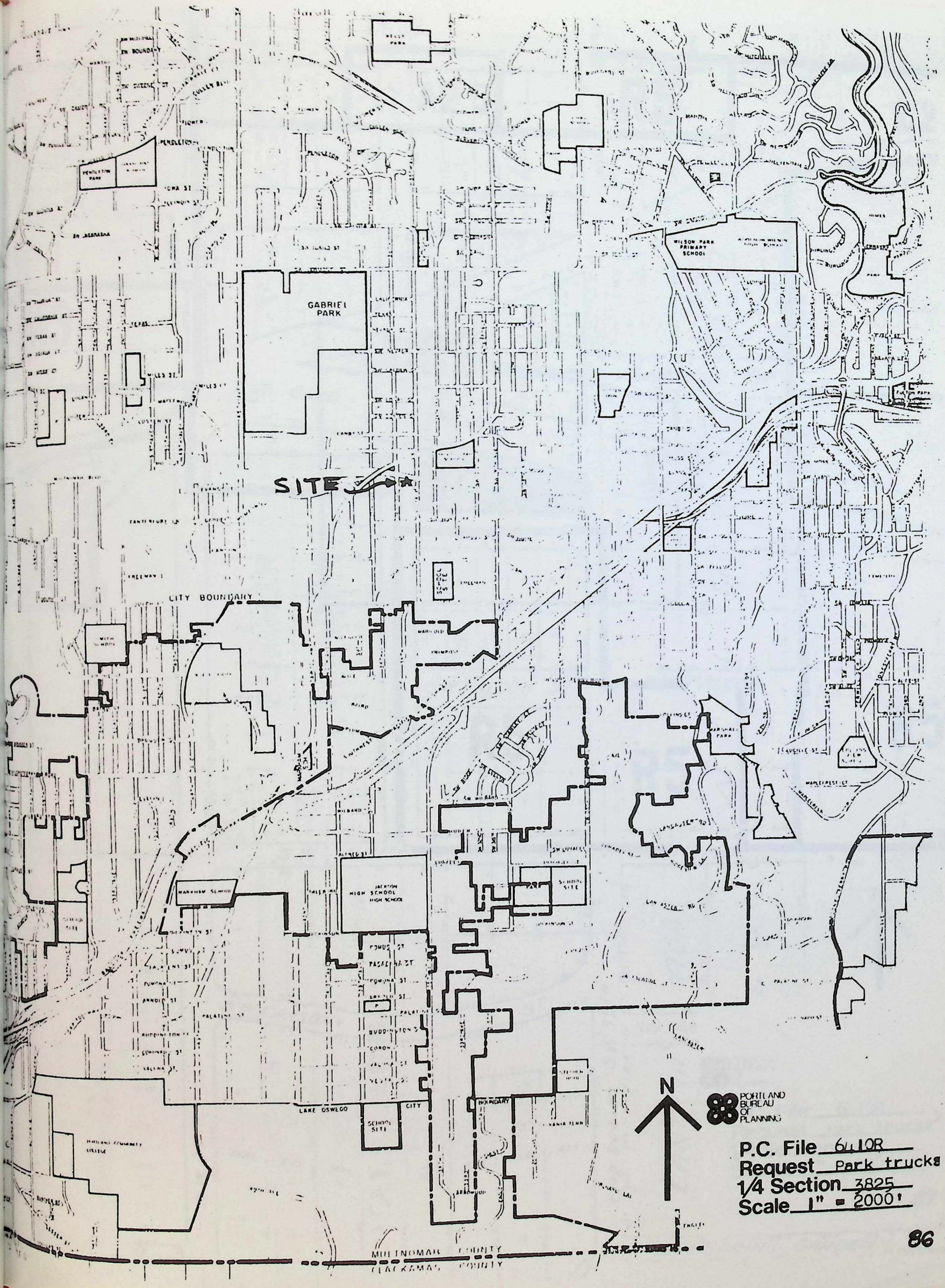
9/17/74 Phoned Mrs. Kalesse.

9/18/74 Mr. Kalesse phoned, said he is confused as to what is required, advised him to act rapidly re petition if he is interested in zone change.

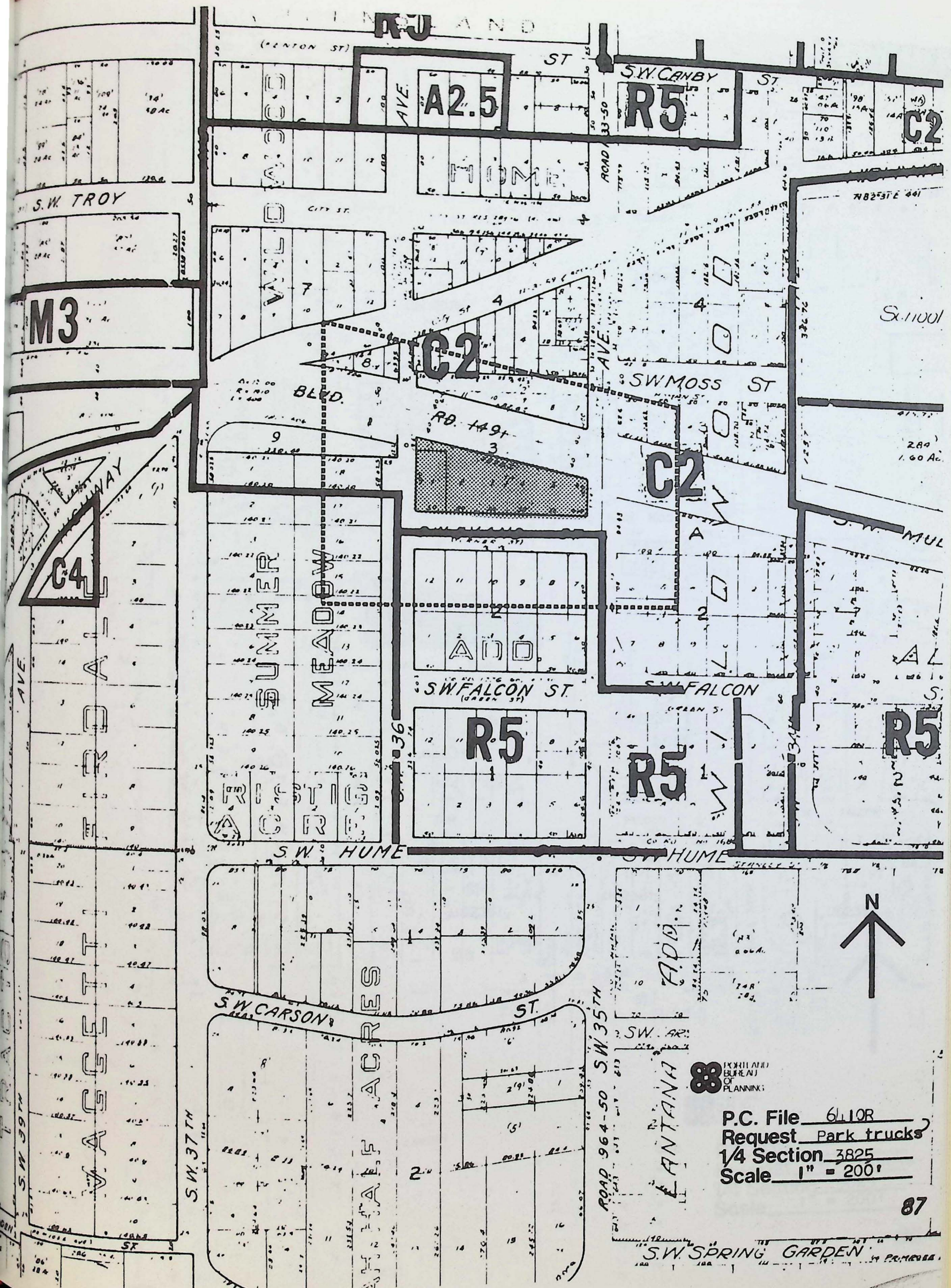
11/19/74 Millers Sanitation truck, T212523, tires, one large, six small drop boxes.

12/16/74 Miller truck removed. One large, six small drop boxes, pile of automobile parts at rear. Tires stored at rear and side of building. Two drop boxes at front. Four sanitation cans, approximately one dozen drums on east side of building. Met with City Attorney's office personnel.

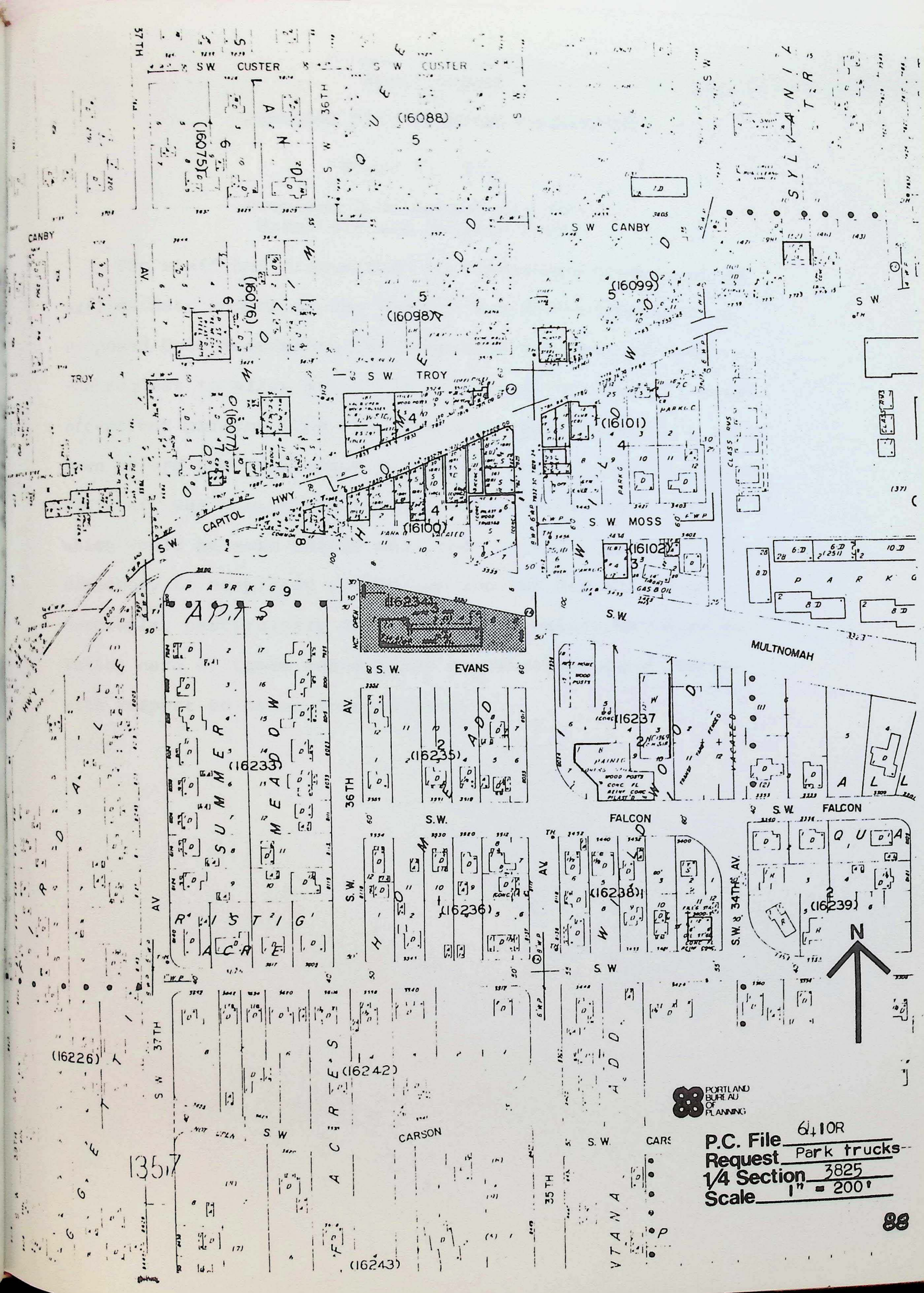
12/17/74 Suit filed.




P.C. File 6410R
Request Park trucks
1/4 Section 3825
Scale 1" = 2000'



A2.5
R5
C2
M3
C4
S.W. TROY
S.W. CANBY ST
HOME
CITY ST.
BLVD.
RD. 1491
SW MOSS ST
School
S.W. MUL
S.W. FALCON ST.
S.W. FALCON
S.W. HUME
S.W. CARSON ST.
S.W. 37TH
S.W. 39TH
S.W. 35TH
ROAD 964-50
S.W. SPRING GARDEN
N
PORTLAND BUREAU OF PLANNING
P.C. File 6410R
Request Park trucks
1/4 Section 3825
Scale 1" = 200'
87



S W CUSTER
S W CUSTER
37TH
36TH
(16088)
(16075)
S W CANBY
CANBY
AV.
(16076)
(16098)
(16099)
S W
TROY
S W TROY
(16077)
(16101)
CAPITOL HWY
S W
(16100)
S W MOSS
(16102)
PARK G
APTS
(16234)
S.W.
MULTNOMAH
S. W. EVANS
(16237)
(16235)
(16233)
36TH
S.W.
FALCON
S.W. FALCON
S.W. 34TH AV.
(16236)
(16238)
(16239)
S W
(16226)
37TH
(16242)
S W
CARSON
S. W.
CARS
35TH
(16243)
N
PORTLAND BUREAU OF PLANNING
P.C. File 6410R
Request Park trucks
1/4 Section 3825
Scale 1" = 200'

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

March 4, 1975

Proposed Code Amendments for
Hospitals and Related Uses

The staff has transmitted to Commission members at an earlier date copies of the "Report and Recommendations on Proposed Code Amendments for Hospitals and Related Uses". The request to allow hospitals to charge for more of their off-street parking than that which is required parking has been before the Commission previously and has been approved. The staff was instructed to also set parking requirements which would be more easily measured, to allow parking garages accessory to hospitals and to improve the definition of hospitals, particularly with respect to outpatient service. Taking care of these changes has necessitated some changes with respect to other related uses.

DC/cc

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

P.C. File: 6423 (6146)

Planning Commission Meeting: March 4, 1975

When this matter came before Council on February 19, 1975 the petition strength had fallen below 50%; the matter therefore had to be referred back to the Planning Commission. The Council at that time decided to initiate the request, and stated that the Planning Commission need not hold another hearing but was nonetheless required to take specific action. The Commission may vote to either rehear the entire case or to reaffirm its previous action. (See the attached letter to City Council.)

SV/CH

THE CITY OF
PORTLAND
OREGON

CITY PLANNING COMMISSION

BUREAU OF PLANNING
424 S.W. MAIN STREET
PORTLAND, OR. 97204
503 248 4253

GEORGE C. SHELDON
PRESIDENT
MARJORIE M. GUSTAFSON
VICE PRESIDENT
PEGGY G. ECKTON
MYRON B. KATZ
A.N. (GUS) MINDEN
ROWLAND S. ROSE
OCIE W. TROTTER
WILLIAM W. WESSINGER

City Council
Portland, Oregon

Members of the Council:

Submitted herewith is the report of the City Planning Commission on the zone change request described as follows:

P.C. File: 6146

Commission Meeting: February 27, 1973
April 24, 1973
July 24, 1973
August 7, 1973
October 1, 1974

Applicant: Leroy F. and Donna L. Chimienti, William and Margaret Helmholz, and Paul J. and Hilda R. Chimienti, deedholders

Zone Change Request: Original - R7 and R10 to A2.5
Revised - R7 and R10 to R5

Location: SW Terwilliger Boulevard, SW Lucille and SW 8th Avenue

Legal Description: Tax Lot 61 and 62, Section 28, T1S, R1E

Petition Percentage: 53% excluding School District property

Applicant's Proposal: (Original) to construct a 156-unit apartment project; (revised) to construct a 63-unit Planned Unit Development at R5 density.

Findings: The nearest R5 zoning is ½ mile ± to the north.

An R5 zone could easily be looked upon as a spot zone.

The R7 zone follows an existing subdivision boundary.

There is no feasible access to Tax Lot 61 from the west.

The Planning Commission and City Council recently sustained R20 zoning for the Maplecrest subdivision to the south.

With respect to terrain, Tax Lot 61 and the southeasterly portion of Block D, Northrop Acres, is more related to R7 than R10.

Collins View School is located south and east of the site.

Access would be on Terwilliger Boulevard, an arterial street.

Tax Lot 61 is not suitable for a standard subdivision at R7.

Recommendation: Denial of A2.5 and denial of R5 but approval of R7 for Tax Lot 61 with the condition that the applicant process an application for a Planned Unit Development for the entire property.

Vote: Ayes - 5
Nays - 1

Letter of Acceptance: Transmitted herewith are letters from the applicants stating that they will not accept part of the Planning Commission recommendation as described above.

Discussion: This petition, initially a request for A2.5 zoning, was first heard by the Planning Commission on February 27, 1973. At that meeting a motion was made to table the request with the suggestion that the Commission would be receptive to a Planned Unit Development at no greater density than R5 and that the applicant should contact the adjacent property owners to the north and west of the subject property, which would become, in fact, land locked parcels of property due to the terrain, in order to establish a more logical development scheme for the area.

In April of 1973 the applicant asked to be reheard by the Commission in order to gain a recommendation on the request for A2.5. He stated that adjacent property owners were contacted, but no additional property could be acquired.

The request was reheard on April 24, 1973. The Commission voted to recommend denial, and the appropriate report to Council was filed with the Auditor.

On June 8, 1973, the applicants, via their attorney, requested the case be withdrawn from the City Council agenda and be reconsidered before the Planning Commission again. The applicants wished to be considered for a change "from R7 and R10 to R5 on the condition that the property also be allowed the Conditional Use of a Planned Unit Development.

The following chart itemizes density:

| | |
|---|---|
| Present R7-R10 density after 20% standard P.U.D. reduction: | 38 units |
| Entire site if R7 density after 20% standard P.U.D. reduction: | 45 units |
| Entire site if R5 density after 20% standard P.U.D. reduction: | 63 units |
| Entire site at A2.5 maximum density: | 158 units |

The applicant also requested that the standard deduction be waived for this parcel which would allow them 16 additional units. The standard deduction is made to off-set the area taken for roadways since road areas would not be counted as lot area if the parcels were subdivided. When 80% of the site is counted as usable for activities other than pavement, this allows sufficient area for the dwellings, P.U.D. amenities and greenway-open spaces.

The proposed project would be large enough to require interior roadways and parking which could amount to 20% of the site area which would make the density of the project approximately one dwelling unit per 4,000 sq. ft. of site area or well over R5 density.

No Conditional Use for a Planned Unit Development at R5 has been received at this time.

On July 24, 1973, the Zoning Committee of the Planning Commission referred the matter to the full Planning Commission for consideration. On August 7 the Commission considered the request and deferred action until the applicant submitted the following information:

1. A statement of the public need that would be met if the zoning on the subject property were changed from the existing R10 and R7 to all R7 or all R5. The applicants should justify increased density before a zone change could be granted.

2. A preliminary plan showing the proposed development both at R7 and R5; such preliminary plans should indicate placement, heights and appearance of buildings; number of dwelling units; points of ingress and egress; parking; landscaping, etc.

3. Information concerning topography, soils and existing vegetation.

4. A plan showing availability of utilities.

5. A statement concerning the expected impact on trafficways, schools and other public service facilities.

Between August 7, 1973 and September 1974 the applicant sought to compile the above information, and on October 1, 1974, the request was heard again.

Code Considerations: R10, single-family residential, requires 10,000 sq. ft. of lot area per dwelling unit.

R7, single-family residential, requires 7,000 sq. ft. of lot area per dwelling unit.

R5, single-family residential, requires 5,000 sq. ft. of lot area per dwelling unit.

A2.5, low-density apartments, requires 2,500 sq. ft. of lot area per dwelling unit.

Planned Unit Developments and apartment projects are permitted as Conditional Uses in R and A2.5 zones.

Other Considerations: SW 6th Avenue, south of SW Terwilliger Boulevard, is dedicated 50 ft. wide and graveled.

SW Lucille Street is dedicated 30 ft. wide and non-improved between SW Plum Drive and SW 8th Avenue.

SW 8th Avenue is dedicated 50 ft. wide and non-improved south of SW Plum Drive.

The applicant's plans do not make use of any of these streets. Instead the plan shows a 23 ft. wide drive approximately 1,200 ft. in length from SW Terwilliger Boulevard serving the project.

History: At the time of the adoption of the zoning for an annexed area, P.C. File 5009, a request for A1 zoning for Tax Lots 61 and 62, was considered. The Planning Commission recommended denial of the request and recommended R7 zoning for that portion

east of SW 8th Avenue because it is related to the existing R7 platting to the north and east and R10 zoning west of SW 8th Avenue because of the existing development and proposed zoning.

The Planning Commission also received a request for A2.5 zoning on Lots 2 and 3, Lots 19 and 20, and the east 80 ft. of Lots 15 to 18, Block 14, Kilpatrick-Collins Tract. This property is located on the south side of SW Alice Street between SW Terwilliger Boulevard and SW 8th Avenue. The Planning Commission recommended denial of this request but approval of R7.

The City Council adopted the Planning Commission's recommendation on the zoning for these areas.

Also, in 1974 the Planning Commission considered a request to rezone the Maplecrest area adjacent to and south of the subject property from R20 to R10. The Commission recommended denial and the Council concurred.

City Engineer: The City Engineer states that sanitary sewers have recently been installed, but there are no storm sewers.

Traffic Engineer: A letter received from the Traffic Engineer states: "We have studied the proposal for developing this land at an R5 or R7 level and feel that there would be no major problems provided the size and location of access points are approved by the Bureau of Traffic Engineering."

Jackson Community Association: The Jackson Community Association states that they see no need for starting R5 zoning in an area that is predominantly R7, R10 and R20, and they question the public need.

Respectfully submitted,

Ernest R. Bonner
Planning Director

SV:NW:st

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# PORTLAND CITY PLANNING COMMISSION

## APRIL / 1975 MEETING

AGENDA 402

TUESDAY APRIL 1, 1975

ROOM 200 CITY HALL ANNEX
424 S.W. MAIN STREET

TIME: See inside

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 402
Tuesday, 1 April, 1975
424 SW Main Street

FROM 12 NOON TO 1:30 P.M.

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Review of the Housing Assistance Plan by the Planning and Development Administrator

AFTER 1:30 P.M.

APPROVAL OF MINUTES


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ITEMS FOR ACTION


5. File 6401R Revocable permit request for truck parking in a C2 zone located at SW 35th and Multnomah Blvd.; Kalesse, deedholder..... 87

6. DPR 33 Request to change garage entrance from location indicated on previously approved plans for Central Plaza South, 1/2 block 9-level parking structure with shops at SW 4th and Alder..... 96

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8. Code Amendments regarding permitted development on undersize platted lots..... 101


FOR DISCUSSION

9. Procedure to set forth Commission members' reasons for decisions on zoning matters, etc.

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

February 23, 1975

Present: PC: Sheldon, Gustafson, Minden, Roso, Shannon
City Commissioners: Goldschmidt, McCready
" " Representatives: Webber, Hart, Lundell
Staff: Bonner, Cannady, Mazziotti, Wright, Harrison, Munch, Scheddel

Mr. Sheldon called the meeting to order at 7:30 p.m. in room 200, City Hall Annex. The meeting was called to hear a report from CRAG representatives on their proposed plan.

Mr. Lyle Balderson, CRAG, gave a presentation which included the Schedule for Comprehensive Plan Adoption and Implementation (Item A), and the Proposed Adoption Package (Item B).

Mr. Richard Etherington, CRAG Transporation Coordinator, presented Public Discussion Materials for Developing an Interim Regional Transportation Plan (Item C).

Also presented was a Supplementary Information Package (Item D), Columbia-Willamette Region Comprehensive Plan-Discussion Draft (Exhibit E), and Columbia-Willamette Region Comprehensive Plan Summary and Explanation (Exhibit F).

The following is a list of questions and comments by the Commissioners and the CRAG representatives replies, if any:

Commissioner McCready said that the plan was incomplete because one major component, the sewer system, was left out. She said that you can't even discuss a comprehensive plan without plans for water sheds and sewers.

Mr. Balderson said that there are sewers in many of the areas, but that doesn't mean that they aren't planning to have additional sewers in the future.

Mrs. Gustafson asked if they had done all of their planning on the basis of increased rate of fertility and a 2,000,000 population figure by the year 2000.

Mr. Balderson said that they had a high prediction and a low prediction and it just happened that the year 2000 was the the prediction for a population of 2,000,000.

Mrs. Gustafson said that she understood that the fertility rates are lower now, not higher.

Mr. Balderson replied that they are higher.

Mrs. Gustafson asked how the plans would change if the total was 1.5 million or 1.7 million.

Mr. Balderson said that it would change the plans drastically. He said that if we do not get new sources of energy or the sources that we have now do not last, it will effect the plan; it would change the density in all areas.

Mr. Sheldon said that some of the predictions for population are not reasonable. He said that they are planning for expansion of industry and transportation in some areas and then predict that the population will be much less in those areas in the future.

Mr. Balderson said that there are about 2,000 more people in some areas now than is predicted in 1990. He said that he would like to have the City review that for CRAG.

Mr. Sheldon asked if there was less population and less energy resources with which to respond to the population, would there not be a different requirement to the developing pattern. He asked if it would not be logical to assume that much more emphasis will have to be placed on availability of energy,say ten years from now, and therefore decisions now relating to planning and implementation would want to be encouraged to assume a much tighter development around the transportation corridors than CRAG now assumes.

Mr. Balderson said that they could make the development tighter if there was an energy change or if there were fewer people. He added that they had assumed that we would have sufficient energy supplies to support a population of 2,000,000. He said that they are assuming that if the present energy is short, some other type of energy will be available. He added that they are relying a lot on technology in this regard. He stated that they might wind up behind the 8-ball and have to change the plan completely within a year.

Mr. Sheldon said that if the plan has any value it has to point out problems and concerns which decision makers need to be aware of today because the decisions they are making today will have a long term impact. He said that it is too hopeful to assume that things will be pretty much the same tomorrow as they are today, when everything we read says that they aren't going to be.

Mrs. Gustafson told Mr. Balderson that the more options he could present to policy decision makers, telling them the option that they would prefer, the easier it would be to have people agree with him. She added that the decision makers are not given any options.

Mr. Balderson said that they had gone through all the options previously.

Mayor Goldschmidt said that the CRAG staff did not have the resources to do 2, 3 or 5 alternatives for complete regional review. He said that the City Commissioners can take them on their own terms as it relates to the City of Portland.

The Mayor said that the Boundary Commission is taking the position that short of a sign-off by CRAG, that CRAG cannot control extension of water and sewer in the areas outside the boundaries that they are talking about. He stated that you either want to decide where people will live and then design a sewer system that will support that land use decision, or do it all at the same time. CRAG does not control the water and sewer systems at this time he added.

Mrs. Roso asked how much of the plan has to be adopted by May, 1975.

Mr. Etherington said that there are three inter-related things that will have to have official action with regional agreement. He said the first is a transportation plan, and it has to be based on a regional comprehensive plan, and the comprehensive plan in order to be adopted will have to be based on the goals, objectives and guidelines.

Mayor Goldschmidt said that we are in jeopardy of not being able to expend further transit or highway funds without an up-to-date regional transportation plan.

Mr. Etherington said that right now we cannot get federal funding for any major transportation project.

Mayor Goldschmidt added that the State Highway Commission has indicated that they won't let us use State Highway bond money either unless they are "plugged" into the same plan, so we have to get a set of goals and a general outline of a regional land use plan around which we can hang the transportation plan. He added that they are mutually interchangeable.

Mr. Etherington said that the Board's plan is based on the regional comprehensive plan and it must be adopted in order to get $170,000,000 of highway funds.

Mr. Etherington said that he expects growth to be in the major transit corridors. He doesn't think that local bus service is going to influence development patterns in the City much.

Mrs. McCready asked why he didn't think that people will build in outlying areas if they have transit. She added that that is what we are trying to encourage them to do.

Mr. Etherington said that it could be a very small factor.

Mr. Webber said that that would sure take care of the transit mall if that were the case.

Mrs. McCready said that the major factors are those major transit corridors which are serving the branch areas of the region; those will provide major development and redevelopment opportunities.

Mrs. Gustafson asked why they wanted to disperse jobs. If you didn't have enough people going in the same direction at the same time you would not get adequate mass transit because you would have a job sprawl. She asked why they want job sprawl; they don't want residential sprawl.

Mr. Etherington said that one reason is to develop job opportunities in various jurisdictions with people being able to live a little closer to work.

Mrs. Gustafson said that people don't do that. She added that according to CRAG's own information people live in one area and work in another area.

Mr. Etherington said that if more housing was available in the areas where people work they would probably live there. He added that they are just going to oppose development in certain regions.

Mrs. Gustafson said that the Planning Commission is always trying to prevent people from going to work in those areas where there is free parking and the plan does the opposite. She added that she would favor dropping that goal.

Mr. Sheldon said that if dropping that goal is politically impossible, at least put the jobs adjacent to the transportation; don't scatter them around.

Mr. Sheldon said that he would want to make sure that if we are putting our money into a light rail transit corridor to serve the area out to Oregon City and beyond, we do not at the same time imply that we are going to have a dual facility, i.e., a road in the immediate neighborhood which is competing with the light rail. He added that it would not make any sense to widen that road one inch, because every inch that you widen it, it takes x-number of people off the other mode of travel and may make that other mode uneconomical for

capital investment. He wants to make sure that we don't have dual systems that are competing for the same rider.

Mrs. Roso said that this document was available ten days prior to this meeting and she asked why the City Commissioners and Planning Commissioners did not receive a copy of it before this meeting.

Mr. Balderson said that there were two other documents that had to go along with it, and they also wanted to make their presentation at the time they gave them the document.

Mrs. Gustafson said that one of the guidelines states that people should live closer to their jobs. She asked if what they are really saying is that it would not support a mass transit system.

Mr. Etherington said that you must consider putting the employment centers and residential centers in the same area, and if you did go that route you would not be supporting a mass transit system.

Mr. Sheldon asked why they were predicting that population will decrease along the light rail corridor.

Mr. Etherington said that predicted population is based on carrying capacity.

Mr. Minden asked if the 2,000,000 population was based on people migrating. He asked if this wouldn't make some people wealthy, as they would buy land for speculation.

Mr. Balderson said that the taxation plan would take care of this as taxation is not on improvements, but on the land itself; emphasis would be on development of the land rather than holding these lots for future price increases, because the tax would be heavy on vacant land. He added that they propose low taxation on agricultural land.

Mr. Sheldon asked what would happen to this plan if LCDC said that it is in the best interest of the state to develop the eastern part of the state or the coastal regions. He added that we know that we have a declining fertility rate, so CRAG is really talking about migration for population growth, and he said that if we are going to have to accomodate people from other states, then we should be able to say something about where they go.

Mr. Balderson said that they are not doing that, they are saying let's take action to slow down growth.

Mr. Sheldon said that what bothers him is that the planning assumption is based on trying to determine a theoretical carrying capacity and he would like a better definition of what that is, because it isn't clear in the report. He also said that he would like some justification of the extrapolation statistically arriving at the 2,000,000 figure for Portland. He said that unless you could say that that number would guarantee quality of life, then you are really saying that we are going to accommodate people up to 2,000,000 and then we don't know what is going to happen after that because that plan is really a compromise all the way but there isn't significant space. He stated that there is not a good relationship between the transportation assumptions and the population assumptions. He further stated that transportation is based on 1,6000,000 and the population is assumed to be 2,000,000, and there are a lot of discrepancies in the plan.

Mr. Etherington said that transportation is based on population for the year 1990 and the 2,000,000 figure is based on the year 2000.

Mrs. Gustafson asked Mr. Balderson if they had a tape recorder, or had a staff member taking notes on the comments made.

Mr. Balderson said that he saw the tape recorder when he walked into the meeting room, so he assumed that they didn't need to take notes.

Mrs. McCready said that the purpose of the meeting was to get information - not to defend the system that they have already drawn up.

Mr. Sheldon said that they have the highest density in an area (Holgate Lake) which now floods with regularity and has extreme drainage problems. He said he thought that it would cost a great deal to make the area flood-proof. He added that given that constraint one might say that it really isn't worth going in with high density development and then leave it alone. He added that light rail that is going to be in Sellwood would not decrease population in that area.

Mrs. Roso asked if CRAG would have funding authority.

Mrs. Gustafson said that in regard to support provisions of Sunset Highway the report says that they have no information about light rail, therefore a busway is preferred. She added

that when you don't have information, it is better to say that you really don't know instead of saying that since we don't know we prefer the other mode that we know about. She stated that preferences should be based on the information at hand.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Verbatim Minutes of Meeting

February 27, 1975

Present: Sheldon, Gustafson, Minden, Shannon, Wessinger

Staff: Bonner, Cannady, Vail, Scheddel

The meeting was called to order by Chairman Sheldon at 7:35 p.m. in room 200, City Hall Annex.

Sheldon - Ladies & Gentlemen, this is a continuation of the hearing on the City's request for an expansion of the sanitary landfill in St. Johns. For the Commission's benefit let me review what I would consider an agenda. We have representatives in the audience from the agencies from whom we heard at Saturday's hearing. They are here to answer any questions that the Commission may have. You have also all received the staff's review of the hearing on Saturday. We also understand that we have some local area residents and at the conclusion of any questions the Commission may have, the staff will give its recommendation, at which point we will then do what we want to, so unless there is someone that would like to suggest a different agenda..... I think we have representatives here from the State and Federal Fish & Wildlife Agencies, the two gentlemen in the front row, whose names are Rolly Ruso and Ron Weaver. Since there were some questions at Saturday's hearing relative to their expertise, we might start with questions to them, so who would like to start.

Vail - on Page 69 of your verbatim minutes the basic complexity that you may have had is set forth.

Sheldon - Before we start, if you will pardon me once again, those of you who speak, either in response to questions, or when appropriate wish to ask questions, we ask that you use the microphone on our left; we are recording the proceedings and we ask that you identify yourself, give us your name and address before speaking or answering. I know this will get redundant if you come up several times, but it is the only way that the secretary has of making any sense out of the recording later, in terms of transcription to the minutes. So, Margie.

Gustafson - It seems to me that the question we had was that the information we got was not clear about the impact upon fish and wildlife development and recreational monies spent for development of the lake, the impact of the expansion of the landfill upon the willingness of the state or whoever funds it upon the recreational development of the lake.

Sheldon - There were some implications that the benefit ratio, or whatever it is that the Corps uses to determine in advising

funding of the project was dependent upon the depth of the lake, dependent upon how many fish species it would support, etc., etc., which was a very delicate relationship between the size of the lake and the depth of the lake, etc. and we were trying to get at the issue of how far one expands into the lake before that ratio drops to a point where funding would no longer be reasonable to expect. Would one of you two gentlemen like to field that one?

Ron Weaver - I work with the Corps. My responsibility is to provide a report attached to the Corps of Engineers Flood Control Report as far as the effects on fish and wildlife, associated with the Corps Flood Control Project, and Ray Jerrin and I worked this BC ratio you are referring to in a very short period of time obviously, and I think Ray has all these figures as far as the BC ratio.

Jerrin - Yes, we spent a couple hours Tuesday morning going over the figures that we have here.

Sheldon - Could we have your name?

Ray Jerrin, Corps of Engineers - We worked Tuesday morning very quickly going over making some assumptions as to how we could modify both the benefit and the cost side of the picture for the lake as we had shown it on the small maps that I gave to the Commission members Saturday, and we had several categories of benefits.

Sheldon - There are plenty of seats down front, for those who would like to sit rather than stand.

Jerrin - For the lakes we show 4 categories of benefits. We have fishing, related recreation, which is general recreation; we have wildlife viewing, water fowl use, and what we tried to do was make a real quick estimate of what happened to the benefit values for phases 1 through 4 and phases 1 through 7, and for the categories of fishing and waterfowl use we decided to use the percentage reduction in water surface area as a direct method of reducing the benefit. For the related recreation we decided to use a reduced value per user day. Now, for the lake as we have it planned as shown on the map that you have, we drew some maximum values of a user day as allowed by the Water Resources Council (the President's Council), and that value is $2.25 a day. We use that figure because we felt there would be a relatively high quality experience and would justify use of that value. Under conditions, phases 1 through 4 or 1 through 7,there would be a period of time during which the land filling operations would continue, and during that time there would be certain detractions from the quality, noise or visual detractions - perhaps smell, litter, etc.

so we decided to use the minimum value for that period of time during which the landfill operation would continue, and that value is $.75 a day. For wildlife viewing we have no readily useable criteria and we use the percentage;for the first 4 phases we decided to use a 10% reduction and for all 7 phases we decided to use a 20% reduction. We also had to make some adjustments on the cost side of the picture because there would be some changes on the shoreline that would reduce the amount of lake area to be taken,(the real estate value). There would also be changes in the buffer strip values and changes in the length of bike paths and hiking trails involved. The net effect of all of this is that (and I want to state that this is very rough information) for phases 1 through 4 benefit cost ratio would go down to somewhere just over 1 and for phases 1 through 7 it would be very close to one. One thing that we did not take into account, in adjusting the benefits, was the general recreation attendance value. We left that as it was for the full length, and it could be argued that a reduced attendance value could be projected in addition to the reduction of the user day value from $2.25 down to $.75, so the trend indicates that the benefit cost ratio drops, and the primary reason for these figures that I have given you is attributable to the change in user day values from $2.25 to $.75; that is a far larger decrease in benefit than was contributed by the other three categories of benefits. I might add that if there was a decrease in the projection of attendance that would further reduce the benefit cost ratio, so we are getting pretty close. Unfortunately, when you are talking about a recreational project, some of the data that you have to use to come up with these economic analyses are nowhere near as precise as the ones that we are able to use for flood control, because on flood control we can measure the frequencies and the land values and determine what the damages would be and we have a good idea what the costs are. We have a good idea of the costs on most projects, but for recreational fish and wildlife the benefits are much more difficult to arrive at with the same level of confidence than let's say would be for flood control benefits for a flood control project.

Gustafson - Is one your breaking point?

Jerrin - Yes, and the reason is that we would want to at least return a dollar for dollar spent.

Sheldon - What was the former dollar benefit?

Gustafson - What was your former cost ratio?

Jerrin - It was 1.65. In addition to the attendance value, there is a possibility that we may have some revisions in the land cost in the buffer strip, and if this is the case, it would further reduce the benefit cost ratio.

Gustafson - Why?

Jerrin - Because it would add capital cost to the cost side of the picture.

Gustafson - It would be more expensive?

Jerrin - Yes.

Sheldon - Ray, did you have the chance to, or can you give us an opinion about the contrast to the 1 through 4 phase expansion vs the 1 through 7 phase? As you recall, at the hearing on Saturday there was another approach to the landfill which was advocated by the staff of the Planning Commission, which essentially says pile it higher and don't put so much of it in the water. Do you have any feeling for what the Planning staff would do to the cost benefit figures?

Jerrin - I think the major effect on that would be that we would have to ask how long would the operations continue; would they continue into the initial years of the project life for the lake, or would that area be filled about the same time the lake project might be starting its life. Now we are projecting a total time period of about 6 years for all the designs and all the construction if everything were done at once, but we probably would phase recreation anyway, and if we add to that perhaps several years time for review, congressional committees to review this proposal, for congress to authorize the project, and for congress to fund it, we are talking about 8 years, 10 years, or something like that. What we have used for our accrued value of the project year zero is 1982. We are assuming for an economic analysis that the benefits would start accruing in 1982. Back to your question on the staff proposal, if there was a significant amount of landfilling operations in progress from 1982 on, real close to the lake, then those years perhaps might have reduced value, but as soon as the operation ceased, then the value would change, because the character of the landfill would be different.

Gustafson - What was your assumption of the length of time of the landfill in regard to the cost benefits on the 1 through 4 and the 1 through 7.

Jerrin - Maximum recovery. It is the maximum life which in a sense penalizes the cost ratio.

Gustafson - Then you are talking about a 33 year period.

Jerrin - I don't remember the number, exactly, but our economists used the number from the engineering report as shown across from item 4, maximum recovery, and across from parcel 7, maximum recovery. As I recall, on the full expansion

the year 2032, or something like that, anyway it covers the entire 50 year life of the recreation project, and so the entire life of the project would have to be at a reduced rate of $.75, the minimum rate.

Sheldon - Any other questions?

Gustafson - Are we talking about something that is probable or possible or what. I am talking about the ratio of one or better.

Jerrin - The project has a close relationship to flood control in the North Portland Peninsula, and for that reason it probably has a fairly good chance. If it has a strong sponsor, a lot of local interest, and willingness to provide the local money for it, it probably has a very good chance, unless some climate (national climite) goes against recreational projects in general for some reason.

Gustafson - You mean that you might get the flood control part of it, but not the recreational!!

Jerrin - That is possible. It might not be locally well received to do flood control without recreation.

Sheldon - I had some questions. I think there were a number of issues raised at the Saturday hearing about the lake itself, the depth vs channelization vs whether material should be taken from the lake for cover material for the operation of the land-fill itself. There was conflicting testimony as to whether that material was suitable as cover material or not suitable. There was some question about how deep the lake ought to be, and if the deeper you make the lake would that make it better for game fish, etc. If one of you two gentlemen could give a short course on how you make something out of nothing please do.

Ron Weaver - In the first place you are not really making some-thing out of nothing. The shallow areas are very valuable as far as production program for fish, and also for birds. When you analyze the lake as far as its potential for fisheries go, we realize that we had to have water. Now it is very dry, so we decided that perhaps we need about 9 feet of water in the center of the lake, so we can hold at 11 feet above sea level, if you dredge the whole lake it would be beyond our benefit cost ratio, so we couldn't afford to do it. The benefits would be less than the costs. So we had to come up with some alternative, so the alternative is that if you don't dredge, what do you do; then you put a plug in at the mouth of the lake so you can hold the water. The bottom is 6 feet so you have essentially 5 feet of water. That will probably work. It is going to be a warm water fishery. 5 feet of water would be enough to hold down vegetation growth, and we would have perhaps the capability to hold fish, but we really don't know the total substrata

under the lake throughout. There is apparently some type of movement from the Columbia River into the lake and out. So we said OK suppose we put this plug in and we don't have pumping coming in and our river drops down. So then we thought we would just put some channels in the lake and drop the channels down to a plus 2 of sea level in the middle of the lake, plus the plug and the information that I have from Ray is that there is approximately a foot of evaporation in the lake, so we would lose a foot and it would drop down to 10 and it still would be down 2 to 10, so we would still have 8 feet of water for fish. Again it might drop down more, so this is the reason for the channelization for fish. OK, then we have channels throughout the center of the lake which are around the periphery. We would take the dredge soil from the interior part of the lake and make nesting islands, and also larger wild life viewing islands. We would have 60 waterfowl nesting islands created specifically for waterfowl and other shore birds, and we will go in and seed these with the appropriate vegetation and then I think for the periphery area on the dredging channel there is around 200,000 cubic yards that would have to be moved out of the area and this could possibly be spoil for the disposal area, or we have consulted the Port on this and they said that perhaps they could use that mucky, muddy stuff for top soil. There is a possibility of using it for top soil for some of the sandy areas of the Port.

Minden - I understand then that this soil would not be suitable for your landfill with your garbage.

Weaver - I know nothing about the composition out there on the dredging.

Minden - What would the difference in cost be say to put in pumps as compared to dredging. You would have perfect control with pumps.

Weaver - We were wanting a little more habitat creation out there for the channels for the fish. There are certain areas where fish will hold and the more diverse habitat you have, the better for production and also for fishing.

Minden - What you are saying then is that it would be much better to channel it as far as fish and wildlife are concerned.

Weaver - It is a combination - that is what we came out with. We couldn't afford pumps; we couldn't afford dredging it completely, so we decided the cheapest way to go and still come up with a viable fishery would be the plug at the mouth of the slough plus dredging. Then we would have the capability that

if we do get large encroachments of plants perhaps, where we get scrap fish in there, there is the alternative of pulling the plug at the mouth and draining it, then we could regulate the fish.

Sheldon - I think the gist of your testimony is that you have a potential use for all of the dredge spoils, that is to create these islands.

Weaver - Not all of them. I indicated that the periphery islands would have to be in another place. It seems like there is 200,000 cubic yards, as I recall that would be excess. It would be beyond what the islands would be created with.

Sheldon - You are saying that if the Corps approves and the thing goes ahead as you currently envision, there are 200,000 cubic yards of material that will be available created essentially by this project.

Weaver - Yes, approximately.

Gustafson - Was the wildlife benefit reduced by the extent of the lake, opposed to populating any impact at the continuing use of the area as a dump, and the expansion of that use into the lake might have on wildlife which was not itself being replaced.

Weaver - Yes, but I might explain a little about this. We essentially took a percentage of the lake. I had calculated the total lake, including a shoreline and the islands, for the production of waterfowl. In our estimate we took a percentage of that lake, and the percentage of the lake compared to the total lake isn't an accurate figure. If I have to go back and refigure that I am not going to do it that way, because our estimates are on shoreline. Now for fisheries it is based on surface acreages, but on my waterfowl production it is very well known that all year shore land - the wet land - the break down from water to land, is more valuable than in the lake as far as production and everything for all year, so that land in the shallow part is much more valuable than in the center of the lake, so the values that I gave Ray really weren't too accurate. It would be more valuable than the information I gave to him.

Gustafson - In other words, you wouldn't lose as much value.

Weaver - I would lose more.

Gustafson - How about the effect upon animals because of the loss of the shoreline?

Weaver - It will vary with the different types of animals. Some species are tolerant to that type; other animals would leave. If you have large equipment working out there, then there will be some animals that would move out, perhaps some waterfowl would because they are being hunted down in Sauvies Island. This is proposed to be a non-hunting area because of the public out there. So with hunting on Suavies Island the birds come down to this area to light, then if you have a big truck out there, probably it will frighten them and they will take right off again.

Gustafson - Is it something that we should really worry about? Is it something that would affect so few?

Weaver - You are going to lose some wildlife out there because of this.

Gustafson - More than you have already lost because of the dump there?

Weaver - Well you are going to extend out into the lake further. Another point here, have you looked into the archeological sites in this particular area? Has this been addressed?

Minden - No.

Weaver - I will relate a little bit here. Last fall we had a duck kill out in this particular area and I happened to be on one of the clean-up committees, which wasn't too pleasant. When we were walking around there one of the gentlemen I was walking with indicated that he saw some camp stones. There happens to be some stones up in this area that you have proposed. He indicated that there was camp stones there. At this little finger you have coming out here, right at the edge of 4 is a camp stone area. He is on the Board of Directors for the Oregon Archeological Society, so perhaps you might want to look into that a little bit.

Minden - What do you mean by camp stones?

Weaver - Indian camp stones. Where Indians have camped.

Ted Smith, 22855 W. Baseline Road, Hillsboro - I am representing the estate of Gladys Smith who is a property owner along Smith Lake. First off, I would sure like some forewarning about hearings that come up. We never hear about them, even though we try to read all the papers; we do take the Portland paper.

We never knew about Saturday at all, until we read it in the Sunday paper. What they are talking about in regard to archeological stones is true. Bob (unintelligible), who was a fireman with the City of Portland, was given permission by my father to dig, and if you check with the Oregon Museum of Science, you will find many of his exhibits coming from diggings on this land which now belongs to the City of Portland which was purchased from us - the old Catfish Point area. Old timers will know where it is. I don't know if you do or not.

Bonner - Where is it on the map?

Smith - I can show you on that map over there better. The property line is approximately right here, and as you look down you are talking about this area right in here. I had horses in there, and hundreds and hundreds of Indian artifacts were taken out of this area. I would like to add one thing as long as I am here, because I am very concerned about the lake. I feel the encroachement of industry upon it, and my father was a great lover of fishing, duck hunting, of course; one end of the lake is already being wrecked by the dredging that has gone on there. If you have been around it within the last 10 years you know about 300 or 400 feet out into the lake has already been filled in with willows, only since the dredging went in for the railroad and for the industrial area. This last summer I talked with the Fish Commission when they were down there and I didn't realize that you were on the committee to clean up. By the way, you left one sack of dead ducks and it sure smells down there. It is right beside my ramp into the lake. I am trying to figure out how to move it, but anyway, many thousands of ducks were killed there. I would say that probably half of the ducks were removed or killed. That was the natural ducks on this lake, and I think that someone told me from the Game Commission that they are starting to agree with me. I called because of the complete devastation made by industry on the other side. There was complete clearing of all trees, vegetation and natural habitat, everything. There was just a sand fill put in there. Now this summer we used it for water skiing during the three months. We have been doing this for pretty near 20 years, so we use it for recreation now. This is the reason that I came to this meeting, I am a little upset about hearing about garbage being dumped into it, but shot guns, 22's, bow guns, are used by people roaming that shore at random killing carp in the shallows along the edge, and while we were water skiing I counted over 50 carp and I stopped and looked at them and they had been blown to pieces by guns; they weren't just dying. They had been killed. When the water went back down these all ended up with prevailing wind to my shoreline.

This is where the gentlemen had their propane guns to scare the ducks out of there from eating these dead fish that became infected, and I am positive that this is the cause of it, because in 35 years of owning that land, we have never had it before. This is all that I have to say.

Sheldon - Thank you. Yes.

Bonner - May I ask you a few questions about your property? You indicated on this map that this is your property line. Are you in the City or the County? You are out in here, right?

Smith - Yes, and there is a cement ramp - see that white ramp - that is my boat ramp into the lake. We come up to the ramp to Niles Gun Club property and we also own the road front.

Bonner - Your property abuts the Niles property?

Smith - Yes, and all the way to the center of the slough. Then we also have the shoreline at the upper end too all along North Portland Road, and out onto that point.

Sheldon - Does the Commission have any additional questions relative to the Corps or the Fish & Wild Life Commissions?

Rollie Ruso, Oregon Wild Life Commission - Perhaps you already have discussed the technical aspect and I apologize that I was not at your hearing Saturday, and I would hope that I would not be redundant. It is somewhat unusual that we start with the specifics and end on the broader aspects, but I would like to just mention at least the broad aspect of our water resources as they relate to the State of Oregon. Throughout the last 100 years basically up to the 1960's 1% of our land base was made up of water; much of that has been lost through various activities of man or highway construction, whether it be a dump, residential subdivision, or industrual land. It has been lost since the Second World War at an alarming rate. Obviously, these waters are not only important for fish and wild life, but they have many other social and economical values beyond that. Because of this alarm, the State Legislature in 1971 passed a policy for the State of Oregon, and this policy affects all of us that reside in this state. I would like to, just for the moment, rather than read a lengthy law, just take a few quotes from it. It says that "The Director of the Division of State Lands may issue a permit applied for under ORS 541621 for filling waters of this state. To determine whether or not a permit should be issued the director should consider the following: (1) whether the proposed fill unreasonably interfers with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation." Since that law was passed in '71 the

Attorney General has made several opinions relating to it, and he has concluded that the state's policy is basically a preservation policy of the public waters. Now that does not mean that there can never be another fill in a public water in Oregon. There has been since this has passed, but before those fills are allowed, they have to meet a very tough standard. That is one, the others I will read very quickly. (2) Whether the proposed fill conforms to policies of conservation and would not interfere with public health and safety." (3) "Whether the proposed fill is in conformance with existing public uses of the waters" (4) "Whether the proposed fill is consistent with a dually enacted zoning for land use plans for the area where the proposed landfill is located." Of course, number 4 is one of the subjects that is being addressed here tonight. Our role as Wild Life Commission is to serve as consultants to the Division of State Lands in reviewing each permit applied for. We are processing around 100 permits a month, or 1200 a year. This is the largest proposal that we have had for fill in the public water in the State of Oregon since the enactment of this law in 1971. It is one that would obviously concern us, even if it didn't have the recreational potential and had the impetuous that it had going for it with the South Shores Study and the Corps Floodway and Recreational Development Plan that was underway a couple of years ago and is now coming hopefully towards completion. So I react to a proposed fill of several hundred acres very negatively. I might qualify that the proposal that was made to the State of Oregon from the City of Portland was not 1 through 4, but was the entire ownership area, so we are looking at a little bit bigger picture than you people are tonight. We are hoping that there is a solution and we recognize that there is a serious problem in the Metropolitan area for garbage disposal. That is not an issue that we would debate, but we would hope in the solution to that problem that we consider the very limited water resources of not only the state but I think it is more important that we look at it as the City of Portland. There are few metropolitan areas that have the water base that we have, and there are few that would have a potential for recreational area as close to the City center as this. I have heard it mentioned that this is obviously a good site for a landfill because of its proximity to the City and that is obviously right. With the energy crisis that we are all confronted with it is important that garbage trucks make as short trips as possible to save energy, but I think our recreational base is becoming much more cosmopolitan. We are not going to be able to afford the weekend trips maybe over to the mountains as we have in the past, so this even adds more light to maintaining options within the proximity of Portland for some future use that hopefully might be oriented to recreation and wild life that is unknown at this time, and we recognize that, so it is our feeling, and I have had a very short time to review the planning staff's proposal, but what it does in our opinion is favored over what was initially proposed as it maintains our options. It isn't the answer for solid waste disposal, but it is a short term solution, and hopefully if a plan like that is technically possible, that

would still allow us down the road in 6 to 8 years to then address the issue of whether we can develop this for fish and wild life; are the monies forthcoming, and perhaps in that time the technology will be developed by MSD and recycling will give us some answers that we will not require a landfill. This proposal as initially made to the State of Oregon is an irreversible one; this one made by the planning staff is not. That is our feeling on the project. Thank you.

Sheldon - Are there any questions?

Gustafson - You are saying that the extension that the planning staff proposes is probably acceptable.

Ruso-I can't speak for the Division of State Lands, I am from only one agency. Our agency reviews, although we play one of the major roles in any water or land activity. I really don't know. Maybe Spencer can answer this. I don't know the area that is now proposed in this plan up here, or how much you will actually fill. Actually I understand that it is very little, but I have never heard an acreage figure.

Vail - The entire area outlined in parcel E is 37 acres. Of that, depending upon which contour line you measure the lake - 4 1/2 ft., 5 ft., or 10 ft. - we could ascertain and may be able to get that answer for you. I see Gordon here. Maybe he knows that.

Ruso - Assuming that in the development stages it would be 11 ft., then how many acres would we be talking about.

Vail - If you will give me a minute I can get it.

Ruso - So we are talking about 20-25 acres. Is that the ball park? Well I would not want to imply to you people that I would be speaking for the Division of State Lands, who is the final authority, but here again we are willing to work with the alternatives and if this in further review by us appears to be much more acceptable and is acceptable to the state, I would see that that has a chance of going; whether it would or not, remains to be seen.

Sheldon - Any additional questions. Thank you very much.

Bonner - You implied that it was 6 or 8 years before there would be some decision made as to the Fish and Wild Life Commission's development of the lake as a recreational area or along the lines that you indicated.

Ruso - I think that perhaps you misunderstood me, or I didn't make myself clear. We are looking at 1982, which is our hopeful date for initiating the development. That is not a Fish and Wild Life Commission finance plan necessarily. That is Corps

funding through Congressional approval, which we are a part of, but it is the Corps proposal I was talking about.

Sheldon - Are there questions from the Commission to be addressed to any of the other witnesses at the Saturday hearing? For example, do you want to ask Bill to come back and answer any questions?

Gustafson - I am interested in the reaction to the archeological findings.

Culham, Dept of Public Works - We have been aware of the archeological information in that particular area and the exact location has not been actually located. We also were somewhat aware that not only along the slough bank, that was pointed out by Mr. Smith, but possibly out on the little tongue of land which is just beyond phase 4, we have had some indication that there was some possibility in this particular area and along in this general area. The exact location has not been particularly located and it would be within survey as we do our development to either locate these or set them aside, or do whatever is necessary in that particular area.

Shannon - We have had time to look at the proposal of the planning staff. I assume you have seen it. Could you put ten years development on their plan and exclude parcel E? The way it was explained on Saturday is that you go from one parcel to another parcel. My question is could you exclude parcel E from their development and get 10 years development as you suggested otherwise?

Culham - A is excluded. You are talking about excluding area E. You are really talking about B, C and D, and you are asking for the possibility of 10 years in that particular area.

Shannon - Or your estimate of the best time of development of that as seen on their elevations.

Culham - Without doing any volume figuring I don't think that we are ever going to get ten years in areas B, C & D. At present at 50 ft elevation and some 60 ft mountains we know that we can get 2 years. We possibly might get 3 more going into that particular area, but remember we are going up and we are creating some other particular peripheral problems that we explained before - the differential and the odor problems, the blowing and whatever. If we exclude area E and try to stay where we are, B, C, & D, the alternative then faces the City of beginning to look immediately for another location in some other area.

Shannon - What you are saying is that your estimation of life is somewhere between 5 and less than 10 years.

Culham - 2 to 5 years I would say.

Gustafson - Do you mean without going into the lake?

Culham - Yes, without going into the lake.

Gustafson - Does the advent of metropolitan services make any difference?

Culham - We are looking at 4 years life expectancy for the metropolitan district, so the life in that particular area will not be affected by anything that MSD does. We are looking at garbage as it is coming today.

Gustafson - Then it will be 4 years before you get any reaction from MSD.

Culham - Right. They are looking at 1979 to be in operation.

Gustafson - If they are in operation in '79,and if recycling goes the way they anticipate it to go, and if you had E, how long would it last? Do you know? I know that is a lot to ask.

Culham - Not really, because the areas that are actually drawn on the map would have to be scaled out. We would really have to know what is the established shoreline.

Gustafson - What if we said that you know how the garbage you are getting now is working, and it will last you 2 to 5 years, you are expecting the metropolitan services in area 4, say it would last through 5 and then this you don't know....

Culham - Possibly 5 years with MSD. You are looking at a total of 10 years with MSD in B, C. D, and E, and that is a guess again. I don't know whether the consultant has any off the top of his head. We have Mr. Cooper here.

Gustafson - And this is with only 20% of the garbage coming from outside the City.

Culham - Yes.

Gustafson - What percentage do you estimate the percentage will be after MSD?

Culham - It won't vary too much. It will probably be reduced, because if the MSD plan goes in, they are looking at a different separation of what we call a generation area, and if we have a processing center in Oregon City, and a processing center in North Portland, just those two alone, the garbage would go to the closest one. In other words, more of the City's garbage would go south than is presently going south.

Gustafson - You are not anticipating a Washington County dump. Are you not anticipating a dump for the other resource centers. You have two more. Where do they go?

Culham - Oregon City, St. Johns, or wherever that location is. There has been some exploration of another site for the Oregon City area that has been estimated to be up the Clackamas River. There is some land there with gravel strata and it looks fairly good. We estimated other areas of location for the St. Johns fill in North Portland, anywhere from the Sandy River to Columbia County, and both of those areas would try to establish not more than two disposal sites for the residue. That is the MSD plan, not necessarily the City's.

Sheldon - Bill, refresh my memory, assuming MSD comes on and the kind of treatment they propose, and it is now 1980, or whatever, it is all being shredded and separated and treated, is it correct that there would no longer be a leachate problem with that with that kind of fill material.

Culham - That is not true. There will be a continued problem. There is always some materials that come out of what you put in the ground. In other words, if you take soil from one area, at the bottom of the lakes, and move it into another area, as the rain comes down it is going to leach out some of the types of materials in that particular soil. So what I am saying is that there will be some materials in any kind of garbage that will leak out; it will be reduced considerably. It may be less hazardous.

Sheldon - But that then is not a known commodity at this time. What I am getting at is, essentially the documentation which you are provided indicates that because of the particular soil type in the location of the present landfill, evidence suggests from the wells and the testing done that this is in fact, by curious circumstance, eminently suitable to the problem that you have now, that is the leachate and an upland site would have more serious problems in the sense that that leachate would probably find its way in natural drainage ways and would contaminate a much larger area. That is the contention.

Culham - That is right.

Sheldon - Then I would like to ask if in this MSD conversion, if in fact the material were sanitary and in a sense like construction fill today, then the decision between the substrata underneath the location for said landfill might be less critical than presumably it is today.

Culham - That is a good assumption.

Sheldon - It is very desirable to know where that emphasis ought to be closed, because that will in turn make other suitable landfill sites either more easily accomplished, or less easily accomplished depending upon how much leachate we can assume we are going to have from that kind of refuse.

Culham - That is correct.

Sheldon - So in other words, we may not be able to in fact, dump it into every exhausted gravel pit we find; if in fact, that is going to contaminate local water sources and its surrounding residents for example rely on wells for their water sources.

Culham - There would be a concern.

Sheldon - But nobody yet can really say that because this process is not fully developed how critical that problem will be.

Culham - There has been some work done in Madison, Wisconsin, on this. In Madison it seems that the deposits of leachate take a little longer to develop. There is still some, and approximately the same amount, but it takes a little longer for it to develop.

Sheldon - Are there other questions?

Minden - Some of the testimony we had Saturday related that with using section E the landfill could last 10 years.

Culham - I have to relate back to areas 1 through 4 and the estimates of areas 1 through 4 were running from 7 to 33 years. Now if that area E for instance, is approximately 1/2 or 1/3 of areas 4 then my way of arriving at that situation is to use the factor of 1/3 or 1/2 or whatever, but we are also beginning to encroach a little bit from setbacks along the slough, as you can see the greenway, which may reduce some of the efficiency.

Minden - It is a low lying pessimistic view.

Culham - That is right. There is a span, and I could be on the pessimistic side.

Minden - I suppose it depends on how efficient the machinery is.

Culham - and the sources, and markets for which that material can be used.

Sheldon - This is a policy question Bill, and maybe it is unfair to ask it, but I will anyway, because I think it is time that we got it out on the table. If you assume that the City, for example, runs a facility which perhaps it got into the business by accident, but it now finds itself with a deposit of a large amount of the metro region's sanitary wastes, would it be logical, or would it not be logical, in your opinion, finding itself in that position, and knows that at some point,depending upon how much area you can expand, at some time, however it is going to come to a stop, and testimony was that the City would be looking at a million-and-one-half or something in terms of locating another site and going through all the necessary work preparing a site for landfill, so there is a capital investment cost associated with relocation of this facility, and that might even be construed to be on the low side, because I assume it is $1974 and we could be talking about $1980, so lets double it, and lets say that it is actually $3,000,000. What about the City saying that to not only be prepared for that eventuality, but also to perhaps encourage not only MSD, which we have heard is going to be a fairly costly alternative, and other jurisdictions to find suitable disposal sites, the City actually proposes to gradually increase the rates substantially with the intended purpose of essentially establishing a sinking fund or site fund would in fact accumulate $1,500,000 for finding another site by 20 years recognizing that that would have some serious impact on the refuse industry and on the rates that people pay for refuse collection. Has the City ever approached it from that point of view?

Culham - Yes. It wasn't clearly stated on Saturday, but the City has been involved in a basic rate study presently. The rates that are now established and are being used by the garbage men for disposal only were established by the City by ordinance in 1971. They have remained the same in the three years. During the past year, and particularly the last 6 months, as you all know there is an increase in cost in fuel, equipment costs, and we go to bid for cover material periodically and those have materially increased; in fact more than doubled in the last year. Therefore, the City finds itself that it is no longer at a break even operational cost on the landfill. We have been looking, since the last budget review, a year ago, at the direction of the Mayor and Commissioners of the Council that we begin to explore a rate increase. We have moved quite well in this particular area. We have, in fact, included a fund, not nearly enough to generate $1,500,000 or even $3,000,000 in ten years, for land exploration fund, and this is going to mean some kind of a rate increase probably some time between now and the first of July, I believe. of this year. If there is some move, or some change, that we feel that we are going to have to go further, then you are correct, we will have to take another look at land acquisition, find some other method of funding! This is as you indicate a matter of policy, but I believe I would like to refer to

Mr. Lindberg if he has any comments to make beyond this. You may wish to ask him about that policy.

Sheldon - Mike would you like to speak?

Lindberg - No.

Sheldon - OK. Any other questions to Bill? Margie.

Gustafson - This is the same question, but if you don't mind, I am going to ask it one other way. In the OEC (Oregon Environmental Council) thing that we discussed today, there is a statement, and I just want to hear you say that it isn't so. You have been telling me that it isn't so, and I have suspicions myself, and they say it, so I am just going to say it one more time. Number 8 of their submission on page 3. "One of the key concerns of the citizens of North Portland is that a majority of all solid wastes for the entire Tri-County is proposed to be dumped in North Portland's backyard." You are saying that it is not the case, that a majority of the garbage in the area is not proposed to be dumped in North Portland.

Culham - That is correct. The majority of the garbage that comes to St. Johns Landfill and we have some fairly accurate estimates is about 80% comes from within the community, the City; 20% comes from outside the City. Some of the City's garbage does go to Oregon City, and the demolition waste is a considerable additional volume,almost twice as much goes to the gravel pits, so that we are not taking the majority of the garbage to St. Johns.

Gustafson - And even when MSD gets going, and they have 4 plants for recycling, one will be in Portland, one in Clackamas County, and the other two which are someplace else, Washington County or someplace else, will not go to Portland.

Culham - There will be a better division and more will go south than is presently coming north to St. Johns. Do I lose you? If you took the City and divided it in the middle, as it is we get a lot of southeast Portland garbage, clear to Milwaukie, and if there is a transfer station in Milwaukie, or Oregon City that is under the same jurisdiction as St. Johns, that material will be going to Oregon City.

Gustafson - Will the transfer stations each handle approximately the same amount of garbage.

Culham - This is the estimate. They are designed to do that, and we will try to arrange the flow so that that will happen.

Gustafson - I want to ask something that I have never understood. Somehow through juggling, ours goes to Clackamas County and we take some of theirs. Where are the other two going to go when there are no dumps in Washington County?

Culham - About where it is going now, or even more so. A good share of Washington County's garbage goes to Oregon City, about half of it; about 1/3rd of it goes to Newberg. We get only about 1/3rd of it.

Gustafson - What about the 4th one? Where is that going to be?

Culham - One in Oregon City, one in Washington County, and they are estimating two in North Portland, but only in the St. Johns area, and the reason for that is to take some of the materials from East County, that is growing.

Bonner - Maybe you should indicate where the other one in North Portland will be.

Culham - Mr.Bonner thinks I should be a little more specific. The estimated location of one processing center would be near the St. Johns Landfill as was shown on the map up on Suttle Road, and the other one would be on about 67th & Cully Blvd or Columbia Blvd - in that general area. There are not firm locations, and they are not actually firm numbers. We may end up with three.

Gustafson - Doesn't Multnomah County have approximately 1/2 of the population of the area?

Culham - Spence, could you answer that.

Vail - The County has about 550,000 and 380,000 is the City. Regionally it is about 1,000,000.

Sheldon - Bill, one last question. If you got it, what is the cost benefit factor, if you can put it in those terms, if the landfill would have to be relocated?

Culham - I haven't looked at it on that particular basis. All the factors of cost to the individual citizen would have to be ground into this, and I really don't know. Let me repeat for the record what Mr. Lindberg indicated and how we arrived at a figure. You will remember at Saturday's hearing we were talking about 1 1/2 or 2 million dollars for the cost of locating a piece of property, not acquiring the land, and in order to recover that money to the City so that we are not going into general funds or bond issues or whatever, we were looking at somewhere in the neighborhood of 25¢ to 50¢ a can a month additional cost, and that would be over and above any rate increase we are now looking at. That is only to explore and do the ground work that we have done on St. Johns Landfill

to get another site. Then you have the acquisition cost above that and the cost benefit for that we can't estimate until we know what the property would cost.

Sheldon - Can you tell me under the presently applied rates you now charge, what would you estimate that cost on per can per month basis?

Culham - We provide a disposal service. That service is compacting garbage and covering it and meeting DEQ standards. The rates in 1971 were geared to do this. At that time we estimated that the cost out of your $3.25 that you pay for a can, 25¢ comes to the City for disposal per month.

Wessinger - What is the actual charge? Are you making money or losing money on it? Or is it a break even basis?

Culham - On a break even basis for the past 3 years. This year we estimate about $22,000 to $30,000 deficit.

Sheldon - If you were able to or could charge 30¢ a can then you might be breaking even again?

Culham - It will be a little bit more than that I am sure.

Sheldon - We understand that. Again you might not be the right person to ask this, if you are not we can ask Mr. Kemper; but there was testimony that the disposal methods that MSD would bring to this field of solid refuse reclamation and burial would be quite a bit more than traditionally the cost for landfills as we know them today. Do you have any idea of what that would be? If it costs 25¢ to 30¢ a can per month per consumer to put the stuff in the ground and cover it and what-have-you, what is it going to look like when MSD gets it? Twice that, three times that?

Culham - Possibly 3 or 4 times more.

Sheldon - So you would be looking at somewhere between 75¢ to $1.00 a can per customer per month.

Culham - Just for the disposal.

Sheldon - I understand that. I am just trying to get an idea of the magnitude of the variables. The next question that I would like to throw out is if the City either by a lack of policy decision or consciously continues to offer disposal at 25¢ per can per month per customer, how logical is it to expect the voters to approve MSD if in the light of that issue somebody will certainly tell everybody that this is not going to cost you folks 25¢ a can per month, but $1 per can per month, or 4 times what you are currently used to paying, in which case I think I can predict pretty certainly that that measure would

be defeated. So why not gradually introduce an extremely sharp rate increase that would make the situation a little more competitive, because as it now stands you have such a good deal that industry doesn't have a chance it seems to me.

Minden - That doesn't include the recapture value that MSD would use, does it?

Culham - There is a possible recapture value. You put me kind of on the spot, because I happen to wear two hats, as I do work with MSD. I am not giving a sales pitch for MSD, nor am I doing a protection for the City, but I will try to give you some estimated facts. As I have indicated the costs of landfill is going up, in fact a rather steep curve in the last year. It is also estimated that MSD costs would start up here, but as markets are developed, their costs will come down, so if MSD starts in 1979, 4 years from now, and from 5 to 10 years of operation they are able to find a market for most of their materials, it is very possible, and almost a sure thing, that the cost of landfill as we now know it having gone up, and the cost of MSD coming down that they will reach a point of equality. The decision has to be made now as what are you going to buy, MSD or the City of Portland continuing landfilling or whatever, and it kind of looks like we are at the resource recovery and energy supply stage. The trend should be nationwide towards getting as much back out of that material and putting the least amount that we can in the ground.

Gustafson - But you say that it will start in 4 years. Do you mean that the determination of whether or not they get the money is in 4 years, or do we vote the money now and operations start in 4 years?

Culham - No, by the time the State Legislature makes a decision and the monies are allocated which will take somewhere in the neighborhood of 6 months to a year, at that time then you have construction period. DEQ people could be more explicit about that. We are looking at 18 months to 2 years delay or delivery time on some pieces of equipment, so if you talk of a year of financing, and 2 to 3 years to get the material and equipment in and in place, and the shake-down operation, this is how we arrive at approximately 4 years.

Gustafson - Is it State funded? Is it funded by the State not by the metropolitan area?

Culham - May I refer that question to Mr. Schmidt or Mr. Brown of DEQ and let them tell you about the funding of MSD?

Gustafson - Maybe we are getting a little afield.

Culham - You are getting a little afield, but they may be able to answer that.

Gustafson - Is that such a hard question?

Mike Lindberg, 400 S.W. 6th, City of Portland - There are a couple of things that I want to add to our study. We talked about an increase in costs to the garbagemen of 25¢ to 50¢ per can per month which could be passed on to the rate payer. I should point out that at this point in time we have no way of controlling what rate they do charge the rate payer, so actually the increase could be passed on. Another comment would be that that does not include the increased transportation costs that garbagemen could conceivably have if the landfill were located in another location. I think too in thinking of the cost benefit ratio, it was developed by the Fish and Wild Life people, but that, of course, just dealt with fish and wild life, so in thinking of that you simply have to add another cost benefit ratio for the City.

Gustafson - What is the answer to the question? Is that so hard to answer?

Bob Brown, DEQ-MSD is proposed to be funded out of State Pollution Control Bonds which would be 30% grant, 70% on a low interest long term loan. So 70% of the monies would have to be paid back from revenues collected.

Gustafson - Then it is not subject to a local election?

Brown - No, not through MSD.

Shannon - If we have certain bonds that would be approved and a portion of the bonds have to be paid back, which means that you have to have a source to pay them back, which would be a user charge, or could be an MSD imposed charge, it could be several ways, and that is referrable to the people unless the legislature puts an emergency clause on it, or it is something that has to be paid for by the City, so there is a mechanism, if I am not mistaken, where voters can intervene in this thing.

Brown - Legislators have indicated that we do not need an election to get the money, so that is where we are right now.

Sheldon - I think Bob, what we are getting at though, lets say it is 1980 and they are operational and presumably then they don't have to go back to the electorate for some sort of guaranteed income to pay the bonds, they would have to assume that private garbage collectors are going to bring those cans to them for processing and will pay them so much to do that. Now, if the landfill is offering a competitive service for less money, they are not going to go to MSD are they?

Brown - They are proposing a flow control ordinance to handle this. In other words, the material will have to be taken to an MSD transfer station. One of the stations will be located

near St. Johns landfill.

Sheldon - OK, then there is no hang-up with that. In other words, you are saying that MSD can monopolize the market.

Brown - It imposes a user charge to use this facility.

Sheldon - How do you prevent the independent garbage hauler from buying a piece of property out in Washington County, admittedly he would have to go to DEQ, and just start dumping garbage? Presumably, DEQ could shut that operation down, but that is in effect yourmethod of keeping everybody honest. Right?

Brown - Yes, and also with the flow control. A collector has to take it to an MSD station.

Sheldon - The only person that we haven't ask to hear from is Mr. Kemper. Does anybody want to talk to Mr. Kemper? Is he here?

Unidentified - No, he isn't here.

Sheldon - Are there any additonal questions?

Smith - I have one question. There is a road now across the blind slough into area B; why are they not going to fill that area which is not in the water area, and the only water on it is when the river gets up to 12 feet then this area has some water. The river is generally just 5 feet.

Vail - The blind slough is envisioned to be closed in the central portion. The blind slough is envisioned to be filled in in the center now. As you see it drains out a little ways. The water would be retained to here and to here. Someplace, either here or down there, there would be direct access into the lake from the slough.

Smith - That wasn't my question.

Sheldon - The question is why fill here which is wet and not fill here which is dry.

Vail- I think that boils down to where is the most desirable environmental aspect to preserve, the wet lands or the shorelines.

Smith - Well, you have the shorelines there where about 50% of the ducks are now bedding in that cove. It is one of the best duck hunting places. You are proposing to fill it. The Potato Lake is what we call that lake because as a high school student I planted that all with potatoes. I cleared all that land and the only thing that you have there now is brush growing up - willows and that sort of thing. There are eagles nests there. What is going to stop it from going to the water area and polluting the rest of the lake, because that lake does drain out at the bottom?

Smith - When you go out in the lake to water ski you will feel the springs with the water coming in.It is cleaner than the river.

Sheldon - I believe there was some testimony earlier that there was some uncertainty as to whether or not there was some connection from the lake, I gather out and in.

Smith - There is a slough that was filled in there.

Gustafson - Could you explain the draining underground?

Smith - There are natural passageways where the water drains. When the river is higher than the lake the river water comes underground into that lake. We have controlled dams down by the dikings to keep water from coming in there, yet the leakage water would come in.

Gustafson - Now you are saying that that is true also for the area that is proposed to be filled?

Smith - Yes.

Gustafson - How about this area that you say is dry?

Smith - I am saying that it is only filled when you have a river reading of about 12 feet which is only during flood stage.

Gustafson - Would you have the same problem with the underground springs if you were north, in the area that you call Potato Lake?

Smith - If it was flooded, I believe you would have.

Bonner - The reason that we changed from here to here is because the majority of the natural vegetation and the natural habitats that we were able to see out on the ground and walking around, was in this area here, not here. Expansion we then felt should go this way, rather than out this way, so it was a choice on our part. This area is more of a natural habitat area, as we understood it, or you can go down here - we didn't see the ducks. That was a choice on our part at that time.

Smith - It is true that it is a natural place along the slough area.

Gustafson - With the underground springs does that mean that the garbage will just start floating around.

Unidentified - No.

Sheldon - I am going to propose a 5 minute recess and the staff will present its report. Don't leave, because the best part comes next.

Sheldon - Ladies and Gentlemen - we will now continue the hearing and have the staff present its findings and report.

Vail - Thank you Mr. Chairman. We evaluated all the materials that we have compiled thoughtout this lengthy study and examined the record submitted last Saturday. In compiling all of these we have come up with certain findings that would lead us to make recommendations based on some conclusions arrived at from those findings. I have submitted to you a preliminary draft that I have prepared earlier today, and I will go through that, but there are some changes based on some testimony received tonight and some further information received later this afternoon.

Findings - Vail

1. We find that the existing landfill will close in 2 years plus or minus a few months unless the landfill is expanded, either increasing it in height or by driving it out into further land area.

2. Continued monitoring of water contamination or leakage must occur if any expansion occurs.

3. Irreplacable natural habitat and wildlife exist in the proposed fill area, that the City Engineer has put before us.

4. The North Portland Citizen's Committee endorses future recreational uses of the Smith-Bybee Lake area.

5. Residents of the St. Johns vicinity have voiced specific complaints about the operation of the sanitary landfill.

6. The St. Johns sanitary landfill accepts 50% of the solid waste generated in the metropolitan area.

7. Somewhere between 67% and 80% of that solid waste is generated within the City Limits of Portland.

8. We also find that the outside-City haulers of the landfill pay 5¢ more per cubic yard than those haulers with inside-City customers.

9. The revenues generated by the landfill cover operation and maintenance only.

10. Only 14% of the traffic generated on Columbia Blvd is generated by vehicles using the landfill.

11. The Bonneville Power Administration righ-of-way agreement requires that there be at least a 32 1/2 ft. clearance along its 275 ft. by 2000 ft. easement across the westerly side of the landfill.

12. The reality and effects of the MSD Action Plan will not be known for several years.

13. If and when the MSD Action Plan becomes effective, the daily volume of the landfill will be decreased.

14. Decreased volume will lengthen the operational time frame of the landfill.

15. The Corps of Engineers is completing the flood control project for the Smith & Bybee Lake-Columbia Slough area.

16. Plan One of the Corps proposal has received the endorsement of the staffs of the City, County and Port of Portland.

17. The total cost to the City to implement Plan One is estimated at $1,763,900. Some of that is in direct land donation; some of that is in land acquisition which will then be turned over.

18. It is estimated that the annual maintenance costs for that project will be $115,290.

19. The Fish and Wildlife proposal for Smith and Bybee Lakes is dependent upon Congressional approval and funding at some future date.

Vail - In evaluating these we would make the following Conclusions:

In the very beginning of the Bureau's report to you on St. Johns Landfill, several questions were raised that were felt to warrant consideration over and above the request for the landfill itself. Many others were realized in the process of compiling the input derived from the public hearing on the landfill, inquiries with other agencies, and other expert testimony, that were also found to be very broad in nature, and also called for serious consideration.

It is apparent that certain steps must be taken now by the City that will answer the immediate needs of the community yet still leave options available to other generations to explore. It is extremely important that the Planning Commission and the City Council in determining the outcome of this request, that we do not eliminate these options or the possibility of options for future generations.

As has been noted, several factors now pending will greatly affect the landfill operation, like the MSD plan and the slough closure.

The landfill as proposed could be likened to that of a freeway; if it is built, it will be used. If it is expanded as proposed, the landfill will also be used and if done in that manner,

would eliminate future options.

It should also be remembered that the life span of the landfill is dependent upon the MSD plan. The longer it takes for resource recovery to become a reality the shorter the life expectancy of the landfill.

The option proposed by the Bureau of Planning envisions the same cubic yard capacity as that proposed by the applicant's first four phases. The Bureau proposes greater height and less encroachment into the lake area. At the end of that time, the landfill operation should be terminated and that land given over to open space and recreational uses. The time is now for the City to start looking for alternative sites. The time is now to start imposing higher charges on outside users as an incentive to also seek alternative sites for landfill and support resource recovery. The time is now to consider the future use of the area and to preserve what is becoming a very, very scarce commodity--the environment.

In order to accomplish these goals the staff would recommend to the Planning Commission that the following recommendations be forwarded to the City Council for their consideration:

Recommendations

1. That an FF zone, or Farm and Forest zone, be adopted for that portion of the City property now zoned County F2; that area basically encompasses the application of the City Engineer, and that the existing sanitary landfill, which is now zoned M1, which is heavy industrial, be also rezoned to FF. This would indicate the intent that the property in question be turned over for open space and recreational uses in the future.

2. In other to regulate the proposed landfill, we would suggest that the City Engineer's initial proposal be denied as presented to us, but in lieu of that we recommend that a revocable permit to continue the landfill be granted with the following conditions:

   a. That any easterly expansion be limited to a maximum area of 40 acres and that that 40 acres be the southerly portion of the applicant's designated Phases I and III with every reasonable effort to fill as little of Smith Lake as possible.

   b. That the landfill be permitted to reach a height of 80' MSL.

c. That this ordinance be reviewed in 5 years from the date of its passage to evaluate the effects that may be present at that time, so that we could then evaluate the effects of MSD, for instance.

d. That the landfill be turned over to recreational or open space use at the completion of each phase of the landfill operation.

e. That receptacles for recyclable materials be placed at the landfill site and maintained by the City, if proven to be feasible, and then used by the public.

3. We would recommend that the Planning Commission recommend to the City Council that it strongly support the MSD Action Plan and urge for its immediate implementation.

4. We would recommend to the City Council support for the Fish and Wildlife proposal for ultimate development of the Smith and Bybee Lakes area.

5. We would recommend to the City Council support of the Corps of Engineers Plan One for flood control and agree to act as one of the local sponsors.

6. That the City initiate a reevaluation of the rates charged to outside users of the landfill for the purpose of meeting anticipated increased operational expenses.

Vail - That would conclude the recommendations of the staff, Mr. Chairman.

Sheldon - Are there questions to the staff on the recommendations?

Gustafson - Does the testimony about the area of duck habitat in any way change your recommendation in terms of what area you would fill?

Vail - I think in order to determine whether that 40 acres should be, it would be entirely realistic to suggest that that area be determined by those with the expertise. We could let, for instance, the Fish and Game Commission, and other people that have knowledge of the area determine which would be the most beneficial, or which would result in the least adverse impact. Something is going to have to go, and where those trade-offs are going to have to occur should be really determined by those that have the best knowledge.

Gustafson - Do you want to change(a)then and not talk about the southerly portion, but rather talk about the most suitable portion?

Vail - That would be entirely acceptable, because in that way we could gain the benefit of those with the most knowledge of the area. As Mr. Bonner pointed out what we tried to do was to preserve as much of the natural habitat as possible without encroaching

into the lake area, but whether or not our designated area (E) would be the area in the eyes of the experts, and that proposed by Mr. Smith, I cannot comment on now, but it is something that could be evaluated, and how it would effect the Fish and Game Commission's proposal would also have to be addressed to that agency.

Wessinger - Spence, last Saturday we heard a tremendous amount of testimony on this particular point. They were also after was a definite boundary of wherever Smith Lake's southwestern boundaries were to end up. That was to be an absolutely firm thing. I am wondering if whether or not that could be brought into this particular section somehow.

Vail - It is important that the area to be filled be designated, because we have to take that step first for the other agencies to continue their planning.

Wessinger - This was the whole thrust of several people out there, and I think we ought to actually word that in here some place - a definite boundary of that lake on almost a legal basis should now be established.

Vail - I follow your point, but the contours are indefinite; there aren't property lines to follow.

Shannon - Why do you say that the ordinance should be reviewed in 5 years when with your way of putting it, that by the volume you are saying can be put out there that you are looking at 8 to 33 years?

Vail - As testimony as presented, it is going to take at least 4 years before MSD comes on line. It will take Mr. Culham and his people at least 2 years to prepare the dikings that will be necessary before he can begin to fill in what is designated as area E. At that particular time he will have used up about 4 years of the 5 to 8 years of life expectancy. We will then know at that time whether or not MSD is a reality and will be able to gauge better than the capacities which are going to the landfill; we will be able then to perhaps better regulate a turning over or transfer property for public use and perhaps could make other suggestions that would implement plans as they are then known.

Shannon - You say that the rate outside users should be increased. What you are trying to do is to decide who is going to use it, but is there any reason why the rates to all users shouldn't be increased?

Vail - As Mr. Culham stated there is a study now being undertaken now in regard to rates that would pick up the deficit that is occurring this year. It was also stated by Mr. Culham that it would cost approximately $50,000 a year to pile the garbage

higher, so to speak, with 2 additional men and some additional equipment. Some rough calculations taken on actual count to the landfill would indicate that in the percentages I gave you of between 57% and 80% of waste coming from inside the City, what would be left would be between 20¢ and 32¢ per yard extra charge to those people outside the City which would generate the $50,000 necessary to pile the garbage higher, plus as I stated act as an incentive to get the other jurisdictions to begin looking for their own alternative sites and perhaps in a stronger way, I am saying go for MSD.

Shannon- That is what I am questioning. If you are ultimately going to have to have a regional approach, why are you saying you guys go and find your own way to do this, rather than to say we are in this boat together. I am not saying higher costs, that may or may not be the answer. But to say right now we are going our own way fellows, and you are going to be charged more until you find something else, may leave us stuck if we go to MSD.

Vail - The gentleman from DEQ stated Saturday that the best sanitary landfill is the one that is in operation, and I think that was the way he put it. What we are saying is yes we do see a definite end to this landfill. We want a time certain which is dependent, of course, upon MSD, but we want a time certain or the knowledge that when that landfill is completed that that property will be turned over to open recreational use.

Sheldon - Spencer, it would seem to me that the findings would appear to support the costs to the City, whom I would gather to be the sponsor, to implement Plan I which is going to be $1,700,000. We have also had some big numbers thrown around for finding an alternative dump. It is unlikely, for example, that the City is going to find $1,700,000 in the general fund to promote recreation in Portland. I would just guess that it is going to be fairly unlikely at the time that that money will have to be available. It has, however, perhaps in the intervening years an opportunity to use the dump as another way of raising revenue which would in some way compensate and guarantee the area that in fact the time the Corps is ready to implement the plan and is looking for a sponsor with $1,700,000 that the City would have $1,700,000 available to in fact meet its obligations and in turn assure North Portland that not only do they want to do this, but there will be funds available, and will finally do what they do what,which is recreation.

Vail - That is the total cost figure that I gave you. That involves land transfer, or land that we already own. I don't have the figure on top of my head, it is in your staff report, plus what would then be land acquisition, so as far as getting money for that land acquisition, yes.

Gustafson - How much of it is money that we don't have? How much of it is land that we do have?

Vail - It would be about a 4 to 1 breakdown. We own about 75% of the land already.

Sheldon - So, we would be talking about a quarter of the $1,700,000.

Vail - As far as acquisition is concerned yes. If that dollar amount works out on the appraisal, I don't know.

Gustafson - How much is the City going to come up with, besides the land they own?

Vail - We would have to pay for the land acquisitions plus the annual maintenance costs when it is turned over, which I have also mentioned.

Sheldon - It is a lot less, but still a large amount, and we all know that the Bureau of Parks is constantly being asked to maintain more parks and the budget is not increased correspondingly, and it seems to me that there exists a vehicle by which the City can almost fund and guarantee to deliver to the community something that the community appears to want and an agency is prepared to implement, and all we lack is conviction and money, and here is a vehicle by which it seems to me that by artificially raising the rates we not only guarantee the money to implement and to maintain since we know the dump is going to go on for many years presumably, and also to encourage everybody to take a regional approach to the solid waste problem and hopefully give MSD a boost, by not offering a very inexpensive alternative, so it seems as if a number of policy issues could be addressed by seriously studying some goals to which the increased rates would address, rather than leaving it open, just to suggest to the Council that on some sort of graduated basis those rates might in fact accomplish these other goals.

Gustafson - I don't know that we should get into funding. It seems to me that that could get very elaborate, with all due respects, but I do have a question. Isn't it conceivable that since this would really be a regional facility, it wouldn't be a City facility by any means if it turns out as it is supposed to, it will be a facility for everybody, it would not only be the City that would put up the matching money?

Vail - There are other jurisdictions involved. Multnomah County is also going to be called upon as far as the land transfer-land acquisition local sponsor as is the Port of Portland for what they own, so in that respect it is regional.

Wessinger - In all of this, which is a major change from the City's original proposal, it seems to me that we ought to hear from the people who made the original proposal to comment on the Planning Bureau's new proposal. I really think that this is important, as to where they see the weaknesses and the strengths.

Sheldon - I think that is fair. I don't know who wants to handle that.

Culham - The comment as to the proposal of the Planning Bureau in comparison to the City Engineer's Bureau of Public Works proposal I think I would like to start with the City Engineer's Proposal and the reasons that we approached that. By developing phase I and phase II as we foresaw it these 2 areas would do what the planning staff is talking about. We would do these in somewhat of a sequence due to the fact that these were higher lands that we would have some time to evaluate as we moved forward. Then we would come into this area which has some other problems which is ducks, water, whatever, and also phase IV in this particular area has some water surfaces. We were looking at life expectancy as much as we possibly could. We were looking at reduction of costs of operation because this is reasonably dry land and we have some accessibility to cover material. Also, more directly we have access to more soils for diking, and that is the first use. We also must in all of this operation provide some possibility of doing some work, or some treatment, to leachate that we may have to handle in this area, such as aeration in this particular area. This was cut out by the staff plan, so that in effect, if we went at a uniform elevation, using 50' here with some hills and mountains and 50' here we could kind of keep it in some longer range useable category. There may be some problems in area 4.

Minden - You have electric lines going through there which would cut down the height considerably. Wouldn't that take up a tremendous amount of fill if those lines were raised?

Culham - In our present plan this particular area isn't going to give you that much life expectancy. It depends, of course, on how you raise the electric lines and where you move them to. If you got them out of there, and then made a whole mountain that is something else again, but if you just raised them, it wouldn't give you that much, and the other thing is you have a time factor for what little additional space you gain. You would have to negotiate with BPA to do that, and that would involve other hearings, and a time frame that we don't have.

Minden - It looks to me like they could raise the lines another 50 feet.

Culham - I don't think that the volume would be that significant.

Culham - I hate to repeat again, but I think we need to look at the problems if we pile it higher. As indicated in previous testimony the area to the left of that power line that you were talking about is at a flat elevation of approximately 48 to 50 feet. We do have a mountain that runs about 62 feet in the small area that we did some experimental work. We did experience some surfacing of the materials, that is called leachate, in that particular area. We did consider and have some problems, and we are reasonably sure with that experience that we would have that repeat as we go up, no matter how careful we are in operation. We also estimate the cost based on that. That is what we based the $50,000 additional cost, because we have to put some material up; we can't reasonably get the garbage trucks up there. If and when we do we also have a blow problem, where if the material blows out of the truck, the more exposed you are to more litter. We have also experienced that in the Lane County area, so these are all operational problems that will accrue if we go higher. The final point that may not have been clearly brought out in previous testimony is that as we do this type of operation we presently have to stockpile, bring in by truck, all the material that we use for cover, and as we move the area is smaller by filling it and raising the garbage, our stockpiles decrease as well as detracts from our operational area. If you have a flat area, as you are bringing it up to a point, the working area decreases, and part of that has to be used for storage of cover material, so that we double shortening of space. I think that those are our concerns. I think that by starting what we declare to say is Phase I and II just past the blind slough would give approximately the same time frame of doing some long range looking as to whether we are going to move further, and also if we are going to have to stop, then we would have a little longer time to look at another site. I hope I have partly clarified some of your concerns.

Gustafson - Would it make any difference in the implementation of MSD if the time frame was clearly short for the life expectancy?

Culham - I don't believe so. The reason I say that is that time frame is established partly by funding by the State Legislature. There are also some problems of supply and demand as far as certain types of equipment are concerned. 1979 is about as short a time period as we can reasonably look for implementation, no matter what the pressures are.

Lindberg - I would like to cover a few points in conclusion. I would like to refer back to our presentation on Saturday when we talked about what our objectives were for operating the sanitary landfill, for disposing of solid waste materials in the Portland area. The objectives that we talked about at

that time were to efficiently operate a landfill, to minimize the rates that Portland citizens pay, to protect the environment that surrounds the St. Johns Landfill, including the neighborhood, and Smith and Bybee Lake areas, to enhance the potential land use that the landfill is on now. We are talking about the immediate area, rather than the surrounding area, and then there were a couple that went beyond operations that were policy directions of the Commissioner of Public Works, which are to support the MSD Plan, to reduce garbage volumes and to recover diminishing resources. The way that we have tried to analyze this is to compare our proposal vs the Planning Bureau's Proposal with each of these objectives. We really see no difference in terms of the items concerning the MSD Plan, and as Bill Culham has pointed out we don't think that kind of pressure of shortening the life will actually force MSD to get off the ground any earlier. Looking at the other objectives, i. e. to efficently operate a landfill we feel strongly that our plan will accomplish that objective much better because of the operational effect of piling the garbage higher vs wider. The second objective was to minimize the rates for the citizens of Portland, and again thinking that the Department of Public Works in this matter is representing all citizens in the entire city we are trying to protect and be concerned with the immediate North Portland area, but we have to think of what people, for example, in Southeast Portland might think of higher garbage rates, so we think in terms of minimizing rates as being an objective. Piling garbage higher at at an annual cost of $50,000 would result in about a rate increase of 5% a year, and having to close the landfill sooner and find an alternative site would eventually cause much higher rates. Another objective that we thought was better met with our plan was to enhance the potential use of the landfill site itself. In this area we would rely on the testimony of the Park Bureau, in which they said that they could adapt plans to pile it higher or flatter, they would prefer to have the site be left flatter rather than higher because it expanded options for use, and also it could minimize the cost of recereational developments. The last objective was to protect the surrounding environment. I am sure that it can be said that the Park Bureau plan does keep us in closer and keeps us away from the lakes. Of course, it was our intent in the first place to enhance the recreational opportunities because we were establishing a sewer line for Smith Lake, and we also thought that we could accept some of the dredging materials. Slides shown on Saturday showed how we thought a landfill and a large buffer strip plus a dike of another 150 feet could actually make a landfill and a recreational lake area compatible. Those were the objectives that we had in mind originally and how we have analyzed each of the proposals vs those objectives.

Gustafson - 5% a year is about 20¢ per mo. per can, right? You are not really talking about a whole lot.

Lindberg - I think that when you are talking about 20¢ per can per year it may not seem like a whole lot, but I think if you witnessed City Council sessions where we have been dealing with rate increases, for example in the area of sewer rates, we find that 20¢ per month or a dollar per month, that it seems to be a lot of money to a lot of people in the city.

Gustafson - Saving a lake at a cost of 20¢ per can cost per person is part of a reorientation away from disposal of garbage and should be more of a concern.

Lindberg - I agree that this is a trade-off between the environmental and the economic in this case.

Gustafson - In terms of the recreational potential of the land, as I understand it, the area and the North Portland studies support passive recreation which is compatible with the plan of the Planning Bureau. The Parks Bureau, I gather is interested in motorcycles or something, and you need flat areas for active recreation, is that right?

Lindberg - The Parks Bureau has told us that they made a mistake when they developed their original plan and had all this active recreation. What they really need to do when they develop this area for recreation is obviously have public hearings in the area and see what the people want there. It is true that the hills would not prevent passive recreation.

Shannon - Chairman, as a way of comment - all we are doing is recommending to the City Council what is going to happen, not really taking an action that isn't totally reversible, depending on the City Council hearing, so I kind of wonder if the more political the decision gets, the less emphasis that we have, but recognizing that I have to say that no matter what we said about time limits, there is always opportunity in every single limit that it can be increased another year on an emergency basis, and it keeps going on, and this is something that we have to look at. We don't know what development schedules are. I think that the only way to have a revocable permit is by a time period, not by a development. It makes more sense to say a time period than a total development period, because we don't know and they don't know, and we have strong differences of opinion as to whether MSD is going to be successfully politically developed or not politically developed, not that they are not going to function, but whether they are going to function by 1979. I think that is a tremendously optimistic

if we just let it go like this. So I would recommend that we allow a revocable permit of a certain set period, and my inclination is not to make that period longer than 5, not a review in 5 years, but a 5 year period, which would mean Phase I and nothing more. It could mean that if you took the Planning Commission's plan you would take B, C. and D, and hope that they have the resources and ingenuity to go to heights to make that 3 to 5 years. I could see a little bit going into Phase II but no further. There has got to be a time somewhere where you can say OK this isn't the solution, you are going to have cooperation with everybody for the solution; it may well mean that the solution is going to be outside the City of Portland, and that is going to have to be decided, and if you put a 33 year deadline on it doesn't mean anything. If you put a 10 year deadline on, I don't think it means very much, so my recommendation is that we have a revocable permit for a period of 5 years. We all know that a revocable permit has the ability to be refused, and that the area be defined specifically. I think we should make it no further than has been specified by the boundaries of Phase I on the original plan.

Gustafson - Wouldn't you prefer to have the area defined by somebody who knew?

Shannon - If we need a definite boundary, that would be my commission. I really feel that that is out of our scope in a sense.

Sheldon - Mr. Shannon, is this a suggestion or a motion?

Shannon - Well, I opened it as a suggestion, but I will put it in the form of a motion. I like many of the findings that the Planning Bureau makes, but I think that particular emphasis has to be made now. I don't agree with their conclusions. The first 3 or 4 paragraphs I find very satisfactory, until they say "The option proposed by the Bureau of Planning envisions the same cubic yard capactiy as that of the applicant's first four phases". That is where I fall completely away from the Planning Bureau's position. We have a functional problem with heights.

Sheldon - So if I understand the gist of your comments, you are really saying that you would prefer a time limit and a geographic limit, and heights are essentially to be controlled by the applicant?

Gustafson - Are you saying tell them that they have 5 years and to do what they can.

Shannon - Yes, within a certain geographical boundary. Of course, this is assuming they will use all the standards of satisfactory and adequate controlled landfill and minimization. We have the equalivancy of a technical question here that is out of our reach in terms of the boundaries, hills, or whatever.

Wessinger - I agree with Dave. I still would like to get an easterly boundary of that landfill, and a westerly boundary of Smith Lake.

Sheldon - If you set a time limit the testimony is then that the bureau anticipates garbage or fill material coming in at x-cubic yards per year. It seems to me that that is a subject that does have to be determined by people who are far more expert than we are in terms of what the technical issues are. It would seem to me that you would almost have to have some sort of a review body that involved all of the agencies to address this issue. It should involve the Fish and Wildlife, the Corps, the North Portland Citizens Group, all essentially trying to maximize their point of view on a boundary.

Gustafson - The testimony indicates that piling high is difficult, but not impossible. It will cost 20¢ more a can, and it may be a pain in the neck, but it can be done. Nobody has said that it couldn't be done. Our staff went over and walked through a beaver trail, but we can find more expert testimony. So it seems to me that all you are interested in is the number of acres that you are willing to allow into an area that is not being used as part of your resolution, and then moving that the appropriate body or the appropriate experts be consulted by the Planning Commission to determine with some intelligence where that area should be.

Wessinger - I think Dave's idea of time is important.

Gustafson - I am assuming that. If you have 5 years, there has been no indication that you can't go up if you want to, although the expense is greater. We are certainly not going to say that you have to go here or here, but we would say that you may only go a certain number of acres and then you will have to get the best expert advice about where they think it should be. I don't think you have to start consulting with everybody.

Bonner - If I could make just a few comments about that. You have both a geographic limit and a time limit, and prefer instead to select a proposal which gave really two options; (1) 40 acres expansion. We are limited this way to the southerly part of the expansion area there, but in fact we probably should be more general about it, since 40 acres expanded in such a way as to be consistent with the natural habitat, trying to match all these things and come out with the best fit on 40 acres.

Now that would be an easy expansion, in the sense that the dikes could be built and it could go ahead, and you could fill up to 40 or 50 feet and that is it. Now the next thing would be that there would be further time and volume involved and the option is up. Some may be done at the same time that they are going over the expansion. The limit is not set geographically by a specific geographic line, but more by a specific number of acres that you can actually pile stuff on. The time limit is not set by actual time, but by how much time it would take you to fill 40 acres and then begin going up and it is getting costlier and costlier, and where is MSD in this. If MSD comes on at the end of 4 years they will be doing 2 things; (1) they will be reducing the volume, and (2) it is a different kind of thing, and we don't have the same kinds of problems. So we do want to set a specific geographic or time limit, but there is a time limit implied in this. It is not like 15 years, or 10 years, or anything like that, but pretty soon obviously that landfill is going to stop.

Gustafson - Wouldn't the obvious thing be to say 50 and then come back? I would think that it would be smarter to say that we would first go up and then go out.

Bonner - The other thing that they had very much in mind was the consideration that Mike was bringing up about what does this mean, can we put ourselves in the position that the cost of the landfilling is going to shoot up dramatically because of this particular decision, so we are a little worried about a fairly sudden kind of change having to be made, like a quick decision on an alternative landfill or something of this nature, and the effects of it on the rates. We were a little bit concerned about that. It is clear that some day that is going to be gone and you can make your estimates on it based upon what your assumptions are about whether MSD is on or off, and you can make that on whether or not they go up or not, but it is clear that it is going to be gone- you know, one of these days it is going to stop.

Wessinger - Ernie, it seems to me that what we are doing here is either you are putting pressure on the very low level or you are putting pressure on a considerably higher level. My own feeling about the thing is that ours might be a little too stringent, but it seems to me that yours is a little too lenient. I think we should not say at some point, but rather state a specific time.

Gustafson - How do you know where your lake is? How do you know when it spills over?

Bonner - The decision on the configuration of any expansion that if allowed, if you allow any, there will be some configuration of that, and that establishes the lake boundary.

Gustafson - But it doesn't really. You establish the lake boundary here for a while but then they go up here for a while and then they are going to go back and go here for a while, and you would never establish a boundary. You talk about keeping their options open, the only option they have open is to go further into the lake.

Bonner - But that is always true. We could establish that exact location today, next month, or whatever, and the next 5 years we could proceed on that basis and we could make an investment of several million dollars, not just for the City people, for the County, the Port and for other people, and have a set of recreational proposals, etc. for that particular area, and then 10 years from now you decide that we have just got to have that, and another Council and another Commission, at another time and another place, can in effect decide that.

Gustafson - But they won't. You wouldn't decide that after you had developed a recreation facility.

Bonner - It would be tougher, of course, the more that you invest, but they still could, depending upon what the costs are at that point. You just have to admit, future Councils and future Commissions can make different decisions. We can make a decision at this point in time and proceed on that basis with good faith, but things can change.

Minden - It is a little hard for me to see a time limit put on it. I think if you have a geographic boundary - like you say 30 acres seems more appropriate. I think the time limit might hang us up a little bit, because you don't how much progress will be made. When you talk about going up higher - I still would like to argue with you Bill about those high lines. If you go up another 40 feet you are going to have equal to another 8 to 10 acres.

MOTION: Mr. Shannon moved approval of a five year revocable permit with acreage not to encroach upon Smith Lake boundaries, and subsidary acreages to be brought back for specific recommendation.

Shannon - You said 30 and you said 40. I think 40 is too expensive. 30 may be too expensive in terms of the trade-off. I don't know. Phase I doesn't encroach upon Smith Lake, does it?

Gustafson - They all do.

Sheldon - Are you through with your motion?

Shannon - That is my motion unless someone wants to clear up

the acreage part of it, because it still gives me a problem.

Sheldon - What about the staff recommendations, for example, zone changes?

Shannon - Staff recommendation 1 is OK, and I think the staff recommendation should exclude the acreage. I have no objection at this time to including the statement about height, and of course, I would strike(c)because that refers to the review. I would include(b),include 3, and 4. Those are the only elements that I would include.

Gustafson - Not 5.

Shannon - No; it says to act as one of the local sponsors, and that is something that we haven't talked about at all, so what am I supposed to know about that. I don't see how we can even comment upon that.

Wessinger - How about 6 Dave?

Shannon - I don't approve of outside users.

Sheldon - So what you have made as a motion that we adopt staff recommendations excluding the 40 acres notation and you are asking the staff to return with specific recommendations both in terms of size and location.

Shannon - And I would accept the conclusions except for the next to the last paragraph on page 2 and in its place I would say 5 year revocable permit.

Sheldon - And you would eliminate 5 entirely. And in number 6 the word 'outside'would be removed. Then the second from the last paragraph of the conclusions is the only paragraph that you would remove.

Shannon - Right.

Sheldon - Now does everyone understand the motion. On page 2 next to the last paragraph that starts with the "The option proposed" and ends with the words "the environment", that entire paragraph would be struck. Correct?

Shannon - Yes.

Sheldon - Is there a second to that motion?

Gustafson - I will second the motion.

Sheldon - The motion is now seconded and on the table.

Minden - With a 5 year revocable permit, does it mean that on that day there can be no more garbage dumped?

Gustafson - No.

Minden - I would question this, as a practical matter, saying not taking anything from outside the City.

Sheldon - That is not what the motion would imply at all Gus. All we are saying is that removing the word 'outside' does not relate to the users it relates to the fact that the study of the rates should be over-all and not limited to users outside the City.

Shannon - I don't think that MSD will come on board unless there is a real push to get it on board, and frankly I disagree with Mr. Brown as to if there has to be a vote. There are too many opportunities for referendum, and in order to get bonds they have to be approved in order to get AAA rating, and that has to have backing, and the public has to be back of it. So it will be before the public one way or another, and I think that too much trade off between MSD and landfill will prevent MSD from coming on board. They say it is $2,000,000 for landfill now, what is it going to be in 1985 for landfill acquisition? It may be $15,000,000. Maybe we haven't saved anything by waiting.

Minden - Dave you said to strike the paragraph on page 2

Sheldon - No the part I wanted struck was the part on outside users. Rather than to get into completely redrafting that paragraph I just struck the work 'outside'. Now if you want to redraft it fine.

Sheldon - Gus, would you like to suggest specific language?

AMENDMENT: Mr. Minden moved that we very vigorously look for possible future sites at the present time.

Gustafson - What if you just took out the first sentence of that paragraph and then take out the sentence 'The time is now ...'? You would just be left with "The Bureau proposes greater height and less encroachment into the lake area. At the end of that time the landfill operation should be terminated. The time is now to start looking for alternate sites. The time is now to consider future use of the area and preserve what is fast becoming a very scarce commodity -- the environment."

Shannon - I would accept that amendment if the seconder would accept it.

Gustafson - I would accept it.

Sheldon - Any further amendments? Margie!

Gustafson - I don't think that the staff's findings are complete. I am not certain that there shouldn't be others. One would be based on the suggestion from the Fish and Wildlife management that user benefit would decrease from $2.50 or $2.25 a day to $.75 due to a long-lasting landfill, especially one going out to the lake. That is what we heard tonight. (2) Areas of archeological significance will be covered by the proposed fill (which I believe is also true). Is that not true?

Unidentified - If they lie within the area. We think some of them are located in the 150 ft. set back from the Columbia Slough bank.

Gustafson - I see. What if you said maybe then. It is something that should be investigated. Then how about further investigation is needed to determine whether areas of archeological significance will be covered by the proposed fill.

Sheldon - You are proposing that those two additional findings be incorporated within the already adopted findings.

Wessinger - What was the first one?

AMENDMENT: Mrs. Gustafson moved that the following be added to the staff findings:

That Fish and Wildlife managment will be significantly affected by long term use of the landfill and extension into the lake.

Sheldon - What Margie is reflecting is the testimony this evening which in effect really says that continued long term use of the landfill itself obviously has a non-compatibility, and if the landfill is to be operated for 33 years then the Corps would have to write down the value of the improvements from the time that they would be there through the remaining life of the landfill. It addressed the fact that there is an inconsistency with a long term use of this site and the development of the site for recreational uses and for fish and wildlife. We have to recognize that they are incompatible.

Wessinger - I am not sure that I agree. I have no faith in the user benefit figures whatsoever.

AMENDMENT: Mrs. Gustafson moved that the following be added to the staff findings:

That further investigation is needed to determine whether areas of archeological significance will be covered by the proposed fill.

Sheldon - Margie has proposed these two amendments to the findings. Will the original motion maker accept them? Or is there someone that will second them?

Shannon - I will accept them.

Sheldon - Are there any other amendments to the motion that is on the table? Are there suggestions now or clarifications of the motion which is on the floor?

Wessinger - Yes, I would like to go for everything except that one amendment.

Gustafson - Why don't you vote against it, since you are in the minority, and state the reason why?

Shannon - Can't we keep that amendment separate?

Sheldon - Yes, it doesn't quite conform to Roberts Rules of Order, but if we could back up and have the motion to amend voted on separately, he could register his vote against it.

Gustafson - I would like to make the 2 motions that I made. Are you against both of them or just one?

Wessinger - Just one.

Gustafson - Well, lets get one in anyway.

AMENDMENT: Mrs. Gustafson moved that we include that further investigation is needed to determine whether areas of archeological significance will be covered by the proposed fill.

That recreational use of Smith Lake and fish and wildlife resources would be significantly affected by long term use of the landfill and its expansion into the lake.

Mr. Minden seconded the amendments.

Sheldon - Now this has priority over the main motion. Are there any questions for clarification on the motion to amend that only include the findings?

Gustafson - I would just like to say that it seems to me that this is in a certain sense the heart of the action; all the other information concerns economics, but this talks of the use of the area, and that is what we are talking about; it will be a much less desirable place to use if in fact it still continues for all those years; that is on the basis of the Fish and Wildlife people and others, and you can't leave out recreation. Otherwise

there is no mention of it at all. The only mention is that irreplacable natural habitat and wildlife exist in the fill area, and that is not what I am talking about. I am talking about adjacent areas of continuing the dump for a long time.

Wessinger - I would be perfectly willing to say that I think that you are going to develop recreation in this period of time. I still want to get out of here as fast as you do, but I really think that you are putting it wrong.

Sheldon-All right, further discussion on the amendment. All right, call the roll.

ACTION ON AMENDMENT:

Ayes: Gustafson, Minden, Shannon, Sheldon

Nays: Wessinger.

Sheldon - All right, the amendment passed. Now of course, it becomes incorporated in the main motion. Is there further discussion on the main motion, or further amendments?

The motion voted on is as follows:

Approval was given to the following staff findings, conclusions and recommendations:

Findings:

We find that the existing landfill will close in 2 years plus or minus a few months unless the landfill is expanded, either increasing it in height or by driving it out into further land area.

2. Continued monitoring of water contamination or leakage must occur if any expansion occurs.

3. Irreplacable natural habitat and wildlife exist in the proposed fill area, that the City Engineer has put before us.

4. The North Portland Citizen's Committee endorses future recreational uses of the Smith-Bybee Lake area.

5. Residents of the St. Johns vicinity have voiced specific complaints about the operation of the sanitary landfill.

6. The St. Johns sanitary landfill accepts 50% of the solid waste generated in the metropolitan area.

7. Somewhere between 67% and 80% of that solid waste is generated within the City Limits of Portland.

8. We also find that the outside-City haulers of the landfill pay 5¢ more per cubic yard than those haulers with inside-City customers.

9. The revenues generated by the landfill cover operation and maintenance only.

10. Only 14% of the traffic generated on Columbia Blvd. is generated by vehicles using the landfill.

11. The Bonneville Power Administration right-of-way agreement requires that there be at least a 32 1/2 ft. clearance along its 275 ft. by 2000 ft. easement across the westerly side of the landfill.

12. The reality and effects of the MSD Action Plan will not be known for several years.

13. If and when the MSD Action Plan becomes effective, the daily volume of the landfill will be decreased.

14. Decreased volume will lengthen the operational time frame of the landfill.

15. The Corps of Engineers is completing the flood control project for the Smith & Bybee Lake-Columbia Slough area.

16. Plan One of the Corps proposal has received the endorsement of the staffs of the City, County and Port of Portland.

17. The total cost to the City to implement Plan One is estimated at $1,763,900. Some of that is in direct land donation; some of that is in land acquisition which will then be turned over.

18. It is estimated that the annual maintenance costs for that project will be $115,290.

19. The Fish and Wildlife proposal for Smith and Bybee Lakes is dependent upon Congressional approval and funding at some future date.

20. Further investigation is needed to determine whether areas of archeological significance will be covered by the proposed fill.

21. That recreational use of Smith Lake and fish and wildlife resources would be significantly affected by long term use of the landfill and its expansion into the lake.

Conclusions:

In the very beginning of the Bureau's report to you on St. Johns Landfill, several questions were raised that were felt to warrant consideration over and above the request for the landfill itself. Many others were realized in the process of compiling the input derived from the public hearing on the landfill, inquiries with other agencies, and other expert testimony, that were also found to be very broad in nature, and also called for serious consideration.

It is apparent that certain steps must be taken now by the City that will answer the immediate needs of the community yet still leave options available to other generations to explore. It is extremely important that the Planning Commission and the City Council in determining the outcome of this request, that we do not eliminate these options or the possibility of options for future generations.

As has been noted, several factors now pending will greatly affect the landfill operation, like the MSD plan and the slough closure.

The landfill as proposed could be likened to that of a freeway; if it is built, it will be used. If it is expanded as proposed, the landfill will also be used and if done in that manner, would eliminate future options.

It should also be remembered that the life span of the landfill is dependent upon the MSD plan. The longer it takes for resource recovery to become a reality the shorter the life expectancy of the landfill.

The Bureau proposes greater height and less encroachment into the lake area. At the end of that time,

the landfill operation should be terminated and that land given over to open space and recreational uses. The time is now for the City to start looking for alternative sites. The time is now to consider the future use of the area and to preserve what is becoming a very, very scarce commodity--the environment.

In order to accomplish these goals the staff would recommend to the Planning Commission that the following recommendations be forwarded to the City Council for their consideration:

Recommendations

1. Approval of a five year revocable permit with acreage not to encroach upon Smith Lake boundaries, and subsidary acreages to be brought back for specific recommendation.

   a. That the landfill be permitted to reach a height of 80' MSL.

   b. That the landfill be turned over to recreational or open space use at the completion of each phase of fill.

   c. That the receptacles for recyclable materials be placed at the landfill site and maintained by the City, if proven to be feasible, and then used by the public.

2. That an FF zone, or Farm and Forest zone, be adopted for that portion of the City property now zoned County F2; that area basically encompasses the application of the City Engineer, and that the existing sanitary landfill, which is now zoned M1, which is heavy industrial, be also rezoned to FF. This would indicate the intent that the property in question be turned over for open space and recreational uses in the future.

3. That the Planning Commission recommend to the City Council that it strongly support the MSD Action Plan and urge for its immediate implementation.

4. That the Planning Commission recommend to the City Council support for the Fish and Wildlife proposal for ultimate development of the Smith and Bybee Lakes area.

5. That the City initiate a reevaluation of the rates charged to users of the landfill for the purpose of meeting anticipated increased operational expenses.

Sheldon - All right, the question has been called for.

ACTION ON MAIN MOTION:

Ayes: Gustafson, Minden, Shannon, Sheldon, Wessinger
Nays: None

Sheldon - The motion has passed. I think that it is clear to the staff that some further investigation in terms of the specific boundary is in order.

Gustafson - What is the time schedule on that?

Bonner - I want to make sure that I understand that. What you are saying is that you want the staff to come back to you with a proposal for a specific boundary and this is to be checked off with the various people that have spoken at the hearing and then you will decide at that time about the geographic limits of the expansion. I also guses that it is somewhere between 20 and 50 acres that you are talking about.

Gustafson - I think that it would also be good to have options; say if you are given this many acres how many years would it last, and if you are given this many acres how many years would it last, so that we can judge the impact of it.

Sheldon - I would like to see those two gentlemen if they are still around - Mr. Smith & Mr. Nelson. They seem to be very knowledgeable of the area over a long period of time, and their consultation would be useful.

Sheldon - Thank you very much ladies and gentlemen.

Sheldon - Now we just need a motion to adjourn.

Gustafson - I move that we adjourn.

The meeting adjourned at 10:40 p.m.

DC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

March 4, 1975

Present: Sheldon, Gustafson, Minden, Roso, Shannon
Staff: Bonner, Cannady, Vail, Hampton, Scheddel

The meeting was called to order by Chairman Sheldon at 12:15 in Room 200, City Hall Annex.

DIRECTOR'S REPORT

City Annexation Policy

Ken Hampton gave the presentation. He said that the present City Council policy as expressed in Resolution #30066 is to not allow extension of City services to areas outside the City, except in cases where sewers must go outside the City to serve residences inside the City. The proposed policy will support this existing policy by setting up a revolving fund to pay assessments in drainage basins where sewers must go outside the City, thereby relieving any necessity of providing sewer service to areas outside the City. In addition, it will provide that if any unusual circumstances occur where easements must be obtained and that such property is not contiguous to the City, that annexation petitions must be signed and deed restrictions imposed, insuring that annexation will occur when it is possible in the future.

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ITEMS FOR ACTION

File 6387 Request for zone change from R5 to A2.5 for property located at SE 60th & Lincoln; Franklin Service Corporation

File V 39-74 Request for vacation of lots, blocks and streets of Middleman Addition at SE 60th & Lincoln - Franklin Service Corporation

File 6410R Revocable permit request for truck parking in a C2 zone at SW 35th & Multnomah Blvd.

Proposed Code amendments for hospitals and related uses

File 6423 Zone change request for Chimienti property which fell below required petition percentage prior to Council hearing

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APPROVAL OF MINUTES

Planning Commission.....8 January 1975....Approved
4 February 1975....Approved
22 February 1975....Approved
Zoning Committee.....28 January 1975....Approved
11 February 1975....Approved

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COUNCIL ACTIONS

The Commission discussed Council actions regarding Planning Commission matters.

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File 6423 Zone change request for Chimienti property (Petition 6146) which fell below required petition percentage prior to Council hearing; City Council initiation

When this matter came before Council on February 19, 1975 the petition strength had fallen below 50%; the matter therefore had to be referred back to the Planning Commission. The Council at that time decided to initiate the request, and stated that the Planning Commission need not hold another hearing but was nonetheless required to take specific action. The Commission may vote to either rehear the entire case or to reaffirm its previous action.

MOTION: Mrs. Gustafson moved to reaffirm the Planning Commission's previous action which was as follows: Denial of A2.5 and denial of R5 but approval of R7 for Tax Lot 61 with the condition that the applicant process an application for a Planned Unit Development for the entire property.

AMENDMENT: Mr. Shannon moved to amend the motion by adding the following: subject to Mr. Chimienti's waiving (in writing) of another hearing before the Planning Commission.

Mrs. Gustafson accepted the amendment.

ACTION: Ayes: Gustafson, Minden, Roso, Shannon, Sheldon
Nays: None

Motion carried unanimously.

File 6387 Request for zone change from R5 to A2.5 for property located at SE 60th & Lincoln

Applicant: Franklin Service Corporation, deedholder

Zone Change Request: R5 to A2.5

Location: 100 ft. east of SE 60th Avenue adjacent to SE Sherman and SE Grant Streets and south of the Park Bureau road east of SE 60th known as the easterly extension of SE Lincoln Street. (also known as the Mittleman property)

Legal Description: Lots 3 through 36, Blocks 1 and 2 and Lots 3 through 19, Block 3, Mittleman Addition.

Petition Percentage: The only signer involved in this request is the applicant who also owns Lots 1, 2, 37 and 38 of Blocks 1 and 2 and Lots 1 and 2, Block 3, Mittleman Addition because the subject property abuts City-owned property on the north, east and south.

Quarter Section: 3237

Applicant's Proposal: The applicant proposes to develop the subject property for single-family residential use by constructing 150 owner-occupied units with common walls in three, five, six and eight unit clusters organized around a loop road that has access to SE Lincoln Street approximately 600 ft. east of SE 60th Avenue.

A detailed analysis prepared by the applicant has been previously transmitted to Planning Commission members.

Staff Findings

The existing R5 zone on the zone change site would permit 85 single family units.

Zone A2.5 on the zone change site would permit 170 units.

The remaining R5 property owned by the applicant would permit 10 units.

The subject property has been platted for sixteen years but has not been developed.

The property has been zoned R5 since 1959. Prior to that it was in Zone I, single-family residential.

No serious objections to the proposed zone changes have been received from other City Bureaus.

The proposed development will be single-family owner-occupied with common walls in 3,4,6 and 8 unit clusters.

The Park Bureau cannot afford to acquire the property.

The site is served by a transit line (No. 19).

There is no anticipated widening of SE 60th, a heavily travelled roadway with a 34 ft. improved width.

There are single-family houses along the west side of SE 60th.

There are single-family dwellings located to the north of the site along SE Harrison.

Lincoln St. west of SE 60th is signed as an arterial but traverses a residential area.

STAFF RECOMMENDATION:

Approval of a zone change to A2.5 with the following conditions:

1. That the development of the applicant's entire ownership be subject to Planning Commission review and approval as a Planned Unit Development.

2. That the development in the zone change area shall be limited to the number of units found appropriate at the time of considering a PUD and that in no case shall the number of units exceed 150.

3. That the applicant shall make application for a PUD within one year from the date of passage of this ordinance or the ordinance shall be null and void.

4. That all units in the development be sold individually under the townhouse or condominium concept.

5. That SE Lincoln St. be improved to City standards from SE 60th to the easterly line of the subject property.

Those speaking in favor of the application are as follows:

Roger Meyer, Sabin, Newcomb, Sabin & Meyer, attorney for F.S.C.
Pat Daily, Executive Vice President, Franklin Service Corp.
Al Benkendorf, Vice President of ROMA, planning consultant to F.S.C.
Robert Odermatt, ROMA, architect
Josephine Brown, 4126 S.E. Oak Street, speaking as an individual
Carl Buttke, consulting traffic engineer
David Utsinger, 7231 SE Sherman

The following citizens asked questions of Franklin Service representatives or the Commission:

Ross Bothwell, 5816 SE Lincoln
Pamela Brown, 2106 SE 59th
Beverly Miller, 1523 SE 60th
John D. Price, 1534 SE 56th
Duane Johnson, 6015 SE Harrison
Allan Anderson, 6025 SE Harrison
David Utsinger, 7231 SE Sherman
Lorena M. Clarke, 2315 SE 60th
Phil Lindeborne, SE 60th
Mrs. Walter Gerhart, 1465 SE 58th

The following individuals spoke in remonstrance to the project:

Cindy Banzer, Chairperson, Mt. Tabor Neighborhood Association, 7017 SE Pine
John D. Price, 1534 SE 56th
Pamela Brown, 2106 SE 59th
Duane Johnson, 6015 SE Harrison
Wm. A. Brugger, 2214 SE 59th
Mr. E. Anderson, 6345 SE Harrison

There was a petition of 253 signatures of residents opposing the proposal.

Letters were received from the following who opposed the proposal;

Dale & Lily Meiners, 5915 SE Lincoln
Elizabeth Stuman, 6112 SE Division
Thomas Barrett, 2015 SE 60th
Judy Barrett, 2015 SE 60th
Richard Hewitt, 6116 SE Stephens
Mr. & Mrs. J. F. Wirtjes, 2203 SE 60th
Mrs. C. B. Clapp, 6346 SE Stephens
Jack G. Lundgren, 2416 SE 60th
George J. Darke, 5925 SE Division
D. J. Fenwick, 5834 SE Lincoln
Marion S. Fenwick, 5834 SE Lincoln
Robert D. Webb, 6326 SE Stephens

The Traffic Engineer's Bureau asked that the decision for the signal at SE 60th & Lincoln be delayed until classification of SE Lincoln is determined.

Mrs. Roso said that she is opposed to a PUD such as the one proposed. She said that she feels that land in the City is worth more than having something in that corner and something in that corner so that it is farther away from the core of the City.

Mr. Shannon said that he is against such a high density development. He feels that a very nice PUD at a lesser density could be built.

Mr. Sheldon questioned whether this type of PUD should be located in the City. He stated that usually they are located in the suburbs and are more isolated. He said that this type of dwelling is appealing to suburbanites.

Mr. Minden said that he feels that a PUD on this land would be the best use of the land. He stated that he would hate to see a nice project like this go 'down the tube'. He also said that he felt that a 95 unit apartment project would not be economically feasible.

Mrs. Gustafson said that we have a need for high quality good development in the City. She said that we need new, stable, attractive housing. She stated that we need to keep people in the City.

ACTION: Mrs. Roso moved denial of the request.

Mr. Shannon seconded the motion.

Ayes: Roso, Shannon, Sheldon

Nays: Gustafson, Minden

Motion carried.

* * * * * *

V 39-74 Request for vacation of lots, blocks, and streets of Mittleman Addition located at SE 60th and Lincoln; Franklin Service Corporation, applicants

Street Vacation Request: Vacation of the plat of Mittleman Addition and all lots, blocks and streets therein.

Petitioner: Franklin Service Corp.

Purpose: To provide a location for construction of multiple housing.

Location: SE Grant Street, SE Sherman Street, SE 60th Avenue and SE 64th Avenue.

Neighborhood: Mt. Tabor Neighborhood Association

Zone: R5 Quarter Section: 3237

Findings: On October 31, 1957, the Planning Commission approved the plat (Subdivision Plat 9-56) for the Mittleman Addition subject to:

1. A 10-foot dedication for street purposes along the east side of SE 60th Avenue.

2. Temporary turn-arounds, of 40-foot radius, on the easterly ends of proposed SE Grant Street and SE Sherman Street.

3. A 34.3-foot dedication to the City of Portland for buffer strip purposes between City Reservoir No. 2 property line and the southerly most property line of the proposed subdivision. (This is Lot 20, Block 3, Mittleman Addition which was deeded to the City in 1958.)

An agreement had been reached between Mr. Mittleman, the Park Bureau, and the Water Bureau concerning street access and a buffer strip. The Park Bureau had agreed to dedicate the easterly extension of SE Lincoln and to improve the northerly half of the proposed street in return for the 34.3 foot buffer strip between the proposed subdivision and the Water Bureau's Reservoir No. 2 property line. Mr. Mittleman was to improve the south portion of SE Lincoln Street by constructing a curb and improving the side strip between the new curb and the existing roadway. This dedication and improvement of SE Lincoln Street has not been done.

The City of Portland, owners of Lot 20, Block 3, Mittleman Additions, has entered into the proceedings of the plat vacation, initiated by Franklin Service Corporation, owners of the remaining lots and blocks of the plat of Mittleman Addition.

The Franklin Service Corporation is requesting also a zone change, Petition 6387, from zone R5 to zone A2.5 for Lots 3 to 36 inclusive, Block 1; Lots 3 to 36 inclusive, Block 2; and Lots 3 to 19 inclusive, Block 3 all in the subdivision of Mittleman Addition in order to construct a 150-unit planned unit development.

SE Sherman Street, SE Grant Street and SE 64th Avenue are unimproved and contain no sewer or water lines.

ORS 271-160 states:

> "Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may substantially be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication."

Staff Recommendation: Approval of vacation of the plat of Mittleman Addition and all lots, blocks and streets therein provided that the vacation shall not become effective until either after a replat of Mittleman Addition, approved by the City, is filed with Multnomah County, Oregon, Plat Records or a planned unit development is approved by the Planning Commission of the City of Portland. This plat vacation shall not include the 10-foot dedication required in 1957 for street pruposes along the east side of SE 60th Avenue.

Approval of the vacation is recommended because this vacation of the plat will be beneficial both to the public and the neighborhood by providing either a better plat of the area or by providing a better utilization of the site by the planned unit development. The 10-foot dedication required on the east side of SE 60th Avenue in the plat of Mittleman Addition should be retained for future street widening.

As a result of the Commission action on P.C. File 6387 and the comments of the applicant, the staff amended its recommendation to deferral pending the outcome of P.C. File 6387.

ACTION: Mrs. Gustafson moved that action on the request for vacation of lots, blocks, and streets be deferred until the zone change case has been heard by the City Council.

Mrs. Roso seconded the motion.

Ayes: Gustafson, Minden, Roso, Shannon, Sheldon
Nays: None

Motion carried unanimously.

File 6410R Revocable permit request for truck parking in a C2 zone located at SW 35th and Multnomah Blvd.; Kalesse, deedholder

This case was deferred to the April 1, 1975 meeting. It will be the first case on the agenda.

* * * * * * *

Proposed Code Amendments for hospitals and related uses

Dale Cannady gave the presentation. See exhibit A.

The staff has transmitted to Commission members at an earlier date copies of the "Report and Recommendations on Proposed Code Amendments for Hospitals and Related Uses". The request to allow hospitals to charge for more of their off-street parking than that which is required parking has been before the Commission previously and has been approved. The staff was instructed to also set parking requirements which would be more easily measured, to allow parking garages accessory to hospitals, particularly with respect to outpatient service. Taking care of these changes has necessitated some changes with respect to other related uses.

Mike Stoops, Good Samaritan Hospital, presented some questions and then spoke in favor of the code amendments. Dale Cannady reported that Dennis Mosher, Providence Hospital, had stated that he favored the amendments.

ACTION: Mr. Minden moved that the staff's report and recommendation be approved.

Mr. Shannon seconded the motion.

Motion carried unanimously.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

Exhibit H

# OUTLINE FOR STAFF PRESENTATION

1. December 4, 1973 staff report to Planning Commission in response to request for Code change to allow charging for more than just required parking. Planning Commission delayed action.

2. April 16, 1974 Planning Commission agreed to recommend amendments to alleviate parking problems for medical facilities, especially hospitals by

   A. Increasing the minimum off-street parking requirements for medical facilities.

   B. Setting parking requirements which are easily measured for medical facilities.

   C. Permitting parking garages as accessory buildings to medical facilities allowed in Residential and Apartment zones in order to facilitate more efficient use of land.

   D. Allowing hospitals the option of charging for their accessory off-street parking, in order to make the construction of parking garages economically feasible.

   E. Changing the Zoning Code definition of "general hospital" as necessary, particularly with respect to outpatient service, to make clear what a hospital includes and does not include.

3. Present report on Code amendments is in 3 categories

   A. Amendments of Code definitions.

   B. Amendments of Code parking regulations.

   C. Amendments of other appropriate Code regulations.

4. Code Amendments

   A. Compared definitions in Portland and other codes (see Appendix A).

   B. Amendments of "hospital" definition are to better relate to what they are presently and to eliminate revocable permit requests.

   C. Staff feels medical offices should be included as an accessory use to hospitals. This view once was rejected (April 1974) but is brought up again because of the trend everywhere to include them with hospitals.

If we had had this provision we could have avoided C2 zoning at Good Samaritan and Emanuel. Providence has a group of doctors in the School of Nursing Building.

D. Issue of tax-exempt property re: medical offices. County Assessors assign space to be taxable vs. tax-exempt.

E. County CS zone includes medical offices as accessory use to hospitals. Portland Adventist Hospital office building allowed this way.

F. There is a need to define a "medical clinic" as well as a "hospital" and also to spell out how "medical clinic" would be allowed as an accessory to hospital. This has been done.

G. We also have found it necessary to better define a convalescent" home so as to exclude out-patient care and to include a "home for the aged" which has no individual cooking facilities. A "home for the aged" with individual cooking facilities is an apartment.

H. We have found it necessary to amend the definition of a "lot" to land undivided by a street or alley and to provide a new definition for "project area".

5. Amendment of Code parking regulations

A. Again we compared Portland's Code with others (see Appendix B).

B. We had 3 formulae presented by the Ad Hoc Parking Committee of the Portland Council of Hospitals. Realistic in terms of numbers but difficult to enforce because of their complexity.

Staff has chosen combination of number of beds and number of employees at the hospital used during the largest shift. We recognize enforcement of a parking provision based on employees is difficult, but the number of beds alone is an inadequate criterian for a complex use such as a hospital which may or may not have certain accessory facilities.

C. We have set a separate requirement for nursing homes accessory to hospitals unlike other accessories because they may have cars and may have visitors with cars.

D. We recommend raising the parking requirements for "convalescent homes" to a more realistic figure.

E. There are conflicting parking requirements for clinics at this time and we recommend one standard for them.

F. Finally, with respect to parking requirements we recommend amendments to clarify that parking requirements do not apply generally to uses established before the effective date of the code but that they do apply retroactively to all conditional uses which are altered (made larger or smaller or change of Conditional Use).

Further we recommend that hospitals be allowed to charge for all or any portion of their parking if at least 50% of their parking is in a garage structure.

6. Amendments of other appropriate code regulations

Other recommended regulations provide for (1) a maximum site coverage to be computed over the entire project area, thus allowing a reasonable size parking garage on one site, (2) a standard requiring location of new hospitals on arterial streets, (3) regulations governing the siting of uses accessory to hospitals, some within hospital buildings only and some on separate sites.

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

February 25, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:08 p.m. by Chairperson Gustafson. Present were Members Rose', Shannon, and Wessinger, Building Bureau Representative Dunnigan, and Staff Members Vail, Hampton, and Tucker.

* * *

CU 11-75 Conditional Use for hospital expansion with a variance to reduce the front yard south to 0 ft. for Site #4, was requested by Good Samaritan Hospital, deedholder, for the following locations:

| | |
|---|---|
| Site #1 | South 65 ft. of the east 33 1/3 ft. of the west 66 2/3 ft. of Lot 17 and 18, Block 300, Couch's Addition |
| Site #2 | North 35 ft. of the west 66 2/3 ft. of Lot 17, Block 300, Couch's Addition |
| Site #3 | West 30 ft. of Lot 9, Block 300, Couch's Addition |
| Site #4 | Lots 13 through 18, Block 304, Couch's Addition, including part of vacated NW Marshall Street |

Michael Stoops, Assistant Administrator of Good Samaritan Hospital, was present.

Don Brieland, Director of Physical Facilities, was present. He stated that basic structural changes (wiring, plumbing) necessary to use the three houses as offices have already been done.

Tom Segeser with Skidmore, Owings and Merrill, was present representing the Hospital. He presented drawings of the proposed new structure.

There was discussion regarding Good Samaritan's future plans for the area surrounding the Hospital.

Letters of approval were received from Ben G. and Frances N. Grimson, 2830 NE 58th Avenue; and J. A. Atwood Corporation, agent for the owner of property located at 2122-28 NW Northrup.

Northwest District Association recommended approval of the request with conditions.

The Staff recommended: (1) approval of the request with a variance to reduce the front yard south to 0 ft.; (2) approval of the helistop to comply with all federal and local regulations; and (3) approval of the use of the 3 dwellings for office use with the condition that the use shall terminate within 60 days of issuance of an occupancy license for the tower and no structural changes shall be made to the dwellings which would preclude their future use as residences. All these approvals are with the condition that the applicant submit copies of the master plan for full Planning Commission review within 90 days, including a history of the number of beds and their increase, traffic impact, neighborhood impact and temporary measures required in order to implement the plan (such as the use of the dwellings for office use for Phase I development), and growth of hospital beds, outpatient facilities and offices as compared with increased parking facilities.

There was discussion regarding the possibility of granting the applicant a revocable permit rather than a Conditional Use in order to have more control over the uses.

ACTION: Mr. Shannon moved approval of plans submitted and approval of a variance to reduce the front yard south to 0 ft. with the following conditions:

1. That the helistop comply with all federal and local regulations and be used for emergency purposes only.

2. That the use of the 3 dwellings to be used for hospital related purposes terminate within 60 days of the issuance of an occupancy permit for the tower.

3. That no structural changes be made to the 3 dwellings that would preclude their use as residences at any time in the future and that the Northwest District Association be given 90 days notice prior to any application for a demolition permit for any of the three houses.

4. That any signing of the dwellings shall be approved by the Staff of the Bureau of Planning in conjunction with the Northwest District Association.

5. That open air public access be guaranteed during Phase I of expansion and

The Planning Commission felt that in the future the Bureau of Parks should have a letter formulated to notify neighboring property owners who would be directly affected by park improvements of the proposals and asking whether or not they would have any objections.

The Staff made the following recommendations:

CU 13-75 Waiver of the public hearing and approval of the tennis court lights.

CU 14-75 Waiver of the public hearing and approval of the tennis court lights with the following conditions: (1) lights #1, 3, 6 and 8 on the applicant's plan shall be hooded to alleviate any lighting impact on the neighborhood; and (2) the applicant shall insure that all tennis court lighting will be extinguished at 10:00 p.m.

CU 15-75 Waiver of the public hearing and approval of the tennis court lights with the following conditions: (1) the tennis court lights shall be aimed and hooded to alleviate any lighting impact on the neighborhood; and (2) the applicant shall insure that all tennis court lighting will be extinguished at 10:00 p.m.

CU 16-75 Waiver of the public hearing and approval of the horseshoe courts and lights.

CU 17-75 Waiver of the public hearing and approval of the replacement of the existing tennis court lights with the proposed pole-type lights with the following conditions: (1) the tennis court lights shall be aimed and hooded to alleviate any lighting impact on the neighborhood, especially lights #13, 14, 15, 16, 17, and 18 as designated on the applicant's plan; and (2) the applicant shall insure that all tennis court lighting will be extinguished at 10:00 p.m.

There was discussion regarding the parks' curfew hours. Mr. Hall stated that park curfew is 12:00 Midnight.

ACTION: Mr. Rose' moved approval of the Staff Recommendation for CU 13-75 and CU 16-75; approval of the Staff Recommendation with condition #2 amended to state that "all tennis court lighting will be extinguished during park curfew hours" for CU 14-75 and CU 17-75; and approval of the Staff Recommendation with condition #2 amended to state that "all tennis court lighting will

be extinguished at 12:00 Midnight" for CU 15-75 with the condition that the Staff notify owners of those properties which shall be affected directly by the lights that a request has been made for tennis court lights, which shall be on until 12:00 Midnight, and that unless they object by mail within 14 days, the lights will be approved. Mr. Shannon seconded. So ordered.

* * *

CU 18-75 Conditional Use for landfill to be located on Tax Lot 43, Section 22, T1S, R2E, was requested by Oaks Amusement Park, Robert E. and Ruth M. Bollinger, deedholders.

Robert Bollinger, applicant, was present.

There was discussion regarding the approximate site area to be covered with fill and the number of parking spaces the area would accommodate. Mr. Bollinger stated it would provide area for approximately 100 parking spaces. There was also discussion regarding beautification and safety precautions for the riprap.

Southeast Uplift recommended approval of the request.

The Staff recommended approval subject to any and all conditions that may be imposed by the Corps of Engineers, DEQ, State Land Board or the Fish Commission.

ACTION: Mr. Rose' moved approval with the following conditions:

1. That any and all conditions imposed by the City Engineer, Traffic Engineer, Corps of Engineers, DEQ, and the State Land Board be complied with.

2. That a building permit be secured for the remainder of the fill and that the fill be accomplished in accordance with Chapter 70 of the UBC.

Mr. Shannon seconded. So ordered.

The Staff was directed to examine possible methods of improving the appearance of riprap in general.

* * *

CU 19-75 Conditional Use for tennis court lights to be located on Block 4, Filley Park (Glenwood Park), was requested by the City of Portland, Bureau of Parks.

Roland Hall was present representing the Bureau of Parks.

Southeast Uplift recommended approval of the request.

The Staff recommended approval on the condition that all lights be shielded as much as possible to minimize the effects of the lights on the adjacent dwellings and that lights be shut off at 10:00 p.m.

ACTION: Mr. Shannon moved that a public hearing be held on this request. Mr. Rose' seconded. So ordered.

* * *

Mr. Wessinger arrived for the hearing at this time.

* * *

6417 Zone change from R10 and R20 to FF for Tax Lot 1 and 2 of Lot 13, Tax Lot 5 of Lot 14, Golf Acres and Plat 2; Lots 1 and 2, Block 3, Meadows Addition; and Tax Lot 12, Section 2, T1N, R1E, was requested by James E. and Donna M. Fitchett, George K. and Betty Van Horn, and Milton A. and Connie B. Taylor, deedholders.

Jim Fitchett, applicant, was present. He stated that he felt that a change in zone to FF might lower the sewer assessment for the properties.

Mrs. Taylor, applicant, was present.

The Staff made the following recommendations: (1) approval of FF zoning for the remainder of Tax Lot 12, Section 2, T1N, R1E, and Tax Lot 1 and 2 of Lot 13 and Tax Lot 5 of Lot 14, Golf Acres and Plat 2 as these two ownership parcels meet FF site area requirements; (2) denial of FF for Lots 1 and 2, Block 3, Meadow Addition, as they are within the required site area under the current zoning, but the sites do not meet FF site area requirements; and (3) initiation of FF on that portion of Tax Lot 4 of Lots 13 through 19, Golf Acres and Plat 2, zoned R10L, and on Tax Lot 1 of Lot 38 and Tax Lot 2 of Lots 37 and 38, Golf Acres and Plat 2.

There was discussion regarding the possibility of combining Lots 1 and 2, recommended for denial, with adjacent FF zoned parcels so that they would meet the minimum lot area requirement for FF zoning.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Rose' seconded. So ordered.

* * *

6418 Zone change from A2.5S to C4S for Lots 6 and 7, Block 12, Alton Park, was requested by Raymond R. Scholz and Leona T. Ryan, deedholders, and Mr. and Mrs. James D. Liston, contract purchasers.

No one was present representing the applicant.

Southeast Uplift recommended approval of the request with the condition that no curb cuts be permitted on McLoughlin Boulevard and that ingress and egress be to and from SE Insley in order to deter potential traffic hazards on McLoughlin Boulevard.

The Staff recommended approval on the condition that access to the subject property be from SE Insley.

There was discussion regarding sending this matter to the Design Committee for their review.

ACTION: Mr. Wessinger moved approval on the condition that access to the subject property be from SE Insley only and that the Design Committee review and approve preliminary and final development plans. Mr. Rose' seconded. So ordered.

* * *

5957R (Amendment) Amendment to Ordinance 133712 so as to delete Section 1a in order to add storage space in a portion of the existing basement that is proposed to be excavated, located on the east 33 ft. of the south 74 ft. of Lot 20, Block 5, Richmond Addition, was requested by Ray F. and Marjorie L. Martin, deedholders, and Wilson Park Development, Inc., and Ace H. and Nancy J. Mathews, contract purchasers.

No one was present representing the applicants.

Southeast Uplift recommended denial of the request but approval of a modification of Section 1a to read as follows: "that the building is used as it exists and that there be no expansion except for basement expansion within the perimeters of the building lines."

The Staff recommended denial as requested but approval of a modification of Section 1a modified to read as follows: "(a) That

the building is used as it exists and there is no expansion except for basement expansion within the parameters of the existing building lines."

ACTION: Mr. Rose' moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

V 1-75 Vacation of NW 110th Avenue west of NW Front Avenue was requested by Fred Padden in order to provide storage area for steel.

Fred Padden, applicant, was present.

There was discussion regarding the use the applicant proposes to make of the property.

The Staff recommended approval of the vacation of this segment of NW 110th Avenue.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

V 20-73 The following street vacations were requested by the Portland Development Commission for the Emanuel Hospital Urban Renewal Project:

1. N. Commercial Ave. between N. Russell St. and N. Knott St.
2. N. Knott St. between N. Borthwick Ave. and N. Kerby Ave.
3. N. Knott St. between N. Kerby Ave. and N. Commercial Ave.
4. N. Commercial Ave. between N. Monroe St. and N. Fargo St.
5. N. Fargo St. between N. Kerby Avenue (relocated) and N. Gantenbein Ave.
6. N. Monroe St. between N. Kerby Ave. and N. Commercial Ave.
7. N. Morris Street between N. Kerby Ave. and N. Commercial Ave.

Mr. Rose' declared a conflict of interest and, therefore, did not participate in the hearing on this request.

Ernie Yuzon was present representing the Portland Development Commission.

There was discussion regarding which streets would be used for access to the Hospital if these streets were vacated.

The Staff recommended approval of all streets requested in 1973 (V 20-73) except N. Morris St. between N. Commercial Ave. and N. Kerby Ave.

ACTION: Mr. Shannon moved approval of the Staff Recommendation provided that the Model Cities Citizens Planning Board is notified and gives their approval. Mr. Wessinger seconded. So ordered.

* * *

V 2-75 The following street vacations were requested by the Portland Development Commission for the Emanuel Hospital Urban Renewal Project:

1. Alleys in Blocks 9 and 10, Subdivision of Riverview
   (a) Alley in Block 9 between N. Gantenbein Ave. and N. Commercial Ave. parallel to and between N. Fargo St. and N. Monroe St.
   (b) Alley in Block 10 between N. Commercial Ave. and N. Kerby Ave. (relocated) parallel to and between N. Fargo St. and N. Monroe St.
2. Alley in Block 4, Evans Addition between N. Knott St. and N. Russell St. parallel to and between N. Commercial Ave. and N. Gantenbein Ave.
3. N. Commercial Court (alley) between N. Knott St. and N. Kerby Ave. (relocated)
4. N. Morris St. between N. Commercial Ave. and N. Vancouver Ave.
5. N. Gantenbein Ave. between N. Morris St. and N. Monroe St.

Mr. Rose' declared a conflict of interest and, therefore, did not participate in the hearing on this request.

Ernie Yuzon was present representing the Portland Development Commission.

The Staff recommended approval of segments of streets requested to be vacated to enable the further implementation of the redevelopment plan for this area.

ACTION: Mr. Shannon moved approval of the Staff Recommendation provided that the Model Cities Citizens Planning Board is notified and gives their approval. Mr. Wessinger seconded. So ordered.

* * *

V 3-75 Vacation of portions of NE Wygant Street and NE 6th Avenue was requested by Council resolution for Model Cities in

order to allow development of a neighborhood facility at King School.

Mike Henniger was present representing Model Cities.

James Lundgren, Chairman of the Model Cities Board, was present.

There was discussion regarding the Planning Commission's approval of the neighborhood facility.

The Staff recommended approval of the vacations of these segments of NE Wygant Street and NE 6th Avenue.

ACTION: Mr. Rose' moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Gustafson at 4:18 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

March 11, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:20 p.m. by Chairperson Sheldon. Present were Members Gustafson and Minden, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 21-75 Conditional Use for a youth center to be located on Lot 47 and northeasterly 8.1 ft. of Lot 48, Block G, Portsmouth Villa extended, was requested by Bill Warrington, deedholder, and Portland Youth Communication Center, lessee.

Bill Warrington, 4834 SE Division, applicant, was present.

David Zine, 4760 N. Lombard, was present representing the Youth Communication Center.

There was discussion regarding the Youth Communication Center program and parking provisions. Mr. Warrington stated that parking might be available from the church across the street, but that very little parking would be needed.

Mr. Zine stated that the church could not provide parking for them. He stated that the Youth Communication Center could not use the house because the parking could not be provided, and because they did not want to do anything that would not be compatible for the neighborhood.

There was discussion regarding the fact that if the Youth Communication Center could not use the property, then the Planning Commission could not grant a conditional use because of the notification that went out.

Letters of remonstrance were received from Anna Murphy, 5234 N. Lombard Street; and Alma D. Storm, 7714 N. Portsmouth Avenue.

North Portland Citizens Committee recommended denial of the request.

ACTION: Ms. Gustafson moved to defer the request for 90 days so that the deedholder could attempt to find another tenant or the present applicant could work out its problems with the neighborhood. Mr. Minden seconded. So ordered.

* * *

CU 22-75 Conditional Use for a private helistop to be located on Tax Lot 12, Section 11, T1N, R1E, was requested by Town Concrete Pipe, Inc., Profit Sharing Trust, deedholders.

David Dardano, attorney representing WIID (Western International Investors and Developers), was present. He presented copies of letters from the Federal Aviation Administration and State of Oregon Aeronautics Division giving their approval of the helistop and air space. He also presented letters from three abutting property owners stating they have no objection to the request. He also presented a booklet describing WIID.

John Cooper, commercial pilot, was present to speak in favor of the request and describe the type of helicopter to be used.

Ray Town, Jr., 755 NE Columbia Boulevard, was present. He presented a map showing property owned by Town Concrete Pipe, Inc. and WIID. He explained where the heliport would be in relationship to nearby buildings.

The Staff recommended approval of the request.

ACTION: Mr. Minden moved approval of the request in accordance with the Staff Recommendation. Ms. Gustafson seconded. So ordered.

* * *

6421 Zone change from A2.5 to C2 for Lot 6, Block 21, North Albina Addition, was requested by Ernest Jim and Zona A. Perry, deedholders.

Ernest Perry, applicant, was present. He presented a statement from Dr. J Victor Vore, doctor for the residents of the Perry Home, stating his approval of the expansion of the facility. He also cited newspaper clippings in order to show a public need for homes for the aged. He described the difference between a nursing home and a home for the aged.

Mrs. Perry was also present. She described the type of residents who live at the Perry Home.

Mrs. Dress, resident across the street from the facility, was present to speak in favor of the request.

Paul Moxley, 5909 NE 26th, was present to speak in favor of the expansion.

George Waldham, 414 Pittock Block, attorney for the applicants, was present. He stated that the applicants would be willing to sign an agreement stating that they would not sell the lot in question or any of the other two adjacent lots owned by them if the zone change were granted.

A letter was received from Ruth Hochs, Oregon Ombudsman for Nursing Homes, stating her approval of the expansion and stating a need for such a home.

There was discussion regarding the cost of construction of the addition. Mr. Moxley stated it would be about $50,000. There was also discussion regarding the possibility of the Perrys buying the apartments located in the C2 zone to the south and using them for expansion of their facility rather than making an addition to the house.

The Staff recommended denial of the request.

There was discussion regarding placing restrictions on the zone change which would preclude the use of the facility for anything other than that proposed by the applicants. Mr. Sheldon stated that he would like to have an opinion from the City Attorney as to whether or not such a restriction could be included on a title instrument.

ACTION: Ms. Gustafson moved to defer the request for 30 days during which time the staff and the applicant shall work together with the City Attorney to see if a way can be developed to attain the aims of the applicant and protect the long-range interest of the public. Mr. Minden seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Sheldon at 2:55 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

# COUNCIL PROCEDURE

The following is a summary of the legislative matters to come before the Council at its regular sessions to be held on Wednesday, February 26, 1975, at 9:30 a.m., on Wednesday, February 26, 1975, at 2:00 p.m., and on Thursday, February 27, 1975, at 2:00 p.m. Said matters must have been filed in the office of the City Auditor prior to 2:00 p.m. on the preceding Friday. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of meeting may be considered therewith except where a time limit for filing has been fixed.

Any legislative or administrative matters not listed in said summary may be considered at the session to be held at 2:00 p.m., Thursday, providing four members of the Council vote to consider it (termed 4/5 matters), and it shall have been filed with the City Auditor not later than 5:00 p.m., Wednesday, February 26, 1975.

Documents which previously have been laid on the table may be considered by any session by a majority vote except business which requires four votes of the Council members.

## Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 9:30 a.m., February 26, 1975

### Petitions, Communications and Documents Pertaining Thereto and Remonstrances Presented Prior to Wednesday's Meeting

| | COUNCIL ACTIONS |
|---|---|
| 516. Communication from Wilson Park School, by Mrs. Marvin M. Wolf, President, requesting time to address the City Council on Wednesday, February 26, 1975, regarding a proposed sidewalk and sewer that has been pending since construction of Shadow Hills Apartments by Randall Construction Company in 1970. | |
| 517. Communication from Montavilla Adult Center by Donald R. Carmichael, Director, requesting City Council to act decisively and pass an ordinance setting up procedures to insure that elderly citizens are treated in a humane way by the police and other agencies that work in the field of aging. | |

### Resolution

**Introduced by Commissioner Jordan**

| | |
|---|---|
| 518. Accepting a donation in behalf of the late Jeff Morris by the "Friends of Jeff Morris" Committee and expressing gratitude and appreciation on behalf of the City Council and citizens of Portland for their generosity and many hours of dedicated service. | |

### Matter Continued

| | |
|---|---|
| ★ 519. An Ordinance rescinding the creation of 12 new positions of Fire Fighter, effective April 1, 1975, as established in Ordinance No. 138856, and declaring an emergency. (Read Twice) (476) | |

### Hearings

| | |
|---|---|
| 520. On the petition of Francis B. and Ruth C. Herr for the vacation of the Alley in Block 6, Villa Hill, lying between the southerly extension of the west line of Lot 19, said Block 6, and the southerly extension of the east line of Lot 15, said Block 6, together with the approval of the Commissioner of Public Works, subject to certain conditions. (C-8825) | Approved |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| 521. On the proposed vacation of S.W. Martha Street, S.W. Fairvale Court and S.W. 49th Avenue, initiated by Resolution No. 31517. (C-8862) | Referred to Public Works |
| 522. On condemnation of building located at 36 N.E. Going Street. | |
| 523. An Ordinance assessing the cost of improving N.E. Buffalo Street from the west line of N.E. 18th Avenue to the center line of N.E. 22nd Avenue, and remonstrances if any. Total assessment - $27,241.79. (B-30 C-8691) | |
| 524. An Ordinance assessing the cost of improving and widening N.E. 42nd Avenue from the center line of N.E. Columbia Boulevard to approximately 1,490 feet north to the north line of an unnamed street, and remonstrances if any. Total assessment - $59,979.17. (42-1 C-8616) | |
| **Reports from Commissioners** | |
| **Department of Finance and Administration** | |
| 525. On condemnation of buildings located at 37 N.E. Failing Street; recommending that the time of hearing be set at 9:30 a.m., Wednesday, March 26, 1975. | |
| 526. Transmitting report of the Planning Director and a resolution to annex Tryon Creek Park to the City; recommending approval of the report, that the resolution be adopted by Council and both transmitted to the Boundary Commission. | Adopted |
| 527. Resolution initiating proceedings for the annexation of Tryon Creek Park to the City, for the purpose of authorizing the extension of a sewer line to the park recreation facilities, recommending approval and transmittal to the Boundary Commission in accordance with ORS 199.490. | Passed 31536 |
| 528. Returning C.C. No. 3633 for 1974, being the petition of twenty-two property owners for the annexation of portions of Barnes Park Heights, Royal Subdivision and Section 31, T1N, R1E, W.M., to the City, together with the report of the Bureau of Planning; recommending that the petition and the report of the Bureau of Planning be forwarded to the Portland Metropolitan Area Local Government Boundary Commission with notice of rejection of the petition to annex. (A-8-74) | Adopted |
| 529. Transmitting report of the Multnomah County Grand Jury for the period January 20, 1975, through February 14, 1975; recommending that it be placed on file. | |
| **Department of Public Utilities** | |
| 530. Transmitting Contract No. 14388 with the United States Steel Corporation for the installation of cyclone fencing at the Bureau of Water Works, Interstate Yard; recommending that said contract be accepted, delinquency be waived and that payment of Warrant No. 91767 be ratified. | |
| **Department of Public Works** | |
| 531. Transmitting report of disposition of insured claims against the City of Portland during 1974 which have been closed by City insurance carriers; recommending that same be filed. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| ★ 550. Authorizing the Purchasing Manager to negotiate for and purchase on the open market Prefabricated Concrete Meter Vaults for the Water Bureau, authorizing the drawing and delivery of warrants in payment thereof, waiving advertising for bids and waiving performance bond requirement, and declaring an emergency. | |
| **Introduced by Commissioner McCready** | |
| ★ 551. Abolishing one position of Assistant Public Works Administrator-Engineering in the Office of Public Works Administrator, Department of Public Works, and creating one position of Assistant City Engineer in lieu thereof, fixing the rate of pay, and declaring an emergency. | |
| ★ 552. Accepting a street deed through Lots 5 and 10, Block Y, Sellwood, a recorded plat, and vacated S.E. Linn Street for a walkway along the easterly side of Johnson Creek, in the City of Portland, County of Multnomah, State of Oregon, granted by Clyde V. Brummell and John M. Poorman, and declaring an emergency. (C-8827) | Passed<br>Ordinance 139533 |
| ★ 553. Transferring appropriations within the General Fund and the Sewage Disposal Fund to provide funding for materials and equipment rental required to implement the Public Works CETA Title VI Emergency Manpower, Programs, and declaring an emergency. | |
| **Introduced by Order of Council** | |
| ★ 554. Changing from Zone R5S to R5SP, the south 120 feet of Tax Lot 58, except the easterly approximately 17 feet, Section 24, T1S, R1E, located on the east side of S.E. McLoughlin Boulevard north of S.E. Tacoma Street, petitioned for by Southern Pacific Transportation Company, deedholder, and Smitty's Pancake House by Robert Breckenridge, lessee, with certain conditions, and declaring an emergency. | Passed<br>Ordinance 139534 |
| **Ordinances to Be Read the Third Time** | |
| 555. Assessing the cost of improving N. Olympia Street from approximately 250 feet east of the east line of N. Midway Avenue to the center line of N. Midway Avenue. (O-1 C-8689) (451) | |
| 556. Assessing the cost of improving S.E. 49th Avenue from its terminus approximately 134.5 feet south of the south line of S.E. Henry Street to the center line of S.E. Henry Street. (49-1 C-8728) (452) | |
| 557. Assessing the cost of constructing the N.E. 14th Place and N.E. Columbia Boulevard Sanitary Sewer System. (Dist. 31 C-8662) (453) | |
| 558. Authorizing amendment of a contract with CRAG for grant-in-aid funds for the Office of Justice Programs for the period July 1, 1974, to June 30, 1975, and transferring funds. (473) | |
| **Appointments, Resignations and Oaths of Office** | |
| 559. Oath of office of Wayne Atteberry, Alternate Member, Fire Code Board of Appeals. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **First and Second Reading of Ordinances and Emergency Ordinances** | |
| **Introduced by Commissioner Schwab** | |
| 570. Amending Chapter 17.56 of the Code of the City of Portland by adding a new section thereto, relating to the preservation of cobblestones excavated from City streets. | Passed to third reading |
| 571. Granting a permit to the American Rhododendron Society to hold its 1975 Annual Plant and Flower Show on Crystal Springs Lake Island and adjacent property in Eastmoreland Park, subject to certain conditions. | |
| **Introduced by Mayor Goldschmidt** | |
| ★ 572. Amending Title 26, Electrical Regulations, to adopt the 1975 National Electrical Code, establishing a special effective date, and declaring an emergency. | |
| ★ 573. Amending Title 32, Signs, to include text inadvertently omitted in Ordinance No. 139446, fixing a special effective date, and declaring an emergency. | |
| **Introduced by Commissioner Jordan** | |
| ★ 574. Waiving building, electrical, heating and ventilating, plumbing permit, plan checking and appeal fees required by Sections 24.03.030, 25.16.060, 26.06.070, 26.06.080, 26.06.090 and 27.08.040 and any other incidental required fees incurred in the City Plan Review Process not included in the specific sections listed above of the Code of the City of Portland for Burnside Projects, Inc., in connection with the alteration of the Everett Street Service Center, located at 523 N.W. Everett and 314 N.W. 6th, Portland, Oregon, and declaring an emergency. | |
| **Introduced by Commissioner McCready** | |
| ★ 575. Amending the Code of the City of Portland by repealing the present Chapter 3.12 thereof relating to the office of the City Engineer, and enacting and substituting in lieu thereof a new Chapter 3.12 relating to the office of the Public Works Administrator, and declaring an emergency. | |
| ★ 576. Granting a revocable permit to Paul S. Forchuk, Harry Wold, and Leslie Peyton, a joint venture, to construct and maintain a private 8-inch concrete storm water drain line in and under the street area of S.E. Schiller Street at S.E. 28th Place, and declaring an emergency. | |
| **Ordinance to Be Read the Third Time** | |
| 577. Amending Section 33.106.040 of the Planning and Zoning Title of the Code of the City to provide new procedures and criteria for termination of conditional uses, and providing for hearings and notice. (513) | Passed Ordinance 139521 |

The above summary is published by the City Auditor as provided by Section 2-113 of the Charter and Ordinance No. 130672.

GEORGE YERKOVICH,
Auditor of the City of Portland.

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., March 5, 1975** | |
| **Hearings** | |
| 635. Report of the City Planning Commission initiating City R10 and M3 zoning for Tax Lots 28, 29 and 225, Section 15, T1S, R2E, located north and south of S.E. Foster Road near S.E. 115th Avenue, annexed to the City. Approval of City R10 for the property south of S.E. Foster and City M3 for the property north of Foster recommended. (PC 6411) | Adopted Planning Commission report |
| 636. Report of the City Planning Commission initiating City R7 zoning for Tax Lot 14, Section 19, T1N, R2E, located on the north side of N.E. Prescott Street between N.E. 52nd and 55th Avenues, annexed to the City. Approval recommended. (PC 6412) | Adopted Planning Commission report |
| 637. Report of the City Planning Commission initiating City C2B zoning for Tax Lot 5800 on Lot 19, Nichol's Addition, located on the west side of S.W. 74th Avenue, south of S.W. Garden Home Road, annexed to the City, Approval with condition recommended. (PC 6396) | Adopted Planning Commission report |
| 638. Report of the City Planning Commission on the request of Herbert M. Clark, deedholder; and University of Oregon Medical School, Department of Psychiatry, renter, to amend Ordinance No. 137477 to extend a revocable permit for a day care center for emotionally disturbed children on Tax Lot 153, Section 29, T1N, R1E, located at 2127 N.W. 26th Avenue, in Zone M1. Approval until November 8, 1975, recommended. (PC 6130R amendment) | Adopted Planning Commission report |

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., March 12, 1975** | |
| **Hearings** | |
| 711. Report of the City Planning Commission on the appeal of Harry Turtledove, Lois Jordan, and the Southwest Hills Residential League from the decision of the Variance Committee on the variance request of William H. and Lenora M. Parke, deedholders, to reduce the required minimum lot width, depth, area, front and side yards in order to construct a dwelling on Lot 9, Block 2, Seventh Street Terraces, located on the east side of S.W. Sheffield Avenue near S.W. Commonwealth Street in Zone R10. Approval except reduction of side yards reaffirmed. (PC VZ 50-74) | Continued to April 9 for viewing trip |
| 712. Report of the City Planning Commission on the appeal of Werner H. Sammler against granting Conditional Use request of Reorganized Church of Jesus Christ of Latter Day Saints to retain classrooms on Tax Lot 8 of Lots A, C, and E, Wedor Addition, located west of N.E. 50th Avenue, north of N.E. Couch Street, in Zone R5. Approval with conditions recommended. (PC CU 105-74) | Continued to April 9 for viewing trip |

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

Planning Commission File: 6410R

Commission Meeting: March 4, 1975

The Zoning Committee considered this matter January 28, 1975 and tabled the request for a period not to exceed one month in order to find a suitable site for the storage of trucks, materials or relocation of the applicant's entire business.

On February 25, 1975 the Zoning Committee was to reconsider the request; however, because only one member on the Committee had heard the matter on January 28, and because of the nature of the request, it was felt that referral to the entire Commission would be appropriate.

The previous staff report is attached.

ST/c

RECONSIDERATION

Commission Meeting: April 1, 1975

This request was scheduled for the March 4, 1975, Planning Commission hearing; however, due to the lengthy hearing on another matter, this request was rescheduled for April 1, 1975, meeting.

STAFF REPORT

P.C. File: 6410R

Committee Meeting: January 28, 1975

Applicants: Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders

Revocable Permit Request: Truck parking

Location: 3530 SW Multnomah Boulevard

Legal Description: Tax Lot 1 and Lot 1, Block 3, Home Addition

Zone: C2 Quarter Section: 3825

Applicant's Proposal: To park trucks outside overnight as part of a truck repair business.

Note: There has been public notification of this request.

Attached are the applicant's history of the property and the Building Bureau's history labeled "Referral Resume."

SV:NW:st

RECONSIDERATION

Committee Meeting: February 25, 1975

At the January 28, 1975 Planning Commission hearing the action on this request was tabled for a period not to exceed one month in order to find a suitable site for the storage of trucks, materials or relocation of the applicant's entire business.

December 26, 1974

Planning Commission
City of Portland
Portland, Oregon 97204

Mr. Spencer Vail:

A short history of my business:

The building was constructed in 1953-1954 after five years of operation at 8030 S. W. 35th Ave., a block away. Because of the 9½ door clearance larger trucks were repaired outside the building until our 1968 addition with 12 foot doors that allowed us inside repair.

On March 29, 1974, I received a letter from the city building inspector stating I was illegal on four zoning counts.

On June 25, 1974, I received another letter that repairing trucks would be accepted as legal non-conforming use and advised me to apply for a zone change or a revocable permit.

After many many appearances at City office counters, I still am somewhat confused with terminology and proceedures.

On July 3, 1974, I applied for a zone change, now I understand without a buffer zone M2 is impossible.

On December 24, 1974, I applied for a revocable permit. All trucks parked for the night are serviced in our facility. In order for them to adequatly serve the public they must be stored somewhere in the southwest area which is without even a small M2 zone. Many trucks in our area are illegally stored.

I am asking the same consideration be given me as was given trucks at 27th and Multnomah Blvd. and 40th and Multnomah Blvd.

Sincerely yours,

Erwin B Kalesse

Erwin B. Kalesse, president
Kalesse Automotive Service, Inc.
3530 S. W. Multnomah Blvd.
Portland, Oregon 97219

RECEIVED
DEC 26 1974
BUREAU OF PLANNING
CITY OF PORTLAND

EBK/mk

89

REFERRAL RESUME

Location: 3530 S. W. Multnomah Boulevard

Legal Description: Lots 1, 2, 3, 4, 5, 6, Block 3, Home Addition

Zone: C-2

Property Owner: Erwin and Marguerite Kalesse

Address: 3530 S. W. Multnomah Boulevard

Occupant: Kalesse Automotive Service, Inc.

Type of Violation: Truck and drop box storage

Code Section Violated: 33.42.010 in that use of the land as a truck terminal, which is allowed by Chapter 33.52 and Chapter 33.54 but not in Chapter 33.42, does not conform in all respects to the regulations in Chapter 33.42, and Section 33.42.250, which prohibits uses in C-2 zones which are not specifically mentioned in the chapter.

Inspector: Eva Harvey; Barbara Wood

Other City Agencies Involved: Bureau of Neighborhood Environment regarding weeds

Complainant or Witness: L. D. Tonsager, Room 201, Union Station, 800 N.W. 6th Avenue, Portland 97209 (Phone 224-6087) and 16 other neighbors submitting signed statements.

RI [illegible]

Erwin and Marguerite Kalesse
Kalesse Automotive Service
3530 S. W. Multnomah Boulevard

Zone C-2

Legal Lots 1, 2, 3, 4, 5, 6, Block 3, Home Addition

3/11/74 Complaint to Bureau of Buildings from Bureau of Neighborhood Enviroment regarding outside storage and garbage trucks.

3/18/74 Field representative observed four garbage trucks, nine drop boxes, a pile of scrap metal and car parts, and three partially dismantled vehicles around service station. Contacted Larry Nienhueser, station manager, said they lease space to Miller's Sanitary Service. Advised him to remove the dismantled vehicles and discontinue outside storage.

3/20/74 Field representative contacted Mr. Larry Nienhueser and advised him of C-2 zone restrictions, no parking of garbage trucks unless non-conforming. He requested our contact be with Mr. Kalesse.

3/21/74 Report by phone to Bureau of Neighborhood Environment.

3/20, 21, 27, 28/74 Unable to contact Mr. Kalesse.

3/29/74 Letter to Erwin and Marguerite Kalesse regarding truck and bus servicing and garbage trucks and drop boxes stored on C-2 zone.

3/29/74 Report to B.N.E. that dismantled vehicles, junk, drop boxes, and garbage trucks appear to be on unimproved public street.

4/2/74 Bureau of Traffic Engineering reported to coordinator, B.N.E., that vehicles on street area have been moved partially onto private property.

4/9/74 Clarence Crank and Eva Harvey viewed microfilm records of 1968 application for permit #444020 after phone contact with Mr. Kalesse, when he indicated the Bureau of Buildings issued him a permit to build a garage to repair trucks and buses, so it was assumed a legal use. Microfilm record of application shows occupied as "garage" with no mention of "truck." Application shows "see plans." Plans are labeled "An Addition to Kalesse Service Station."

License Bureau records show "Kalesse Automotive Service, Inc., "moved to 3530 S. W. Multnomah Boulevard from 3030 S. W. 35th Avenue March 26, 1954.

City Auditor ownership card shows warranty deed issued to Erwin and Marguerite Kalesse December 13, 1952.

Building inspection cards show Permit 330499 issued to Erwin Kalesse October 6, 1953, to build a one-story, Class VII, Grade 2D garage in Zone 3 at 3530 S. W. Multnomah Boulevard.

4/22/74 Field representative contacted Nick Brajavich, garbage men union representative re garbage man rumor that this problem has been resolved. Mr. Brajavich had met with Mr. Kennedy and Mr. Lind regarding zone change. Advised him talk about it does not solve the zone violation, application must be filed in order to change the zone.

4/24/74 Vehicles removed, drop boxes lined up next to building, garbage trucks and scrap pile still there.

4/18/74 Petitions signed by 18 neighbors asking for removal of garbage trucks, six of the petitions included the statement that they were 1959 residents of this neighborhood and that trucks and buses were not repaired there prior to July 1, 1959.

5/1/74 Mr. Kalesse came to office of Chief Building Inspector for conference on nonconforming use or zone change.

5/7, 8, 9, 14/74 Dates of affidavits from six business establishments that Kalesse had repaired buses and trucks prior to 1959. Petition from 28 neighbors stating Kalesse had operated since 1948.

5/15/74 Don Jeffrey, City Attorney, informed C. C. Crank that on basis of affidavits truck repair is a permitted nonconforming use. Storage of drop boxes and trucks not permitted. Mr. Crank notified Mr. Kalesse.

5/28/74 Trucks and drop boxes on lot.

6/25/74 Ten-day letter to Kalesse.

7/8/74 Kalesse obtained information sheet from Bureau of Planning, prepared and mailed to Kalesses.

9/10/74 Inspection shows one large drop box in rear of building, one green drop box unloaded during observation and stored on lot at side, one Miller Sanitation truck, T210523, parked on lot. Other trucks during observation parked without driver on lot, later moved to pumps.

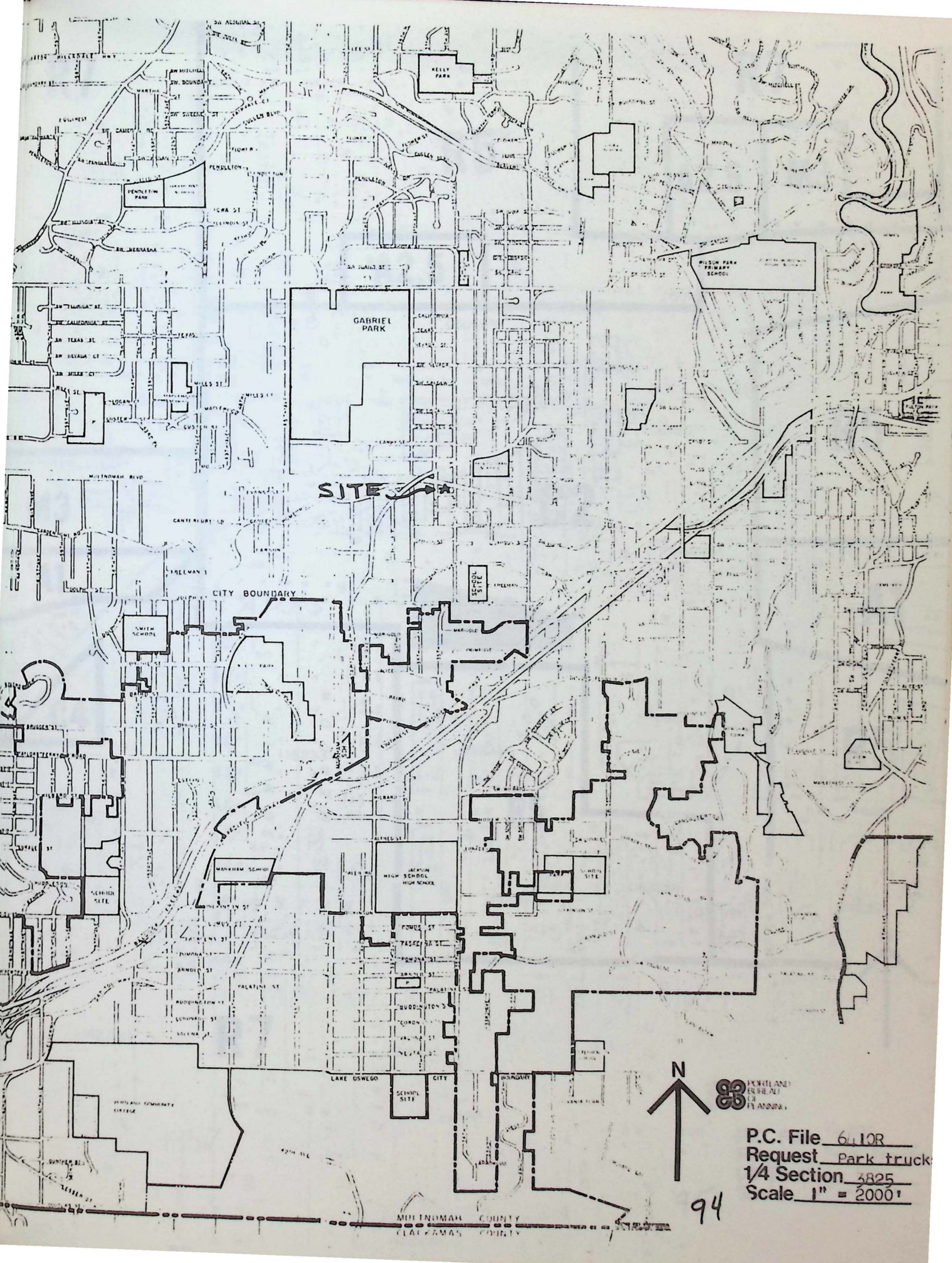
9/17/74 Phoned Mrs. Kalesse.

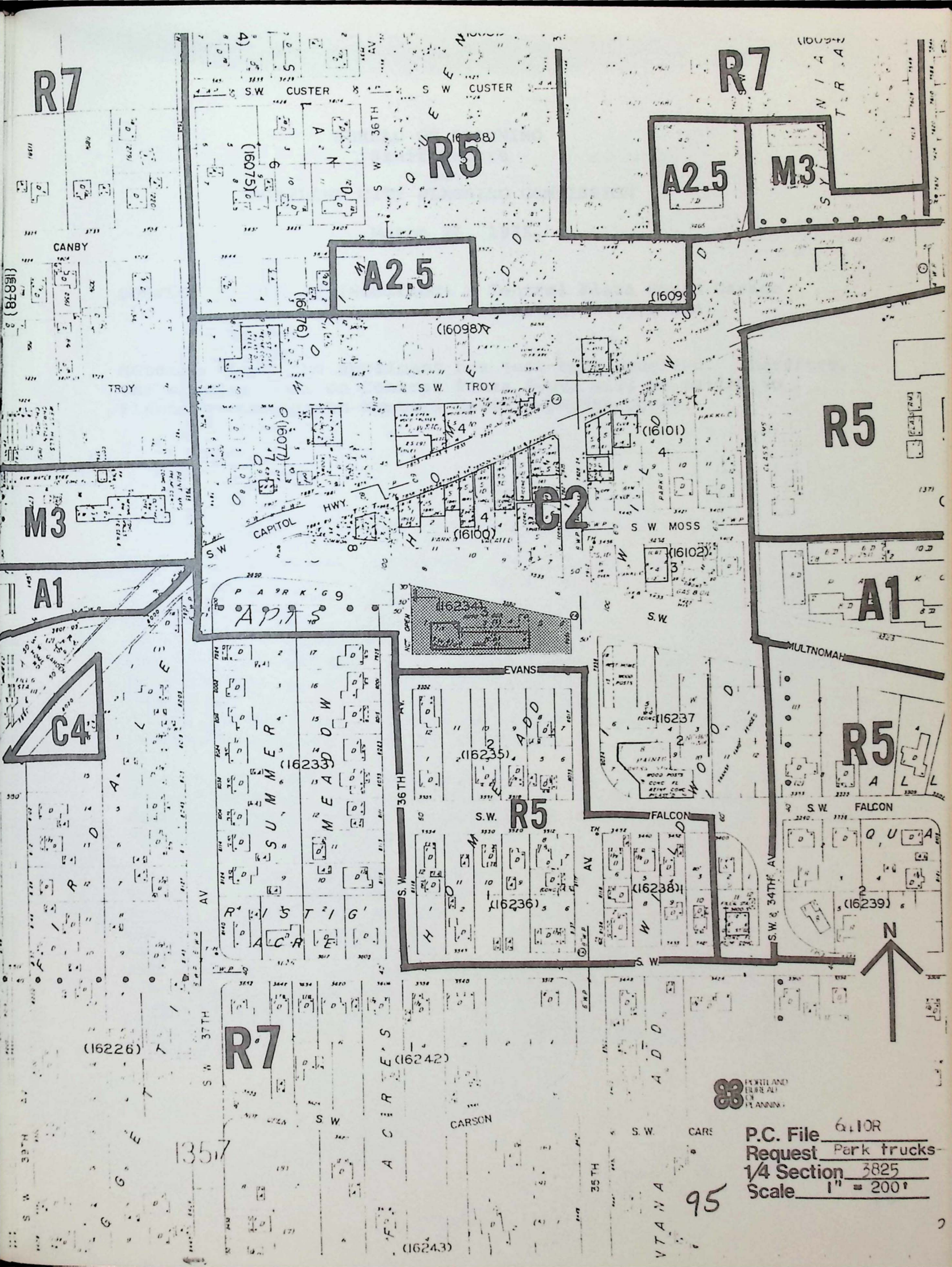
9/18/74 Mr. Kalesse phoned, said he is confused as to what is required, advised him to act rapidly re petition if he is interested in zone change.

11/19/74 Millers Sanitation truck, T212523, tires, one large, six small drop boxes.

12/16/74 Miller truck removed. One large, six small drop boxes, pile of automobile parts at rear. Tires stored at rear and side of building. Two drop boxes at front. Four sanitation cans, approximately one dozen drums on east side of building. Met with City Attorney's office personnel.

12/17/74 Suit filed.


SITE
GABRIEL PARK
KELLY PARK
PENDLETON PARK
PILSON PARK PRIMARY SCHOOL
CITY BOUNDARY
SMITH SCHOOL
MARKHAM SCHOOL
JACKSON HIGH SCHOOL
SCHOOL SITE
LAKE OSWEGO CITY
MULTNOMAH COUNTY
CLACKAMAS COUNTY
N
PORTLAND BUREAU OF PLANNING
P.C. File 6.10R
Request Park truck
1/4 Section 3825
Scale 1" = 2000'
94




P.C. File 6410R
Request Park trucks
1/4 Section 3825
Scale 1" = 200'

BUREAU OF PLANNING
Staff Report
to
PORTLAND CITY PLANNING COMMISSION

March 26, 1975

SUBJECT: DPR 33 (Modified) - Central Plaza South Garage Entrance Relocation

Material from the applicant has just been received. Therefore, the staff report on Central Plaza South will be mailed to Planning Commission Members under separate cover.

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
March 24, 1975

Code Amendments Regarding Surfacing of Parking Areas for Certain M2 and M1 Uses.

The Bureau of Buildings has requested a Zoning Code interpretation regarding the following (1) Are the uses permitted in M2 and M1 Zones under Section 33.52.020, Group 10, Item G (Contractors' or loggers' equipment and truck storage yard, plant, repair, rental or sales), Item AA (Truck, truck trailer or bus sales, service, rental, repairing or overhauling), and Item BB (Truck terminal), covered by the paving and screening requirements of Sec. 33.82.030 in the Parking Regulations article? (2) Are only passenger automobiles covered by the same Parking Regulations? (3) Are commercial parking lots properly allowed as a Sec. 33.42.020 (C2 Zone) Group 4, Item (2) use? (See attached copy of letter from the Bureau of Buildings).

Conversations with the Bureau of Buildings reveal that over the years they have attempted to enforce the paving requirement of the Parking Regulations article on all open storage and maneuvering space on properties devoted to the three uses listed in the first question above. They say that they have always encountered resistance to the requirement of paving as opposed to less expensive and more durable surfacing for the heavy equipment involved and that this resistance is increasing. They point out that the Zoning Code is not specific that paving and screening are required for these uses.

It has also been learned that the Bureau of Sanitary Engineering is increasingly concerned about more and more of the City's area being covered with impervious surfaces leading to increasing amounts of storm water runoff.

To ensure that the three use categories specified, plus other Group 10 uses involving large vehicles, are covered by the Parking Regulations and that surfacing of a suitable type is required it is recommended that the Planning Commission recommend amendment of Sec. 33.52.030 Limitations on use (M2 Zone) to add Sub-Section (c) Group 10 Outside area used for storage and maneuvering of trucks, buses, heavy equipment and other large vehicles of Group 10 uses shall be surfaced in compliance with Building Code requirements and shall meet the screening requirements of Sec. 33.82.030.

To ensure also that paving as well as screening are specifically required for trailers of all types as well as automobiles it is recommended further that the following amendments of C2 Zone regulations and M3 zone regulations be recommended by the Planning Commission.

> Amendment of present Item (4) C of Group 4 Sec. 33.42.030 Limitations on use (C2 Zone) as follows: C. Paving and sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).
>
> Amendments of present Item (3) B of Group 4 Sec. 33.50.030 Limitations on use (M3 Zone) as follows: B. Paving and sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).

With regard to the question as to whether or not commercial parking lots are allowed as a Group 4 use in C2 zones, and thus also in M zones by reference, the Bureau of Buildings notes that they have always so interpreted the Code but that the Code should be specific. The Bureau of Planning Staff agrees and it is recommended, therefore, that the Planning Commission recommend amendment of Sec. 33.42.020 Uses Permitted (C2 Zone) Sub-Section (d) Group 4 to add Item (2) Commercial parking lot and to renumber present items (2) through (7) to (3) through (8).

A copy of Building Code amendments prepared by the Bureau of Buildings to complement the above-recommended Zoning Code amendments is on the page following the letter from the Bureau of Buildings.

DDC:bn

THE CITY OF
PORTLAND
OREGON

DEPARTMENT OF
FINANCE AND
ADMINISTRATION

NEIL GOLDSCHMIDT
MAYOR

BUREAU OF
BUILDINGS

C.N. CHRISTIANSEN
DIRECTOR

1220 S.W. FIFTH AVE.
PORTLAND OR. 97204
503/248-4245

Dale

FEBRUARY 24, 1975

MEMORANDUM

TO: E. BONNER, PLANNING DIRECTOR

FROM: C. N. CHRISTIANSEN, BUILDINGS DIRECTOR CNC

RE: VEHICLE PARKING

MANY SITUATIONS, INQUIRIES AND COMPLAINTS HAVE BEEN NOTED IN THIS BUREAU CONCERNING THE PARKING, STORING AND MANEUVERING OF TRUCKS, BUSSES, OVER THE ROAD TRAILERS, EARTH MOVING EQUIPMENT, MOTORIZED GRADING EQUIPMENT, AND MOTORIZED SELF PROPELLED VEHICLES OF ALL TYPES.

IN ORDER TO PROPERLY ENFORCE THE PLANNING AND ZONING CODE IT IS NECESSARY THAT THIS BUREAU OBTAIN A DECISION IN ACCORDANCE WITH SEC. 33.82.010 (D), TO PROVIDE ANSWERS TO THE FOLLOWING QUESTIONS:

1. ARE THE ABOVE MENTIONED VEHICLES INCLUDED IN THE "VEHICLE" REFERRED TO IN SEC. 33.82.030 (A)?

2. DOES THE "AREAS USED FOR STANDING AND MANEUVERING" (SEC. 33.82.030) APPLY TO GROUP 10 G-SEC. 33.52.020. TRUCK STORAGE, ETC., GROUP 10 AA-SEC. 33.52.020, TRUCK AND BUS SALES, AND GROUP BB-SEC. 33.52.020, TRUCK TERMINALS?

3. DOES CHAPTER 33.82 APPLY ONLY TO PASSENGER AUTOMOBILES? NOTE SEC. 33.82.010 (A), "WHEN ANY PARKING AREA FOR THE PARKING OF THREE OR MORE CARS IS TO BE ESTABLISHED, ETC.,".

4. ARE SURFACE PARKING LOTS PROPERLY CATEGORIZED AS A GROUP 4 (2) OF SEC. 33.42.020?

PLEASE CONTACT BUD DUNNIGAN OR AL CLERC WITH SPECIFIC QUESTIONS.

AC/ CNC:BH

RECEIVED
MAR 1 1975
City of Portland
Bureau of Planning

Building Code Amendments
Proposed by Bureau of Buildings

Parking, storing and maneuvering areas for trucks (gross vehicle weight of over 18,000 lbs.) buses, heavy motorized equipment and other large vehicles shall be surfaced in a manner approved by the Building official that will effectively eliminate objectionable dust, mud or other contaminating elements on surrounding street area and abutting property.

A concrete or asphalt driving apron shall be constructed at each driveway to the street or public way and shall extend from the property line at least 40 ft. into the surfaced area.

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
26 March 1975

Code Amendments
Regarding Permitted Development
On Undersized Platted Lots

History: The proposed zoning code upon which hearings were held in 1958 and which, with modifications, became Portland's Zoning Code in 1959, specified minimum lot sizes, e.g. 5,000 sq. ft. in R5, with no grandfather provisions for substandard lots already in existence.

As a result of testimony received at the hearings the Code was adopted with provisions permitting construction of single-family houses on existing platted lots down to a specific size, e.g. 4,000 sq. ft. in R5 zones. Less than this size would be subject to the variance procedure. The Code, as adopted, also contained the definition of "lot" as being an area, parcel or tract of land under one distinct ownership and a further provision prohibited the reduction of a "lot" below the minimums of the zone by transfer of ownership. The resulting confusion should be obvious. Did, for example, the owner of two adjoining 50 ft. by 100 ft. platted lots in an R10 zone have the right to sell one without the other?

This ambiguity was finally brought to question and, in 1970, the Code was amended to modify the grandfather language by extending the permission to construct a single-family house on an existing platted, substandard lot only if it were held in ownership different from the ownership of any abutting lot.

In 1972 a situation occurred in which building permits were issued for two houses on adjoining undersize, platted lots wherein it was clear that the title to one lot had been transferred to a separate ownership for the purpose of building two houses. The City Attorney advised that, although this appeared to be a contravention of the Code, the language was still ambiguous enough that successful pursuit through the courts was dubious. To plug this presumed ambiguity the Code was amended once again, this time by adding a sentence to the definition of "lot" which read: "Abutting platted lots in the same ownership shall be considered a lot and any division of the ownership shall be in compliance with provisions of this Code."

Therefore, from its adoption, the Code has contained grandfather provisions recognizing pre-existing, sub-standard lots, and it has twice been amended in an effort to make it clear that such a pre-existing, sub-standard lot was a legal building site only when held in ownership separate from abutting lots so that there was no ready means for the owner to enlarge it to meet the minimum requirements of the zone. This has clearly been the policy of both the Council and the Commission as the foregoing history testifies.

Discussion: The Zoning Code now defines a lot as "any area, tract or parcel of land owned by and under the lawful control and in the lawful possession of one distinct ownership. Abutting 'platted lots' in the same ownership shall be considered a 'lot' and any division of the ownership shall be in compliance with provisions of this code." The Code further defines a platted lot as "one of the category of smallest described parcels of land in the subdivision, duly approved and recorded with the county clerk." The Code sets minimum lot area, widths, and depths in each residential zone. Each residential zone article further states that "no lot, tract or parcel of land shall be reduced by transfer of ownership, immediate or future, in area, width, or depth to less than (the stated minimum requirements of that zone)."

Following this general requirement, however, is a provision intended to grant an exception for certain lots existing prior to the adoption of the Code that do not meet the minimum requirements. This "grandfather clause" reads: "On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot (Staff emphasis), a one-family dwelling may be constructed notwithstanding the requirements (normal minimum lot area dimension requirements) in this section; provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than (lower minimums set for lot area, lot width, and lot depth in each zone) unless approved as provided in Chapter 33.98." These lots that existed prior to July 1, 1959 or in the case of an annexed area, the effective date of the annexation, will be referred to in this Staff report as "grandfather lots."

These provisions require a person owning more than one of these grandfather lots, which are abutting, to obtain a variance in order to construct a dwelling on an individual grandfather lot, while a person owning a single grandfather lot in the same neighborhood may construct a dwelling without applying for such a variance.

In some of the subdivisions with these grandfather lots, the development pattern has been mainly on individual grandfather lots, while in others the development pattern is on larger sites than the grandfather lots.

Current Situation: As a result of the tightening-up of the grandfather provisions on lots there has been an increased number of requests for variance from the minimum lot area and dimension provisions of the code. Approximately 14% of all variance requests last year were in this category, many of them gaining approval.

The consistent pattern of Variance Committee actions on platted, sub-standard lots held in common ownership with adjoining property has been to recognize the characteristic development in the vicinity as its criterion. That is, if nearby development has taken

place, for the most part, on similar, individual, sub-standard, platted lots, the variance is approved. If the majority of surrounding development utilizes more than a single platted lot, bringing the characteristic building site in keeping with the regular lot minimums, the variance is denied.

Staff Proposal: In order to improve the Zoning Code and to reduce the number of seemingly unnecessary lot area variances, the Staff has developed an amendment to the Code requirements for undersize platted lots which have existed since adoption of the Code. The amendments would (1) allow not only the construction of a one-family residence on a platted lot held in ownership different from the ownership on any abutting lot, but also (2) allow the construction of a one-family residence on such a platted lot when held in the same ownership with an abutting lot or lots provided that the development in the immediate neighborhood is similar to that of the proposed lot.

The philosophy adopted by the Staff in drafting this proposed amendment was to attempt to permit use of a lot where the predictable action of the Variance Committee would be approval, and to continue to require Variance Committee action where no such predictablity was discernible.

How well this objective has been reached can be judged by a review of 1974 Variance Committee actions. There were 36 actions that had to do with lot area or dimensions. Thirteen of these had to do with lot splits or assemblages of portions of lots rather than individual platted lots. Of the remaining 23 actions, 12 which were approved by the Committee would have been permitted under the amendment. The remaining 11 would not have been permitted by the amendment. Three of these were denied by the Committee; eight were approved.

The Staff believes that this is a reasonable batting average and, importantly, it avoids taking a more liberal stance than that evolved by the Variance Committee after its years of reviewing such cases one by one in detail.

Recommended Amendments: The Staff recommends, therefore, that the following amendments be made to the Planning and Zoning Code.

Note: Crossing out (---) indicates recommended deletions. Underlining (___) indicates recommended additions.

## CHAPTER 33.20
## R20 ONE FAMILY RESIDENTIAL ZONE

Section 33.20.050 Lot size required.

(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to~~

~~October 12, 1964, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than fourteen thousand square feet in area, seventy feet in width, and one hundred twenty feet in depth, unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than fourteen thousand square feet in area, seventy feet in width, and one hundred twenty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to October 12, 1964, the effective date of this Chapter, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since October 12, 1964, the effective date of this chapter, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot is held in the same ownership with abutting lot or lots, and

A. That any existing dwelling on any abutting lot under the same ownership shall not be in violation of the requirements of Section 33.90.020; and

B. That abutting property under the same ownership shall consist of at least one complete platted lot or, if unplatted, shall conform to the minimum requirements of subsections (a), (b), and (c); and

C. That at least 50% of all undersized platted lots in the same zone and within 150 feet of, and fronting on the same street or streets as the subject undersize platted lot, are developed as individual lots with buildings.

## CHAPTER 33.22
## R10 ONE FAMILY RESIDENTIAL ZONE

Section 33.22.050 Lot size required.

(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk prior to~~

~~July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section; provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than seven thousand square feet in area, sixty feet in width, and one hundred feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than seven thousand square feet in area, sixty feet in width, and one hundred feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this title, or, in the case of annexed area, the effective date of the annexation, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b), and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot is held in the same ownership with abutting lot or lots and

A. That any existing dwelling on any abutting lot under the same ownership shall not be in violation of the requirements of 33.90.020; and

B. That abutting property under the same ownership shall consist of at least one complete platted lot, or, if unplatted, shall conform to the minimum requirements of subsections (a), (b) and (c), and

C. That at least 50% of all undersized platted lots in the same zone and within 150 feet of, and fronting on the same street or streets as the subject undersize platted lot, are developed as individual lots with buildings.

CHAPTER 33.24
R7 ONE FAMILY RESIDENTIAL ZONE

Section 33.24.050 Lot size required.

(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership of any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than five thousand square feet in area, fifty feet in width, and ninety feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than five thousand square feet in area, fifty feet in width, and ninety feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this title, or, in the case of annexed area, the effective date of the annexation, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot is held in the same ownership with abutting lot or lots; and

A. That any existing dwelling on any abutting lot under the same ownership shall not be in violation of the requirements of Section 33.90.020; and

B. That abutting property under the same ownership shall consist of at least one complete platted lot or, if unplatted, shall conform to the minimum requirements of subsections (a), (b), and (c); and

C. That at least 50% of all undersized platted lots in the same zone and within 150 feet of, and fronting on the same street or streets as the subject

undersize platted lot, are developed as individual lots with buildings.

## CHAPTER 33.26
## R5 ONE FAMILY RESIDENTIAL ZONE

Section 33.26.050 Lot size required.

(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than four thousand square feet in area, forty feet in width, and eighty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of anned area, the effective date of the annexation, a one family dwelling may be constructed notwithstanding the requirements of subsections (a), (b), and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot is held in the same ownership with abutting lot or lots; and

A. That any existing dwelling on any abutting lot under the same ownership shall not be in violation of the requirements of Section 33.90.020; and

B. That abutting property under the same ownership shall consist of at least one complete platted lot or, if unplatted, shall conform to the minimum requirements of subsections (a), (b), and (c); and

C. That at least 50% of all undersized platted lots in the same zone and within 150 feet of; and

fronting on the same street or streets as the subject undersize platted lot, are developed as individual lots with buildings.

DC/RA/st/es

# PORTLAND CITY PLANNING COMMISSION

## MAY / 1975 MEETING

AGENDA 403

TUESDAY, 6 MAY 1975

MEETING LOCATION:

Room 200
City Hall Annex
424 S.W. Main Street

TIME OF MEETING:

See inside

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 403
Tuesday, 6 May 1975
424 SW Main Street

FROM 12 NOON TO 1:30 PM

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Governor's Task Force on Transportation Report

2. Union Avenue Report

3. Proposal for Notebooks for Commission Members

AFTER 1:30 PM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PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 1, 1975

Present: Sheldon, Gustafson, Eckton, Minden, Wessinger, Roso, Shannon
Staff: Bonner, Cannady, Hampton, Vail, O'Hiser

The meeting was called to order at 12:15 noon by Chairman Sheldon in Room 200, City Hall Annex.

DIRECTOR'S REPORT

Gary Stout presented a review of the Housing Assistance Plan in two parts, i.e., Overall Objectives for Housing Assistance, and (2) General Locations of Proposed Assisted Housing.

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APPROVAL OF MINUTES

Planning Commission.....23 February 1975.....Approved
27 February 1975.....Approved
4 March 1975.....Approved

Zoning Committee.....25 February 1975.....Approved
11 March 1975.....Approved

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COUNCIL ACTIONS

The Commission discussed Council actions regarding Planning Commission matters.

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ITEMS FOR ACTION

File 6410R Revocable permit request for truck parking in a C2 zone located SW 35th and Multnomah Blvd.; Kalesse, deedholder

DPR 33 Request to change garage entrance from location indicated on previously approved plans for Central Plaza South, 1/2 block 9-level parking structure with shops at SW 4th and Alder

Code Amendments regarding Surfacing Parking Areas for Certain M2 and M1 uses

FOR DISCUSSION

Procedure to set forth Commission members' reasons for decisions on zoning matters, etc.

File 6410R Revocable permit request for truck parking in a C2 zone located at SW 35th and Multnomah Blvd.; Kalesse, deedholder

Mr. Shannon declared a conflict of interest on this case and left the room.

Applicants: Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders

Revocable Permit Request: Truck parking

Location: 3530 SW Multnomah Boulevard

Legal Description: Tax Lot 1 and Lot 1, Block 3, Home Addition

Zone: C2 Quarter Section: 3825

Applicant's Proposal: To park trucks outside overnight as part of a truck repair business.

Staff Findings: Truck or bus sales, service repairing, overhauling and truck terminals are first permitted in an M2 zone. The property in question is zoned C2. The Staff Report contains the applicant's and Building Bureau histories pertaining to past and present use, nonconforming status and Building Bureau actions.

A complaint (#410689) drawn up by the City Attorney's Office has been placed in limbo until all administrative remedies have been exhausted, which consist of the Planning Commission and City Council action on this revocable permit request.

The applicant has not requested consideration to "continue to store materials and merchandise outside of the enclosed building..."; however, such storage should be considered as well as the outdoor overnight truck storage.

This request is located within the Jackson Community Association service area. To the south and west are residential land uses. To the north and east are various commercial uses (stores).

SW Multnomah is an arterial and is improved. SW 35th Avenue is improved; however, SW Evans and the abutting portion of SW 36th are not improved.

There is no screening or fencing other than the applicant's building between this use and the residential neighborhood to the south and southwest.

History: On March 4, 1975 the Planning Commission action was:

A. The Zoning Committee considered this matter January 28, 1975 and tabled the request for a period not to exceed one month in order to find a suitable site for the storage of trucks, materials or relocation of the applicant's entire business.

On February 25, 1975 the Zoning Committee was to reconsider the request; however, because only one member on the Committee had heard the matter on January 28, and because of the nature of the request, it was felt that referral to the entire Commission would be appropriate.

B. Table the request for a period not to exceed one month. In the intervening time the applicant and Planning Commission Staff will endeavor to find a suitable site either zoned properly or for which the Staff would recommend proper zoning either for storage of the trucks and materials or for relocation of the applicant's entire business.

The Staff has surveyed SW Portland for possible sites and has narrowed the possibilities to:

I. SW Multnomah from Barbur to SW 45th.

II. The strip between the I-5 Freeway and SW Barbur from SW Terwilliger to the city limits, south.

III. The existing M1 and M2 in the Corbett-Terwilliger area.

The Staff has surveyed I and II and requested that the applicant survey area #III as well as submit a list of preferred alternatives from his point of view.

I. Along SW Multnomah the following sites were noted:

1. The existing M3 zone on the north side of SW Multnomah between SW 37th and approximately SW 43rd is used to park heavy construction equipment. There doesn't seem to be any excess space on this site.

2. The applicant's site at SW 34th has been discussed.

3. The Stockman Trailer site located at SW Multnomah and SW 25th just off SW Barbur Boulevard appeared to be a promising site. The trailers have been moved off the 6.20 acre site. The deedholders are Donald and Patricia Davenport of Long Beach, California. There is a Pacific Northwest Bell van garage to the west with the Army Reserve Center west of the garage. To the north is the West Hills Christian School and commercial uses along SW Barbur Boulevard. To the south is a new medical facility and some residential uses on the south side of SW Multnomah. The structures as well as the trailers have recently been removed. Pacific Northwest Bell has a lease for the property and plans to construct several commercial buildings including an expansion garage and service center in two buildings employing approximately 100 people. Future expansion slated for the site would include an electronic switching station to service that portion of

Southwest Portland. Proximity to SW Barbur, limited nearby residential uses, large site size to serve the truck parking purposes as well as adequate area involved to require substantial buffering appeared to be advantages to this site.

II. Along the I-5/SW Barbur Blvd. strip the following sites were noted:

1. SW Barbur south of SW Taylors Ferry Road (at approximately SW 35th). This site is for sale and contains approximately two acres; however, it is steep and probably the house would have to be removed. Advantages to this site include: except for the house the site is vacant, the location is between the two noisy throughfares, would have access to SW Barbur and the site is available.

2. Approximately two block northeast of the site mentioned above, there is a truck stop including some truck parking. No garbage trucks were noticed on the site. The trucks using this site are very large truck-trailer rigs which require a large area for parking and maneuvering.

The following people spoke in favor of the proposal:

Erwin Kalesse, Applicant, 3530 S.W. Multnomah
Carl Miller, Miller Sanitary Service, 6812 S.W. 36th
Marlene Wagner, Wagner Sanitary Service, 6815 S.W. 11th Drive

The following people spoke in opposition of the proposal:

Neal Hibar, 4128 S.W. Agate Lane (owner of apt. bldg. west of the truck garage)
Mary Tonsager, 8033 S.W. 36th
Gary Vetter, 79 S.W. 36th
Joel Oxley,8001 S.W. 36th

Letters were received from the following who favored the proposal:

Marion Garland, Southwest Sanitary Service
Walter Krieger, Sanitary Service
Carl Miller, 6812 S.W. 36th
Jim Sandby, Sandby Transfer Co., 5112 S.W. Nebraska

The Bureau of Neighborhood Environment is concerned about noise created by that type of activity. The City Engineer said that he had no objection to the proposal.

The Traffic Engineer recommended denial.

A letter was received from the following individual who objected to the proposal:

Horace Bixby, 3552 S.W. Evans

A petition signed by 25 individuals was received objecting to the proposal. Most of the signatures were from people living in the nearby apartment building.

Staff Recommendation: Denial of request because M2 zoning is required for this use.

ACTION: Mrs. Roso moved that a revokable permit be granted for one year which would allow storage of two vehicles from 6 P.M. to 6 A.M. inside the building and no storage outside the building except that which is allowed in a C2 zone, and that more than 2 trucks (but not drop boxes) may be parked from 6 A.M. to 6 P.M. if they are awaiting service, but by 6 P.M. they have to be off the premises or inside the building, and that from 6 P.M. to 6 A.M. the rear doors on Evans Street be closed and not used for any purpose and that at all other times the doors be used for access only.

Mr. Wessinger seconded the motion.

Ayes: Sheldon, Eckton, Minden, Roso Wessinger

Nays: Gustafson

Motion carried.

Mr. Shannon returned to the meeting.

File No: DPR 33 (Modified) Central Plaza South

Applicant: Melvin Mark, Jr. & Douglas Goodman

Applicant: John Russell, 222 S.W. Harrison

DPR Request: To modify the plan for Central Plaza South parking structure with shops (DPR 33) approved by the Planning Commission and the City Council with conditions) to allow a relocation of the Morrison Street garage entrance to S.W. Fourth Avenue.

Location: One half block on S.W. Fourth between S.W. Morrison and S.W. Alder.

Legal Description: Lots 5-8, Block 49, Portland Addition

Zone: C1 Quarter Section: 3029.5

Address: S.W. Fourth and Alder Street

History:

1. On July 22, 1974 the Planning Commission approved, with conditions, the applicant's request to construct a 9 level parking structure with ground floor and sub-level shops. The plans reviewed called for entrances and exits on both S.W. Alder and S.W. Morrison Streets. Planning Commission condition #4 required "that the planned Morrison Street exit and entrance be closed at the time that ground level Morrison Street pedestrian or transit improvements are completed between S.W. Front and Fourth Avenues. . ."

2. The Planning Commission action was appealed to the City Council by Sonya Reedy who was opposed to the project, and by the applicant who objected to some of the conditions as worded. On September 18, 1974, the City Council took action approving the Downtown Plan Review request with conditions. Planning Commission condition #4, was adopted in the Council action.

3. On September 19, 1974, the applicant presented a construction alternative to the Bureau of Planning staff which addressed City Council condition #4 calling for eventual closure of the Morrison Street entrance and exit by locating an entrance and exit on S.W. 3rd Avenue. This revised plan also differed from the previous scheme by providing more ground floor retail space and a more efficient internal circulation system. The Downtown Plan Review ordinance authorizes the Planning Director to approve or deny development of 20,000 sq. ft. or less of floor area (Ordinance No. 138412 item (1) B.) Because the applicant's plan modification was consistent with City Council action, this plan proposal was approved.

4. The Third Avenue exit-entrance plan has not proved to be economically feasible. Therefore, the applicant has developed the present proposal for maintaining an exit on S.W. Morrison Street and relocating the Morrison entrance to S.W. Fourth Avenue. Since the time previous approvals were given, the City Council has adopted a Downtown Parking and Circulation Policy which contains specific language about preferred locations for garage access. Also, the Traffic Engineer has reviewed the new proposal which differs from the earlier plans evaluated. Therefore, it is the opinion of the Staff that it is appropriate for the Planning Commission to review this plan modification.

Findings:

The following evaluation is limited to the question of the appropriateness of the Fourth Avenue entrance location only. Previous Planning Commission and City Council findings have determined that the proposed garage and retail use of this land sufficiently accords with

Council adopted goals, land use, environment, and building density elements of the Planning Guidelines as required by Ordinance #138412 item (3).

1. The proposed Fourth Avenue entrance, to be located at mid-block, is in accord with the Downtown Parking and Circulation Policy adopted by City Council on February 26, 1975, which identifies S.W. Fourth Avenue as a major traffic access street (suitable for parking garage access.)

2. The City Traffic Engineer recently evaluated a scheme similar to the present proposal calling for a Fourth Avenue entrance. Also indicated was a possible future relocation of the Morrison exit to S. W. Fourth which is not shown on the applicant's plan as presented. No objection to this arrangment as an interim solution only was made, but it is his view that property acquisition on the east half of the block should proceed to permit a Third Avenue entrance and exit and a phase II garage facility.

3. The proposed relocation of a Morrison entrance to the S. W. Fourth Avenue does not reduce the amount of square footage of ground floor retail space available for use from the amount indicated in the plan approved by City Council. While a continuous frontage of shops along S. W. Fourth is desirable, the new proposal would provide more retail frontage along S. W. Morrison, which is given a pedestrian emphasis in the adopted Downtown Parking and Circulation Policy, to serve as a major link between the Waterfront Esplanade, Retail Core and planned Pioneer Court House Plaza.

Conclusion:

The applicants proposal is consistent with previous City Council actions which were taken to fulfill the objective of minimizing vehicular traffic on S. W. Morrison thereby improving the environment for pedestrian activities. However, all of the conditions which the City Council attached to the approval of the project are still valid and should be maintained.

Further, property should be acquired as soon as possible on the east half of the block facing S. W. Third Avenue; a street designated as a traffic access street, to permit early construction of a garage entrance and exit.

Staff Recommendation: Approval with the previously approved conditions to be amended as shown:

1. That if a half-block development is undertaken at least 2500 square feet of space for retail-service commercial be located at or close above the second level.

6. That either a half-block or a full-block structure and the sky-bridge designs be further reviewed by the Design Committee of the Planning Commission with assistance of members of the Development Commission Council regarding the following:

    a. Visual compatibility of the proposal with the City-scape and immediate environment in terms of scale of building elements, character, site planning, architectural treatment, materials, textures, color, etc.

    b. Access, landscaping, street furniture, lighting, signs, graphics, bicycle storage facilities, etc.

    c. Pedestrian amenities, convenience, and pleasure in relation to sidewalk and skyway circulation and design.

    d. Design plans shall go to the Design Committee for approval and then back to the Planning Commission for final approval.

7. That operators and future operators of either half-block or full-block structure establish a parking rate to assure that parking duration is less than five hours for 90 percent of the spaces.

8. That Meier and Frank submit a letter of commitment which will indicate that when there is replacement parking at the project site proposed by applicant,and when there are adequate funds available to the City,the present Meier and Frank parking lot will be available for purchase at fair market value for a public square.

9. That the City Planning Commission return with another section regarding public access to the Skyway System using the Minneapolis system as a guide.

ACTION: Mr. Wessinger moved approval of the staff report with the deletion of the words "and entrance" in the fourth condition.

Mr. Minden seconded the motion.

Ayes: Eckton, Gustafson, Minden, Roso, Sheldon, Shannon, Wessinger
Nays: None

Motion carried unanimously.

Code Amendments Regarding Surfacing Parking Areas for Certain M2 and M1 Uses

The following staff report was submitted by Dale Cannady:

The Bureau of Buildings has requested a Zoning Code interpretation regarding the following (1) Are the uses permitted in M2 and M1 Zones under Section 33.52.020, Group 10, Item G (Contractors' or loggers' equipment and truck storage yard, plant, repair, rental, repairing or sales), Item AA (Truck, truck trailer or bus sales, service, rental, repairing or overhauling), and Item BB (Truck terminal), covered by the paving and screening requirements of Sec. 33.82.030 in the Parking Regulations article? (2) Are only passenger automobiles covered by the same Parking Regulations? (3) Are commercial parking lots properly allowed as a Sec. 33.42.020 (C2 Zone) Group 4, Item (2) use? (See following code amendments proposed by the Bureau of Buildings.)

Conversations with the Bureau of Buildings reveal that over the years they have attempted to enforce the paving requirement of the Parking Regulations article on all open storage and maneuvering space on properties devoted to the three uses listed in the first question above. They say that they have always encountered resistance to the requirement of paving as opposed to less expensive and more durable surfacing for the heavy equipment involved and that this resistance is increasing. They point out that the Zoning Code is not specific that paving and screening are required for these uses.

It has also been learned that the Bureau of Sanitary Engineering is increasingly concerned about more and more of the City's area being covered with impervious surfaces leading to increasing amounts of storm water runoff.

To ensure that the three use categories specified, plus other Group 10 uses involving large vehicles, are covered by the Parking Regulations and that surfacing of a suitable type is required, it is recommended that the Planning Commission recommend amendment of Sec. 33.52.030 Limitations on use (M2 Zone) to add Sub-section (c) Group 10 Outside area used for storage and maneuvering of trucks, buses, heavy equipment and other large vehicles of Group 10 uses shall be surfaced in compliance with Building Code requirements and shall meet the screening requirements of Sec. 33.82.030.

To ensure also that paving as well as screening are specifically required for trailers of all types as well as automobiles it is recommended further that the following amendments of C2 Zone regulations and M3 zone regulations be recommended by the Planning Commission:

Amendment of present Item (4) C of Group 4 Sec. 33.42.030 Limitations on use (C2 Zone) as follows: C. Paving and sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).

Amendments of present Item (3) B of Group 4 Sec. 33.50.030 Limitations on use (M3 Zone) as follows: B. Paving and sight-obscuring screening is provided as required in Chapter 33.82 (Parking Regulations).

With regard to the question as to whether or not commercial parking lots are allowed as a Group 4 use in C2 zones, and thus also in M zones by reference, the Bureau of Buildings notes that they have always so interpreted the Code but that the Code should be specific. The Bureau of Planning Staff agrees and it is recommended, therefore that the Planning Commission recommend amendment of Sec. 33.42.020 Uses Permitted (C2 Zone) Sub-Section (d) Group 4 to add Item (2) Commercial parking lot and to re-number present items (2) through (7) to (3) through (8).

## Building Code Amendments Proposed by Bureau of Buildings

Mr. Cannady reported the following amendments of the Building Code were also being proposed:

Parking, storing and maneuvering areas for trucks (gross vehicle weight of over 18,000 lbs.) buses, heavy motorized equipment and other large vehicles shall be surfaced in a manner approved by the Building official that will effectively eliminate objectionable dust, mud or other contaminating elements on surrounding street area and abutting property.

A concrete or asphalt driving apron shall be constructed at each driveway to the street or public way and shall extend from the property line at least 40 ft. into the surfaced area.

ACTION: Mr. Minden moved approval of staff report.

Mrs. Eckton seconded the motion.

Ayes: Eckton, Gustafson, Minden, Roso, Shannon, Sheldon, Wessinger

Nays: None

Motion carried unanimously.

PROPOSED PLANNING COMMISSION POLICY

The following policy was submitted by Spencer Vail:

> To enable the Planning Director and Staff to respond to questions from City Council at hearings concerning the collective and individual thinking and reasoning of the Planning Commission members, the following guidelines are hereby adopted:
>
> > That each Planning Commission member shall state his or her reasoning as to why she or he is casting an aye or nay vote on a particular motion. It is desirable that the statement include the resulting conclusion and voting action as well as the reasoning and logic leading to that conclusion and vote.

Mr. Shannon said that from a legal point of view if one wishes to explain his reason for voting a certain way it is his privilege, but he does not have to do so.

No vote was taken.

Because of no further business the meeting adjourned at 3:45 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 3, 1975

Present: Sheldon, Gustafson, Minden, Rose', Shannon, Wessinger
Staff: Bonner, Cannady, Vail, Scheddel

The meeting was called to order at 7:40 p.m. by Chairman Sheldon in Room 200, City Hall Annex, to continue the hearing on the St. Johns Landfill and Closure of Columbia Slough.

Spencer Vail gave the staff presentation regarding the boundaries of the landfill. He said that the staff was presenting two concepts for the Commission's consideration, namely; (1) Finger-Bay Concept, and (2) Island-Corridor Concept.

Bill Culham, Director of Solid Waste, answered questions raised regarding the operation of the landfill.

The following people raised concerns regarding the boundaries of the landfill:

Steve Roso, 8525 N. Alleghany, said that he would suggest planting trees that would grow as the fill gets higher and would serve as a visual screen.

Cliff Nelson, 6925 N. Villard, asked for protection for Potatoe Lake as he would like to preserve as much water as possible.

Howard Galbraith, 9832 N. Willamette, said that he found arrow heads in the area many years ago but that there is very little evidence of any artifacts found in the last 25 years.

Staff Recommendation: That the Finger-Bay Concept be adopted with the addition of a condition that the City cooperate with respect to recovering any archeological artifacts that may be found in the area.

ACTION: Mr. Wessinger moved to approve the Finger-Bay concept with the recommendation that the City cooperate with OMSI and other archeological organizations in the recovering of any archeological artifacts that may be found in that area.

Mr. Shannon seconded the motion.

Ayes: Gustafson, Minden, Rose', Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

ACTION: Mrs. Gustafson moved that trees be planted as soon as possible to provide visual screening of the landfill.

Mr. Shannon seconded the motion.

Ayes: Gustafson, Minden, Rose', Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

Because of commitments elsewhere Mr. Wessinger left the meeting at this time.

Mr. Vail presented the Corps of Engineers Proposal for flood control in the Smith and Bybee Lakes area. (See exhibit A)

Mr. Vail said that the Port of Portland has agreed to act as the local government sponsor for the Corps of Engineers proposal, which is called proposal #1 of the 4 presented. He presented a draft resolution and said that basically what the resolution is saying is that the City would support alternative #1, the Corps of Engineers proposal, and agree to contribute City-owned land for the ultimate development of the recreational aspects.

Clifford Hudsick, Planner, Port of Portland, said that a number of bridges were proposed for the area, but that the Port is going with the number that were proposed in the North Portland Penninsula Plan which is 3; they are of low height because of anticipation of no navigation on the Slough.

Max Runyan, 10 N. Bridgeton Road, said that he was concerned about maintaining the federal government flood insurance. He also said that the Plan that was in the best interest of the Port was not necessarily in the best interest of the City.

Terry DeSylvia, 10414 S. E. Lincoln Street, representing the Columbia Slough Development Corporation (a group of property owners) said that they want to keep the slough open for navigation.

Louis Larsen 3737 N. Willamette Blvd., said that the Port of Portland put sand in the Slough and the Corps of Engineers made them take it out. He said that there is dredging going on now.

Ted Smith, 22855 N. Baseline Road, Hillsboro, representative of Gladys Smith, asked why the Slough was blocked in 1959 which created a cess pool.

Mr. Jarin, Corps of Engineers, said that it was done to reinforce levies; it was an alternative way of providing protection.

Lawrence Barber, member of Oregon Marine Board, 6422 N. Kirby Avenue, feels that the Slough should be left open for small boats.

John Eilts, 8523 N. Bryard, Employee of the Corps of Engineers, asked if the Corps is recommending Plan 1 and Mr. Jerin said that it was.

Ron Weaver, Federal Fish and Game Commission, said that if the Slough is closed they will put warm water fish in it.

ACTION: Mr. Rose' moved to table proceeding until another plan is presented to include flood gates and possibly low bridges to keep passive recreation in the Slough area.

Mr. Minden seconded the motion.

Ayes: Gustafson, Minden, Rose', Shannon, Sheldon
Nays: None

Motion carried unanimously.

The meeting adjourned at 11 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 17, 1975

Present: Sheldon, Gustafson, Rose', Roso, Shannon, Wessinger,
Staff: Cannady, Williams, Barton, Bellinger, Neal, Scheddel

The meeting was called to order at 7:40 p.m. in the Water Services Building Auditorium, 520 S. W. Montgomery, by Chairman Sheldon for the purpose of reviewing the proposed revisions of the Landmarks Ordinance.

George McMath, Chairman of the Landmarks Commission, gave an introductory presentation. He said that they were proposing amendments to the Landmarks Ordinance; the main amendment is to give the City the capability of designating Landmarks Districts. He said that two separate districts in the downtown area are proposed, and are elements of the Waterfront Urban Renewal Plan.

Mr. Williams gave a presentation of the proposals as slides were shown. The presentation was presented in five parts, (1) Introduction (How do we know it is us, without our past?), (2) Portland Past, (3) History is our name, conservation is our game, (4) Historic districts of other cities, (5) Portland is Potpourri.

Mr. McMath said that districts are designated on the basis of cultural, architectural or historical significance.

Al Staley, architect, 317 S. E. 62nd Avenue, said that historic district designation is important as part of the preservation program and can have some lasting benefits to Portland.

Kerry Hoover, Chairman of the Burnside Community Council, 118 W. Burnside, said that they favor the district designation for the Skidmore Fountain area, but it is their concern that low income housing not be displaced as a result of the designation. He said that he feels that the Planning Commission and the City Council should see that housing and community monies are directed toward the Skidmore area in order to enable the low income population to remain there.

Marshal Widstraf, 3319 S. E. Sherman, said that she teaches Historic Preservation at Portland State University. She asked Mr. Hoover what type of incentives it would take to make it possible to have more Foster Hotels in this area.

Mr. Hoover said that they are talking about a revolving loan fund for the area which would open doors to builders.

Ms. Widstraf said that she is concerned with the lack of concern for social, cultural and historical character opposed to architectural character.

Mr. McMath said that historical, social and cultural character would be taken into consideration. He also said that there is nothing in the report that says that new construction would not be compatible. He stated that they encourage new development. He added that we have cast iron that has been preserved and could be used in those areas, but every new development doesn't have to use cast iron. He said that there is one building that was built in the 60's that is compatible.

Dean Gisvold, 2815 N. E. 17th, Citizen's Advisory Committee, said that CAC approved unanimously the section of the development regulations relating to the historical districts with one amendment to 33.120.070 which was to include property owners as well as residents on the advisory committee, and not residents and/or property owners as is stated in the Code.

Dick Norman, architect, 730 S. W. First, said that he owns a building in the Yamhill District. He stated that he didn't think that buildings, etc. should be preserved as museum pieces, but that they should be lived in, worked in, etc. He added that the owners in the area have shown that they would like to have the area designated as the Yamhill Landmarks District by the way that they have restored their buildings. He presented a letter stating his veiws. (See Exhibit A)

Caryl Waters, 402 Pacific Building, said that she would like to have the historic district stop (possibly on First) and have a linear quality for the park on the waterfront.

Mr. Williams said that the Historical District was extended to the waterfront because it was felt that that segment of the waterfront should relate to the historic district. He added that in the past the development in that area extended right down to the waterfront.

Jim Atwood, 33 S. W. Third, said that he owns property and operates a business in the Burnside area. He said that all of the emphasis south of Burnside seems to be from Third Avenue toward the river and he thinks that the area on the west side of Third Avenue south of Burnside is separate and distinct from the Skidmore/ Old Town District. He said that he is in favor of historic districts, but he questions the importance of all the regulations on a building in a designated district.

Mr. Williams told Mr. Atwood that his property is in a design zone and is in the Urban Renewal Area and he would be under design review regardless of whether he is in or out of the Historic District.

ACTION: Mr. Shannon moved to approve proposed revisions of Chapter 33.120 of the Planning and Zoning Code relating to historical districts, buildings, and sites, with modification of 33.120.070 (a) to read as follows: (a) A district advisory council of 5 members shall be created for each historical district established by the City Council. Each advisory council shall include one citizen at large appointed by the Mayor; the Chairman of the Historical Landmarks Commission or his designee, and three additional members selected by the Historical Landmarks Commission including representation of residents and~~/or~~ property owners within the historical district.

Mr. Rose' seconded the motion.

Ayes: Gustafson, Rose', Roso, Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

Mr. Sheldon referred to a letter from Mr. Errol Rich, 526 N.W. 21st Avenue, referring to the deletion of a member of the Portland Art Commission from the membership of the Historical Landmarks Commission.

Mr. Williams said that there is no longer a Portland Art Commission; it is now the Metropolitan Art Commission. He added that the Landmarks Commission thought that it would be more flexible to substitute another member at large. He said, however, that the staff had no objection to having up to nine members on the Landmarks Commission if it is desired to broaden the membership.

ACTION: Mr. Wessinger moved that the Skidmore/Old Town and Yamhill districts be designated as Historical Landmark Districts but that the boundary of the Skidmore District be changed as follows: It would continue north on S. W. Third to Burnside and then one-half block west on Burnside.

Mr. Shannon seconded the motion.

Ayes: Gustafson, Rose', Roso, Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

Stan Goodell, 941 Pacific Building, said that Yamhill is next to Morrison and Morrison Street is the proposed pedestrianway linking the central business district to the waterfront. He asked if there was control based on compatibility of the Yamhill District to the waterfront if any new development should relate to the pedestrianway at Morrison or the Historic District at Yamhill. He said that a node of activity is contemplated in the Downtown Plan based upon the pedestrian link of Morrison from the river to the center of the business district.

Mrs. Roso said that she feels that the history of the city should be involved in the waterfront.

Because of no further business the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

March 25, 1975

Addendum to Minutes

The cases as they appear here were not necessarily heard in the same order as they are listed.

Mr. Sheldon did not participate in the hearing on P.C. File 6424R.

Leslie Lee, 8020 NE Tillamook, was present representing the applicant. He stated that the proposed addition is the result of community meetings (Meek, Faubion, and Kennedy neighborhoods) and because of the closure of Kennedy School.

Letters of approval were received from Eve Rosenfeld, 4925 NE 39th; and Alice Liebhart, 5224 NE 42nd Avenue.

A letter approving the buildings but against the covered play area was received from Walter and Verda Birtchet, 3823 NE Webster.

Concordia Community Association had no objections to the request.

A memo from Don Bergstrom was read by Mr. Vail which stated that the School District's creation of primary schools through 5th grade only has resulted in a problem with providing the necessary safety patrols for the School District because the younger children are not old enough to participate in the safety patrol program. As a result, the Bureau of Traffic Engineering has had to assume full financial responsibility for providing these patrols.

The Staff recommended approval with the condition that the School District participate on an equal basis with the City in providing (financing) the necessary safety patrol for the entire School District.

ACTION: Mr. Wessinger moved approval of the two classrooms and covered play area in accordance with the plans submitted. Mr. Minden seconded. So ordered.

The Staff was directed to prepare a report for the Planning Commission's review at its April meeting concerning the School District's plans for school closures and the possibility of the School District participating on an equal basis with the City in providing the necessary safety patrol for the entire School District.

* * *

CU 24-75 Conditional Use for hospital offices to be located on the west 18 ft. of Lot 14, east 15 ft. of Lots 15 and 16, Block 300, Couch's Addition, was requested by Good Samaritan Hospital, deedholder.

Michael Stoops, Assistant Administrator of Good Samaritan Hospital, was present.

There was discussion regarding the applicant's long-range plans for the subject property, and the master plan which is to be presented to the Planning Commission as a condition of a prior Conditional Use approval for the Hospital.

Northwest District Association recommended approval with the same conditions and recommendations which they made on the Hospital's earlier requests (CU 11-75).

The Staff recommended approval of the use of the house for hospital-related uses on a temporary basis with the following conditions: (1) that the use of the dwelling terminate within 60 days of the issuance of an occupancy permit for the tower; (2) that no changes be made to the dwelling which would preclude its use as a residence at any time in the future and that the Northwest District Association be given 90 days notice prior to any application for a demolition permit for the house; and (3) that any signing of the dwelling shall be approved by the Staff of the Bureau of Planning in conjunction with the Northwest District Association.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

6424R Revocable permit for radio studio and offices to be located on Tax Lot 6 of Lot 3, Tax Lot 4 of Lots 2 and 3, Block 1, Slavin Addition and Plat 2, was requested by Kaye-Smith Enterprises, deedholder.

William A. Palmer, attorney for the applicant, was present.

Ray Watson, manager of KXL, was present. He presented copies of permits from Clackamas County for removal of the applicant's towers. He also presented a photograph of the subject property showing existing towers which shall be removed. He presented photographs of other radio stations in the Portland area, and letters from residents in the Council Crest area. He presented photographs of the existing structure and its relationship to the surrounding towers.

Wayne Stewart, urban planner with the firm of Colburn, Sheldon and Kaji, was present. He presented diagrams showing (1) property lines, access, zoning; (2) soil and slope limitations; (3) existing utility service; (4) visual orientation of houses in the area; (5) concept site plan; and (6) perspective of the proposed structure.

Bill Beis, chief engineer of KXL, was present.

Dan Bell, 921 SW Davenport, president of the Southwest Hills Residential League, was present.

Owen Nicholson, 3147 SW Fairmount Boulevard, was present representing himself and neighboring property owners against the request. He stated he felt that the towers proposed for removal by the applicant may be there illegally. He also requested that the Planning Commission notify all residents within 400 feet of the area of any future requests for commercial type uses in the R10 area.

Also present in remonstrance to the request were Dr. Graham, resident of McDonnell Terrace; Emerson Itschner, 4435 SW Carl Place; Mike Schmeer, 4445 SW Carl Place; Del Via, 4317 SW Bernard Drive; Dr. Egan, 4430 SW Council Crest Drive; and Maureen Lieber, 3716 SW Mt. Adams Drive. Remonstrators were concerned with traffic problems and invasion of commercial uses into a residential area.

A petition containing signatures of 120 persons opposed to the request was received.

Letters stating no objection were received from Oregon Educational and Public Broadcasting Service, Planning and Engineering, Lester G. Mock, Director, P.O. Box 3175, Eugene, Oregon 97403; and Robert G. McKillop, M.D., no address given.

Letters of remonstrance were received from William A. and Dorothy B. Zimmerman, 4444 SW Carl Place; Betty P. and William G. Conley, 4422 SW Carl Place; James F. and Rosemary K. Egan, 4430 SW Council Crest Drive; Ira C. and Lauretta Taylor Keller, 4700 SW Northwood Avenue; Donald J. Sterling, Jr., 1718 SW Myrtle Street; Helen Heigele, 4330 SW Council Crest Drive; Walter J. and Barbara F. McDonald, 4201 SW Council Crest Drive; and George A. Kingsley, 4430 SW Carl Place.

Southwest Hills Residential League recommended denial of the request.

The Staff recommended denial of the request.

ACTION: Mr. Wessinger moved denial of the request in accordance with the Staff Recommendation. Mr. Minden seconded. So ordered.

The Staff was directed to investigate the legal basis for the KPAM studio and the towers on the applicant's property which the applicant had proposed to remove.

* * *

6419 Zone change from A2.5 to A2.5P for Lots 3, 4, and 5, Block 2, Hunters, was requested by Matterhorn Corporation and Elmers Pancake and Steakhouse Corporation, deedholders.

Mr. Wessinger declared a conflict of interest and therefore did not participate in the hearing on this case. Mr. Sheldon was present in his place.

Dale Elmer, 1411 NE 82nd, was present representing the applicant.

Walter Elmer, 1411 NE 82nd, was also present.

Southeast Uplift recommended approval with the conditions that no curb cuts be permitted on NE Couch Street, that adequate landscaping and living screening be provided, that the owner not remonstrate on any future street improvements on NE Couch and that the request be subject to review by the Design Committee and approved by the Department of Environmental Quality.

The Staff recommended approval with the condition that there be no access to or from the zone change site via NE Couch Street and that landscaping plans be reviewed and approved by the staff of the Design Committee.

There was discussion regarding reasons for the recommended condition that there be no access to NE Couch.

ACTION: Mr. Sheldon moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6420 Zone change from R5 to R5P for Lots B, J, and 2, Gordon Place, was requested by Rolland and Colleen Hanson, deedholders.

Mr. Wessinger declared a conflict of interest and therefore did not participate in the hearing on this case. Mr. Sheldon was present in his place.

Rolland Hanson, 7920 SE Hawthorne, applicant, was present. He presented a petition containing 104 signatures approving the zone change request.

There was discussion regarding the applicant's proposal as reflected in his site plan to remove the Laurel hedge on the south side of the lot. Mr. Hanson stated that he could leave the hedge to provide screening of the parking lot.

Southeast Uplift recommended denial of the request, but approval of R5P for Lot B and Lot 1 only at the intersection of SE 83rd and Bybee Boulevard and that proper curb cuts be installed.

The Staff recommended approval on the condition that there be no access to or from the zone change site via SE Bybee Boulevard or SE 83rd and that the staff of the Design Committee review and approve the landscaping plans of the area with particular attention to retaining the Laurel hedge if possible.

MOTION: Mr. Sheldon moved approval of the zone change for Lot 1 and Parcel B with the condition that there be no access to SE 83rd or Bybee Bouelvard, that the Laurel hedge must be retained, and that

the parking area be screened; such screening to be approved by the staff of the Design Committee.

There was discussion regarding access of vans to the rear of the tavern if the applicant were not allowed to use Lot 2 for such access. The possibility of granting an easement for such access was discussed; however, Mr. Vail stated that for the use to occur, the zone would have to be changed.

Mr. Sheldon withdrew his motion.

ACTION: Mr. Sheldon moved deferral for no more than 30 days during which time the staff and the applicant can work together to draw up revised plans which would redesign the lot containing the house so that the rear portion of Lot 2 could be used for access of delivery vans by the applicant, while maintaining the required 5,000 sq. ft. site area for the house. Mr. Minden seconded. So ordered.

* * *

6422 Zone change from R5 to A2.5 for Lot 9, Block 3, P.J. Martin Tract, was requested by Hans Hoeck, deedholder.

Hans Hoeck, applicant, was present. He stated that when he purchased the residence on the subject property he believed it to be a duplex.

A letter was received from Mildred Edick, neighboring property owner, which stated that the subject structure had been used as a duplex since 1944.

Southeast Uplift recommended denial of the request as submitted but approval of a revocable permit for remodeling and use of the structure as a duplex with the following condition: that the applicant agree to meet code requirements of Section 33.94.020 (C) Damage and destruction.

Sellwood-Moreland Improvement League recommended denial of the zone change but approval of a revocable permit to use the structure as a duplex.

The Staff recommended denial of the request.

ACTION: Mr. Minden moved denial of the request in accordance with the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

6425 Zone change from R7 to A1 for Tax Lot 49, Section 32, T1N, R1E, was requested by Westover Land Corp., deedholder.

Bob Aldag, 1740 NW Flanders, was present representing the applicant.

David Soderstrom was also present representing the applicant.

There was discussion regarding trespassing on the subject property and whether or not the present access which allows such trespassing would be continued. There was also discussion regarding model units proposed to be located on the subject site. The applicant's development plans for the entire condominium project were reviewed.

Northwest District Association recommended approval with conditions (see Exhibit A attached).

The Staff recommended approval of the request.

ACTION: Mr. Wessinger moved approval of the request in accordance with the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6426 Zone change from A1 to C2 for Lots 17 and 18, Block 42, Laurelhurst, was requested by Dr. Edward M. Fielitz, deedholder, and Mathew B. Maberry, contract purchaser.

Jack Stuhl, 725 NE 102nd, architect for the applicant, was present.

There was discussion regarding the possibility of maintaining the house on Lot 18 as a residence.

The Staff recommended approval with the condition that the buildings and site be maintained residential in appearance.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

6212 Reconsideration Zone change from R5 and A2.5 to A1 for Tax Lot 107, Section 5, T1S, R2E, was requested by Lydia Gwinner (deceased) by Al Gwinner and Samuel Hooker, co-executors, and Joseph E. Weston, optional purchaser.

This request had previously been approved by the Planning Commission and City Council with the condition that construction

EXHIBIT A

NORTHWEST DISTRICT ASSOCIATION

817 N. W. 23rd Avenue — Portland, Or 97210

March 24, 1975

Portland City Planning Commission
424 S. W. Main Street
Portland, Oregon 97204

Dear Commissioners:

In a meeting on Wednesday, March 19, 1975, the Northwest District Assn. Planning Committee reviewed requests from several applicants. The recommendations of our committee follow:

1. Case 6425
Westover Land Corporation request for property at 2447 N. W. Westover from R-7 to A-1.
Recommendations: Approve with following conditions:

A. That the historic public access, from N. W. Westover to N. W. Westover across the switchback in the street, be preserved. We also recommend that the owner give an easement or outright gift at the periphery of his property to continue public pedestrian movement in this east-west direction.

B. That the developers maintain the existing vegetation on this property along the northern property line and Westover.

C. That the height restrictions for any building on this property remain as for R-7 zoning: 2½ stories or 35'-0 maximum.

D. That this parcel is to be developed as an integral part of the total development.

E. Preparation of a plot plan with a section through the site showing sight lines of adjacent properties affected by proposal and proposed pedestrian easement. This sketch should be available for consideration by the Portland City Planning Commission.

2. Case CU 24-75
Good Samaritan Hospital request for conditional use for office in AO zone at 2170 N. W. Northrup.
Recommendations: Approve with following conditions:

A. That the same recommendations and conditions attached to the February 25, 1975 application apply, including Planning Commission suggestions.

6014 The Planning Commission agreed to allow the Staff to review and approve final plans for this zone change in lieu of a Planning Commission hearing.

* * *

CU 18-71 Substitution of revised plans for CU 18-71, Quail's Nest Planned Unit Development, was requested.

The Staff recommended approval to substitute modified site plan.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Rose' at 4:50 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

April 8, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:05 p.m. by Chairperson Sheldon. Present were Members Eckton, Gustafson, and Minden, Building Bureau Representative Dunnigan, and Staff Member Vail.

* * *

CU 25-75 Conditional Use for a service station to be located on Lots 2, 3, and 4, Block 1, Meadowland, was requested by Louis and Amelia Apa, deedholders, and Pak Leong and So Hin Wong, lessees.

Louis Apa, 6917 SE Savanna, Milwaukie, applicant, was present.

Letters of remonstrance were received from Mrs. Laura M. Niehaus, 2525 SE 21st Avenue; and Louise Leonetti, 2604 SE 20th Avenue.

Southeast Uplift recommended approval with the conditions that adequate screening be provided and that nuisances associated with the auto body shop be removed from the applicant's adjacent property.

There was discussion regarding use of the portion of the building fronting on SE 21st. The Bureau of Buildings was asked to investigate to determine if body and fender work was being done on the property in violation of the C2 zone.

The Staff recommended approval of the request.

ACTION: Ms. Eckton moved approval with the condition that the Design Committee Staff approve preliminary and final landscaping plans. Ms. Gustafson seconded. So ordered.

The Committee directed the Design Committee staff to use the guidelines contained in the service station ordinance recently passed by the Planning Commission in reviewing the applicant's plans.

* * *

CU 26-75 Conditional Use for off-street parking to be located on Tax Lot 1, Block 4, Sunnyside Plat 2 and 3, was requested by Sisters of Mercy of Oregon, deedholders.

Mr. Minden declared a conflict of interest and therefore did not participate in the hearing on this request.

Elmer Zeller, architect, 2014 NE Sandy, was present.

There was discussion regarding the need for additional parking and what steps could be taken to provide safe parking without the proposed addition.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of plans submitted with the condition that the Staff of the Design Committee approve preliminary and final landscaping plans for the proposed and existing parking lots and the inclusion of street trees.

MOTION: Ms. Gustafson moved approval of the Staff Recommendation.

ACTION: There was no second to the motion. Therefore, this request is referred to the full Planning Commission.

* * *

CU 27-75 Conditional Use for retirement community facility to be located on Tax Lot 38 of Section 12 and 13, T1S, R1E, was requested by I.O.O.F. Grand Lodge of Oregon by Stan Ely, Grand Master, and Chester Robinson, Grand Secretary, deedholder.

Stanford Ely, Grand Master, was present.

Bob Genentino, Carriage Corp, was present.

Bill Rigg, architect for the applicant, was present.

Oliver Cresswick was present to speak in favor of the request.

There was discussion regarding the longstanding complaint of the lack of cooperation between the Friendship Health Center and required landscaping. Mr. Ely stated he would take immediate action.

Southeast Uplift recommended approval with the conditions that (1) no exit be permitted on SE 32nd Street; (2) living screening be provided in accordance with code requirements (the entire south side of the property); and (3) adequate parking be provided to meet proposed hospital code requirements.

The Staff recommended approval with the following conditions: (1) that the applicant dedicate the eastern 23 ft. of Tax Lot 38, adjacent to SE 33rd Place; (2) that there be no access from the site to SE 32nd; and (3) that all parking, existing and proposed, be in compliance with the Code screening requirements,

the existing parking areas adjacent to Friendship Health Center shall be brought into compliance within 60 days.

ACTION: Ms. Gustafson moved approval of the Staff Recommendation with condition (2) amended and condition (4), (5), and (6) added to read as follows:

2. That there be no access from the site to SE 32nd or SE 33rd.

4. That the staff of the Design Committee review and approve landscaping plans for the entire property.

5. That any curb cuts to SE Holgate must be approved by the Traffic Engineer and the Planning Commission staff after consultation with the School District.

6. That there be continuous screening along the southerly boundary line.

Mr. Minden seconded. So ordered.

* * *

6427 Zone change from R5 to A2.5 for Lots 6 and 7, Block 7, Taborside, was requested by Nina Chastain, deedholder.

Jerry Ward, Box 746, Boring, builder, was present.

Ron Jennings with Century 21 Realty was present.

Dave Utsinger, 7231 SE Sherman, was present.

Mrs. Chastain, applicant, was present.

There was discussion regarding the number of nonconforming uses in the area. The spot zone concept was also explained to the applicant.

Southeast Uplift recommended denial of the request.

The Staff recommended denial of the request.

ACTION: Mr. Minden moved denial of the request in accordance with the Staff Recommendation. Ms. Gustafson seconded. So ordered.

* * *

6421 Reconsideration Zone change from A2.5 to C2 for Lot 6, Block 21, North Albina Addition, was requested by Ernest Jim and Zona A. Perry, deedholders.

This request was first heard by the Zoning Committee on March 11, 1975, at which time there was discussion regarding placing restrictions on the zone change which would preclude the use of the facility for anything other than that proposed by the applicants. The Committee requested an opinion from the City Attorney as to whether or not such a restriction could be included on a title instrument. The request was deferred for 30 days, during which time the staff and the applicant were to work together with the City Attorney to see if a way could be developed to attain the aims of the applicant and protect the long-range interest of the public.

Ernest Perry, applicant, was present.

There was discussion regarding the comments of the City Attorney. He stated that it was possible to provide the neighborhood protection desired by the Planning Commission by limiting the ordinance to a single purpose use.

The Staff recommended denial of the request.

ACTION: Ms. Gustafson moved approval of C2 for a home for the aged only with the condition that all three lots owned by the applicant remain in one ownership. Mr. Minden seconded. So ordered.

VOTE: Ayes: Gustafson, Minden, Sheldon
Abstention: Eckton

* * *

6254R Amendment to Ordinance 137237 in order to substitute revised plans for an identification sign for a nonconforming use by erecting a new double-faced illuminated sign on Lots 5 and 6, Block 129, Caruthers, was requested by Joseph Y. Aizawa, deedholder, and T. Sueda, lessee.

Dr. Aizawa, 2647 Lake Road, Milwaukie, was present. He stated that T. Sueda is no longer an applicant for this request.

Mrs. Eve Comstock, 6000 Waverleigh Court, Milwaukie, Apt. 201, was present.

Frank Gazolino, Columbia Sign, was present.

The Staff recommended denial of the request.

ACTION: Ms. Gustafson moved denial of the request in accordance with the Staff Recommendation. Ms. Eckton seconded. So ordered.

* * *

CU 34-75 Conditional Use for garbage shelter to be located on Tax Lot 1, Section 18, T1N, R1E, was requested by University of Portland, deedholder.

The Staff recommended approval of the plans submitted and approval of a waiver of the public hearing and filing fee.

ACTION: Ms. Gustafson moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

CU 35-75 Conditional Use for a temporary sales office to be located on the north 123.00 ft. of Tax Lot 44 and all of Tax Lot 363 except the west 150.00 ft. of the north 71.41 ft., Section 33, T1N, R2E, was requested by the Robert Randall Company, deedholder.

The Staff recommended approval of plans submitted for temporary sales office for a period not to exceed 60 days with the condition that the applicant notify the Bureau of Planning in writing at the end of that 60-day period that the trailer has been removed.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Eckton seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Sheldon at 3:40 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

| | COUNCIL ACTIONS |
|---|---|
| ★ 770. Amending Contract No. 14206 with Marshall Associated Contractors, Inc., for construction of the Eastmoreland Flow Meter Station, by paying an extra bill and reducing the amount of retainage withheld, and declaring an emergency. | |
| ★ 771. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing all materials, equipment and labor and for improving S.W. Sheridan Street from S.W. 3rd Avenue to S.W. 4th Avenue for the Department of Public Works, authorizing a contract therefor, authorizing the drawing and delivery of checks, and declaring an emergency. | |
| ★ 772. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing all materials, equipment and labor and for constructing Waste Water Lifting Stations in vicinity of N.E. 3rd Drive and N. Vancouver Way and Waste Water Pumping Stations in vicinity of N.E. 6th Drive and N. Schmeer Road (EPA Project No. C-410326) for the Department of Public Works, authorizing a contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 773. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing all materials, equipment and labor and for constructing Waste Water Lifting Stations in vicinity of N. Schmeer Road, N.E. 13th Avenue, and N.E. Gertz Road (HUD Project No. WSF-OR-10-16-1000) for the Department of Public Works, authorizing a contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 774. Closing the Auditorium Modernization Fund as of June 30, 1974; transferring the balance of $279.85 to the Auditorium Fund; repealing Section 5.04.100 of the City Code, and declaring an emergency. | |
| 775. Granting a franchise to Glenn Harbor Cablevision Corporation, a corporation, its successsors and assigns, to use the streets, alleys and public highways in certain areas within the City of Portland for the conduction and transmission of television signals by cable, and the construction, reconstruction, operation and maintenance of wires, cables and other allied equipment in connection therewith, establishing rates and other conditions, for a period of 15 years, under certain terms and conditions, and fixing an effective date. | |
| **Introduced by Order of Council** | |
| ★ 776. Establishing R7 Zone in reccently-annexed Tax Lot 14, Section 19, T1N, R2E, located on the north side of N.E. Prescott Street between N.E. 52nd and 55th Avenues, and declaring an emergency. | Passed Ordinance 139637 |
| ★ 777. Establishing C2B Zone in recently-annexed Tax Lot 5800 of Lot 19, Nichol's Addition, located on the west side of S.W. 74th Avenue, south of S.W. Garden Home Road, and declaring an emergency. | Passed Ordinance 139638 |
| ★ 778. Changing from Zone R5 to M3, Lot 5, Block 2, South Fairlawn, and from Zone R5 to M3B, Lot 4, Block 2, South Fairlawn, located at 8212 S.E. Hawthorne Boulevard, petitioned for by K. A. Johnson and Alfred Luckenbaugh, deedholders, with certain conditions, and declaring an emergency. | Passed Ordinance 139639 |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| 779. Declaring a retaining wall at 1407 S.E. 27th Avenue to be a nuisance pursuant to Section 24.02.034 of the Code of the City of Portland, Oregon, condemning the same and providing abatement and removal. | |
| **Ordinances to Be Read the Third Time** | |
| 780. Assessing the cost of improving N. Wygant Street from the center line of N. Vancouver Avenue to the center line of N. Gantenbein Avenue, District No. 12, Boise-Humboldt Neighborhood Development Project. (W-18 C-8778) (656) | |
| 781. Assessing the cost of improving N.E. Going Street from the center line of N.E. 15th Avenue to the center line of N.E. 16th Avenue, District No. 7, King-Vernon-Sabin Neighborhood Development Project. (G-10 C-8784) (657) | |
| 782. Vacating a portion of the Alley in Block 6, Villa Hill, lying between the southerly extension of the west line of Lot 19, said Block, 6, and the southerly extension of the east line of Lot 15, said Block 6, under certain conditions. (C-8825) (701) | Passed<br>Ordinance 139642 |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., March 19, 1975** | |
| **Matter Continued** | |
| 783. Report of the City Planning Commission on the appeal of Dr. George A. Bentley, against denial of the variance request of Theodore and Juanita Wright and Robert H. and Charlotte L. Montgomery, deedholders; and Dr. George A. Bentley, contract purchaser, to reduce the minimum lot area from the required 15,000 sq. ft. to 13,000 sq. ft. on Lots 14 and 17, Block 6, Orchard Homes, located at 319 N.E. 62nd Avenue, in Zone A2.5. Denial reaffirmed. (PC VZ 200-74) (496) | Withdrawn by applicant |
| **Hearings** | |
| 784. Report of the City Planning Commission on the petition of Charles H. and Beverly V. Huddleston, deedholders, and Nae Kim and Kim Rhoten, contract purchasers, to change from A2.5 to M3, Lot 1 and the west 25 ft. of Lot 2, Block 4, East Portland Heights, located on the southeast corner of S.E. 28th Place and S.E. Division Street. Approval with no variances recommended. (PC 6416) | Adopted Planning Commission report |
| 785. Report of the City Planning Commission on the petition of the Estate of Mildred A. Dunn, deedholder, and Hollcraft Homes, Inc., optional purchaser, to change from Zone M2 to M3, Fractional Block 2, James Johns Addition to St. Johns, bounded by N. Willamette Boulevard, N. Burlington Avenue, N. Edison Street, and Pittsburg Avenue. Denial of M3 but approval of A1 with conditions recommended, and approval of an Amendment to the St. Johns Comprehensive Plan designating A1 zoning for the property. (PC 6415) | Adopted Planning Commission report |

The symbol ★ indicates emergency ordinance

COUNCIL ACTIONS

★ 793. Granting a revocable permit to Oregon-Washington Railroad and Navigation Company and its Lessee, Union Pacific Railroad Company, their successosrs, lessees, and assigns to construct, equip, operate and maintain a 240-foot extension to an existing spur track in N. Taft Avenue north of N. Junction Street, and declaring an emergency.

**Introduced by Order of Council**

★ 794. Granting a variance from the provision of the Housing Regulations requiring certain minimum bathroom facilities in each dwelling unit in a Group H occupancy, 16 S.W. Porter Street, to accommodate needed improvement in this existing nonconforming use in order to preserve needed low cost housing, and declaring an emergency.

★ 795. Granting a revocable permit to Herbert M. Clark, Jr., deedholder, and the University of Oregon Medical School, Department of Psychiatry, renter, for permission to conduct a day care center on Tax Lot 153, Section 29, T1N, R1E, located at 2127 N.W. 26th Avenue, under certain conditions, repealing Ordinances 135478 and 137477, and declaring an emergency.

Passed
Ordinance 139646

## Ordinances to Be Read the Third Time

796. Amending Title 16, Vehicles and Traffic, to provide in Section 16.20.020 a prohibition against blocking traffic by parking in lanes or alleys and parking in public right-of-ways in lieu of off-street parking. (719)

797. Authorizing the keeping of three ocelots at the premises of 5131 S.E. 86th Avenue, Portland, Oregon, by Mrs. Allen P. Hauser, in accordance with Chapter 13.16 of the Code of the City of Portland. (722)

The above summary is published by the City Auditor as provided by Section 2-113 of the Charter and Ordinance No. 130762.

GEORGE YERKOVICH,
Auditor of the City of Portland.

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., March 26, 1975** | |
| **Matter Continued** | |
| 845. Report of the City Planning Commission on the appeal of Werner H. Sammler against granting Conditional Use request of Reorganized Church of Jesus Christ of Latter Day Saints to retain classrooms on Tax Lot 8 of Lots A, C, and E, Wedor Addition, located west of N.E. 50th Avenue, north of N.E. Couch Street, in Zone R5. Approval with conditions recommended. (PC CU 105-74) (712) | Appeal denied; Planning Commission report adopted |
| **Hearings** | |
| 846. Report of the City Planning Commission on the petition of Ray F. and Marjorie L. Martin, deedholders; Wilson Park Development, Inc., and Ace H. and Nancy J. Mathews, contract purchasers, for an amendment to Ordinance No. 133712 which granted a revocable permit to operate an existing print shop to delete a condition so they can excavate for additional basement storage on the east 33 feet of the south 74 feet of Lot 20, Block 5, Richmond Addition, located on the northwest corner of S.E. Clinton Street and S.E. 41st Avenue, in Zone A2.5. Approval for basement expansion to perimeter of existing building lines recommended. (PC 5957R) (Amendment) | Adopted Planning Commission report |
| 847. Report of the City Planning Commission on the appeal of Jonah Taylor against denial of Conditional Use Request of Clifford F. and Opal Stuck, deedholders, and Jonah and Palestine Taylor, applicants (Mount Nebo Church of God in Christ) to use existing structure as church with variances on Lots 1 through 4, Block 1, Victoria Park, located at 8333 N. Peninsular Avenue, in Zone R5. Denial reaffirmed. (PC CU 7-75) | Adopted Planning Commission report |
| 848. Report of the City Planning Commission on the appeal of West Coast Orient Company against denial of a variance to reduce the minimum lot area from the required 5,000 square feet to 4,954 square feet on Lot 6, Block 1, Harlem, located on S.W. Bertha Boulevard near S.W. 30th Avenue, in Zone R5. Denial reaffirmed. PC VZ 13-75) | Appeal granted |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., April 2, 1975** | |
| **Hearings** | |
| 910. Report of the City Planning Commission on the appeal of Heath Northwest, Inc., against denial of variance request of The Southland Corporation, deedholder, to reduce the front yard, east, from the required 10 feet to 0 feet on Lots 9 and 10, Block 17, Altamead, located at 515 S.E. 92nd Avenue, in Zone C2. Denial reaffirmed. (PC VZ 28-75) | Appeal denied |
| 911. Report of the City Planning Commission on the appeal of Bernard A. and Sylvia G. Benson, deedholders, and Kermit Schneider, optional purchaser, from denial of variance to reduce lot width and south side yard on Lot 7 and lot width on Lot 8, on Lots 7 and 8, Block 3, Fir Grove, located at 4815 S.E. 79th Avenue, in Zone R5. Denial reaffirmed. (PC VZ 30-75) | Appeal approved with the condition that the petitioner not remonstrate against street improvements |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS | | | | |
|---|---|---|---|---|---|
| 957. Declaring a building at 7103-7107 N.E. 11th Avenue to be a nuisance pursuant to Section 24.02.033 of the Code of the City of Portland, Oregon, condemning the same and providing abatement and removal. (906) | | | | | |
| **Appointments, Resignations and Oaths of Office** | | | | | |
| 958. Communication from His Honor the Mayor requesting Council confirmation on the appointments of Carol Cordes, Position No. 1; Glen Mick, Position No. 2; Molly Sumner, Position No. 3; John Copp, Position No. 4; Lolita Allen, Position No. 5; Ms. Lee Chrest, Position No. 6; Peter DeCourcy, Position No. 7; Lyle Remington, Position No. 8; and Richard D. Charlton, Position No. 9; to the Residential Care Facility Licensing Board. | Adopted | | | | |
| 959. Oath of office of Cowles Mallory, City Engineer. | | | | | |
| 960. Oaths of office of Melvin E. Hulett and Robert A. Schwartz, Captains, Bureau of Police. | | | | | |
| 961. Oaths of office of Kris H. Scoumperdis and Howard E. Wold, Lieutenants, Bureau of Police. | | | | | |
| 962. Oaths of office of Gerald J. Dunn and Darrell L. Galloway, Sergeants, Bureau of Police. | | | | | |
| **Reading of Bids** | | | | | |
| Proposals for the Improvements of: | | | | | |
| 963. S.E. Tibbetts Street from the center line of S.E. 62nd Avenue to the center line of S.E. 64th Avenue, under the provisions of Ordinance No. 139536. (T-2 C-8817) | | | | | |
| 964. An Alley in Block 26, Multnomah, from N. Beech Street to N. Failing Street, under the provisions of Ordinance No. 139614. (A-48 C-8812) | | | | | |

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| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., April 9, 1975** | |
| **Matter Continued** | |
| 965. Report of the City Planning Commission on the appeal of Harry Turtledove, Lois Jordan, and the Southwest Hills Residential League from the decision of the Variance Committee on the variance request of William H. and Lenora M. Parke, deedholders, to reduce the required minimum lot width, depth, area, front and side yards in order to construct a dwelling on Lot 9, Block 2, Seventh Street Terraces, located on the east side of S.W. Sheffield Avenue near S.W. Commonwealth Street in Zone R10. Approval except reduction of side yards reaffirmed. (PC VZ 50-74) (711) | Tie vote; continued 1 week |
| **Hearing** | |
| 966. Report of the City Planning Commissioner on City Council initiation on behalf of Leroy F. and Donna L. Chimienti, William and Margaret Helmholz, and Paul J. and Hilda R. Chimienti, deedholders, to change from Zone R7 and R10 to Zone R5, Tax Lot 61 and 62, Section 28, T1S, R1E, located on S.W. Terwilliger Boulevard, S.W. Lucille and S.W. 8th Avenue. Denial as requested, but approval of R7 for Tax Lot 61 with condition reaffirmed. (PC 6423) | Adopted Planning Commission report |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| ★ 1025. Providing for the assessment of costs and administration expenses for demolition of a building at 3315 S.W. Front, located on the north ½ of east 75 feet of Lot 2, Block 128, Caruthers Addition, and declaring an emergency. | |
| ★ 1026. Providing for the assessment of costs and administration expenses for demolition of a garage at 4103 S.E. 54th Avenue, located on Lots 16 and 17, Block 2, Bickford Park, and declaring an emergency. | |
| ★ 1027. Authorizing the drawing and delivery of warrants in the amount of $23.50 payable to Gerald L. Alspach for alleged damage to his handgun; in the amount of $76.00 payable to Fred Davis for reimbursement of ambulance costs; in the amount of $25.00 payable to Robert L. Foster for loss of watch allegedly damaged beyond repair; in the amount of $125.00 payable to Lucy Hillyer for the replacement value of a watch allegedly released from the police property room without notification; in the amount of $36.74 payable to John J. Hren for alleged loss of a watch and set of handcuffs; in the amount of $25.00 payable to Richard W. Morris for the cost of repairing a jacket allegedly damaged during training exercise, providing for release, and declaring an emergency. | |
| ★ 1028. Authorizing the drawing and delivery of a warrant in the amount of $270.00 payable to Harold L. Nelson for alleged damage to the front door of his residence by City Police Officers, providing for release, and declaring an emergency. | |
| 1029. Withdrawing from Gilbert Water District of Tax Lot 35, Section 23, T1S, R2E, W.M., annexed to the City of Portland, and assuming a portion of the bonded indebtedness. | |
| 1030. Withdrawing from Metzger Water District of a portion of Lot 19, Nichol's Addition No. 2, in Washington County, Oregon, annexed to the City of Portland, and assuming a portion of the bonded indebtedness. | |
| **Ordinance to Be Read the Third Time** | |
| 1031. Vacating all that portion of N. Charleston Avenue lying between the southerly line of N. Edison Street and the northerly line of N. Decatur Street, under certain conditions. (C-8866) (954) | Passed |
| **Reading of Bids** | |
| **Proposals for the Improvement of:** | |
| 1032. As a District, S.W. Brugger Street from the center line of S.W. Palatine Hill Road to the west line of S.W. View Point Terrace, S.W. Corbett Lane from the south line of S.W. Collins Street to approximately 300 feet north of the north line of S.W. Brugger Street, S.W. Kelly Avenue from the approximate south line of S.W. Collins Street to the center line of S.W. Brugger Street, and constructing a storm sewer, under the provisions of Ordinance No. 139612. (Dist. 1 C-8699) | |
| 1033. As a District, N.E. 17th Avenue from the center line of N.E. Columbia Boulevard to the northerly line of N.E. Argyle Drive, N.E. Argyle Drive from the west line of N.E. 17th Avenue to approximately 215 feet westerly, and N.E. Argyle Street from the east line of N.E. 17th Avenue to approximately 375 feet easterly, under the provisions of Ordinance No. 139611. (Dist. 30 C-8842) | |

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| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., April 16, 1975** | |
| **Matter Continued** | |
| 1034. Report of the City Planning Commission on the appeal of Harry Turtledove, Lois Jordan, and the Southwest Hills Residential League from the decision of the Variance Committee on the variance request of William H. and Lenora M. Parke, deedholders, to reduce the required minimum lot width, depth, area, front and side yards in order to construct a dwelling on Lot 9, Block 2, Seventh Street Terraces, located on the east side of S.W. Sheffield Avenue near S.W. Commonwealth Street in Zone R10. Approval except reduction of side yards reaffirmed. (PC VZ 50-74) (965) | Appeal granted; variance denied |
| **Hearing** | |
| 1035. Report of the City Planning Commission on the request of Estel C. and Frances P. Owen to amend Ordinance No. 131279 which changed from R5 and A2.5 to Zone A1, Tax Lot 42, Section 8, T1S, R2E, located east of S.E. 64th Avenue at the terminus of S.E. Windsor Court, to delete condition that all access be off S.E. Division Street. Denial recommended. (PC 5723 Amendment) | Planning Commission report adopted |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| ★ 1109. Creating one position of Police Records Clerk I in the Records Division, Bureau of Police, authorizing the transfer of $1,470 within the appropriation for the Bureau of Police and declaring an emergency. | |
| ★ 1110. Amending Chapter 16.04 Penalties of the Vehicle and Traffic Code of the City of Portland, to provide for the sale and disposal of motor vehicles having an appraised value of $100 or less as rapidly as possible consistent with state law, and declaring an emergency. | |
| ★ 1111. Granting a revocable permit to John R. and Mary Mercedes Deloria and JoAnn E. Muntzel to maintain a three-family dwelling at 2235 SW Vista Avenue in an R5 Zone, under certain conditions, repealing Ordinance No. 133774, and declaring an emergency. | Passed Ordinance 139803 |
| **Introduced by Commissioner Jordan** | |
| ★ 1112. Granting a revocable permit to Reed College for a fireworks display on the Reed College Campus on May 3, 1975, under certain conditions, and declaring an emergency. | |
| ★ 1113. Amending Section 31.12.160 of the Code of the City of Portland, Oregon, to update standards in City fire regulations to comply with current standards of National Fire Protection Association, and declaring an emergency. | |
| ★ 1114. Authorizing an agreement by and between the City of Portland and Contractors Management Association, Inc., to provide management assistance to building contractors of the Model Cities Neighborhood for the period April 1, 1975, to June 30, 1975, at a cost to the City (Model Cities Fund) of $8,000.00, and declaring an emergency. | |
| ★ 1115. Repealing Ordinance No. 139115, dated November 20, 1974, authorizing an agreement with Burnside Projects, Inc., for renovation of the Everett Street Service Center at 523 N.W. Everett Street and 314/318 N.W. 6th Avenue at a cost not to exceed $15,000, transferring funds, and declaring an emergency. | |
| **Introduced by Commissioner Ivancie** | |
| ★ 1116. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing Butterfly Valves to the Bureau of Water Works for Washington Park Reservoir No. 3 Outlet Piping, authorizing contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 1117. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing Butterfly Valves to the Bureau of Water Works, authorizing contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 1118. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing one (1) 15,000 GVW Welding Truck with Utility Body and Storage Deck for the Bureau of Fleet Management to be assigned to the Water Bureau, authorizing contracts therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |
| ★ 1119. Authorizing the Purchasing Agent to advertise and receive proposals for furnishing Check Valves to the Bureau of Water Works for Washington Park Reservoir No. 3 Outlet Piping, authorizing contract therefor, authorizing the drawing and delivery of warrants, and declaring an emergency. | |

The symbol ★ indicates emergency ordinance

| | COUNCIL ACTIONS |
|---|---|
| **Legislative and Administrative Matters To Be Considered by the Council on Wednesday, at 2:00 p.m., April 23, 1975** | |
| **Hearing** | |
| 1135. Report of the City Planning Commissioner on the petition of the Estate of Ruth Hunter, deedholder, and Hans Hoeck, purchaser, to change from Zone R5 to A2.5, Lot 9, Block 3, P. J. Martin Tract, located at 1513 S.E. Yukon Street. Denial recommended. (PC 6422) | Continued to June 4 at applicant's request |

STAFF REPORT

P.C. File: CU 26-75

Committee Meeting: April 8, 1975

Applicant: Sisters of Mercy of Oregon, deedholders

Conditional Use Request: Off-street parking

Location: Near SE 32nd and Stark

Legal Description: Tax Lot 1, Block 4, Sunnyside Plat 2 and 3

Zone: A1 Quarter Section: 3133

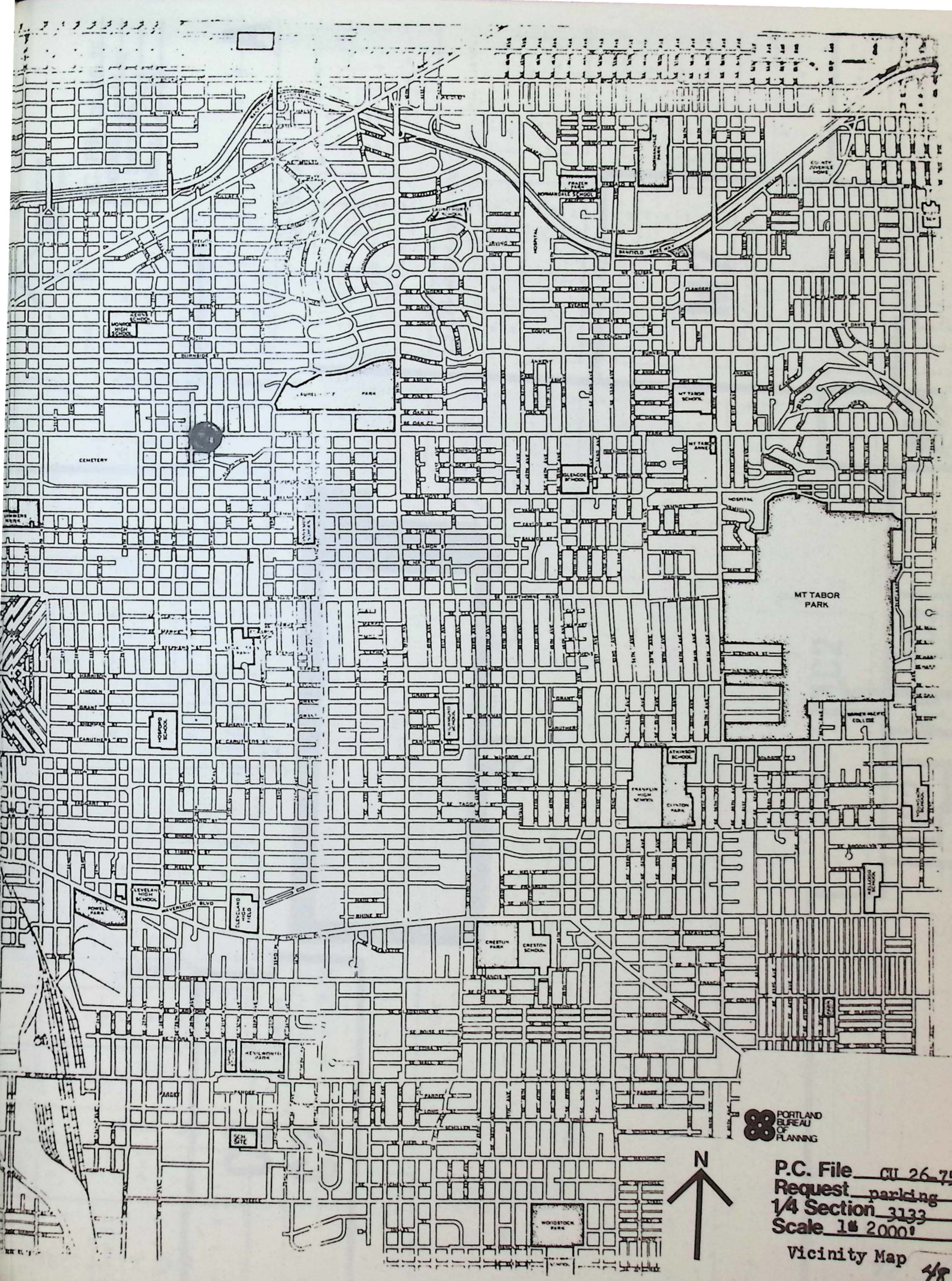
Applicant's Proposal: The applicants desire to create a 54-space parking lot east of Mt. St. Joseph's Residence and Extended Care Center. This proposed parking lot will be in addition to the existing 29-space parking lot located south of SE Stark between SE 31st and 32nd.

SV:TS:st

RECONSIDERATION

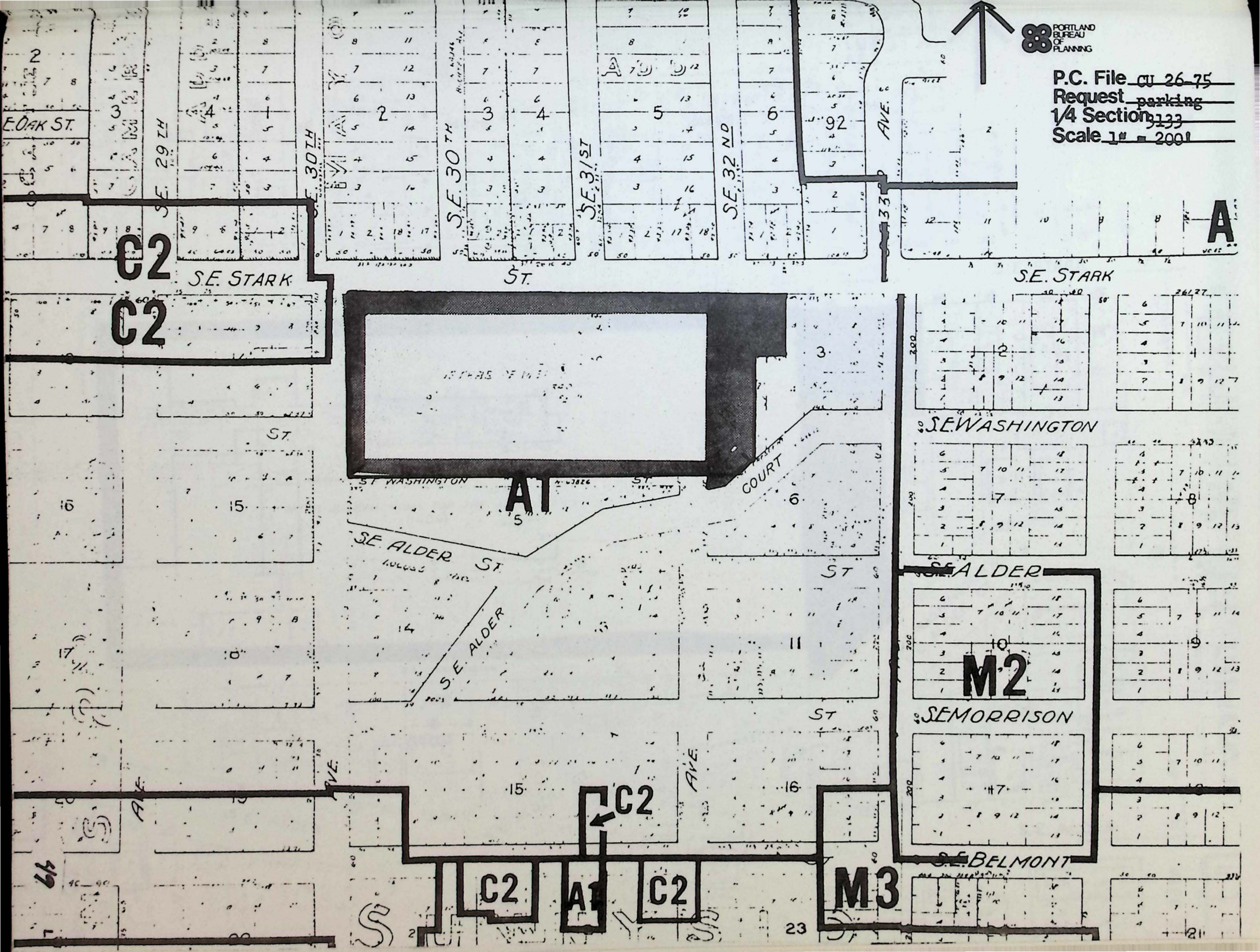
Commission Meeting: May 6, 1975

This request was referred to the full Planning Commission because of an inevitable split vote by the Zoning Committee.




P.C. File CU 26-75
Request parking
1/4 Section 3133
Scale 1" = 2000'

Vicinity Map


PORTLAND BUREAU OF PLANNING
P.C. File CU 26-75
Request parking
1/4 Section 3133
Scale 1" = 200'
E. OAK ST.
S.E. 29TH
S.E. 30TH
S.E. 30TH
S.E. 31ST
S.E. 32ND
AVE.
A
C2
S.E. STARK
ST.
S.E. STARK
C2
ST.
S.E. WASHINGTON
ST. WASHINGTON
A1
COURT
S.E. ALDER ST.
S.E. ALDER
ST
S.E. ALDER
M2
S.E. MORRISON
ST
AVE.
AVE.
C2
S.E. BELMONT
C2
A1
C2
M3

PORTLAND BUREAU OF PLANNING

P.C. File ~~CU 26-75~~
Request ~~parking~~
1/4 Section ~~3133~~
Scale ~~1" = 200'~~

S E. STARK

S. E. STARK

S. E. WASHINGTON

S. E. ALDER

S.E. ALDER CT.

(S.E. WASHINGTON) S.E. ALDER CT.

MT ST JOSEPH HOME FOR THE AGED - (R.C.)

CONVENT

CHAPEL

S.E. 30TH AV.

S.E. 31ST AV.

S.E. 32ND AV.

S.E. 33RD AV.

S.E. 10TH AV.

(1632)

(4629)

(4639)

(1403)

(1404)

(1405)

(1406)

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
May 6, 1975

# ZONING CODE AMENDMENTS REGARDING TRANSITIONAL USES

"Transitional use" provisions in zoning codes generally are aimed at modifying the effects of a zone permitting more intensive uses of land, on the uses within an abutting more restrictive zone. These "transitional use" provisions usually take the form of limitations on use, yard requirements, height limitations, etc. within the less restrictive zone when within certain distances of the more restrictive zone. There are some limitations of this type in the Portland Zoning Code but not as many as in most codes.

Another form of "transitional use", which does exist in the Portland Zoning Code, grants residential density bonuses on properties within R and A2.5 zones when they abut C2, C1 or M zoning along the side lot line of the R or A2.5 zone property. In the R zones duplexes are allowed on a lot up to 100 feet in width and in the A2.5 zone development at A1 density is allowed on a lot up to 100 feet in width.

This second form of "transitional use" is based on several assumptions:

1. That R and A2.5 zoned lots abutting (along the side lot) C2 or M zones are less likely to develop than other lots in residential zoning and that some incentive is needed to encourage development.

2. That obtaining the development of the lots in transitional position would tend to stabilize C2 and M zoning and deter further requests for expansion of such zones (particularly the C2 zones).

3. That the transitional uses granted would tend to protect the R and A2.5 zoning and uses from the more intensive uses in the C2 and M zones.

Recently complaints have been made by neighbors about the development of transitional uses, particularly the A1 zone density allowed in transitional locations within A2.5 zones. These neighbors were surprised that densities exceeding the A2.5 zone limitations were being automatically allowed. Therefore, there is need to reevaluate the transitional use provisions in the R and A2.5 zones.

The first question is -- do such transitional use provisions achieve their purpose? Where they do develop at the permitted higher densities they probably do serve to stabilize zone boundaries and deter requests for C2 or M zone expansion. However, many transitional properties are developed with the usual permitted densities and zone boundaries appear to remain stabilized.

The second question is -- regardless of the purpose achieved by such provisions, do the provisions violate the intent and spirit of notification of affected parties as provided in the Code for almost every zoning action and as specifically identified as a requirement by the Oregon Supreme Court in the Fasano decision? In other words, does a change in residential density automatically constitute a zone change? With the present bonuses, it seems that it clearly does and that it clearly violates the intention of providing public notice and public hearings for such changes, regardless of the good intentions of the original drafters of the Zoning Code.

In light of the above, it appears that there are only three possible alternatives to be considered:

1. Maintain the potential of the transitional bonus density provisions but make the bonuses subject to public notification and hearing before the granting of any bonus.

2. Keep the bonus provisions but allow them in very limited form, e.g. only one duplex in R zones and only one additional unit in the A2.5 zones.

3. Eliminate the bonus provisions.

The staff leans at this point to the third alternative. The second alternative while it might be acceptable to neighbors is still not fully responsive to the necessity of public hearing as spelled out in Fasano. The first alternative would simply provide another time-consuming public hearing action for what is probably a small portion of the properties in the transitional position in R and A2.5 zones.

At the May 6th meeting the staff will be able to provide the Commission with the approximate number of properties in transitional use location R and A2.5 zones which would be effected by following the third alternative and eliminating the transitional use provisions in such zones.

DC:KH:bn

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

May 6, 1975

Ardys Braidwood et al vs City of Portland
(No. 399-418)

The City Attorney's Office has asked the Planning Commission's advice regarding the above-mentioned court case. All pertinent documents are attached for your reference.

Basically it involves a zone change request denied by the Planning Commission and by the Council. The applicants, through their attorney, filed for a Writ of Review to which the Circuit Court rendered a decision adverse to the City. The Court (Judge Burke) said the applicant had satisfactorily demonstrated a public need and ordered the City to approve the zone change.

Question--should the City appeal the decision?

The Judge concluded in his opinion that denial of the zone change by the City Council "was not supported by reliable, probative and substantial evidence and that the plaintiffs' evidence meets the burden imposed by Fasano and that they are therefore entitled to a change from A2.5 to C2B."

Regarding the need for additional shopping and service facilities in the area the Judge stated that the "plaintiffs introduced reliable, probative and substantial evidence with regard to the low vacancy factor of the existing commercial development and that the only contra-testimony was somewhat opinionated, speculative and lacking in its documentation." In its findings (Ordinance 139006) the City Council concluded that "adequate commercial shopping and service facilities exist to serve the area; vacancies exist in commercially zoned and developed property in the area; and property exists in the area which has been zoned for commercial use but which has not been developed;"

As to traffic problems the Judge stated that there was no "reliable evidence that commercial development would increase vehicular traffic and hazards more than apartment development would." In its findings (Ordinance 139006) the Council concluded that "commercial development of the property involved would increase vehicular traffic and hazards at the already congested intersection of SW 18th Drive and SW Capitol Highway, on which the property fronts, and at the nearby intersection of SW Bertha Boulevard and SW Beaverton-Hillsdale Highway; and such commercial development would also increase vehicular traffic in the surrounding residential areas;"

Finally, the City Council found (Ordinance 139006) that "the requested zone change does not encourage the most appropriate use and development of the property involved;"

Recommendation: The Staff recommends that the Planning Commission recommend that the City Attorney appeal the Court decision because the Staff's understanding of Fasano is that the applicant bears the burden of proof both as to need for the zoning requested and that the specific site is the best one for meeting such. Further, the Staff believes that the burden of disproving the need for a zone change is not imposed on the City Council by Fasano but that where Council has reason to doubt the reasoning and logic of the applicant's case that Council must conclude that the applicant's proof of need has not been adequately shown.

DC:st

Recd 4/9/75
DBW

CIRCUIT COURT OF OREGON
COUNTY OF MULTNOMAH
DEPARTMENT NUMBER TWO
PORTLAND, OREGON 97204

RICHARD J. BURKE
JUDGE

April 8, 1975

Lovett, Stiner & Fasano
Attorneys at Law
1015 Oregon National Building
Portland, Oregon
ATTN: Mr. Louis J. Fasano

Office of the City Attorney
City of Portland
1220 S W Fifth Avenue
Portland, Oregon
ATTN: Thomas R. Williams, Sr. Deputy
City Attorney

SUBJECT: Ardys Braidwood, John Wardin,
G. Ferdinand Wardin, Alfred Wardin, Jr.
and Doris Lemley vs.
The City of Portland, a Municipal
corporation; Lloyd E. Anderson, Francis G.
Ivancie, Connie McCready and Mildred Schwab,
Commissioners; Neil Goldschmidt, Mayor.
No. 399-418

Gentlemen:

This is a Writ of Review proceeding by plaintiffs from a denial by the City Council of their request for a zone change from A-2.5 (apartment designation) to C-2B (commercial designation). The original petition was modified from a C-2 to a C-2B, by adding a buffer zone along certain boundaries of the involved property.

On September 20, 1974, this court found procedural error in the aforesaid denial and directed the defendants to make adequate findings of fact.

On October 3 defendants passed Ordinance No. 139006, making the findings and denying the zone change.

The matter is presently before this court on the merits of said findings.

Several briefs have been filed by respective counsel, and oral argument was likewise submitted by them on several occasions. I have studied them along with the entire transcript on review, and make the following findings of fact and conclusions of law:

There is no finding of fact made by defendants that the zoning change sought by plaintiffs did not conform with the City's comprehensive plan for the area. The statement of Section 1.E. of the Ordinance does not state that there was a failure of conformity with a comprehensive plan for the area, but merely that a particular plan proposed was not adopted. Further, the record does not disclose any reliable evidence to support a conclusion that there was failure to conform with the comprehensive plan.

The finding in Section 1.C. of the Ordinance is not supported by reliable, probative or substantial evidence, because the evidence introduced at the hearing showed that the properties adjacent to the existing commercial development next to plaintiffs' property are zoned for apartment and single-family residential use, and if plaintiffs' property is rezoned to C-2 and C-2B, there will be no change as the properties adjacent to plaintiffs' to the north and across the street from plaintiffs' to the west are also apartment and residential zones. All of the evidence introduced at the hearing supports the conclusion that commercial use of plaintiffs' property would be consistent with existing "buffering" in the area.

The fact that adequate commercial shopping and service facilities exist to serve the area does not mean additional shopping and service facilities are not needed for the area. Plaintiffs introduced reliable, probative and substantial evidence with regard to the low vacancy factor of the existing commercial development, whereas the only contra-testimony on the subject was somewhat opinionated, speculative and lacking in its documentation. The same conclusion is applicable with regard to the finding that other property exists in the area for commercial use, but which has not been developed.

There was no reliable evidence that commercial development traffic would increase vehicular traffic and hazards more than apartment development would.

There is reliable, probative and substantial evidence that there is a public need for the change requested and the public need will be best served by granting said request.

In view of the foregoing findings, I conclude the denial by defendants of plaintiffs' zone change application was not supported by reliable, probative and substantial evidence, and that plaintiffs' evidence meets the burden imposed by Fasano, and they are therefore entitled to a change from A-2.5 to C-2B.

Accordingly, an order consistent with the foregoing may be entered. This proceeding will be remanded to the City Council for compliance herewith. In the absence of said compliance within 60 days, an order may be submitted by plaintiffs legally effecting the same result.

Very truly yours,

Richard J. Burke

RJB: vb

# PORTLAND CITY PLANNING COMMISSION

Neil Goldschmidt *Mayor*

Hardy Myers Jr. *President*
Rowland S. Rosé *Vice President*
Peggy G. Eckton
Marjorie M. Gustafson
Herbert C. Hardy
George C. Sheldon
Ocie W. Trotter
William W. Wessinger

July 20, 1973

City Council
Portland, Oregon

Members of the Council:

Returned herewith is Council Calendar No. 1906, being a petition of Ardys Braidwood, John Wardin, G. Ferdinand Wardin, Albert Wardin, Jr., and Doris Lemley, deedholders to change from zone A2.5 to C2 that portion of Tax Lot 33, Section 16, T1S, R1E, presently zoned A2.5.

At the City Council hearing of June 13, 1973, this case was referred to Finance and Administration for further consideration by the Planning Commission with particular reference to a possible C2B zone.

On July 10, 1973, the Planning Commission placed on its agenda the subject request. Mr. Fasano, representing the applicants, presented a new proposal to the Commission which encompassed the "B" zone criteria. Four area residents appeared at the meeting to remonstrate against any expansion of the commercial zone.

No motion to reconsider their previous action was made and, therefore, the recommendation is denial of the requested C2 zone and as a result of no motion to reconsider, denial of C2B is also recommended.

The Planning Commission, in taking the above action, stated that they were not convinced, based on testimony received, that there was a public need that would be satisfied if the zone change were granted. A mere statement by the applicant enumerating requests received for office space did not outweigh the neighborhood's objection to enlarging the existing commercial zone.

Respectfully submitted,

Dale D. Cannady
Acting Planning Director

SHV:st

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# PORTLAND CITY PLANNING COMMISSION

Neil Goldschmidt *Mayor*

Hardy Myers Jr. *President*
Rowland S. Rosé *Vice President*
Peggy G. Eckton
Marjorie M. Gustafson
Herbert C. Hardy
George C. Sheldon
Ocie W. Trotter
William W. Wessinger
Marvin Witt Jr.

May 18, 1973

City Council
Portland, Oregon

Members of the Council:

Submitted herewith is the report of the City Planning Commission on the zone change request described as follows:

Petition: 6238 Commission Meeting: May 8, 1973

Applicants: Ardys Braidwood, John Wardin, G. Ferdinand Wardin, Albert Wardin, Jr., Doris Lemley, deedholders

Zone Change Request: A2.5 to C2

Location: SW Capitol Highway and SW 18th Drive

Legal Description: That portion of Tax Lot 33, Section 16, 1S, 1E, presently zoned A2.5

Petition Percentage: 71.5% Quarter Section: 3627

Applicant's Proposal: To construct 2 two-story buildings and 2 one-story buildings for office and shops with 84 parking spaces.

Code Considerations: A2.5, low-density apartments, requires 2,500 sq. ft. of lot area per dwelling unit for structures containing two or more units.

C2, general commercial, is a business zone for all types of retail and service establishments. C2 zone permits A1 density apartments.

Other Requests: In April 1960, the Planning Commission considered Petition 3689, a zone change request from A2.5 to C2 on the northern portion of Tax Lot 42 (the property to the east of the present proposal). The Staff recommended denial until the Hillsdale plan were accepted or rejected by the Hillsdale property owners, State Highway Department, Planning Commission, and City Council. The Planning Commission recommended C2 for all the property except the northerly 125 ft. for which A2.5P was recommended. The City Council in June 1960 approved C2 for the entire lot.

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424 S.W. Main Street Portland, Oregon 97204 248-4250

In January 1968 the City Council approved a zone change request on Lots 17 and the north half of 18 Hillsdale Heights from R7 to C5 (P.C. File No. 5148).

In November 1968, the City Council approved a zone change request from R7 to C2 (P.C. File No. 5419) for Lot 19, Hillsdale Heights.

The 1959 Hillsdale Center plan, concerned with facilitating traffic movement in the area, has not been accepted by City Council. However, the City has acquired property, namely Block 7, Bertha, as suggested in the above report.

Surrounding Conditions: To the east is the Hillsdale Commercial Center. To the southeast are commercial development (zoned C2) and Wilson Park Elementary School (zoned R7). To the southwest are residential apartments (zoned A2.5), and along Beaverton Hillsdale Highway are single-family homes and apartments (A2.5). To the west of the site are new apartments (A2.5) and single-family dwellings (R7 and R5) to the west and north.

There is a new traffic signal at the intersection of SW Bertha, Beaverton-Hillsdale Highway and Capitol Highway, immediately to the south of the site. The site slopes down toward SW Capitol Highway; however, there is a section of the site which has been leveled opposite SW Carolina. This flat section is significantly higher in elevation than the other commercial areas to the east.

City Engineer: A letter received from the City Engineer states: "Recommend that a street waiver be signed for SW 18th Drive. There are no city storm sewers available so storm water will have to be disposed of on property and a storm sewer waiver signed for future sewers."

Traffic Engineer: The Traffic Engineer sees no problem with traffic and has no objection to the zone change.

Recommendation: Denial.

Reason for Recommendation: The complicated and congested intersection at Capitol Highway, 18th Drive, Bertha Blvd., and the Beaverton Hillsdale Highway and the difficult terrain are not conducive to additional driveways and increased traffic that would be generated by commercial activities.

Vote: Unanimous.

Respectfully submitted,

Dale D. Cannady

Dale D. Cannady
Acting Planning Director

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SHV:NW:st

ZONE CHANGE REQUEST: A2.5 to C2

PETITION NUMBER 6238

± SECTION: 3627

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1327

ORDINANCE No. 139006 6238

An Ordinance denying the petition of Ardys Braidwood, John Wardin, G. Ferdinand Wardin, Albert Wardin, Jr., and Doris Lemley, Deedholders, to change from zone A2.5 to C2, that portion of Tax Lot 33, Section 16, T1S, R1E, presently zoned A2.5, located on the east side of S.W. 18th Drive, north of S.W. Capitol Highway.

The City of Portland ordains:

Section 1. The Council finds that Ardys Braidwood, John Wardin, G. Ferdinand Wardin, Albert Wardin, Jr., and Doris Lemley, Deedholders, have applied to change from Zone A2.5 to C2, that portion of Tax Lot 33, Section 16, T1S, R1E, presently Zone A2.5, located on the east side of S.W. 18th Drive, north of S.W. Capitol Highway;

A. That on May 18, 1973, the Portland City Planning Commission recommended denial of Petitioners' application to change the zone of all of the property involved from A2.5 to C2 because the complicated and congested intersection at Capitol Highway, 18th Drive, Bertha Blvd., and the Beaverton-Hillsdale Highway and the difficult terrain are not conducive to additional driveways and increased traffic that would be generated by commercial activities;

B. That on July 20, 1973, the Portland City Planning Commission recommended denial of Petitioners' application to change the zone of the property involved from A2.5 to part C2 and part C2B;

C. That the existing zone A2.5 provides a buffer between adjacent commercially developed property and adjacent and nearby property developed for residences and apartments;

D. That adequate commercial shopping and service facilities exist to serve the area; vacancies exist in commercially zoned end developed property in the area; and property exists in the area which has been zoned for commercial use but which has not been developed;

E. The comprehensive plan developed for the area in 1959 was not adopted;

F. Commercial development of the property involved would increas vehicular traffic and hazards at the already congested intersection of S.W. 18th Drive and S.W. Capitol Highway, on which the property fronts, and at the nearby intersection of S.W. Bertha Boulevard and and S.W. Beaverton-Hillsdale Highway; and such commercial development would also increase vehicular traffic in the surrounding residential areas;

G. The requested zone change does not encourage the most appropriate use and development of the property involved;

H. There is not a demonstrated public need for the requested zone change;

# ORDINANCE No.

Section 2. After a hearing held on December 12, 1973, the Council adopted the report of the Planning Commission and denied the petition.

Section 3. On February 1, 1974, the Multnomah County, Oregon Circuit Court on application of the petitioners herein, issued its Writ of Review and on September 18, 1973, the Multnomah County, Oregon Circuit Court directed the Council to enter findings of fact on its decision on the petitioners' application.

NOW, THEREFORE, the petition of Ardys Braidwood, John Wardin, G. Gerdinand Wardin, Albert Wardin, Jr., and Doris Lemley, Deedholders, to change from Zone A2.5 to C2 and to C2B that portion of Tax Lot 33, Section 16, T1S, R1E, presently zoned A2.5, located on the east side of S.W. 18th Drive, north of S.W. Capitol Highway, hereby is denied.

Passed by the Council, OCT 23 1974

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

Mayor Goldschmidt
10/2/74 TRW:rl

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

May 6, 1975

Proposed Planning Commission Policy
Regarding Reasons for Votes in Commission Decisions

To enable the Planning Director and Staff to respond to questions from City Council at hearings concerning the collective and individual thinking and reasoning of the Planning Commission members, the following guidelines are hereby adopted:

> That each Planning Commission member shall state his or her reasoning as to why she or he is casting an aye or nay vote on a particular motion. It is desirable that the statement include the resulting conclusion and voting action as well as the reasoning and logic leading to that conclusion and vote.

EB:st

PORTLAND CITY PLANNING COMMISSION
JUNE 3, 1975

WATER SERVICES BUILDING
520 SW MONTGOMERY STREET

AGENDA 404

TUESDAY, 3 JUNE 1975

TIME OF MEETING:

See inside

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 404
Tuesday, June 3, 1975
Water Services Building
520 S.W. Montgomery St.

FROM 12 NOON TO 1:30 PM

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Briefing on design of the East Fremont Bridge ramps.

2. Report on State Legislature activities.

AFTER 1:30 PM

APPROVAL OF MINUTES

3. Planning Commission Minutes ..... 10 April 1975
24 April 1975
29 April 1975
6 May 1975
7 May 1975
20 May 1975

4. Zoning Committee Minutes ..... 22 April 1975

COUNCIL ACTIONS

5. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

6. File CU 43-75, Expansion of Convalescent home; NE 16th and Clackamas; Holladay Park Plaza, applicant.

7. File DPR 40, Request for renewal of 37-space parking lot; SW 10th and Stark; Dussin Investment Company, applicant.

8. First Amendment to Downtown Waterfront Urban Renewal Plan (boundary change to include waterfront area south of Hawthorne Bridge for public open space use); Portland Development Commission, applicant.

FOR INFORMATION

9. Information on towers and studies on Healy Heights.

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 10, 1975

Present: Sheldon, Gustafson, Minden, Roso, Shannon, Wessinger

Staff: Cannady, Mazziotti, Givens, Nolan, Scheddel

The meeting was called to order at 7:40 p.m. in Room 200, City Hall Annex, by Chairman Sheldon for the purpose of hearing reports on LCDC activities.

Herb Riley, Deputy Director for LCDC, gave the presentation of the goals and objectives adopted by LCDC. He said that Senate Bill 100 is a bill designed to bring all comprehensive plans in the state into one plan. He stated that the goals are statewide including costal towns, metropolitan and rural areas. He added that CRAG has been designated as the Plan Review Board for the Portland metropolitan area.

In reply to a question from Mrs. Roso, Mr. Riley said that there is a provision that the LCDC shall issue assistance to those cities and counties that do not make their own plans, but LCDC does not envision that ever occurring.

Mrs. Gustafson asked if their commission and staff could sufficiently interpret the goals that have been set forth.

Mr. Riley said that if something is not abundantly clear to the staff, they will take those things to the Commission for a policy determination that they will publish so that everyone has the same interpretation.

Mrs. Gustafson asked if they were monitoring the plans so that if a county or city was going astray they would be able to catch it before it went too far.

Mr. Riley said that later on they will be able to do that. He stated that the responsibility of CRAG is to look at plans within the Portland area to make sure that they are consistent with LCDC. He said that if there is a disagreement between CRAG and the Planning Commission, then LCDC would have to resolve it.

Mrs. Roso asked if the plans of agencies within a city or county are to be taken into consideration by the city or county or if they are going to bring something in and change the plans of the agencies.

Mr. Riley said that he hoped that there will be very little of the latter occurring. He said that he thought some plans would be virtually complete and that the city or county could take them at face value, but the overall objective is to insure that the

coordination process starts from the beginning of these plans and that all effected jurisdictions have an opportunity to participate in the preparation of that plan.

Mrs. Roso asked if the Lower Willamette River would be a given to the State.

Mr. Riley said that from the point of view of the LCDC the contrary is true. He said that the local comprehensive plan is the primary document and the state agency plans must fit within it.

Mr. Minden asked if the matter of budgeting to the cities and counties would be according to the need, or the population.

Mr. Riley said that the LCDC and advisory committee are taking into consideration both the population and the need of an area. He said that they are working out a point system for the criteria.

Don Mazziotti gave a presentation of what the staff is doing that coordinates with what Mr. Riley has outlined.

Mr. Mazziotti explained the state-wide planning goals and guidelines as outlined below:

1. Citizen involvement
2. Land use planning
3. Agricultural lands goal
4. Forest Lands
5. Open spaces, scenic and historical areas
6. Natural resources-air, water and land resources-quantity goal
7. Areas subject to natural disasters and hazards
8. Recreational needs
9. Economy of the State
10. Housing
11. Public facilities and services
12. Transporation goal
13. Energy conservation
14. Urbanization

Tim Nolan, planner, described a typical planning process as follows:

1. Stimuli-issue
2. Goal data
3. Establish goals/objectives
4. Review alternatives
5. Select alternatives
6. Develop policy
7. Approve
8. Implement

Mr. Wessinger asked how the goals would apply to S.W. Portland, for example.

Mr. Nolan said that low density, improved residential housing would be one consideration in S. W. Portland.

Mrs. Gustafson asked if there were not objectives within the City bureaus that were contradictory to one another.

Mr. Nolan said that this implies a variety of policies which defy any kind of consideration.

Mr. Sheldon said (in regard to the annexation policy) that the Water Bureau's former policy allowed any private citizen to tap onto any conduit.

Mr. Wessinger asked if the process was for the City to get a comprehensive plan and have it reviewed by CRAG and then by LCDC. He also asked if in the review process by CRAG and LCDC if they have, or will have in the future, the facilities and staff to do this job.

Mr. Riley said that there is no way that LCDC in Salem could review all the plans. He said that CRAG would review the plans and the responsibility of LCDC is to review the reviewers.

Mr. Mazziotti said that they would like to assess problems and needs as follows:

1. Information base
2. Analysis
3. Comprehensive policy
4. Policy analysis
5. Program implementation

Mr. Mazziotti said that LCDC goals and guidelines require that at the end of the planning process that the comprehensive plan be adopted by ordinance which makes it official policy or resolution. He stated that the staff is actually doing the field studies and also using information that we already have. He said that they would measure the conditions of existing public facilities of all types and provide better leverage per dollar spent.

Mrs. Gustafson asked if anyone had every tried the system that the staff proposes. She also asked how much this analysis would cost.

Mr. Mazziotti said that nobody has ever tried this system. He also said that putting this whole thing together would cost about 2 million dollars. He said that they hope that LCDC will be funded at a level adequate to give a substantial level of support. He said that there is also 701 money to work with and staff is also

attempting to get some grant money. He added that the transportation analysis is in progress and that CRAG is leading it.

Mrs. Gustafson asked if they have budgeted out so that after 2 years they won't find that they are only 1/6th of the way through.

Mr. Mazziotti said that they are more than 1/6th of the way through now in terms of informational development. He added that they have requested $250,000 from LCDC for the first year and the second year would be slightly lower than that, and that amount would be matched with 701 money. He said that the question may not be whether we can afford to do it, it may be whether we can afford not to do it, because currently we have no information that is reliable.

Mrs. Gustafson asked if he was talking about detailed information comparable to that seen in the Corbett/Terwilliger Plan or about more sketchy information.

Mr. Mazziotti said that this information is discrete and precise. He added that this is information the staff has been developing. He said that to achieve a resolution of an error factor of 65 feet on a 1 to 1,000 scale is not easy for a geologist. He added that Roger Redfern expects to be finished with that element in August.

Mrs. Gustafson asked if he felt that they would really find out something about the housing stock that they don't already know.

Mr. Mazziotti said that they know where all the neighborhoods are and where the housing is, but they don't know relative housing conditions, housing value, the types of people that live there and whether they can afford to invest in housing or not. He said that if we are to come up with responses based on public need criteria we are going to have to do something more than a windshield survey.

Mrs. Gustafson said that she felt that they were spending a lot of money finding out for instance there are 96 houses in a neighborhood that are in poor repair instead of 83 when you can probably only help 10 anyway. She wonders if it is worth it.

Mr. Mazziotti said that it is worth it. He added that for example, if we had had this kind of data available last September when the Housing and Community Development Act was signed into law by President Ford we would have been able to put together a housing and community development plan much sooner than last month. He added that every month that went by that we didn't submit a housing plan it cost us $80,000 in inflation. He said that we didn't have adequate information put together for a simple

proposal that would have netted us 8.6 million dollars, and that is just one illustration of not having an information base.

Mr. Shannon asked about the project time flow.

Mr. Mazziotti said that they have not keyed the development of the information to specific project time flows. He stated that he would hope that the capital improvements, programming and budgeting process will be one which will be based upon this kind of information for purposes of projecting time lags or time problems, or whether or not to initiate a project at all.

Mr. Wessinger said that one could come up with criteria that would be opposed to the Northwest Plan, for instance, and he is not sure that this information would be effective. He stated that people in the neighborhoods don't care about graphs, maps, etc.

Mr. Mazziotti said that in his opinion the Northwest District Plan represented from the outset a value conflict; not a conflict of interest, but a conflict of values, and you cannot resolve fundamental value differences as between a demand for one thing on one hand and a demand for another thing on the other hand; i.e. one person wants more housing and another wants more institutions.

Mrs. Gustafson asked Mr. Mazziotti if he was convinced that he would come out with a significantly different view of the City's problems after a 2 million dollar study.

Mr. Mazziotti said that he is convinced of that.

Mr. Wessinger said that he did not think that Mr. Mazziotti could get the type of plan that he proposes for 2 million dollars. He said that it sounds more like about a 100 million dollar project.

Mr. Mazziotti said that they have attempted to cost it out on what the staff could do.

Mr. Minden asked if in evaluating hosuing if they used the tax assessors' evaluation. He said that the assessors have the information in their files, and if those files were used and windshield surveys were made it would cost a lot less.

Mr. Mazziotti said that the Assessor's Office has a great deal of information, but only part of that information is available and that is the weakness of the system. He said that the Assessor's Office can provide evaluation figures, hot spotting, indexing, etc. but they do not know about housing quality or housing stock. He said that they gather that data for purposes of tax assessment and not for purposes of assessing the livability or quality of the housing stock, the number of people who

live there, or the kind of neighborhood within which it is located, etc. He said that a typical housing analysis is keyed to individual interviews, combination individual interviews and windshield surveys, a full check of housing inspection records, trends, as well as tax assessment information and land value information.

Mary Pederson, 2323 N. W. Johnson, said that she has been a member of the Citizen's Advisory Committee to the LCDC during the last year as well as working in the office of the Neighborhood Associations of Portland. She said that they spent one whole year trying to resolve goals and some guidelines for citizen participation. She said that the goal on citizen involvement begins by saying that "the goal is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process". She said that the reason that they put it that way was that if they felt that if they waited to a point where they had specific goals and alternatives to present to the people that would be too late. She said that the stages that they evolved were data collection, plan preparation, the adoption process, implementation, evaluation and revision. She said that they felt that there were two reasons for involving the citizens in data collection; first of all, some things can be more cheaply done that way, and the second thing is that unless you have the citizens involved in collecting the information they will never be ready to analyze it at the same time that the Planning Commission is ready to analyze it, nor will they feel that it is particularly sound, because they feel they know their areas better than consultants. She said that the next step would be plan preparation - picking up the different alternatives.

Mr. Mazziotti said that with regard to the physiologic study the reason that they have not had citizens doing field checking is because they aren't certified geologists. He said that they could set up some sort of a process where people could bring in soil samples, etc, but he is not sure that they would get much out of that. He said that the transportation element consists of what the Governor's Task Force has done and what CRAG has done, which have had substantial portions of citizen involvement in terms of their development. He added that the arterial streets program, which is being carried on right now, has had an incredible degree of citizen participation.

Ms. Pederson said that there are citizens that are geologists. She said that they probably will not go out and take the samples, but they are capable of evaluating some of the results. She added that there are people whose talents can be used at a minimal cost to the City.

Mr. Mazziotti said that this is a proposal. He stated that the physiographic study would be done whether LCDC was in existence or not; it was mandated by law in Chapter 13 in order to get flood plain insurance for people who are located in flood plains and in order for the City to escape liability for zoning regulations which permit people to locate on a fault line that runs through property. He said that they have not begun the housing analysis. He is suggesting that we have a city-wide kind of view with a 1 to 1000 scale on city sectors so the neighborhoods could be enlisted to participate in the collection of data.

Mr. Shannon said that he didn't think that we have the time constraint to develop the proposed plan.

Mrs. Gustafson said that we can agree that we have to have a geological survey and have to have population data, but there may be some types of information that we could get better by using the tax assessment information or other information that is available.

Mrs. Roso said that she sees a definite lack of concern for air quality in the plan which will have a definite impact on housing and industry in the City. She said that there should be an overlay on the 13 maps of the air quality pockets or basins.

Mr. Mazziotti said that air pollution comes from activity of one kind or another such as from furnaces to heat homes and from transportation. He said that the transportation analysis must conform to DEQ.

Mrs. Roso said that she suggests that the City get their own high-powered consultants to work on air quality.

Because of no further business the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 24, 1975

Present: PC: Chairman Sheldon, Eckton, Gustafson, Shannon, Rose', Roso, Wessinger
PC Staff: Bonner, Cannady, Frost, Hampton, Vail, Scheddel
PC Board: Chairman Ridgley, Howe, Newman
PC Staff: Superintendent Blanchard, Kleiner, McElroy, Nellor, Bayless

The meeting was called to order by Chairman Sheldon at 12:25 p.m. in the Portland Public School District Board Room, 631 N. E. Clackamas. The meeting was called to discuss the School District's planning.

Mr. Bonner presented the Portland City Planning Commission Comprehensive planning process and the relationship between school District #1 plans and the Planning Commission plans.

Mr. Ridgley said that the enrollment in the public schools nine years ago was 78,000; it is heading toward the 60,000 mark now and he expects further decline. He also said that if they brought their buildings up to standard it would cost several million dollars. He stated that they have been spending more money per child by reducing the size of the classes. He said that the Area 3 staff report dealing with building reorganization is consistent with the requests of the School Board to start a process. He stated that much of the confusion and much of the heat is based upon an expectation that that was somewhere near the end of the process rather than the beginning point of the process. He said that the School Board has received no recommendations regarding building reorganization plans of the 3 areas and none have come to the Superintendent. He said that there is a long process and therefore the Board is not involved in making a decision at this time. He said, despite what has been said in newspapers, etc., what has occurred is consistent with direction that the Board has given the Superintendent.

Mr. Blanchard said that any consideration of closing a school is made because of declining enrollment and the deterioration of the school building. He said that they feel that they must have some sort of middle school, and that since 1969 implementation of such schools have been under policy direction of the Board. He said that they would also retain the four-year high schools. He stated that the Board has also directed attention to childhood centers. He added that they are an outgrowth of the head-start program of bringing children 3 and 4 years of age into a school atmosphere when one anticipates that they may have difficulties in school later on. He stated that it is that program that they are inviting enrollment from outside those areas on the part of interested

parents generally. He added that there has also been comment about increased specialization of high schools. He said that he has advanced the idea that one can capitalize on the diversity of the city system. He added that Benson High School seeks students that wish to be there rather than that have to be there. He stated that that is what high school specialization is all about.

Mr. Blanchard said that a neighborhood may make recommendations to the Citizens Advisory Board and the Citizens Advisory Board then may make recommendations to the Area Superintendent who will make some recommendations that will be reviewed by the superintendent and the Citizens Advisory Committee and then, in that form or an amended form, recommendations will be made by the Superintendent to the elected Board of Education for their consideration.

Mrs. Gustafson asked Mr. Blanchard if citizens will have an opportunity to talk to the Board as opposed to going through the building reorganization task force.

Mr. Blanchard said 'yes' and that is already underway. He added that he would not favor the CAC turning the study of the issue over to a completely new mechanism however. He said that he hoped that there could be input from citizens of a given area to the area superintendents.

Mrs. Gustafson asked Mr. Blanchard if he felt that he could say that what the citizens have to say will have an impact or if the Board would do what they want to anyway.

Mr. Blanchard said that he is sure that there are some decisions that have to be reached in Area 3 that cannot be logically reached by popular vote.

Mr. Ridgley said that as far as the Board is concerned he sees no lack of opportunity for input to be made. He said that he would like to see a great deal of that input take place at the local level and not wait until they could get a shot at the Board. He said that there is also an opportunity to communicate by phone or letter to the superintendent. He said that no decisions will be made without hearings, but the School Board is not a rubber stamp for the area Advisory Committees or the Area superintendents. He said that they take their counsel, but also look at other factors that affect the district. He also said that he did not think that Board members should be making up their minds on these issues without the specifics.

Mrs. Gustafson said that when one wants citizen participation it is a lot easier to get participation if they are given options.

Mr. Ridgley said that the citizens advice comes from an appointed Citizens Advisory Committee and that is a structure that the Board has created.

Mrs. Eckton asked how information from an Area flows back to the School Board.

Dr. Blanchard said that detailed minutes of the meetings that are held in the Areas are received by the Board members and his office.

Mr. Newman said that they ask the Area Advisory Committee to give the Board supporting information. He said in the case of Area 3, as well as other areas, the minutes would be accompanied by a statement from the Area Advisory Committee and if there is a dissenting view that will be set forth, as well as the Area Superintendent's additional views.

Mrs. Eckton asked if the Coalition concerns would go to the Citizen's Advisory Board and then to the School Board.

Mr. Newman said that that information might not always come to them, but that they would know of the Coalition's recommendations from reading the minutes. He said that he was sure that they would pin anything pertinent to the minutes including documents to the City, and the Board can always request additional information. He said that if people want to come to a public meeting and state the same thing that they have sent to the area it is their privilege, but the School Board has to make the decision.

Mr. Blanchard said that if a group of people feel strongly about something the School District knows it.

Mrs. Eckton asked if there would be options.

Mr. Blanchard said that if what Mrs. Eckton meant by options is the fact of converting a high school into a middle school there is the option of not doing so, but the option that doesn't exist is to continue that school in its present status when the enrollment is down and the building is deteriorating.

Mr. Rose' asked if when enrollment is down in a school and the school must be closed could it not be used for something else.

Mr. Blanchard said that those issues are yet to be considered by their Board of Administration and the Planning Commission. He said that he prefers improved educational buildings for kids. He said that instead of putting a great deal of money in a building you are probably better off not to use it.

Mr. Nellor said that in recent years they have given up a number of buildings but people don't remember that. He said that many schools have been converted to other uses.

Mr. Shannon said that they talk about teachers and parents having input, but there are others in the neighborhoods that feel that they have an important role in the life of schools. He added that when it comes to a vote all citizens are allowed to vote on school issues.

Mr. Ridgley said that non-parents are allowed to participate. The policy does not require parenthood.

Mr. Blanchard said that they advocate student and senior citizen participation.

Mr. Ridgley said that the School Board spent the better part of a year on hearings concerning the issue of middle schools. He said that the Board sets policy and uses its best judgement, and they don't always make the decision that is pleasing to everyone. He said that they feel that they do a poor job of education at the intermediate level.

Mr. Shannon said that other than at personal elections there has never been a chance for people to vote on this plan.

Mr. Ridgley asked Mr. Shannon if the Planning Commission planned to put the Comprehensive Plan up to the vote of the people. He said that it is the same thing.

Mr. Shannon said that he doesn't think it is the same thing.

Mrs. Gustafson said that the Area Advisory Board is appointed by the School Board and people won't go and say that they are representing a neighborhood when there is a proposal that effects so many children and the people representing the people of the neighborhood don't know the feelings of all the people in the neighborhood.

Mr. Newman said that they appointed the Advisory Committee because they wanted an opportunity for citizen input. He said that they have never claimed that the Advisory Committee was an elective committee of the district, but was a committee to which the citizens could have input. He said that the argument is about the process and it is the end result that is important. He said that when we stop arguing about process and start talking about proposals we will get somewhere. He said that anyone desiring to be on the Advisory Committee must submit a petition with 25 signatures in order to be appointed to the Committee. He said that parents are usually the ones that come forward. He said that the number of signatures has been reduced from 100 to 25.

Mr. Howe said that some high schools in rural Oregon are trying to run with 75 students. He said that School Boards are reluctant to close schools but sometimes there is no other alternative.

Mrs. Roso asked Mr. Blanchard if they were going to gain anything by closing schools.

Mr. Blanchard said that the cost sources are out of sight, so they feel that it is better to locate a larger number of students in a fewer number of locations. He said that the only way that they will make it is to request it of the electorates. He said that originally they would have to go to the voters for that support. He said that they are not saying that they will spend more per child in the middle school, but they aren't going to spend less.

Mrs. Eckton said that the thoughts of the City has been keeping liveability for people in the core area. She said that people no longer want to stay in an area where there are no schools. She asked if they plan to bus more and more children to school.

Mr. Ridgley said that they are concerned about the core area of the city. He said that they want the core area to act as a magnet to draw people to those schools. He said that Mrs. Eckton was assuming that x-number of people in an area will be unhappy if they close a school. He added that that is not so because they will be next to an area with a larger building. An area is not made unattractive every time a school is closed, the neighborhood just expands and makes it a more attractive place to live.

Mr. Blanchard said if we don't have reasonable school facilities well run, with good programs, operating in the central core of the City we will never stop the flight of people to the suburbs.

Mr. Sheldon said that the concern of the Planning Commission is as follows: If neighborhoods "x" and "y" each had an elementary school and the elementary school in "x" is good structurally and the school in "y" is not so good, the obvious choice would be to keep the better school, but if "y" is in a neighborhood that the City is advancing within the housing program under the national federal program, the Planning Commission's point of view would be that it would be better if the school in "x" were closed even though "x" is the better school because we are helping to provide assistance in the area and the closure may work directly opposite to the Planning Commission's policy.

Mr. Blanchard said that where that would exist they would have to pay attention to it.

Mr. Rose' said that he wondered if the Planning Commission wanted to use School District Policies as possibly a tool to soften an area.

Mr. Sheldon said that the School Board has a critical comparison and must weigh educational needs and the cost per pupil, but there are other concerns which we are concerned about because it may boil

down to a situation where presumably it would be in the City's best interest to ask the School Board to actually make a less economical choice in order to support goals to which the City is also investing funds, in an attempt to reverse an out-migration and the disappearance of a school in that situation might actually be the thing that would kill a massive investment that has already been started by the Portland Development Commission and State and Federal funds.

Mrs. Gustafson asked if there are options to keeping a school building open for 2/3rds of its use for educational purposes.

Mr. Newman said that the King School is doing that right now. He said that he understood that the Planning Commission was sensitive to their concerns - it is a mutual matter. He said that the question is what is the best way to preserve the central city.

Mr. Ridgley said that if you go to joint use facilities you can't expect the taxpayers of the School District to pick up a facility use for some other purpose.

Mrs. Roso asked if they were looking at the condition of schools in regard to re-use or resale. She said that she wondered if it wouldn't be better to sell saleable property (the better building) and make a good facility out of the bad one rather than make a better facility out of the good one and leaving the bad building in the neighborhood that nobody would buy.

Mr. Ridgley said that if schools are not going to be used for schools, the Board wants them to be used for other purposes or be sold.

Mr. Blanchard said that the buildings that have been spoken of are in residential districts and the zoning would have to be changed to use them for something other than schools.

Mr. Shannon was concerned about small children having to go long distances to school. He said that traffic on major arteries could pose a problem for small children. He wondered if the middle school program would cause a problem in that the small children might have to travel further than the older ones.

Mr. Blanchard said that he hoped that the School District and the Planning Commission could work that out together.

Mr. Ridgley said that almost every district in the country has an intermediate or middle school program. He said that he hoped that traffic would not add to the educational problems.

Mrs. Eckton said that she wondered why all five schools that were picked to close were from low income areas.

Mr. Ridgley said that they have not picked any schools to close.

Mr. Blanchard said that she was referring to a staff report from Area 3. He said that without knowing about the details of what they considered he could say that no recommendations for possible closing of any building was based on the income level of the students attending the school.

Mr. Newman said that he would surmise that the schools chosen were those that had a population decline and the buildings are in a deteriorated condition, and frequently that is in low income areas and that is probably why the factors coincided.

Mr. Ridgley said that the Board's policy, per se, deals with racial isolation, and the effects of racial isolation are poor and rich problems not black and white problems, although a great percentage of the black population is also the poor population. He said that wherever possible they want to avoid economic isolation. He said that it is their consideration not to have all poor children in one school or all black children in one school. He said, for instance, they talked about moving Lewis school children into the Dunaway School but these are emotional issues. He said that every time you talk about enrollment pattern or closing schools it is a bumpy road.

Mr. Sheldon said that there is a time table for Area 3. He asked if June 16 is the date that processes will come to a conclusion.

Mr. Blanchard said that he is quite certain that the time table for Area 3 is no longer relevant because more time is necessary. He added that the Board of Education doesn't have dates for specific reports for actions.

Mr. Sheldon said that he would like to summarize things that are concerns; (1) Significance of declining enrollment, (2) Need for schools in City as there are trends that suggest that the City may be able to reverse the trend of people moving to the suburbs as there are economic opportunities for housing within the city, (3) The City has 4 essential choices;

1. Maintain the size of residential area.

2. Maintain residential area with school age children.

3. Involve as many people as possible in system that is trying to change the trend of people moving to suburbs.

4. To respond to capacities of neighborhood associations.

He added that the Planning Commission is asking for the School Board's support to realize those goals. He said that nothing had been said in this meeting that would make him feel that they would not support it. He added that he would like to maintain an active line of communication and would suggest that he correspond with Doctor Blanchard and possibly make arrangements on informal basis to continue discussion when appropriate to give thoughts to make sure that they are being provided with information that they need so that they can make their decisions.

Mr. Blanchard suggested that Mr. Sheldon write to Mr. Ridgley instead.

Because of no further business the meeting adjourned at 2:15 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

April 29, 1975

Present: Sheldon, Gustafson, Eckton, Minden, Rose', Wessinger
Staff: Bonner, Cannady, Vail, Scheddel

The meeting was called to order by Chairman Sheldon at 7:45 p.m. in Room 200, City Hall Annex. The meeting was called for reconsideration of the flood control project.

Mr. Vail gave the following staff report:

What follows is a re-evaluation of the options available and their ramifications;

It must be taken as a given that the U.S. Congress directed the flood control studies be undertaken. The Corps of Engineers, complying with that directive, have conducted numerous hearings and published the two reports that were transmitted to Planning Commission members; namely an Environmental Impact Statement (EIS) and a Survey Report.

The Corps delineated eight possible methods of providing flood control for the area, or nine if doing nothing is considered an alternative. The EIS speaks to Plan I as the chosen alternative. The reasoning for this will be discussed later. But what is important now is the do nothing plan.

The Draft Survey indicates that by doing nothing, flooding will still occur. This, of course, jeopardizes the City's commitment to the Bridgeton-Faloma area specifically and to flood insurance programs generally.

If it can be assumed that a flood control program is essential, which one of the alternative methods should be chosen, and who would commit local resources to the accomplishment of such a program?

Testimony at previous hearings indicates that the Port of Portland will agree to act as the local sponsor of a flood control program but only if Plan 1 is adopted. Area residents have stated that flood control is essential. Others have stated that the Columbia Slough should remain open to recreational or commercial boat traffic or both.

This poses a dilemma and raises the following questions.

1. What if no flood control measures are taken by the Corps?

   This would have effects on the City eligibility for subsidized flood insurance and would drastically limit construction in the flood plain area. Piecemeal development and maintenance of existing dikes will obviously occur,

but such activity will be done without relationship to a recognized development program.

2. If the Port will not act as the local sponsor, who will?

   The existing drainage districts could act as a local sponsor. They have been authorized to for some time but have not taken any major steps. Any locally-affected jurisdiction could also be the local sponsor. Several flood control improvements in the various drainage districts have been authorized by Congress, and with the exception of Peninsula Drainage Districts Nos. 1 and 2, have been completed. Improvements to Nos. 1 and 2 were never constructed due to lack of local cooperation.

3. What could the Port do if something other than Plan 1 were adopted?

   The Port is in a very unique position now. It could continue to fill its lands to above flood level or construct its own dikes and provide its own protection. This does not provide any assistance for the up-stream areas. If the Port's present development plan is to be followed, they will require high-level bridges over the Slough.

4. How many boats would use the Slough if kept open?

   There is no documented evidence as to the number of boats; therefore, it is extremely difficult to establish a Benefit-Cost ratio.

In examining the Benefit-Cost ratios supplied by the Corps, Plan 1 is the best. All flood control options are greater than 1:1.

The options available appear to be:

1. Request good flood protection at a high Benefit-Cost ratio with no access to the Willamette for which there is a local sponsor (Plan 1), or

2. Request good flood protection at a lower Benefit-Cost ratio with access to the Willamette for which there is no local sponsor, and therefore no project.

3. Request no flood protection and accept the land use development implications of such a decision.

COSTS OF FLOOD PROTECTION

Plan 1

| | |
|---|---|
| $2,558,000 | Federal |
| 361,000 | Local Sponsor |
| 0 | City or County |
| $2,919,000 | Total Cost |

Plan 2

| | |
|---|---|
| $2,558,000* | Federal |
| 4,246,000* | Local Sponsor** |
| $6,804,000 | Total Cost |

*By policy, since the Corps opts for Plan 1, which is considered the basic plan, any modifications from the plan must be paid for by the local sponsor.

**1. Port acts as local sponsor (Unlikely)
2. Port pays a portion of increased cost with Drainage Districts, City, County or other picking up remainder (?)
3. Port pays nothing, then either
Drainage Districts pay (unlikely)
City or County pays (unlikely)
Others pay (unlikely)

ACTION: Mr. Wessinger moved for reconsideration of the flood control plan of the Columbia Slough.

Mr. Rose' seconded the motion.

Ayes: Sheldon, Gustafson, Eckton, Minden, Rose', Wessinger
Nays: None

Motion carried unanimously.

Mrs. Gustafson asked Mr. Vail if he was saying that nobody would pay for other than Plan 1.

Mr. Vail said that he questions whether the Port of Portland would pay for any other plan since all other plans are so much more expensive. He added that the sponsor of this project has to be a governmental agency.

Mr. Wessinger said that since the Planning Commission is only advisory he did not think that they would have to state either it is Plan 1 or nothing.

Mr. Vail said that the position that the Port or anybody else that would be the sponsor, would want to take is that both Multnomah County and the City of Portland who own land in this area, and who have jurisdiction within that flood plain area, have to agree and commit themselves to turn over certain lands for open spaces and recreational use, or implement the green-way on either side of the Slough. He said they are all part of the overall program so we have to support a specific plan or everyone will just develop their land the way they will.

Mr. Rose' said that on the 3rd of April he related the possibility of Plan 1 modified. He raised the issue once more and asked if they could hear testimony on Plan 1 modified. He said that he suggested previously that Plan 1 be modified with a flood gate and that the bridge not be elevated and that this in itself would permit the use of the Slough by small boats and still leave it as a viable waterway.

Mr. Sheldon said that he thought that the representative of the Corps should discuss the 'stop-log'.

Mr. Bonner said that the staff is making a recommendation in the Flow-Down-Agreement that covers flood control and regulations. He said that the City does have to act in regard to this flood control consideration. He said that HUD will continue the subsidy program for flood insurance only if the local government acts responsibly and makes good faith efforts to assure that there are no flood plains. He said that the question of whether or not we will has already been answered, but the question is what plan, how much it will cost and whom it will cost.

Ray Jerrin, 6708 Parkway, Corps of Engineers gave a brief description of the structure that they have considered for the flood gate. He said that this flood gate would be a part of a levee system and it would have to deal with a head of water approximately 20 feet during a flood. He said that that is a significant head of water that takes a specific engineering structure to deal with the sand problem and a flood threat time and time again. He stated that the basic structure proposed was the end of a typical miter-lock gate. He added that the structure that they had proposed in the design was a concrete gravity section to resist the threat of the water. He said that the foundation conditions in most of this flood plain area are very poor but with a concrete type structure as previously mentioned it would resist the forces of water. He stated that there are other types of structures that could be used for boat access from the Willamette into the Columbia Slough, but only a transportation type system either a marine railway or some kind of a hoist system, would have a direct water-to-water connection and they don't feel that there is any alternative to the type of structure that they have evaluated. He said that it would require a great

deal of piling to support this kind of a structure which is part of the high cost of the structure. He said that they did evaluate a recreational lock and it is a much larger structure but is very similar to the flood-gate just described. He stated that the cost of the recreational locks that they looked at were in the order of 7.2 million dollars. The gate would be compatible with the authorized 100' x 10' deep barge canal, the width would be about 56' about 13' below water. He said that the Corps advised him that they could consider no less than about 50' in width for a flood gate structure to pass recreation boats and that the minimum depth at low water should be in the order of 8'.

Mr. Jerrin said that the majority of the cost of the flood-gate would be in concrete, steel and steel piling. He said that the gates themselves are a small portion of the cost. He said that the cost that they have estimated for the commercial barge flood-gate is about 4.5 million dollars for the engineering, design and administration. He said that the cost for Plan 1 for earthen embankment with the muted gravity outlet pipe is under 1/2 million dollars, so the increment would be about 4 million dollars for a recreational flood-gate. He said that after evaluating all the plans they find that Plan 1 is the most economical in terms of benefit produced from the cost expended. He said that going from Plan 1 to any other plan there is no additional benefit and in some cases a loss of benefit. He said that if a plan other than Plan 1 were opted for then the increment of cost would have to be picked up or assigned to a local sponsor.

Mr. Bonner asked Mr. Jerrin if he then estimated that the difference between a flood gate which permitted recreational traffic only and a flood gate that permitted commercial traffic was about ½ million dollars.

Mr. Jerrin said that it would be several hundred thousand dollars. He said that it would be a small amount of money because the most of the cost is in the concrete, piling and reinforcing steel, but not in the gate itself. He said that building a flood-gate for either recreational or commerical use would be a substitute for a levee and the design requirements don't change that much. He said that a flood-gate is one-half a lock. He said that a flood-gate would be as beneficial as a lock if you used it only 10 months of the year and closed it for 2 months during flood danger time.

Mr. Rose' asked how much long range planning was injected into Plan 1 in relation to river traffic for residential occupants. He said that there is a lot of land that could be considered residential at sometime in the future.

Mr. Jerrin said that was not considered; they were going along with the existing zoning in the area.

Mr. Rose' said that if the area grows there will be a demand for water oriented residences, etc. and he wonders if we don't have a resource here that we can't afford to get along without.

Mr. Jerrin said that they are encouraging non-motor boating in Plan 1.

Mr. Rose' said that his point is regarding getting out of the Slough by water.

Mr. Jerrin said that the water quality will be essentially the same under all the plans and that the resource agencies and the public should realize that we are not dealing with a mountain stream, but that it is a valuable resource that can be used and the Fish and Wildlife Agencies are proposing a warm water fishery.

Peter A. Schauns said that he wonders if Mr. Jerrin or the Planning Commission is familiar with the total cost that they put out in their report; he said that there are many items not listed in the cost which comes to $2,058,211, and there is a maximum of 2700+ acres which comes to $94,413.

Max Runyan, 10 N. Bridgeton Road, said that we are not talking about just a 1, 2 or 3 year project; we are talking about a long range development and he is interested in the Corps responsibility toward it. He does not like the idea of the Port saying that you either take Plan 1 or nothing.

Mr. Bonner said that the staff report did not say it is Plan 1 or nothing. He said that what they were saying is that the Port of Portland has said if Plan 1 is accepted they will be the local sponsor of the project.

Mr. Sheldon said that the Port has within its ability the capability to provide its own flood protection and it could do so and not take any part of this plan, but they have offered to sponsor Plan 1.

Wayne Barber, 6422 N. Kirby, member of the Oregon Marine Board, asked why the gate could not be placed up the river about 2 miles instead of in the sand. He said that if you got fairly close to the garbage dump the land should be a lot more solid.

Mr. Jerrin said that there is a great deal of similarity of one area to another.

Mr. Bonner asked Mr. Barber if there were funds from the Marine Board that would help if another option were taken.

Mr. Barber said that they have about 1 million dollars every two years to work with. He said that the Marine Board would help with building of smaller facilities such as docks and toilets.

Mr. Bonner said that we are just talking about flood control. He said that we are talking about four million dollars that some sponsor would have to take up.

Mr. Rose' said that boat charters get rebates on gas money and there is no reason why it couldn't be given to the Marine Board.

Howard Galbraith, 9832 N. Willamette Blvd, said that from the bridge crossing there isn't much of the Slough left there.

Mrs. Gustafson asked Mr. Barber why if since the Slough is open now and very few people use it why does he feel it is such an important recreational place.

Mr. Barber said that if it was cleaned up it would be a great place for recreation.

Steve Roso, 8525 N. Lombard, said that three years ago the Corps established a fill in the Slough.

Mr. Jerrin said that was done in the spring of 1962 when the flood level was 22' lower than the forecast. He said that it was a temporary closure; they had temporary pumps set up.

Mr. Roso asked if that could not be put back to the North Portland Road and used during the 2 months that the other flood gate would not be operating, as it would be less expensive.

John Frewing asked Mr. Jerrin if there would be City and County expenses for maintenance, etc.

Mr. Jerrin said they would be responsible for the recreation only, not the flood control.

Mr. Runyan said that the discussion is hinged on flood control, but they wouldn't have the flood problem if they didn't close the Slough.

Mrs. Gustafson asked about the quality of the water if the Slough is closed.

Mr. Jerrin said that during temporary closure in 1972 the quality of the water remained good.

Terry DeSylvia, 10414 S. E. Lincoln Court, asked what is to prevent a landfill like there is in the upper slough once the block is in and there is no longer navigation on the water.

Mr. Vail said that any fill that is over 1000 cubic yards must be approved by the Planning Commission so it couldn't be done by a private individual without notice.

Mrs. Gustafson asked Mr. Hudsick if the Port has the authority to spend the additional amount for recreation.

Mr. Hudsick said that the Port doesn't have that authority.

Ken Gustin, Union Avenue Motel, said that he has just paid $800 for flood insurance. He favors Plan 1 with closing of the Slough.

Borden Beck, Attorney, 1730 S. W. Englewood Drive, said that he supports Plan 1 as it is the lowest in cost and offers the best flood control.

John Frewing, Oregon Environmental Council, said that a lot of the costs to the City and County governments have been studied and documented in the draft of Environmental statement prepared by the Corps. He also said that the Oregon Environmental Council has been behind nonstructural projects of the Corps of Engineers as opposed to structural projects wherever possible.

Howard Galbraith said that many people that testify and members of the committee have never been in the area being discussed; he feels that they should go and see it.

Chris Hess, 5746 N. E. 104th, said that if this plan goes through, a great number of people would continue to be burdened financially in the future. He cautioned the Commission in their procedures to remember that they have not only a great responsibility to man but also to God.

Mr. Barber said that the Slough is used by many small crafts. He suggested having a low bridge so that small craft could pass underneath it, but it would not be high enough for commercial boats.

Lewis Larson, 3737 N. Willamette Blvd., said that if the Slough was closed it would become a cess pool. He said that he would like to see the Slough developed for commercial use.

Mr. Roso said that his main concern is accessability to the water. He feels that if the Slough is dammed off, the water quality will be poor.

Bill White, Manager, Multnomah Drainage District, said that the drainage district could not be a sponsor of any of the plans because they do not have the power to assess or tax outside of their boundaries. The Columbia Slough would not stagnate and never could stagnate. He said that a solid fill will have pipes, will have tide gates, and will have a gate for double safety. He felt that we should get behind the plan that the Port proposes, as the benefit will be as great to the Portland International Airport as it will be to the industrial development.

Pete Schons, Mitchell Brothers Truck Lines, said that it is a high price for present property owners along Columbia Blvd and along the Slough to pay for development of Rivergate. He said that if the Slough was cleaned up they would use it.

Mrs. Gustafson asked him if the plug were higher if he would need public investment to the use the Slough.

Mr. Schons said that there would need to be public investment.

Dick Osborn, staff assistant for Burlington Northern, said that Plan 1 is the most economical way to achieve flood protection for North Portland; therefore, he favors Plan 1.

Monroe Jubitz, Jubitz Truck Stop, 10205 N. Vancouver Way, chairman of the Business and Property Owners of Penninsula Drainage District #2 for the prevention of flood in their district, said that 19 out of 25 property owners were contacted and all voted for Plan 1. He said that only 2 of the 6 not contacted did not favor this plan. He said that they support Plan 1 because it is the cheapest form of flood protection and recreation in the area.

MOTION: Mrs. Gustafson moved approval of the staff report which is acceptance of Plan 1.

Mr. Wessinger seconded the motion.

Mrs. Gustafson said that her reasons for making this motion were; (1) It seems the only economically feasible plan and the cost of the other plans seems unrealistic; (2) We have a sponsor for this plan and we do not have one for the other plans, (3) This plan provides for passive recreation desired by the residents of the area.

Mr. Minden said that he would not be opposed to the plan of closing the Slough if it weren't irreversible. He said that if the pumping station could be put at the side of the Slough instead of the middle of it, it would make a future change possible.

Mr. Rose' said that he didn't see why they couldn't design it in such a way that the pumping station would parallel a flood gate in the channel itself.

Mr. Sheldon said that he thought that it was a reasonable thing to have a 50 ft. setback so that a narrow channel could be dredged around the pumping station.

AMENDMENT: Mr. Minden moved to amend the motion to include a recommendation that in the planning a potential for a bypass be allowed and that discussions take place between the Port of Portland and the Corps of Engineers and the City Planning staff to provide whatever physical dimensions would be required to accomplish this, taking into account the final design of the pumping station, the existing width of the greenway and the potential development plans of the Port so that possibly a structural setback line could be established beyond the property line of the Port's adjacent property so that it would not preclude the possibility of a bypass channel at a future date.

Mrs. Gustafson and Mr. Wessinger accepted the amendment.

ACTION: Ayes: Eckton, Gustafson, Minden, Rose', Sheldon, Wessinger
Nays: None

Motion carried unanimously.

Mrs. Eckton stated that she had resigned from the Planning Commission and this was her last meeting.

Because of no further business the meeting adjourned at 11 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

May 6, 1975

Present: Sheldon, Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Staff: Bonner, Cannady, Vail, Wilde, Brame, Lyons, Scheddel

The meeting was called to order at 12:25 p.m. by Chairman Sheldon in Room 200, City Hall Annex.

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DIRECTOR'S REPORT

Union Avenue Report

Proposal for Notebooks for Commission Members

Governor's Task Force on Transportation Report

ITEMS FOR ACTION

File CU 26-75 Off-street parking for Mt. St. Joseph's Retirement Home, SE Stark Street and 30th Avenue (Referred due to split Zoning Committee vote)

Zoning Code Amendments regarding transitional use

Question of City action on Writ of Review by Circuit Court regarding appeal from Council action on zone change File 6238

Proposed Planning Commission Policy Regarding Reasons for Votes in Commission Decisions

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UNION AVENUE REPORT

Herman Brame gave the presentation. He said that the Union Avenue project area is bounded on the north by Columbia Blvd and on the south by Broadway (3½ miles) and extends roughly 1½ blocks on either side of Union Avenue. He stated that the area has always attracted minority groups as it does today. He added that during the early 1900's Union Avenue was 20% residential and 80% non-residential as it is today. He said that by the 1950's the population changed from white lower income to black low income residents. Today Union Avenue has a high crime rate, deteriorated structures and a marginal commercial sector. He stated that the Union Avenue Steering Committee has developed to represent the various interest groups affected by the project. The Steering Committee with recommendations of neighborhood groups, selected two transportation and land use alternatives to be developed in detail.

Mike Lyons explained the Union Avenue Development Plan, transportation alternatives and other proposed physical improvements. He said that neighborhoods have reviewed these alternatives and they share the recommendation of Land Use Alternative D. He said that the emphasis is on mixed use, warehousing, commercial and limited housing. He said that Alternative A emphasis is clearly on housing. He said that there is a lot of unused land in the area, some of which has been used car lots. He said that at the present time there is commercial in the area with some new housing with buffers from arterial streets.

Dennis Wilde said that they expect to have about $353,000 from Housing and Community Development to work with, much of which will go into commercial rehabilitation programs. He said that $36,000 was received from Tri-Met for bus shelters which are now installed. He said that Union Avenue was selected for high priority for State Highway Bond Funds through CRAG. He said that the proposed improvements would cost about 5½ million dollars.

Mr. Sheldon asked how much effort had been put forth in terms of integrating the land use goal with finding funds to support the growth of black-operated businesses. He said that he presumed that the social goal of any plan would be to have blacks running the businesses in black neighborhoods. He said that there should be funding to help blacks start businesses there.

Mr. Bonner said that sometimes Media has had a situation where there is one real success story where good businesses were started and then there were a couple of failures that have depleted their trust fund. He said that he is not sure that you do right by a black man or white man to help him start a business in the wrong place. He said that sometimes it is better to help finance a minority in an affluent neighborhood to assure success.

Mr. Sheldon said that maybe it would be good to suggest to a store owner that it would be to his benefit to have a black manager instead of a white manager.

Mr. Brame said that it would be better to have people that want to go into business to take over one of the businesses that are already there.

Mr. Wilde said that they need; (1) To present the plan to the Planning Commission for adoption in public hearing. He said that it could be submitted with the Model Cities Comprehensive Plan, (2) Adoption by Planning Commission and City Council of the plan, (3) To transfer Plan to Portland Development Commission for implementation.

Mrs. Roso said that the Plan should be presented with the Model Cities Plan to see how the two plans work together, but then take the Union Avenue Plan separately.

Mr. Sheldon said that the plans should be presented independently but background should be presented in the first hearing to see how the Plan fits in with the over-all Model Cities Plan.

Mrs. Roso said that this Plan should be part of the Model Cities Plan. She said that she would rather have one good presentation on the whole thing.

Mr. Wilde said that the Model Cities Plan may be presented on June 10 and that would be a rather lengthy presentation.

Mr. Sheldon said that he thinks that it would be desirable to have the neighborhood say that this is their first priority.

Mr. Wilde said that the first meeting would be the presentation from the staff and the neighborhood's presentation would probably be two weeks later.

Mr. Bonner said that he thought that the time schedule should get another go-around. He said that he wanted to make sure that it was something that we could live with.

Mrs. Gustafson asked if the staff thought that there would be many people at a meeting that would oppose the Plan.

Mr. Brame said that there are always some that will prefer another plan. Basically there is a feeling that there should be no widening of Union Avenue.

Mr. Lyons said that the neighborhoods liked Alternative A better than Alternative D but that they don't anticipate too much dissention.

PROPOSAL FOR NOTEBOOKS FOR COMMISSION MEMBERS

Mr. Bonner said that he was trying to get rid of some of the things that require staff time. Mr. Cannady distributed three-ring notebooks. Mr. Bonner said that the minutes, staff reports, agendas, etc. would be sent out when they are ready, rather than sending out everything just prior to a regular meeting. He suggested that this method be tried.

GOVERNOR'S TASK FORCE ON TRANSPORTATION REPORT

Mr. Bonner said that a Task Force was established by Governor McCall to study the regional transportation plan. He said that CRAG is having public hearings and that Tuesday, September 13 there will be a public hearing in the City of Portland regarding this plan. He said that the plan is essentially in two parts; it covers the transit plan with proposal for several major transit corridors

and particular projects in those corridors, a busway along the Banfield Freeway, a busway on I5 North, and a busway on Sunset and light rail to Oregon City. It includes a highway transportation plan. He said that the other thing in the plan is a classification of major and minor arterials to the region.

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APPROVAL OF MINUTES

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| Planning Commission..... | 1 April 1975..... | Approved |
| | 3 April 1975..... | Approved |
| | 17 April 1975..... | Approved |
| Zoning Committee..... | 25 March 1975..... | Approved as corrected |
| | 8 April 1975..... | Approved |

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COUNCIL ACTIONS

The Commission discussed Council actions regarding Planning Commission matters.

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File CU 26-75 Off-street parking for Mt. St. Joseph's Retirement Home, SE Stark Street and 30th Avenue (referred due to split Zoning Committee vote on April 8th)

Applicant: Sisters of Mercy of Oregon, deedholders

Conditional Use Request: Off-street parking

Location: Near SE 32nd and Stark

Legal Description: Tax Lot 1, Block 4, Sunnyside Plat 2 and 3

Zone: A1 Quarter Section: 3133

Applicant's Proposal: The applicants desire to create a 54-space parking lot east of Mt. St. Joseph's Residence and Extended Care Center. This proposed parking lot will be in addition to the existing 29-space parking lot located south of SE Stark between SE 31st and 32nd.

Mr. Minden declared a conflict of interest and left the room.

Staff Findings: The nursing home now has 317 beds with 225 employees. They have 3 shifts a day; each shift with approximately 75 employees. There are two existing off-street parking areas; a 44 space lot south of the building complex adjacent to 30th and a 29 space lot along S.E. Stark. The 44 space lot has security problems. Emergency vehicle access extends from the parking area south of Stark to the east of the building to Washington; the plan submitted shows that this access would be eliminated. The proposed 54 space parking area is currently vacant and is higher in grade than the 3 elevations on S.E. Stark. The proposed parking area will be graded to an elevation of the existing parking area and access will be to and from S.E. Stark. The surrounding area is developed with a mixture of single and multi-family dwellings.

The Southeast Uplift recommended approval of the proposal.

Letters from Hazel Martini, 630 N. E. Warner, Bureau of Neighborhood Environment and the Traffic Engineer all stated that they had no objection to the proposed zone change.

Staff Recommendation: Approval of plans submitted with the following conditions:

1. That DEQ approve the 54 space parking lot.
2. That any signs for the site be approved by the Bureau of Planning staff.
3. That the Design Committee staff approve a landscaping plan for all parking areas both existing and proposed.

ACTION: Mr. Rose' moved approval of the staff report.

Mrs. Gustafson seconded the motion.

Ayes: Gustafson, Rose', Roso, Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

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At this time Mr. Minden returned to the meeting.

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Zoning Code Amendments Regarding Transitional Use

Dale Cannady presented the following staff report:

"Transitional use" provisions in zoning codes generally are aimed at modifying the effects of a zone permitting more intensive uses of land, on the uses within an abutting more restrictive zone. These "transitional use' provisions usually take the form of limitations on use, yard requirements, height limitations, etc. within the less restrictive zone when within certain distances of the more restrictive zone. There are some limitations of this type in the Portland Zoning Code but not as many as in most codes.

Another form of "transitional use", which does exist in the Portland Zoning Code, grants residential density bonuses on properties within R and A2.5 zones when they abut C2, C1 or M zoning along the side lot line of the R or A2.5 zone property. In the R zones duplexes are allowed on a lot up to 100 feet in width and in the A2.5 zone development at A1 density is allowed on a lot up to 100 feet in width.

This second form of "transitional use" is based on several assumptions:

1. That R and A2.5 zoned lots abutting (along the side lot) C2 or M zones are less likely to develop than other lots in residential zoning and that some incentive is needed to encourage development.

2. That obtaining the development of the lots in transitional position would tend to stabilize C2 and M zoning and deter further requests for expansion of such zones (particularly the C2 zones).

3. That the transitional uses granted would tend to protect the R and A2.5 zoning and uses from the more intensive uses in the C2 and M zones.

Recently complaints have been made by neighbors about the development of transitional uses, particularly the A1 zone density allowed in transitional locations within A2.5 zones. These neighbors were surprised that densities exceeding the A2.5 zone limitations were being automatically allowed. Therefore, there is need to reevalute the transitional use provisions in the R and A2.5 zones.

The first question is -- do such transitional use provisions achieve their purpose? Where they do develop at the permitted higher densities, they probably do serve to stabilize zone boundaries and deter requests for C2 or M zone expansion. However, many transitional properties are developed with the usual permitted densities and zone boundaries appear to remain stabilized.

The second question is -- regardless of the purpose achieved by such provisions, do the provisions violate the intent and spirit of notification of affected parties as provided in the Code for almost every zoning action and as specifically identified as a requirement by the Oregon Supreme Court in the Fasano decision? In other words, does a change in residential density automatically constitute a zone change? With the present bonuses, it seems that it clearly does and that it clearly violates the intention of providing public notice and public hearings for such changes, regardless of the good intentions of the original drafters of the Zoning Code.

In light of the above, it appears that there are only three possible alternatives to be considered:

1. Maintain the potential of the transitional bonus density provisions but make the bonuses subject to public notification and hearing before the granting of any bonus.

2. Keep the bonus provisions but allow them in very limited form, e.g. only one duplex in R zones and only one additional unit in the A2.5 zones.

3. Eliminate the bonus provisions.

The staff leans at this point to the third alternative. The second alternative while it might be acceptable to neighbors is still not fully responsive to the necessity of public hearing as spelled out in Fasano. The first alternative would simply provide another time-consuming public hearing action for what is probably a small portion of the properties in the transitional position in R and A2.5 zones.

Mr. Cannady displayed maps of samples of the City showing transitional use locations, vacant and available for development. He estimated there would be 175-250 of such sites in the City which would be immediately effected by following the third alternative and eliminating the transitional use provisions from the R and A2.5 zones.

Dave Utsinger, 7231 S. E. Sherman, said that he favors dropping transitional use in A2.5 zones.

ACTION: Mrs. Roso moved to eliminate the bonus provisions from the Zoning Code regarding transitional use.

Mr. Rose' seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Sheldon, Wessinger
Nays: None

Motion carried unanimously.

Proposed Planning Commission policy regarding reasons for votes in Commission decisions.

Staff Report:

To enable the Planning Director and Staff to respond to questions from City Council at hearings concerning the collective and individual thinking and reasoning of the Planning Commission members, the following guidelines are hereby adopted:

> That each Planning Commission member shall state his or her reasoning as to why she or he is casting an aye or nay vote on a particular motion. It is desirable that the statement include the resulting conclusion and voting action as well as the reasoning and logic leading to that conclusion and vote.

It was decided that in the event of a split vote the Chairman would ask Commission members to give their reasons for voting aye or nay if they had not already done so.

Question of City action on Writ of Review by Circuit Court regarding appeal from Council action on zone change File 6238

(Ardys Braidwood et al vs City of Portland-
No. 399-418)

Dale Cannady presented the following staff report:
The City Attorney's Office has asked the Planning Commission's advice regarding the above-mentioned court case. All pertinent documents are attached for your reference.

Basically it involves a zone change request denied by the Planning Commission and by the Council. The applicants, through their attorney, filed for a Writ of Review to which the Circuit Court rendered a decision adverse to the City. The Court (Judge Burke) said the applicant had satisfactorily demonstrated a public need and ordered the City to approve the zone change.

Question--should the City appeal the decision?

The Judge concluded in his opinion that denial of the zone change by the City Council "was not supported by reliable, probative and substantial evidence and that the plaintiffs' evidence meets the burden imposed by Fasano and that they are therefore entitled to a change from A2.5 to C2B."

Regarding the need for additional shopping and service facilities in the area the Judge stated that the "plaintiffs intorudced reliable, probative and substantial evidence with regard to the low vacancy factor of the existing commercial development and that the only contra-testimony was somewhat opinionated, speculative and lacking in its documentation." In its findings (Ordinance 139006) the City Council concluded that "adequate commercial shopping and service

facilities exist to serve the area; vacancies exist in commercially zoned and developed property in the area; and property exists in the area which has been zoned for commercial use but which has not been developed;"

As to traffic problems the Judge stated that there was no "reliable evidence that commercial development would increase vehicular traffic and hazards more than apartment development would". In its findings (Ordinance 139006) the Council concluded that "commercial development of the property involved would increase vehicular traffic and hazards at the already congested intersection of SW 18th Drive and SW Capitol Highway, on which the property fronts, and at the nearby intersection of SW Bertha Boulevard and SW Beaverton-Hillsdale Highway; and such commercial development would also increase vehicular traffic in the surrounding residential areas;"

Finally, the City Council found (Ordinance 139006) that "the requested zone change does not encourage the most appropriate use and development of the property involved;"

Mr. Wessinger said that an appeal would only clarify the situation whatever way it comes out. He said the way it is now there is a shadow of doubt as to whether or not there is need. He felt that it ought to be clarified in a higher court.

Mr. Shannon said that you already have the precident there, and what you are now dealing with is this particular set of facts, so then it is a question of whether the City, which disapproved this zone change, wants to prove a point, because the law agrees with the City's position primarily. He said that it really comes down to whether this specific case is important enough to make an issue of.

Mrs. Gustafson asked if it wouldn't be less expensive to get an opinion rather than an appeal.

Mr. Sheldon said the Council's findings in this case, which were provided to the Court, spoke to the traffic congestion that would result. He said that he thinks the problem that the judge confronted was trying to weigh the evidence that was in the original Planning Commission report; "the traffic engineer sees no problem with traffic and there is no objection to the zone change". It appears as if the report from the Commission refutes the findings that the Council later made in the case, which obviously must have been a bit of a problem for the judge.

Don Bergstrom, Traffic Engineer, said that the report that they turned in in November of '73 said that they had no objection to the zone change provided that no additional access points were constructed and that the access to the commercial center shall be from existing points and that traffic access and interchange be between the present

developments. He said that they found no objection provided (1) that there were no additional access points and (2) that all traffic enter and leave via the existing access points.

Mr. Vail said that the letter that Mr. Sheldon was reading which stated that there was no objection was from a letter to the City Council dated May 8, and the letter Mr. Bergstrom was just referring to is from a supplemental letter asked for by the Council to further amplify his poisition. Mr. Vail said that he was asked by the Council why the Planning Commission and the Traffic Engineer differed and he told them that it was how each looked at the problem. He said that the Traffic Engineer looked at internal circulation and the Planning Commission looked at cars using perhaps some of the residential side-streets as a means of skirting the intersection and things of that nature. He said that Mr. Bergstrom further clarified that at Council.

Mr. Vail said that when it came back to the Planning Commission it came back as a C2B request. He said that C2 and not C2B required a demonstration of public need.

Mrs. Gustafson said that the real issue is not even traffic, but whether we accept this as a demonstration of need as there was a commercial vacancy which the Planning Commission did not accept but the judge did.

Mr. Vail said that Mr. Hardy said that "just because you say there is a need and the neighbors say that there isn't, doesn't mean there is". He said that there were just two conflicting views.

Mr. Bergstrom said that even if there is more traffic he didn't feel that it was significant enough to deny the petition from a traffic standpoint.

Tom Williams, City Attorney's Office, said that the point is whether there is reliable, substantial evidence to support the findings stated by the Council. He said that they would not be putting in more evidence, but just trying to see if there is evidence for the findings.

Staff Recommendation: The staff recommended that the Planning Commission recommend that the City Attorney appeal the Court decision because the staff's understanding of Fasano is that the applicant bears the burden of proof both as to need for the zoning requested and that the specific site is the best one for meeting such. Further, the staff believes that the burden of disproving the need for a zone change is not imposed on the City Council by Fasano but that where the Council has reason to doubt the reasoning and logic of the applicant's case that Council must conclude that the applicant's proof of need has not been adequately shown.

ACTION: Mr. Rose' moved that the Planning Commission recommend to the Attorney's Office that they take whatever legal steps are necessary to reopen case #399-418, Ardys Braidwood et al vs City of Portland.

Mrs. Roso seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Sheldon
Nays: None

Motion carried unanimously.

Because of no further business, the meeting adjourned at 3:10 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

May 7, 1975

Present: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Staff:Bonner, Cannady, Wilde, Barfield, Scheddel
John Osborn - City Attorney

The meeting was called to order at 4 p.m. by Vice Chairperson Gustafson in Room 200, City Hall Annex. The meeting was called to consider recommended revised portions of a Northwest District Comprehensive Plan.

Mr. Bonner gave the status and findings held by the staff in regard to a Northwest District Plan. He said that the process through which we are now going includes the following important dimensions: (1) A set of policies and the areas to which those policies apply are recommended as general policy guidelines for adoption by the Planning Commission with whatever revisions the Council deems appropriate. He said that the policies are not assumed to be a comprehensive plan as defined by State statutes, nor as defined by a rash of recent court decisions. He said that the Planning Commission will adopt such policies as they deem appropriate by resolution and recommend adoption by the City Council. He said that the City Council will adopt those recommended policies it deems appropriate by resolution as general policy guidelines - not as a comprehensive plan. Further, the Council will indicate in their resolution that they do not intend to use such policies as a comprehensive plan. Notification procedures of the Commission and Council hearings are those generally followed by both bodies for hearings on general and legislative matters and this notification is sufficient for matters of this kind.

Mr. Bonner said that upon Council adoption of a set of policies, and the general areas to which these policies apply, the Planning Commission will be directed to hold hearings on such changes to the Zoning Code and map as may be indicated by further study of a variety of factors including the general policies adopted by the Council. The Planning Commission will then begin a series of hearings on recommended changes to the Zoning Code and map which are deemed consistent with the adopted general policies of the City Council. Notification of all affected property owners as to these hearings will be as provided for by law. A special requirement is at least 14 days notice. During those hearings the Planning Commission will also consider those changes to the general policies adopted by Council which the Commission may find appropriate as a result of the more detailed analyses of the area involved in the zoning change recommendations. The Planning Commission, at the conclusion of these hearings will formulate a recommendation to the City Council

for the adoption of a comprehensive plan along with any proposed revisions to the Zoning Code and map which are designed to conform to the recommended comprehensive plan. The City Council will receive those recommendations and subsequently hold its own set of legally required hearings for purposes of reviewing the Planning Commission recommendations. At the conclusion of the City Council hearings the Council will adopt a comprehensive plan by resolution and any changes to the Zoning Code and map as may be required to make the Code and map consistent with the adopted comprehensive plan and that adoption will be by ordinance. From now until the ultimate Council adoption of a comprehensive plan and subsequent Code revisions, is expected to take nine months. During this time; (1) applications for building permits in the Northwest District to accomplish housing or any activity which is permitted by the existing Zoning Code and map will not be prejudiced in any way by the general policies of the City Council which they may subsequently adopt on the recommendations of the Planning Commission; (2) Applicants for changes in the existing zoning map will be informed that the application will be reviewed along with all individual applications and staff recommendations during the hearing process of the Planning Commission leading to Planning Commission recommendations to City Council on a comprehensive plan and consequent Code revisions. Regardless of the Planning Commission decision on these individual applications all will also be heard by the City Council in those hearings prior to its adoption of a comprehensive plan and consequent Code revisions.

Mr. Bonner said that what he is saying is that it has been our assumption from the beginning that there are two separate processes involving two separate sets of procedures and hearings. He said that we are now in the first phase of that process. which is the process of recommending to City Council and Council adoption of a set of general policies. The second phase of the process will involve another new legally valid set of hearings with response to changes in the Zoning Code and map. In the second phase of the process we may also come across some adjustments we might want to make to the general policies or the areas to which they conform as well as making recommendations as to changes in the Zoning Code and map. Those recommendations then go to Council. At the end of the second round of hearings a set of policies, goals, objectives and Code revisions will be adopted as a comprehensive plan.

John Osborn, City Attorney, said that he couldn't emphasize enough the importance of the Commission's deciding now whether the document they are working with is or is not a comprehensive plan. He said that the Baker vs Milwaukie case gives a couple of basic examples; (1) it makes clear that the City has the duty to enact a comprehensive plan and this is a duty that we owe not only to LCDC and to the objective of having state-wide consistent goals, but (2) the comprehensive plan is something that people have a right to rely on, and we can't

grant zone changes which provide a more desirable use of the property without going back and changing the comprehensive plan. He thinks that it is important that the Commission make clear to the Council that this is not a comprehensive plan, that zoning changes may be granted in the interim based upon assumption that they would comply with the plan. Under the Fasano case there is an obligation to show that there is a public need for the zone change and you are ahead of that zone change if it is consistent with a comprehensive plan. He said that we must be careful not only of not labeling this a comprehensive plan, but also that we don't later on treat it as a comprehensive plan. When the comprehensive plan is adopted then we will have an obligation to enforce that by special zoning ordinances that conform to the plan.

Mr. Rose' said that as you reduce density you reduce the net value of a property. He asked Mr. Osborn if he felt that we could defend lawsuits that might originate because of that.

Mr. Osborn said that he thought so; he said that one of the things that the courts have been careful of is that people must have the right to rely upon a plan.

ACTION: Mr. Rose' moved that this document be referred to as the Northwest District Policy Plan and not as a comprehensive plan.

Mrs. Roso seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Nays: None

Motion carried unanimously.

Mr. Bonner said he would assume that he would hold all zone change applications until we have the hearings on all the recommendations that are being made by the staff. He said that it will hold up projects under any circumstances.

Mr. Rose' said that there are two reasons that people ask for zone changes; one is that a person hopes to sell his property, and the other is that a person wants to start a project. He said that he is concerned about stifling construction that we need now. He said that the staff could evaluate the applications to see which category they fall into.

Mr. Bonner said that he would be glad to lay out all the zoning applications that come into the office for the Commission and let them decide whether they want to go ahead with them or hold them and review them all at once.

Mr. Shannon said that there is a serious problem saying that you are going to do something and then not doing it. He said that he would suggest saying that we won't entertain any zone change applications for this area until a certain date, then the Planning Commission can consider whether they want to make interim decisions.

Mr. Rose' suggested that the Planning Commission just use the old ground rules.

Mr. Bonner said that you can deal with zone changes as long as you don't use the policy plan to say 'yes' or 'no' for the zone change application. He said that he would propose that he bring the zone change applications to the Commission and let them decide, and probably over two or three weeks they could decide whether or not to select from among them or whether to take them all as they come.

Mr. Shannon said that he would propose that if a hearing isn't scheduled by August 15th to consider all matters of zoning in the Northwest District that we go back to the old methods.

Mike Stoops, Assistant Administrator of Good Samaritan Hospital, said that he was concerned about the fact that they may need to have some conditional use applications processed between now and August 15th so that they could continue their project. He said that if they had to wait until August 15th for a conditional use permit it could cost several thousand dollars.

ACTION: Mrs. Roso moved that the Planning Bureau proceed in the same manner that they have been proceeding in regard to zone changes with no moratorium until the comprehensive plan is adopted.

Mr. Wessinger seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Wessinger
Nays: Shannon

Motion carried.

Mr. Shannon said the voted 'nay' because he felt that there should be a moratorium until August 15th except for hardship cases.

ACTION: Mr. Wessinger moved adoption of the findings and goals of the introduction.

Mr. Minden seconded the motion.

AMENDMENT: Mrs. Roso moved an amendment to the motion to include information on the percentages of industrial and commercial uses.

Mr. Wessinger and Mr. Minden accepted the amendment.

Ayes: Gustafson, Minden, Rose', Roso, Wessinger Shannon
Nays: None

Motion carried unanimously.

NORTH INDUSTRIAL AREA

Mr. Bolte of the NWDA said that they concurred with the policy and guidelines.

ACTION: Mr. Wessinger moved staff report for the North Industrial Area.

Mr. Shannon seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Nays: None

Motion carried unanimously.

EASTERN EDGE

Mr. Bolte said that the NWDA urged that the policy for the Eastern Edge read as follows: Maintain and encourage a mixture of uses which is compatible with the viable residential and institutional components within and adjacent to the area.

Mark Friedman, attorney, said that the NWDA wants a policy that would protect the delicate balance of uses. He said that the goal will not be reached by the guidelines. He said that they are afraid of parking lots being put in the area.

Frank Schown said that he owns old homes in the area that he purchased to use eventually for commercial purposes. He said that there is no possible way that they could maintain them if they would always remain apartments. He said that they are in an M3 zone and he wants to build commercial on the property. He stated that

if he can't build for commercial use he will be forced out of business in four or five years.

Mr. Bonner said that prior to getting a demolition permit and a permit for a new structure he would be required to have a building plan.

Mitchell Drake, builder and developer, said that he was concerned about the interpretation of "maintain and encourage a mixture of uses". He said that he felt that the guidelines presented by the staff were unworkable. He said that he thought that they give a balance to the over-riding concept that this area is residential and basically nothing else. He said that he thought that the good residential developments in the area should be maintained.

Mr. Aldag said that the City Council previously instructed the planning staff to set up regulations for mixed use zoning, particularly for the Eastern Edge, and it turned out to be pure residential zone in some areas. He said that there were five uses - all residential- and about 30 conditional uses.

Mr. Aldag recommended that the policy state "maintain and encourage commercial, industrial and residential mixture of uses".

Harold Schnitzer said that he advocates building good public housing. He stated that the majority of people in the area are renters and nobody is speaking for them. He said that nobody will fix the old houses in the area. He feels that this old housing should be demolished and new, good housing built for renters. He said that he is opposed to freezing housing.

Edgar Waehrer, 3480 N. W. Raleigh, urged that the Planning Commission accept the NWDA proposed policy statement as stated by Mr. Bolte.

ACTION: Mr. Shannon moved approval of staff findings as presented with a correction of date on Table 1 from 1959 to 1965, and that the staff check on speed limits on N. W. 18th and 19th Avenues and also secure the percentage of all uses between Johnson and Burnside.

Mrs. Roso seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Nays: None

Motion carried unanimously.

ACTION: Mr. Wessinger moved adoption of staff recommended policy which is as follows: Maintain and encourage a mixture of uses.

Mrs. Roso seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Nays: None

Motion carried unanimously.

Mr. Wessinger said that he feels strongly that this policy comes as close as any policy could come to what really makes sense for this particular area. He said that since it is so controversial it will mean that the Planning Commission will have to make decisions on an individual case basis.

Eastern Edge Guidelines

ACTION: Mr. Shannon moved adoption of guidelines (a) through (d) of section 1, and (e) of section 1 changed to section 2, and deletion of (f) as follows:

1. Changes in zoning, including rezoning, conditional uses and revocable permits within the "Eastern Edge" should be determined by a showing of public need which includes~~, but is not limited to, the following guidelines:~~ consideration of the following guidelines:

   a. Conformance with the Northwest District Policy Plan as adopted and approved by the City Council.

   b. Existing zoning code and map provisions in effect at the time and passage of the Northwest District Policy Plan.

   c. When any request for change of zoning, conditional use or revocable permit is made for property or uses within the "Eastern Edge", the burden of proof is upon the applicant for change. The applicant shall make a full and satisfactory showing of public need for such a change and should be required to disclose ~~complete and detailed~~ plans for the new, expanded or specially-

permitted use sufficient to permit findings relevant to the criteria upon which the change will be judged.

d. When such rezoning is by application of of the property owner and is consistent with the present underlying use, and constitutes a change to a more restrictive zone, the change ~~will~~ may be judged favorably.

2. ~~e.~~ No demolition permit will be granted for any structures unless a building permit has been previously granted for the same site, unless condemnation proceedings have been accomplished. (Policy area 2A only)

~~f. With respect to changes in the present land use in the "Eastern Edge" through zone changes, conditional uses, irrevocable permits, the following criteria should be used in approving or disapproving of such changes in addition to guidelines established above:~~

~~1. Will such change have deteriorating effect on the quality of the area due to, noise, dust, odor, smoke, glare, heat, vibration or similar causes?~~

~~2. Will such a change result in significantly increased traffic volumes and attendant congestion on adjacent streets to the detriment of existing, adjoining uses?~~

~~3. Will the proposed use place a significant burden on streets, sewers, water mains, policy surveillance, fire prevention or other urban services?~~

~~4. Will such a change result in increased insurance rates or other direct economic hardship to adjacent properties?~~

5. ~~Have adequate provisions been made for off-street parking including lighting, landscaping and visual screening where such parking facilities may conflict with adjoining uses? Do provisions exist for insuring compliance?~~

6. ~~Does the proposed change in use result in the removal of an existing activity that cannot be readily accommodated elsewhere or does it result in the reduction of our already short housing stock?~~

Mr. Wessinger seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Shannon, Wessinger
Nays: None

Motion carried unanimously.

Mr. Shannon said that there is too much drafting to be done on the policy yet. He said that the Planning Commission is not in a position to do a more detailed plan. He added that the statement in guideline "f" has already been developed.

CENTRAL AREA

ACTION: Mr. Wessinger moved adoption of findings for the Central Area.

Mr. Minden seconded the motion.

Ayes: Gustafson, Minden, Rose', Roso, Wessinger, Shannon

Nays: None

Motion carried unanimously.

Edgar Storm, NWDA, said that they are not letting all of the land go to hospital use. He said that area 5 is related to hospital and medical use. He said that they were not willing to give up residential. He stated that they would like to have the Planning Commission adopt a hard line so that they could stop speculation.

Mike Stoops said that if the Planning Commission limits conditional use in area 3 they should give additional land use in area 4.

Mr. Bonner said that that would be agreeable to the staff.

The meeting was adjourned to convene again on Monday, May 12.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

May 20, 1975

Present: PC: Sheldon, Gustafson, Minden, Roso
PC Staff: Bonner, Cannady, Scheddel
PDC: Elaine Cogan
PDC Staff: Sam Galbreath

The meeting was called to order by Chairman Sheldon in room 200, City Hall Annex, at 12:05 p.m. for a public hearing on Multi-Mode Terminal.

Sam Galbreath, PDC Staff, gave a presentation. He said that this concept has been alive since 1913. He said that the latest proposal was made in 1967. He described the proposed Union Station Transportation Center, Options 1 and 2, related functions, circulation, preliminary work program and funding sources. He said that possible funding sources are; Intermodal Passenger Terminal Funds, Urban National Interstate Funds, Federal Historical Preservation Funds, Tax Increment Funds and City revenue bonds. He stated that the consolidation of transportation functions would make all forms of transportation more convenient, provide more land in the retail core, reduce downtown congestion and therefore improve air quality. He said that a specific objective would be the retention of Union Station as a Historical Landmark.

Mr. Galbreath said that construction on the Transit Mall is to begin this fall and operations of the Mall are to begin approximately 2 years from then which would make it extremely difficult for the present intercity bus facilities to continue operating between 5th and 6th Avenues. He said they also feel that the land could be used more in keeping with the development nature of the program of the Transit Mall.

Howard McKee, Skidmore, Owings & Merrill, said that the most recent concept talked about was the multi-mode terminal on the east side. He said that the idea of having the terminal on the east side was not good. He stated that the Mall could be extended to the Union Station. He added that buses are more than passenger carriers - they also carry packages and the buses will not be allowed on the Mall for this purpose. He said that it would be convenient to have buses stationed at a place in town so that they wouldn't have to wind through the city streets and turn so many corners. He envisions using the existing train station as a terminal for all passenger functions. He said that a concourse would span the existing tracks to a trolley system that would run down Front Avenue and ultimately to a marine terminal. He said that the intercity buses would go over a ramp and collect bus passengers and then return onto the interstate system.

Mr. Galbreath said that if the Commission feels that this is worthy of pursuit they would take the same show to Council and ask for their blessing of catalyzing this kind of development. He added

that at that point we would also begin contacting those potential participants (the railroad company and bus company executives) to solicit their personal responses to this idea; more importantly to solicit their involvement in the work program. One component of the program would be to have a management team composed of a member of the Planning Commission, a member of the Development Commission and one of the City Commissioners to give stature from the public standpoint as well as executives from the private participants. He added that working with the management team would be an architect and a development consultant.

Mrs. Cogan asked Mr. Bergstrom, City Traffic Engineer, if he could foresee any traffic problems.

Mr. Bergstrom said that he couldn't foresee any problems, but the bus stations at their present sites would create problems when the Transit Mall was in operation.

Mrs. Cogan said that it seems like the design of the project starts at the same time as the discussions.

Mr. Galbreath said that the architectural designing would not begin until after the goals were established.

Mr. Minden asked if there was sufficient room at the Union Station to do all the things that they plan to do and with room for growth.

Mr. Galbreath said that preliminary they feel that there is room. He said that there is a lot of under-utilized land there.

Mr. Galbreath said that the bus companies have on their own undertaken to investigate alternative locations. He said that they have told the bus companies to go ahead and look at other locations, but the City has an idea for a relocation site. He said that indications from TriMet are that intercity buses are not compatible with the Mall.

Mr. Bonner said that it is more than just the conflict between the two types of buses. In the transit Mall there are just two lanes for buses.

Mr. Bergstrom said that there will be more of a problem with people taking other people to the bus once the Mall is in as there will be no space for parking.

John Sunderland, General Manager of Greyhound in Oregon, said that to his knowledge Greyhound had not expressed an interest in a multi-mode terminal. He said that they have decided that they must relocate before the Mall goes in, but are concerned about the stigma of the area of the Union Station. He said that the stigma is the location

north of Burnside. He said that there is a problem having a bus station where there are bums and drunkards.

Mr. Galbreath said that it was his understanding that Greyhoud went along with the proposal of relocation to the Union Station.

Mr. Bonner asked Mr. Sunderland if he did not want to go to Union Station but that he could see a reason for leaving where they are.

Mr. Sunderland said that that was his conception. He said that the last thing that he heard from California was that they did not want to move to Union Station.

Mr. Bonner said that the staff has been operating on the presumption that the bus companies are looking for relocations. He said that they obviously won't go ahead without the bus companies.

Mr. Sunderland said that he is also concerned about what will happen to their business as people might use the Post Office for sending their packages instead of using the bus package service.

Mrs. Gustafson said that she thought that as far as safety at night it was more a question of where you park your car. She said that where there are a great many people there is more safety.

John Maloney, Trailways, said that they have talked to Mr. Galbreath and have told him that they would be interested in the relocation.

Bob Reinerson said that Portland is the transfer point for people to other parts of Oregon. He said that they are interested in the terminal.

Dave King, TriMet Planning Department, said that he did not want to go on record as saying that TriMet is in favor of the terminal, but he feels that it would tie loose ends together at the north end of the Mall by having multi-mode operations. He said that he would recommend that it be completed when the Mall is completed so that there would be less interruption of bus service.

Mr. Sheldon said that before informal review with the Council it would be appropriate to have the bus companies respond as to their interest or non-interest in the project. He said that the City has now stated that it feels that this is desirable, but obviously it has to be acceptable to the major users.

Mr. Sunderland said that it is not a question of interest or non-interest, he said that they want to know what they are buying.

Mr. Galbreath said that the project shouldn't go ahead without Greyhound. He said that back in January they got every indication that Greyhound was interested in relocating.

Mr. Galbreath said that he wanted to have a meeting with all people involved in the new terminal.

Mr. Sheldon asked Mr. Galbreath if he didn't agree that that meeting should take place before this matter goes to the Council.

Mr. Galbreath said that he agreed with that.

Mrs. Cogan said that the PDC had endorsed the concept of the project.

ACTION: Mrs. Gustafson moved that the Planning Commission recommend that City efforts to promote and encourage relocation of the two bus companies into a joint facility in the Union Station area proceed immediately; that the Union Station area (Broadway, Front and Glisan) is deemed the most desirable location for such a facility; and that the Portland Development Commission should enter into such additional studies and negotiations as may be necessary to initiate such a project; and that this recommendation be communicated to the City Council for its review and approval.

Mr. Minden seconded the motion.

Ayes: Sheldon, Gustafson, Minden, Roso
Nays: None

Motion carried unanimously.

The meeting adjourned at 1:40 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:es

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

April 22, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:00 p.m. by Chairperson Rose'. Present were members Roso, Shannon, Sheldon (for CU 28-75 only), and Wessinger, Building Bureau representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 15-75 Conditional Use for tennis court lights to be located on Tax Lots 38 and 275, Section 8, T1S, R1E, was requested by City of Portland, Bureau of Parks, deedholder.

Roland Hall was present representing the Bureau of Parks.

There was discussion regarding the grade difference between the tennis court and SW 47th Drive. Mr. Hall stated that it is approximately 10 ft.

Alan Jansen, 4201 SW 47th Drive, was present to speak against the request.

Gordon Koblitz, 4221 SW 47th Drive, was also present against the request. He presented a petition containing 5 signatures of people against the proposed lights.

A letter of remonstrance was received from Mr. Jansen.

The Staff found that lights received a low priority from the Local Parks Advisory Board.

The Staff recommended denial of the request with a direction to the Park Bureau to place screening along the existing fence around the tennis court.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Ms. Roso seconded. So ordered.

* * *

CU 28-75 Conditional Use for an addition to a college to be located on Tax Lot 26, Section 27, T1S, R1E, was requested by Lewis and Clark College, deedholder.

Mr. Rose' and Mr. Wessinger declared a conflict of interest on this matter. Mr. Sheldon appeared for this item only so that a quorum could be maintained.

Michael Miles with Broome, Selig and Oringdulph, was present representing the applicant.

There was discussion regarding the increase in seating to be provided by the new structure. Mr. Miles stated that the increase would be between 100 and 150 seats. A total of 985 parking spaces are currently provided on the site.

The Staff recommended approval of the request with the condition that the applicant submit an up to date master plan including expected enrollments and additional facilities for Planning Commission review within 90 days.

ACTION: Mr. Shannon moved approval of the plans submitted. Ms. Roso seconded. So ordered.

* * *

CU 29-75 Conditional Use for fill to be located on Lots A, B, C, and 11, Block 8, Alder Springs Addition, and vacated SW Hume Court, was requested by Nathan and Ottilie Zusman and Nathaniel and Gertrude Jaffe, deedholders.

Mr. Shannon declared a conflict of interest and therefore did not participate in the hearing on this request.

Mr. Zusman, 01905 SW Palatine Hill Road, applicant, was present.

There was discussion regarding the type of fill material being used by the applicant and provision of storm water drainage on the site.

The Staff recommended denial of the request.

ACTION: Mr. Wessinger moved to refer the request to the full Planning Commission. Ms. Roso seconded. So ordered.

The applicant was requested to submit additional information regarding storm water drainage for the site, and also regarding his proposal for provision of screening required by the zone change ordinance for the subject property.

* * *

CU 32-75 Conditional Use for excavation and fill to be located on Tax Lot 14, Section 20, T1N, R1E, was requested by the Port of Portland, deedholder.

Clifford Hudsick, Planning Manager for the Port of Portland, was present. He presented an aerial photograph and site drawing in describing the reasons why the fill is necessary. He stated that he believes the work can be completed within 120 days.

The Staff recommended waiver of the public notification and approval of the request with the following conditions: (1) the applicant shall comply with any conditions required by the State Land Board, Corps of Engineers, and Department of Environmental Quality; and (2) the applicant will work with the Sanitary Engineering Bureau of the City Engineer's Office regarding elimination or reduction of any possible impact this activity might have on the sewer in the area.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 5-75 Amendment Amendment to Conditional Use granted for offices on the west ½ of Lot 8, east ½ of Lot 9, Block 283, Couch's Addition, in order to delete condition #1 of CU 5-75, was requested by Leona Lacy, contract purchaser, and James F. Robb, optional purchaser.

Mr. Felts, attorney representing the applicant, was present.

Harold Jambore, 2011 NW Irving, vice-president of the Hubbard House Condominium Association, was present to speak in favor of the request.

Mrs. Lacy, applicant, was present. She stated that while her husband had used the house for a doctor's office, there had been no problem with parking during the daytime in the area.

Mr. Robb, applicant, was present but did not speak.

James Nevin was present representing the Alhambra Condominium Association to speak against the request.

Mr. Felts stated that Mr. Nevins is only interested in this matter because he was previously interested in purchasing the subject property. He presented a letter from Mr. Nevin to Mrs. Lacy as evidence of this.

A letter stating no objection to the request was received from John W. Earlenbaugh, 5236 N. Greeley Avenue.

Letters of remonstrance were received from James F. Nevin on behalf of the Alhambra Condominium Association, 2004 NW Irving; Bruce J. Korter, 2029 NW Irving Street, #1; George Nadig, 2018 NW Irving Street, Apt. 6; Wendy Lane, 2004 NW Irving, #4; Dudley J. Carlson, 2018 NW Irving, #7; and Tom Hendrickson, 2004 NW Irving, #1.

Northwest District Association recommended approval of the amendment with conditions: (1) that applicant provide for no off-street parking requirement; and (2) that the applicant maintain the existing structure and existing grounds with no parking to be provided on site.

The Staff recommended denial of the deletion of condition #1.

Mr. Shannon stated that he would be willing to approve a change in the condition so that the parking would not require a long-term lease agreement.

ACTION: Ms. Roso moved approval of the deletion of condition #1. Mr. Wessinger seconded.

VOTE: Ayes: Rose', Roso, Wessinger
Abstention: Shannon

Motion carried.

* * *

7-75 Subdivision of portions of Tax Lot 37 and all of Tax Lots 132 and 248, Section 1, T1S, R1E, was requested by Dan McGoodwin, deedholder.

Mr. Shannon did not participate in the hearing on this request.

Dan McGoodwin, applicant, was present. He presented an alternative plan for subdivision which would allow 30 ft. streets with a 10 ft. easement on either side of the street to be used for sidewalks, street lights, etc. Such a proposal would allow a house to be constructed 20 ft. from the curb rather than from a property line set back 10 ft. from the curb (i.e., 10 ft. front yards). Mr. McGoodwin described problems involved in furnishing storm water drainage on the site.

Joann Washburn, 4550 SW Cameron Road, was present. She stated she is not opposed to the subdivision so long as the subdivision has City streets, water and sewers, and so long as the lots meet the minimum lot area requirements of the existing zoning.

The Staff made the following recommendations: (1) that the Commission grant tentative approval, pending submission of surveyed plat verifying that all lots meet the required lot sizes; (2) that electrical lines for house services and street lights be underground; (3) that Lot 7, Block 1, be authorized a variance to reduce the lot depth, to be determined in final plat survey, if the lot retains minimum area requirements; (4) that the proposed street shall have a 50 ft. right-of-way up to Lot 1, Block 1 and Lot 1, Block 2, including the cul-de-sac right-of-way. The cul-de-sac turn-around shall have a 40 ft. radius; (5) the stub street shall have a 50 ft. right-of-way and shall have a turn-around provided at the end of the pavement at Lot 1, Block 1, and Lot 1, Block 2. The cul-de-sac turn-around shall have a 40 ft. radius; and (6) all streets shall have curbs and sidewalks according to the standards prescribed by the City Engineer.

There was discussion regarding the possibility of the applicant not providing the street between Lot 1, Block 1, and Lot 1, Block 2, since access from the subdivision in that direction would not be desirable.

ACTION: Ms. Roso moved approval of Staff Recommendations 1 through 4 only. Mr. Wessinger seconded. So ordered.

* * *

6428 Zone change from R5 to M3 for Tax Lot 238, Section 7, T1S, R2E, was requested by East Side Van and Storage, deedholder, by Lawrence Tufford.

Stanley Chinn was present representing the applicant.

There was discussion regarding placement of the proposed warehouse on the zone change site. There was also discussion regarding provision of screening between the school and the proposed warehouse.

Vern Tucker, applicant, was present.

Southeast Uplift recommended approval of the request as presented with the conditions that the applicant submit within 30 days an overall land use plan for the development including a request to change the R5P portion of the applicant's property to M3 and that proper screening be provided for the container storage area.

The Staff recommended approval of the zone change and further recommended that the applicant's presently-zoned-R5P property, located on the east side of SE 48th Avenue, be changed to M3.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation with the condition that the Staff of the Design Committee approve a landscaping plan for the east, west and south property lines along the school and residential boundaries. Mr. Shannon seconded. So ordered.

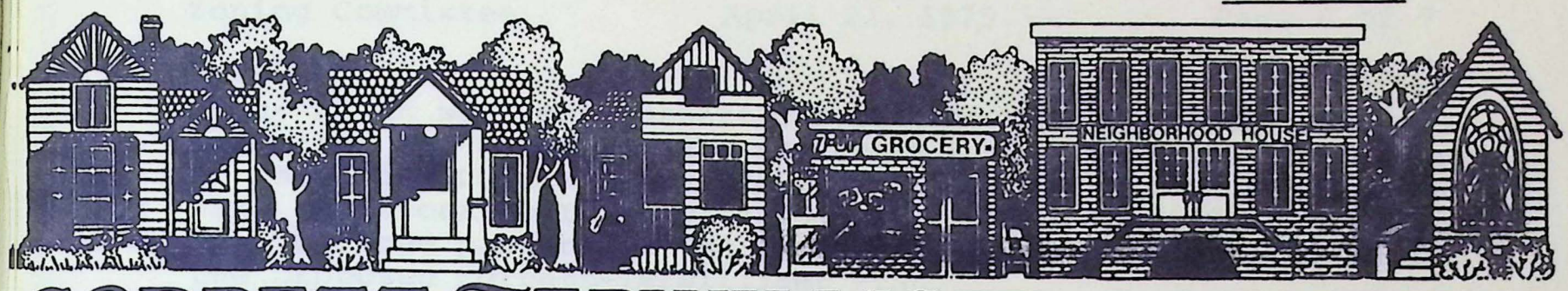
* * *

6430R Revocable permit to enlarge a nonconforming use building located on Lots 5 through 8, Block 178, South Portland Real Estate Association Addition to Caruthers, and north ½ of vacated SW Thomas, was requested by Contemporary Crafts Association, deedholder.

Bill Hawkins, president of the board of Contemporary Crafts Association, was present. He presented a letter from an adjacent insurance company stating that the Association could use their parking lot during evening hours.

Alan Fox, Bureau of Planning Staff, was present. He cited the recommendation of the Corbett-Terwilliger-Lair Hill Planning Committee (see Exhibit A). He also felt that if the revocable permit is granted, the applicant should be required to remove the concrete rubble from the site.

EXHIBIT A




# CORBETT·TERWILLIGER·LAIR HILL PLANNING COMMITTEE

DALE MEYERS, Chairperson
Corbett·Terwilliger·Lair Hill
Planning Committee
0333 S.W. Vermont Street, Portland, Oregon
246-5781

LES HOPKINS, Co-chairperson
336 SW Woods Street
Portland, Oregon
223-6474

ALAN J. FOX, District Planner
Portland Bureau of Planning
424 S.W. Main Street, Portland, Oregon
248-4254

May 8, 1975

Mr. George Sheldon, President
Portland City Planning Commission
424 S.W. Main
Portland, OR 97204

Subject: 6430R, Contemporary Crafts Assoc. & Gallery

Dear Mr. Sheldon:

Please be advised that at its 16 April meeting, the Planning Committee recorded the following votes on motions relative to the subject application:

1) Resolution failed: 6 for, 6 opposed, supporting application.

2) Resolution passed: 8 for, 3 opposed, supporting expansion under Revocable permit with condition that the applicant attempt to secure written agreement with adjoining property owner for joint use of parking lot, or failing to receive such permission, seek a waiver of on-site parking requirements in order to preserve the natural qualities of the site.

3) Resolution passed: 11 for, 0 opposed, in favor of retaining Contemporary Crafts Assoc. in the neighborhood.

Thank you for your consideration.

Sincerely,

Dale R. Meyers, Chairperson

DRM/db

Penny Allen with the Corbett-Terwilliger-Lair Hill Planning Committee was present. She stated that the Committee was in favor of retaining Contemporary Crafts in the neighborhood but did not want additional parking provided. She stated that Conditional Use for new parking in the residential areas is not allowed in the proposed Corbett-Terwilliger Plan.

Mr. Fox asked that a condition be placed on the Conditional Use that if future conditions should change substantially and additional parking is needed, that it might be provided with an amendment to the permit.

The Staff recommended denial of the request.

ACTION: Ms. Roso moved approval of the requested expansion with no parking required and with the condition that all debris on the site be removed. Mr. Shannon seconded. So ordered.

* * *

V 4-75 Vacation of the alley in Block 112, Norwood, in order to close alley and eliminate litter and vandalism to church and a commercial establishment, was petitioned for by Fellowship Baptist Church.

Leo Taylor, member of the board of trustees of Fellowship Baptist Church, was present. He stated that the main reason that the vacation is requested is because of vandalism and use of the alley as a "race track" by motorcyclists.

The Staff recommended approval of the street vacation.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 15-74 Amendment Amendment to CU 15-74 in order to substitute a revised comprehensive plan for Tax Lots 23 and 154, Section 5, T1S, R2E, and Lots 1, 2, and 3, Block 2, Meyer's Addition, was requested by Werner Pacific College, deedholder.

Mr. Logue, architect for the applicant, was present.

The Staff recommended approval to waive the hearing and fee and approval to substitute a revised comprehensive plan.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Rose' at 4:45 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

# COUNCIL ACTIONS

| DATE | ITEM | DISPOSITION |
|---|---|---|
| 4/30/75 | 1186. Vacating portions of N. Commercial Avenue and N. Knott Street, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8747) | Passed Ordinance 139845 |
| | 1187. Vacating portions of N. Commercial Avenue, N. Fargo Street and N. Monroe Street in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8748) | Passed Ordinance 139846 |
| | 1188. Vacating N. Morris Street, between N. Commercial Avenue and N. Vancouver Avenue, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8869) | Passed Ordinance 139847 |
| | 1189. Vacating the Alley in Block 4, Evans Addition, a recorded plat, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8870) | Passed Ordinance 139854 |
| | 1190. Vacating the Alleys in Blocks 9 and 10, Subdivision of Reverview Addition, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8871) | Passed Ordinance 139855 |
| | 1191. Vacating N. Commercial Court, between N. Knott Street and relocated N. Kerby Avenue, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8872) | Passed Ordinance 139856 |
| | 1192. Vacating N. Gantenbein Avenue, between N. Morris Street and N. Monroe Street, in the Emanuel Hospital Urban Renewal Project Area, initiated by the Council, under certain conditions, and declaring an emergency. (C-8873) | Passed Ordinance 139857 |
| | 1195. Vacating portions of N.E. Wygant Street and N.E. 6th Avenue, initiated by the Council, under certain conditions. (C-8867) (1127) | Passed Ordinance 139851 |
| | 1198. Report of the City Planning Commission on the petition of Raymond R. and Lois Marie Scholz, and Leona T. Ryan, deedholders, and James D. and Lillian Liston, contract purchasers, to change from Zone A2.5S to C4S, Lots 6 and 7, Block 12, Alton Park, located on the southwest corner of S.E. McLoughlin Boulevard and S.E. Insley Street. Approval with conditions recommended. (PC 6418) | Adopted Planning Commission report |
| | 1199. Report of the City Planning Commission on the petition of the Matterhorn Restaurant, Inc., and Elmers Colonial Pancake and Steakhouse, Inc., deedholders, to change from Zone A2.5 to A2.5P Lots 3, 4 and 5, Block 2, Hunter's Addition, located on the south side of N.E. Couch Street west of N.E. 82nd Avenue. Approval with condition recommended. (PC 6419) | Adopted Planning Commission report |
| | 1200. Report of the City Planning Commission on the petition of Edward M. and Iris D. Fielitz, deedholders, and Matthew B. Maberry, contract purchaser, to change from Zone A1 to C2, Lots 17 and 18, Block 42, Laurelhurst, located at 3325 and 3337 N.E. Wasco Street. Approval with condition recommended. (PC 6426) | Adopted Planning Commission report |
| 5/7/75 | 1222. On the petition of Frederick J. Padden for the vacation of all that portion of N.W. 110th Avenue lying between the westerly line of N.W. Front Avenue and the northerly extension of the westerly line of Block 31, Town of Linnton, together with the approval of the Commissioner of Public Works, subject to certain conditions. (C-8861) (818) | Approved |

| DATE | ITEM | DISPOSITION |
|---|---|---|
| 5/7/75 (cont.) | 1275. Report of the City Planning Commission on the petition of Forest Park Estates, and others, to change from Zone R20 to R10, Tax Lots 12, 18, 19 and 25, Section 23, T1N, R1W; and Tax Lots 3, 4, 70, 78, 79, 80, 75, 81, 86 and 87, Section 26, T1N, R1W, located in the area of N.W. Skyline Boulevard and Thompson Road. Approval of R10 zone on a portion of property with conditions recommended. (PC 6227) (3413-74) | Adopted R10 for Parcel A only with conditions (Council minutes previously supplied to PC Members |
| 5/8/75 | 1278. Report of the City Planning Commission on the petition of Westover Land Corporation, deedholder, to change from Zone R7 to A1, Tax Lot 49, Section 32, T1N, R1E, located on the south side of N.W. Westover Road east of N.W. Marlborough Avenue. Approval recommended. (PC 6425) | Adopted Planning Commission report |
| | 1279. Report of the City Planning Commission on the petition of Franklin Service Corporation, deedholder, to change from Zone R5 to A2.5, Lots 3 through 36, Blocks 1 and 2, and Lots 3, through 19, Block 3, Mittleman Addition, located 100 ft. east of S.E. 60th Avenue adjacent to S.E. Sherman and S.E. Grant Streets and south of the Park Bureau road east of S.E. 60th Avenue. Denial recommended. (PC 6387) | Continued to June 25 by request |
| 5/14/75 | 1340. An Ordinance amending Title 33 of the Planning and Zoning Code, to provide for Historical Districts, providing definitions, regulations and procedures and other changes herein delineated. | Passed to third reading |
| | 1341. Hearing on Portland Historical Landmarks Commission proposal for historic designation of two Downtown Districts (Skidmore/Old Town and Yamhill Historic Districts). | Continued until effective date of Ordinance |
| | 1342. Report of the City Planning Commission on the petition of Joseph Y. Aizawa, deedholder, to amend Ordinance No. 137237 to substitute revised plans for an identification sign on Lots 5 and 6, Block 129, Caruthers, located at 3340 S.W. Barbur Boulevard, in Zone A1. Denial recommended. (PC 6254R Amendment) | Referred back to Planning Commission |
| | 1343. Report of the City Planning Commission on the appeal of A. L. Frease, contract purchaser, V. T. Oliver, deedholder, against denial of a variance request to reduce the minimum lot area and lot width on the west 90 feet of Lot 5, Block 39, Fulton Park, located on the southeast corner of S.W. 2nd Avenue and Nevada Sreet in Zone R5. Denial reaffirmed. (PC VZ 41-75) | Adopted Planning Commission report |
| | 1344. Report of the City Planning Commission on the appeal of Clarence and Evelyn Hott, deedholders, against denial of a variance to reduce the setback for a carport from the required 22 ft. to 16 ft. on the south 8 ft. of Lot 18, all of Lots 19 and 20, Block 21, Willamette Addition, located at 3607 N.E. Webster Street, in Zone R5L. Denial reaffirmed. (PC VZ 45-75) | Adopted Planning Commission report |

STAFF REPORT

P.C. File: CU 43-75

Committee Meeting: May 27, 1975

Applicant: Lloyd Corporation, deedholder; Holladay Park Plaza, lessee

Conditional Use Request: Nursing home

Location: 1300 NE 16th Avenue between NE Clackamas and NE Wasco

Legal Description: All of Block 178, Holladay's Addition

Zone: A0 and A0P Quarter Section: 2932

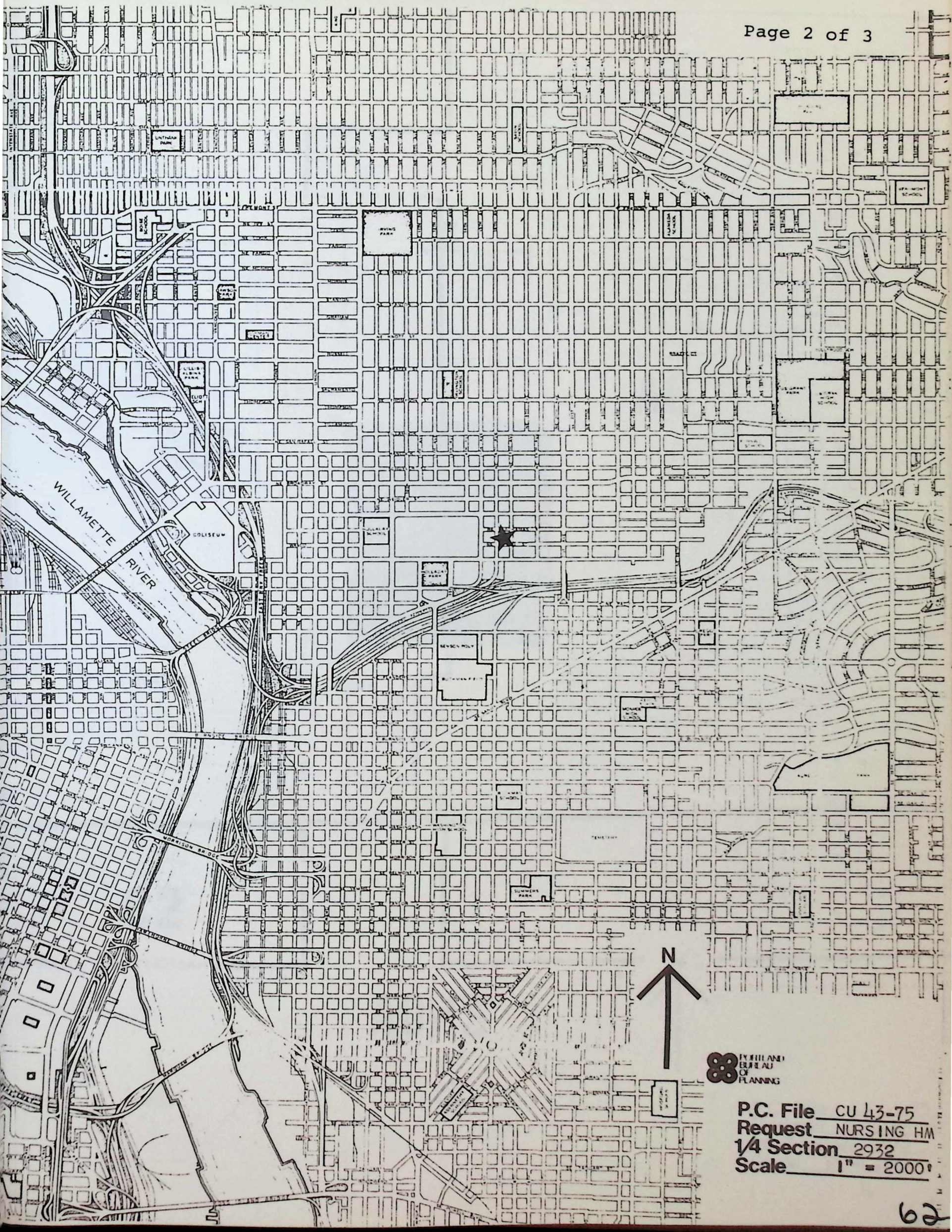
Applicant's Proposal: To add a 4,500 sq. ft. extension on to the second floor level in order to expand the existing convalescent home (nursing home). The applicant indicates no changes in parking or the high rise retirement facility.

SV:NW:st

RECONSIDERATION

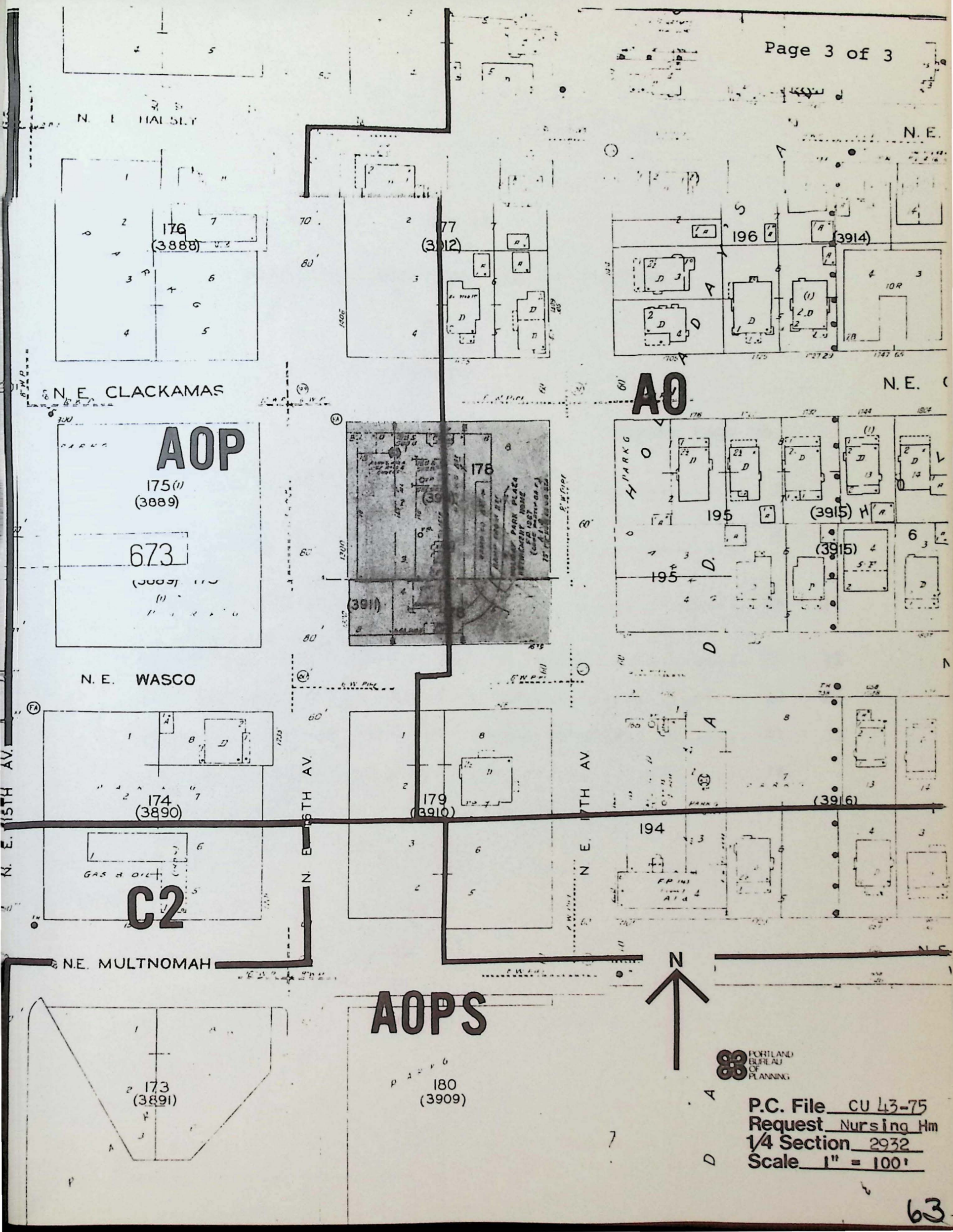
Commission Meeting: June 3, 1975

This request was heard on May 27, 1975, and was referred to the full Planning Commission because of an apparent split vote by the Zoning Committee.




PORTLAND BUREAU OF PLANNING

P.C. File CU 43-75
Request NURSING HM
1/4 Section 2932
Scale 1" = 2000'


N. E. HALSEY
N. E. CLACKAMAS
N. E. WASCO
N.E. MULTNOMAH
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(3891)
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PORTLAND BUREAU OF PLANNING
P.C. File CU 43-75
Request Nursing Hm
1/4 Section 2932
Scale 1" = 100'

DPR 40

# DUSSIN 10TH AND STARK PARKING PROPOSAL

CONTENTS


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BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

June 3, 1975

Planning Commission File: DPR 40

Applicant: Dussin Investment Company

Location: Northeast corner of the intersection of SW 10th Avenue and SW Stark Street

Legal Description: Lots 7 and 8, Block 86½ Portland Addition

Quartersection: 3029

Zone: C1

Request: The applicant's request for approval of surface parking under the DPR procedure has not been approved by the Planning Director and as a courtesy to the applicant has been referred to the Planning Commission for consideration.

Applicant's Proposal: The Dussin Investment Company wishes to continue to operate, for another one year period, a 37 space surface parking facility primarily for long-term parking rather than short-term parking previously specified by City Council on an approval of the first year's request.

Previous Actions: On April 29, 1974 the Planning Director, as provided by Ordinance 138412, denied a request by Mr. Dussin for a 37 space long-term parking facility. This action was appealed to the Planning Commission which also denied the request on June 4, 1974. The applicant appealed this denial to the City Council, which on July 17, 1974 granted a one year permit for a short-term facility. On April 22, 1975 the Bureau of Buildings by letter to Mr. Dussin noted that the operator's rental procedures allowing monthly and weekly parking was met in conformance with the Council order for short-term parking only, and that the rental of parking spaces must be limited to short-term basis without delay.

Code Considerations:

Pertinent portions of Section 33.50.135, of the Planning and Zoning Code relating to Downtown Plan Review are as follows:

(1) Approval shall be obtained prior to commencement of any phase of construction within the Downtown Review Area as follows:

B. Of the Planning Director for:

6. Temporary surface off-street parking and drive-in business facilities for a period not exceeding one year.

C. A request denied by the Planning Director shall be considered by the Planning Commission upon request of the applicant.

(3) In all matters coming within the provisions of this sections, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with Council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.

RELATED EXTRACTS FROM

PARKING AND CIRCULATION POLICY FOR DOWNTOWN PORTLAND

WHEREAS, the City has undertaken a Downtown Plan that provides guidelines for development and redevelopment, that calls for public as well as private improvements, and establishes policies that will otherwise enhance the quality of downtown, and,

WHEREAS, the City Council desires to provide the parking and circulation elements necessary to complete the Downtown Plan and to provide guidelines and incentives for development of efficient, adequate and convenient parking, which supports the goals and guidelines of the Downtown Plan and encourage desirable land use, zoning goals and policies, and,

WHEREAS, the City intends to encourage the improvement of public transportation services to downtown, to thereby accomplish a reduction in the need for parking in this concentrated area of the region, to separate public transportation routes and pedestrian and bicycle ways from automobile traffic to the extent feasible, to improve the efficiency and convenience of parking access through the encouragement of identifiable concentrations of short-term parking throughout the downtown and particularly in support of the retail core, and to reduce the necessity for through traffic to use downtown streets, and,

WHEREAS, the City Council intends to improve air quality in downtown in order to protect public health, welfare and safety and to meet requirements of the Federal Clean Air Law of 1970, now, therefore, be it

RESOLVED, that the City Council adopts the following Downtown Parking and Circulation Policy:

Section A. Definition of Downtown

For the purposes of this policy downtown is defined as the area enclosed by the west bank of the Willamette River, the Broadway Bridge and Broadway Ramp, Hoyt Street, Stadium Freeway and Marquam Bridge, as indicated on the accompanying map, Exhibit I.

Section B. Limit on Total Number of Parking Spaces

1. At the end of any quarter of any year the total number of parking spaces available for use in downtown* will not be permitted to exceed 39,683, which has been established by survey as the approximate number of spaces existing plus approved for development by DEQ as of May 29, 1973.

New parking spaces for residential and hotel uses are exempt from this limit.

Periodic review of the maximum number of parking spaces available for use in downtown is to be undertaken at intervals not to exceed three

*does not include Areas A and B Exhibit I

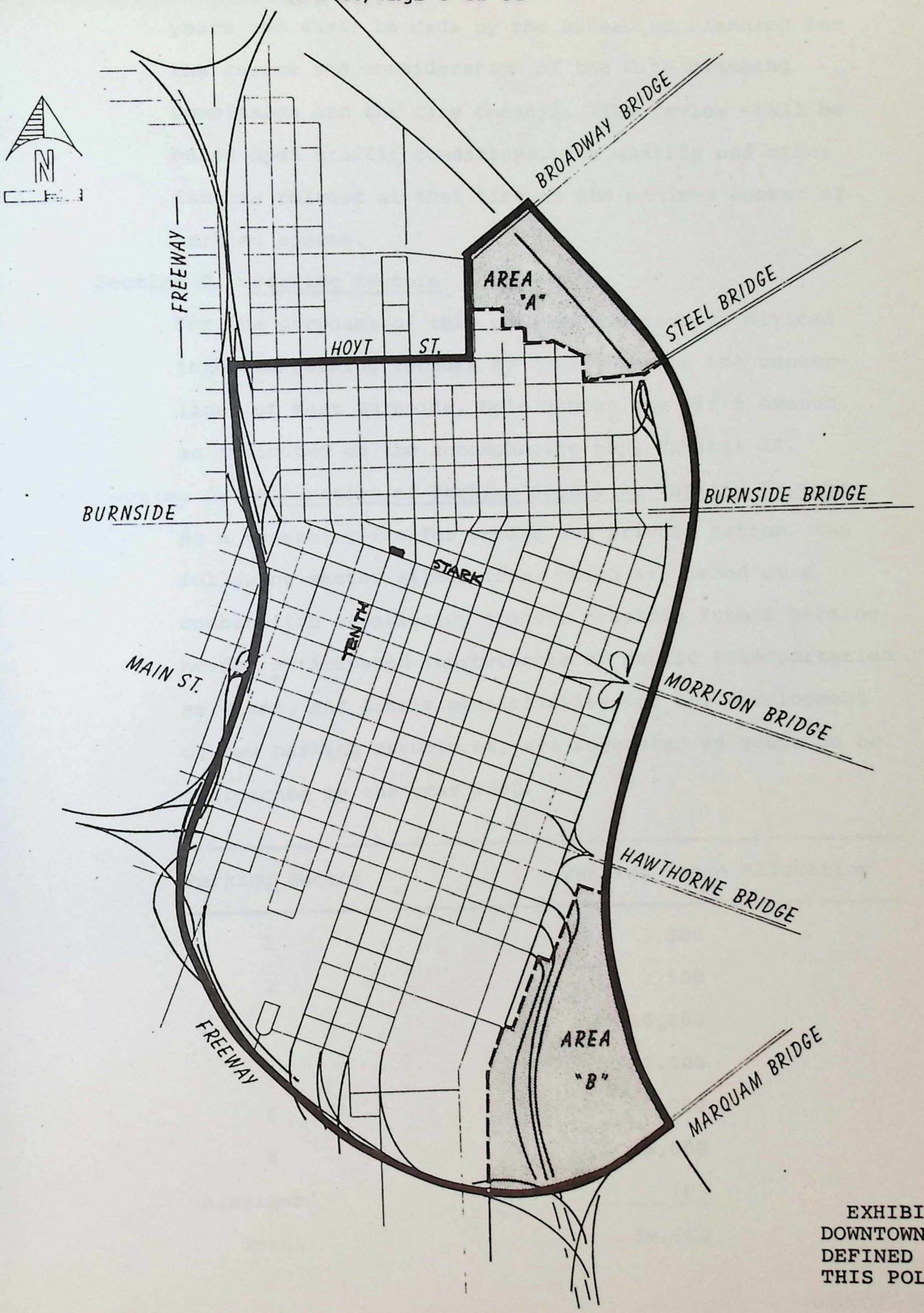



EXHIBIT I
DOWNTOWN AS
DEFINED FOR
THIS POLICY

years and shall be made by the Bureau of Planning for the review and consideration of the City Planning Commission and the City Council. The review shall be based upon traffic conditions, air quality and other factors related at that time to the maximum number of parking spaces.

Section C. Parking Sectors

For the purposes of this policy, downtown is divided into six parking sectors by boundaries on the center-lines of West Burnside, Main Street and Fifth Avenue, as indicated on the accompanying map, Exhibit II.

Section D. Allocation of Parking Spaces to Parking Sectors

1. As a general guide for public and private action, the following sector allocations, which are based on a combination of existing spaces, possible future parking needs, anticipated improvements of public transportation services, and likely possibilities for the development of new parking structures, are suggested as goals to be approached by the year 1990.

| Parking Sector | Parking Space Allocation |
|---|---|
| 1 | 3,500 |
| 2 | 2,500 |
| 3 | 10,000 |
| 4 | 7,500 |
| 5 | 7,000 |
| 6 | 9,000 |
| unassigned | 183 |
| Total | 39,683 |

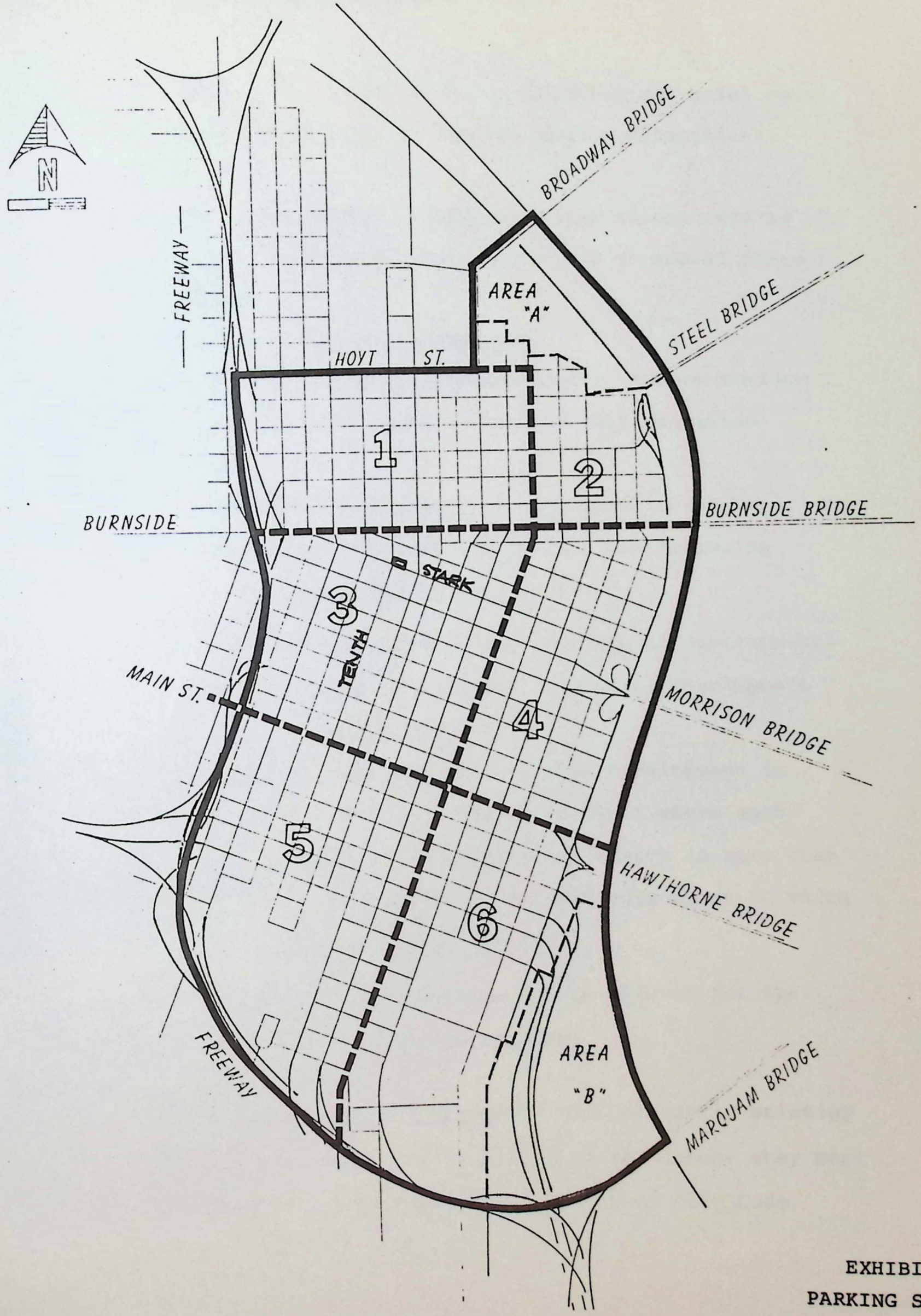



EXHIBIT II

PARKING SECTORS

2. New parking spaces for residential and hotel uses are exempt from the parking sector allocations.

3. Periodic review of parking sector allocations is to be undertaken at intervals not to exceed three years.

Section J. Surface Parking Lots

1. The City Code shall be amended to remove surface parking lots from the list of uses permitted downtown.

2. Existing surface parking lots shall constitute non-conforming uses,*except for the following private use parking facilities:

   (a) On-site parking for residential development.

   (b) On-site parking for industrial development in parking Sector 1.

   (c) On-site parking for other development in low density areas of downtown where such surface parking does not result in more than 24 parking spaces in that city block in which the parking is located.

3. New surface parking lots may be allowed for the following private-use parking:

*It is the intent of the Council that currently existing parking facilities are permitted to the extent they meet the requirements of Section 33.94.050 of City Code.

(a) On-site parking for residential development

(b) On-site parking for industrial development in parking Sector 1.

(c) On-site parking for other development in the low density areas of downtown where such surface parking will not result in more than 24 parking spaces in that city block in which the parking is located. The maximum allowable parking-space ratio for such development is 0.60 parking spaces per 1,000 square feet of land area up to a limit of 24 total spaces per city block.

4. New surface parking lots for purposes other than those stated in paragraph 3, above, may be allowed temporarily and by revocable permit only where it is demonstrated adequately that the use of the property for surface parking will contribute substantially to the goals of the Downtown Plan. Generally, these surface parking lots shall not exceed 20 spaces.

5. Revocable permits shall be granted for a period not to exceed two years, except where it is demonstrated that provision of a longer time period will contribute substantially to the goals of the Downtown Plan, in which case, a longer time certain will be specified.

6. Revocable permits for surface parking lots shall be continued or revoked in accordance with a program for the orderly removal of such surface parking

lots, which program shall be based upon plans for the construction of new parking structures, upon the availability of public transit services, and upon opportunities to encourage development in accordance with the goals and guidelines of the Downtown Plan. The program shall be prepared by the Bureau of Planning for the review and approval of the Planning Commission and the City Council. The program shall be revised and updated continuously as new parking proposals are approved.

Section M. Parking Duration

1. It is the intent of this policy to encourage an increase in the number of short-term parking spaces convenient for shoppers and other visitors in downtown, particularly in the areas immediately adjacent to the retail core.

2. It is also the intent of this policy to reduce the need for long-term, or "all-day", parking spaces for downtown employees by encouraging expansion and improvement of public transit services.

3. Furthermore, it is the intent of this policy to encourage a continuing and orderly conversion from long-term to short-term use of parking spaces in downtown parking facilities and it is recognized

that such a program must be related also to parking in areas outside downtown. In support of this intent, the Bureau of Planning in conjunction with members of the business community, is requested to prepare suggestions for Council consideration on a program to accomplish an orderly conversion of long-term parking, including possible and appropriate methods whereby some aspects of the program could be extended to the other areas of the City and the entire Metropolitan Area, in areas where clean air policy is being applied.

Section N. Functional Classification of Streets

1. The following indicated street classifications are not intended to be a plan. Any proposed changes or improvements to downtown streets will require: (a) review by the City Planning Commission with the advice of the downtown business community, the public, appropriate City staff including the City Traffic Engineer and (b) approval by the City Council. Further, the indicated classifications will be reviewed by the City Planning Commission at intervals not to exceed three years.

2. The reasons for establishing a functional classification of downtown streets are:

   (a) to clarify the major traffic access system, with specific reference to designation of appropriate locations for access to off-street parking facilities,

   (b) to hold open for future improvements other streets which appear appropriate as routes for the movement of people by public transit, pedestrian walkways, and bicycles.

3. The functional street classifications are as follows:

   (a) Traffic Access Street,

(b) Non-Automobile Oriented Street, and

(c) Local Service Street.

Section O. Traffic Access Streets

1. Traffic access streets are intended to become the principal downtown routes for automobile traffic. Their primary function will be to provide direct and efficient access to parking, particularly to public-use, off-street parking.

2. Effective signing will be placed on these streets to direct traffic to public-use, off-street parking structures. The signing system will indicate when a parking structure is filled.

3. Service to traffic circulating within downtown is a secondary function of these streets.

4. Decisions on design treatment and traffic operations on traffic access streets will give preference to access traffic rather than to through traffic. Through traffic will be encouraged to bypass downtown as a matter of policy. In support of this policy it is intended that: (a) the City will actively pursue a program of improvements for road connections outside downtown in order to reduce the need for through traffic to use downtown streets and (b) the downtown streets will not be improved in such a way as to increase through traffic. Through traffic is defined as that traffic in downtown which has both its origin and destination outside downtown.

5. Streets classified as traffic access streets are listed below and are also indicated on the accompanying map, Exhibit III.

North-South Streets:
Harbor Way between Marquam Bridge and Jefferson Street.
Front Avenue between Stadium Freeway and Taylor Street.
Front Avenue between Stark Street and Broadway Bridge.
First Avenue between Stadium Freeway and Columbia Street.
Second Avenue between Salmon and Oak Streets.
Third Avenue between Salmon and Glisan Streets.
Fourth Avenue between Stadium Freeway and Glisan Street.
Broadway between Stadium Freeway and Broadway Bridge.
Tenth Avenue between Market and Hoyt Streets.
Eleventh Avenue between Market and Glisan Streets.

Twelfth Avenue between Stadium Freeway and Market Street.
Thirteenth Avenue between Montgomery Street and West Burnside.
Fourteenth Avenue between Stadium Freeway and Hoyt Street.
Fifteenth Avenue between Everett and Glisan Streets.

East-West Streets:
Harrison Street between Broadway and Front Avenue.
Clay Street between Sunset Freeway and Front Avenue.

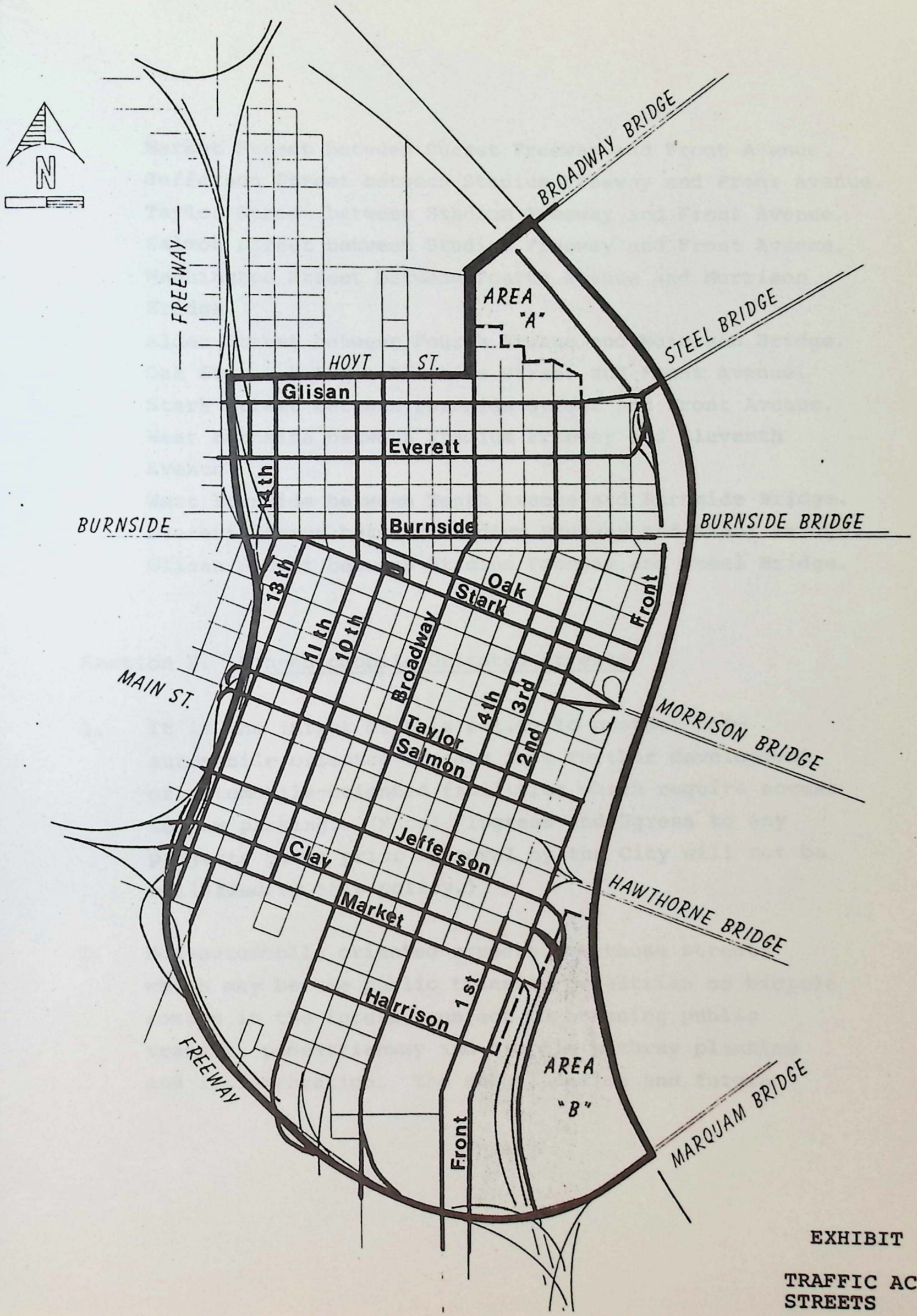



EXHIBIT III

TRAFFIC ACCESS STREETS

Market Street between Sunset Freeway and Front Avenue.
Jefferson Street between Stadium Freeway and Front Avenue.
Taylor Street between Stadium Freeway and Front Avenue.
Salmon Street between Stadium Freeway and Front Avenue.
Washington Street between Fourth Avenue and Morrison Bridge.
Alder Street between Fourth Avenue and Morrison Bridge.
Oak Street between Burnside Street and Front Avenue.
Stark Street between Burnside Street and Front Avenue.
West Burnside between Stadium Freeway and Eleventh Avenue.
West Burnside between Tenth Avenue and Burnside Bridge.
Everett Street between Stadium Freeway and Steel Bridge.
Glisan Street between Stadium Freeway and Steel Bridge.

Section P. Non-Automobile Oriented Streets

1. It is the intent of this policy to protect non-automobile oriented streets from further development of automobile-oriented facilities which require access to new parking. (Note: Ingress and Egress to any projects given prior approval by the City will not be nullified by this policy.)

2. Non-automobile oriented streets are those streets which may become public transit, pedestrian or bicycle routes in the future, subject to on-going public transit, pedestrianway and bicycle pathway planning and implementation. The actual design and future

## APPLICABLE SECTIONS OF ADOPTED DOWNTOWN PLAN/GOALS AND GUIDELINES

*TRANSPORTATION*

P.14 *General Goal: To design a balanced transportation system which is supportive of the other Downtown goals; and which recognizes that the transportation system should provide more efficient use of both right-of-way and vehicles. This means reducing reliance on the automobile, increasing the numwer of persons per car and increasing the number of persons moving through concentrated areas on multiple-passenger facilities.*

P.14 *Specific Goal: Develop a mass transit system which could ultimately carry 65-75% of the passenger trips to and through the core; and which provides a viable alternative to the private vehicle, i.e. fast, economical, convenient and comfortable.*

1. *Improve transit service to Downtown from outlying areas.*

2. *Develop a transit system for circulation within Downtown which includes fast, frequent and quality service from peripheral parking facilities. Vehicles should be quiet, non-polluting and of a scale compatible with the pedestrian orientation.*

3. *Make transit easily accessible to all, and particularly to the handicapped, children, the elderly, the poor and others with special needs.*

4. *Develop an interchange system, including a transit terminal for transfer among and between modes of inter- and intracity transportation.*

P.14 *B.1 Reduce air and noise pollution and pedestrian-vehicle conflicts to provide a healthier, more pleasant atmosphere for walking.*

*B.1.a Reduce and where possible eliminate private automobile traffic in the core. Traffic volume should be scaled down commensurate with the needs of the area and to a degree which reflects the viability of the developing mass transit system and the requirements of the federal air quality standards.*

P.15 *D. Develop a circulation pattern which responds to the Downtown Plan Goals by:*

*1. Encouraging elimination of through traffic in Downtown.*

*2. Establishing a functional classification of streets for:*

- *Transit*
- *Private Vehicles*
- *Service Vehicles*
- *Bicycles*
- *Pedestrians*
- *Parking*

P.15 E. *Establish a public parking policy to:*

1. *Develop an identifiable system of parking Downtown which will at best serve all Downtown activities.*

   a. *Redistribute parking facilities to locations which will best serve recommended land uses in Downtown and relate to the circulation and transit systems to be developed.*

   b. *Provide parking facilities for automobiles appropriate for both long- and short-term parking in conjunction with good pedestrian and transit access to the rest of Downtown.*

*Planning Guidelines (Vehicle Circulation)*

P.28 1. *Develop a hierarchy of streets - major, secondary, local- for Downtown.*

P.28 5. *Implement a system of major traffic couplets.*

*Planning Guidelines (Mass Transit)*

P.28 2. *Provide additional Downtown shuttle service.*

P.28 *Planning Guidelines (Parking)*

*Much of the existing parking Downtown is disorganized and inconvenient. The Plan reorganizes parking by providing an understandable system which relates to selected access points and traffic streets and distinquishes between short-term (shopper) parking and long-term (employee) parking.*

*Planning Guidelines (Air Quality)*

P.25 1. *Improve traffic circulation and parking in order to reduce air pollution.*

2. *Encourage increased use of mass transit.*

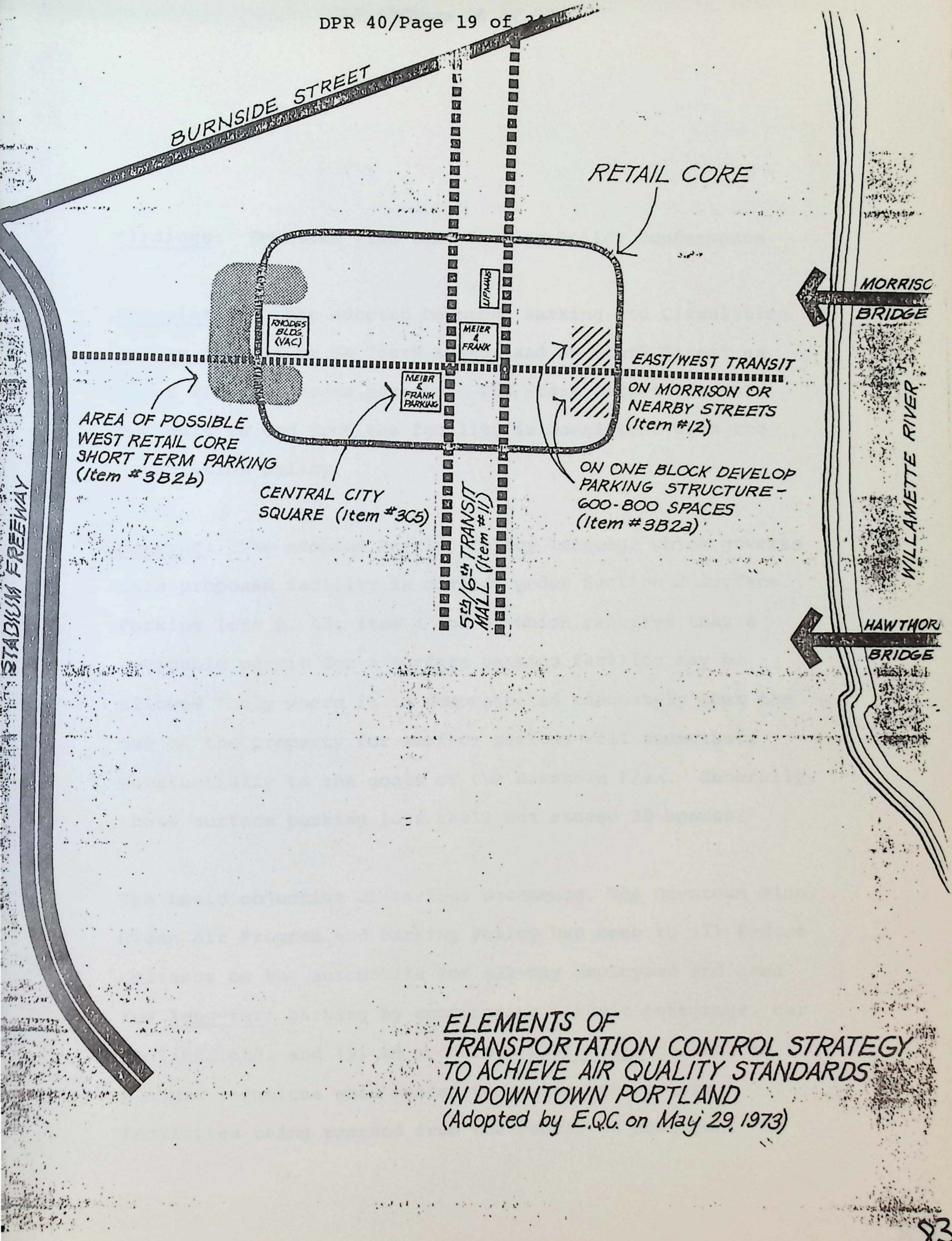
*Note: The City Council, On October 12, 1973 adopted Resolution 31146, A Transportation Control Strategy to Improve Air Quality in Downtown Portland. This program identified measures to be undertaken to meet the requirements of the Federal Clean Air Act and therefore represents an addendum to the Guideline Plan.*

*The control strategy is designed to assist in implementing various Guidelines contained in this report.*

*All sections of the City's Clean Air Plan shall apply.*

*COMMERCE*

P.7 *Specific Goal: H. Encourage a system of short-term parking to serve retail core facilities. Development of alternative circulation systems should be given high priority.*




ELEMENTS OF
TRANSPORTATION CONTROL STRATEGY
TO ACHIEVE AIR QUALITY STANDARDS
IN DOWNTOWN PORTLAND
(Adopted by E.Q.C. on May 29, 1973)

Findings: Downtown Plan Goal Parking Policy Conformance

Circulation: The adopted Downtown Parking and Circulation Policy identifies SW Tenth Avenue and SW Stark Street as Major Traffic Access streets. The Stark Street entrance and exit to and from the facility is consistent with the circulation policy.

Parking: The adopted Parking Policy language which governs this proposed facility is covered under Section J Surface Parking lots p. 13, item 4 and 5, which requires that a revocable permit for a surface parking facility may be allowed "only where it is demonstrated adequately that the use of the property for surface parking will contribute substantially to the goals of the Downtown Plan. Generally, these surface parking lots shall not exceed 20 spaces."

The basic objective of various documents, The Downtown Plan, Clean Air Program and Parking Policy has been to (1) Reduce reliance on the automobile for all-day employees and need for long-term parking by encouraging transit patronage, car pooling, etc. and (2) to encourage short-term parking in planned locations when needed to replace short-term facilities being removed from the center of downtown.

Conclusion: While the facility has a suitable location in respect to major street access, the proposed long-term parking use of this facility is not in keeping with these important objectives, and the facility would not contribute substantially to the goals of the Downtown Plan.

The proposed long-term facility is not consistent with Goals and Guidelines to develop an identifiable system of short-term parking in planning locations to serve retail core facilities and moreover a 37-space facility is substantially more than the specified "generally.....not to exceed 20 spaces."

PORTLAND CITY PLANNING COMMISSION

APPLICATION FOR DOWNTOWN PLAN REVIEW
(to be filled out in duplicate)

hereby apply for Downtown Plan Review for: (describe fully) Approval for continued operation of a surface parking facility on the described property and removal or modification of restriction to short term parking.

om property described as: LOT(S) 7 and 8

BLOCK 86-1/2 ADDITION City of Portland

which is located at 350 S. W. Tenth Avenue

ear (cross street) S. W. Stark Street in Zone C-1

agree to furnish three copies of a site plan drawing showing exact dimensions nd arrangement of the proposed development and any other drawings, topographic urveys, photographs or other material essential to the understanding of the roposed use and its relationship to surrounding properties as may be required y the Planning Commission.

DEEDHOLDER(S)
(signatures must appear)

Dussin Investment Company of Oregon
~~Husband and Wife~~ Corporation *

219 S.W. Stark, Portland 225-0470
Address and Phone Number

CONTRACT PURCHASER(S) (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

OPTIONAL PURCHASER OR RENTER (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

D.P.R. File No: 40

Quarter Section:

Charles R. Williamson
KELL, ALTERMAN, RUNSTEIN & THOMAS
1107 Commonwealth Building
Portland, Oregon 97204
222-3531
Attorneys for Applicant

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SITE AND DEVELOPMENT CHARACTERISTICS

| | EXISTING | | PROPOSED | |
|---|---|---|---|---|
| | Area | | Area | |
| Site | _____ | | _____ | |
| Housing | _____ | Units_____ | _____ | Units_____ |
| Retail | _____ | | _____ | |
| Office | _____ | | _____ | |
| Industrial | _____ | | _____ | |
| Open Space | _____ | | _____ | |
| Parking | | Spaces | | Spaces |
| Curb | | 37 | | 37 |
| Short-term | _____ | 37 | _____ | 4 |
| Long-term | _____ | 0 | _____ | 33 |

APPLICANT'S STATEMENT OF PROJECT CONFORMANCE TO ADOPTED DOWNTOWN PLAN GOALS AND GUIDELINES AND OTHER GOVERNMENTAL POLICIES.

1. There are about 400 spaces in the Downtown Parking Space Bank. Continued use by Dussin of 37 spaces will be consistent with the parking lid.

2. Applicant previously had 40 spaces allocated for his property adjoining the subject lot to the north. Twenty of these spaces were taken from that property, reducing the spaces thereon to 20. Applicant, in fairness, should be allowed to reacquire these 20 spaces for use in the same neighborhood.

3. The Dussin lot is in Parking Sector 3, under the "Downtown Parking and Circulation Policy", a sector which requires 10,000 spaces under the policy. Applicant believes many more spaces are required in this sector to meet this goal.

4. The Pittock Block is located across the street from the Dussin lot. This old office building contains no self-contained parking and must compete with new buildings which have and are allowed to construct such parking. (Section H.1, Downtown Parking and Circulation Policy.) The Pittock Block must rely on lots such as Dussin's to provide needed service for its tenants. Allowing this application will assist in the downtown plan goals of "encouraging the use of rehabilitated historic buildings as office space" and "strengthening Down Town's role as an important center for administrative, financial, personal and professional business, service and governmental facilities."

5. There are no new parking structures or projects available to absorb the spaces needed by patrons of the Dussin lot. Public transit services have not yet rendered these spaces unnecessary. Section J.6 of the Downtown Parking and Circulation Policy encourages continuance of applicant's permit until such conditions prevail.

6. Applicant is willing to continue rates encouraging short term parking consistent with Downtown Parking and Circulation Policy goals. However, applicant requests permission to fill unused spaces with long-term parking.

7. The Dussin lot is located at the intersection of two "Traffic Access Streets" so designated by the Downtown Parking and Circulation Policy

Applicant's Statement of Project (Continued):
(S. W. Tenth and Stark). The lot is not located in a traffic-free zone. Access to the lot does not interfere with pedestrian traffic and violates no city policy.

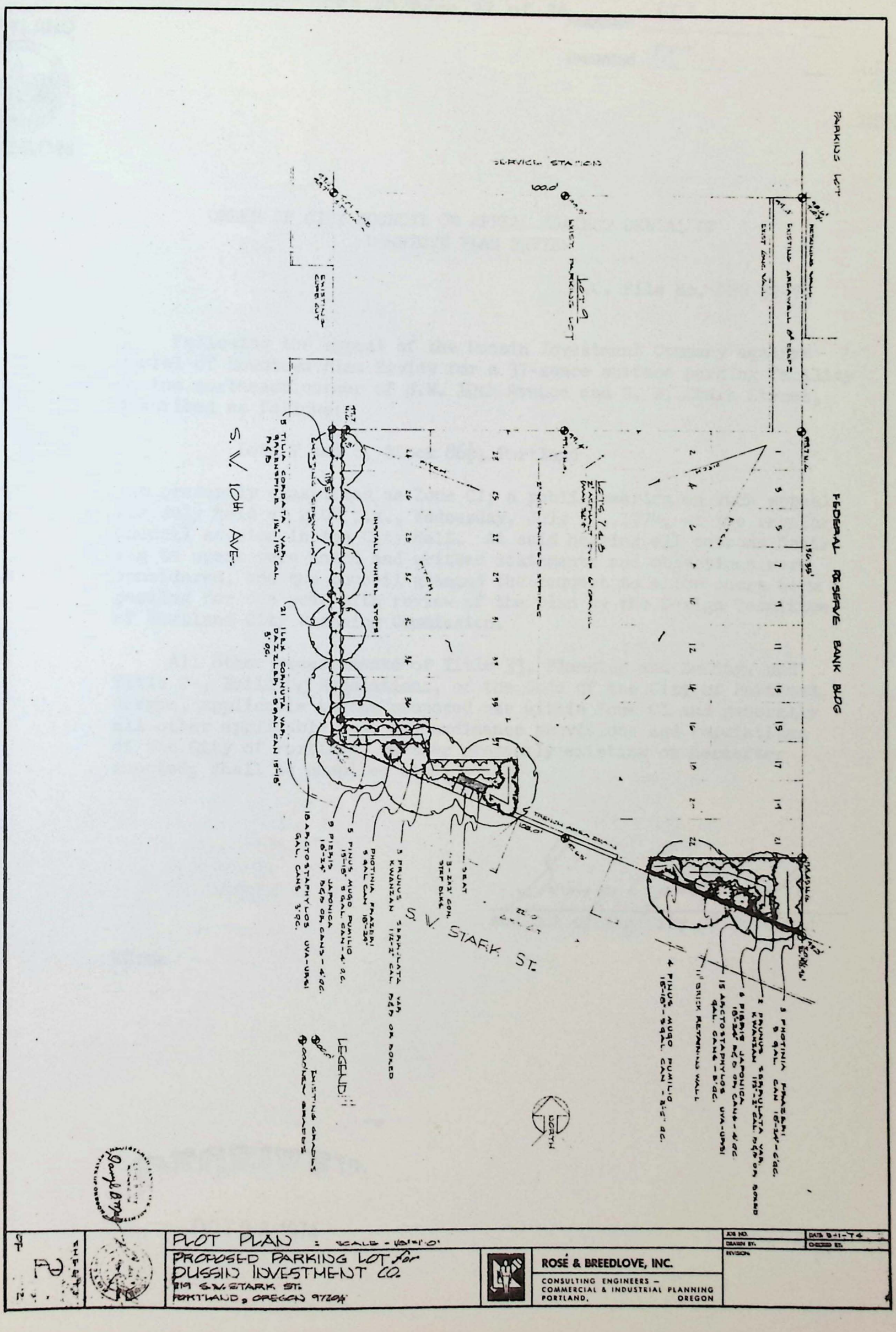
8. The lot is located only one block from the "ideal" location for future downtown parking and thus it can help to establish an identifiable system of parking in Downtown by concentrating parking in this neighborhood. The Dussin lot is adjacent to and, in fact, part of, another parking lot. Allowing continued use of this lot will maintain the existing parking system and not diffuse parking further.




# DPR 40

400' NOTIFICATION AREA

1" = 200'




PLOT PLAN : SCALE - 1/8"=1'-0"

PROPOSED PARKING LOT for
DUSSIN INVESTMENT CO.
219 S.W. STARK ST.
PORTLAND, OREGON 97204

ROSÉ & BREEDLOVE, INC.
CONSULTING ENGINEERS –
COMMERCIAL & INDUSTRIAL PLANNING
PORTLAND, OREGON

JOB NO.
DRAWN BY:
REVISION:
DATE 8-1-74
CHECKED BY:

SHEET 2 OF 2

Accepted OCT
Recorded OCT

THE CITY OF PORTLAND OREGON

OFFICE OF
CITY AUDITOR
GEORGE YERKOVICH
CITY AUDITOR

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204

ORDER OF CITY COUNCIL ON APPEAL AGAINST DENIAL OF
DOWNTOWN PLAN REVIEW

P.C. File No. DPR 32-74

Following the appeal of the Dussin Investment Company against denial of Downtown Plan Review for a 37-space surface parking facility on the northeast corner of S.W. 10th Avenue and S. W. Stark Street, described as follows:

Lots 7 and 8, Block 86½, Portland

and presently classified as Zone C1; a public hearing on such appeal was duly held at 2:00 p.m., Wednesday, July 17, 1974, at the regular Council session in the City Hall. At said hearing all persons desiring to speak were heard and written statements and objections were considered, and the Council granted the request to allow short term parking for one year with review of the plan by the Design Committee of Portland City Planning Commission.

All other requirements of Title 33, Planning and Zoning, and Title 24, Building Regulations, of the Code of the City of Portland, Oregon, applicable to the proposed use within Zone C1 and generally all other applicable code and ordinance provisions and regulations of the City of Portland, whether presently existing or hereafter enacted, shall be complied with.

George Yerkovich
Auditor of the City of Portland

EC:mk

RECEIVED
OCT 28 1974

E CITY OF
ORTLAND
OREGON

EPARTMENT OF
FINANCE AND
DMINISTRATION

L. GOLDSCHMIDT
MAYOR

BUREAU OF
BUILDINGS

NN. CHRISTIANSEN
DIRECTOR

200 S.W. FIFTH AVE.
RTLAND, OR. 97204
503/248-4230

April 22, 1975

Dussin Investment Company
219 S. W. Stark Street
Portland, Oregon 97204

Re: A 37 space surface parking lot on the northeast corner of S. W. 10th Avenue and S. W. Stark Street

Gentlemen:

As the result of an inquiry, an inspection was made of your surface parking lot located at S. W. 10th and S. W. Stark. This inspection indicated that parking is available by the month, week, day and hour. An assessment of the parking indicated that approximately 80 percent of the available parking is being rented on a monthly basis.

The Bureau of Buildings issued building permit #485988 for the construction of your parking lot. This permit was issued conditioned upon compliance with the Downtown Plan Review file #32-74. As you are aware, your original proposal to the Planning Commission was denied and you appealed to the City Council against this denial of the Downtown Plan Review. The Council Order that granted your request conditioned the approval that short-term parking would be allowed for one year, which will expire July 17, 1975. Your present rental procedures, allowing monthly and weekly parking, would not be in conformity to this Council Order. It will be necessary for you to limit the rental of your parking spaces to those rented on a short-term basis without delay.

If you desire any further clarification of this order, please contact this office.

Yours truly,

C. N. CHRISTIANSEN
BUILDING INSPECTIONS DIRECTOR

C. C. Crank

C. C. Crank
Chief Building Inspector

DJB:jd
cc Spencer Vail
Planning Commission

CITY OF PORTLAND

# INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

RECEIVED
MAY 28 1974

*From* Traffic Engineer

May 28, 1974

*To* Bureau of Planning

*Addressed to* Rodney O'Hiser, Downtown Plan

*Subject* DPR 32 - Parking Lot S.W. 10th and Stark Street

We have examined the plan of a proposed 37-space parking lot at S.W. 10th Avenue and Stark Street.

We will approve of this usage only if the lot is attendant operated and it is made clear to the operators that no maneuvering in the sidewalk or street areas will be allowed.

D. E. BERGSTROM
Traffic Engineer

TVN:ba

CITY OF PORTLAND

# INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

May 23, 1974

*From* Office of the City Engineer

*To* Bureau of Planning

*Addressed to* Rodney O'Hiser, Downtown Plan

*Subject* DPR 32

From an engineering standpoint we have no objection to the proposed parking lot at SW 10th and Stark. Our personal observation in this area appears to indicate that additional parking is needed.

W. T. MONAHAN
Assistant City Engineer

JK:bd

THE CITY OF
PORTLAND
OREGON

BUREAU OF
POLICE

NEIL GOLDSCHMIDT
MAYOR

B. R. BAKER
CHIEF OF POLICE

222 S.W. PINE
PORTLAND, OR. 97204

May 22, 1974

Rodney O'Hiser
Bureau of Planning
424 SW Main Street
Portland, Oregon 97204

Re: DPR 32

Dear Mr. O'Hiser:

The above listed 37-space surface parking lot at SW 10th and Stark Street has been staffed through Central Precinct and we have determined that it will be of little or no effect to the Police Bureau.

Sincerely,

Lt. William E. Richardson
Director
Planning and Research Division

LPN/psh

THE CITY OF
PORTLAND
OREGON

BUREAU OF
PLANNING

ERNEST R. BONNER
DIRECTOR

424 S.W. MAIN STREET
PORTLAND, OR. 97204

PLANNING
503 248-4253

ZONING
503 248-4250

May 16, 1974

Fire Marshall
James Kerr
55 Ash SW
Portland, Oregon

RE: DPR 32

Dear Mr. Kerr:

Enclosed is a copy of a request for Downtown Plan Review (DPR 32) of a proposed 37-space surface parking lot at SW 10th and Stark. Also included is a preliminary Downtown Plan Staff Report on this proposed project.

We would appreciate your review of this proposal and its effects on any plans and services you may have for the area. We will need your reply by May 24, 1974.

Thank you.

Sincerely,

Rodney O'Hiser

Rodney O'Hiser
Downtown Plan

ROH:ajr

Enclosure

---

Dear Mr. O'Hiser: May 21, 1974

Apparently this will not involve the Fire Bureau in either access or water supplies.

Sincerely,

R. W. BUSCHO, Fire Marshal
Fire Prevention Division
55 S. W. Ash
Portland, Oregon 97204

Conclusion

A 37 space parking facility located at SW 10th and Stark would relate satisfactorily to the various recent vehicular traffic circulation plans which have been suggested to date. However, such a facility would not be consistent with Item B of the Interim Parking Policy because: 1) a 37 space facility is substantially more than the specified generally 20 or less and 2) the parking at the proposed location would not be supportive of Downtown Plan Goals to develop an identifiable system of short term parking to serve retail core facilities.

**RALPH E. WILLIAMS**
ROOM 333 – 917 S. W. OAK STREET
PORTLAND, OREGON 97205

RECEIVED
MAY 23 9 38 AM 197
AUDITOR
RE.

May 22, 1975

Office of the City Auditor
1220 S. W. Fifth Avenue
Portland, Oregon 97204

Dear Sir:

Re: DPR 4075
(Extension of DPR 32-74)

We are writing with reference to the notice dated May 20, 1975.

We own the North Pacific Building immediately across the street from the Dussin Investment Company surface parking facility on Lots 7 and 8, Block 86½, Portland Addition.

Several of our tenants use this parking facility on a monthly basis, as they must have their automobiles close by to transact their business. Also, their customers use the lot on an hourly basis.

As a consequence, we strongly urge the City Planning Commission to extend the use of this property for this purpose.

Very truly yours,

RALPH E. WILLIAMS and
MARK JOHSON & CO.

By Ralph E. Williams
Ralph E. Williams

RECEIVED
MAY 28 1975
City of Portland
Bureau of Planning

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
May 29, 1975

First Amendment to the Urban Renewal Plan, Downtown Waterfront

Development Commission Proposal

The Portland Development Commission has recommended that the boundary of the Downtown Waterfront Urban Renewal Plan be amended to include a waterfront area south of the Hawthorne Bridge (see map). The proposed plan amendment specifies that the use of this added land shall be Public Open Space.

Under ORS 457 the Planning Commission is required to review proposed Urban Renewal Plan amendments and forward a recommendation to the City Council.

Findings

The proposed amendment is consistent with several land use policy decisions made for the area in recent years. The land use proposals of the document Planning Guidelines/Portland Downtown Plan, adopted by City Council December 28, 1973, would be implemented by the proposal. That policy document contained goals which stated:

> "The area included in the waterfront should be large enough to be flexible and usable, providing for the fullest range of activities."

and specifically recommended:

> "Extend acquisition of public land and development as far west, north and south as possible."

Further, Open Space Guidelines specified:

> "Develop the waterfront as a major public open space and recreation facility for the entire city."

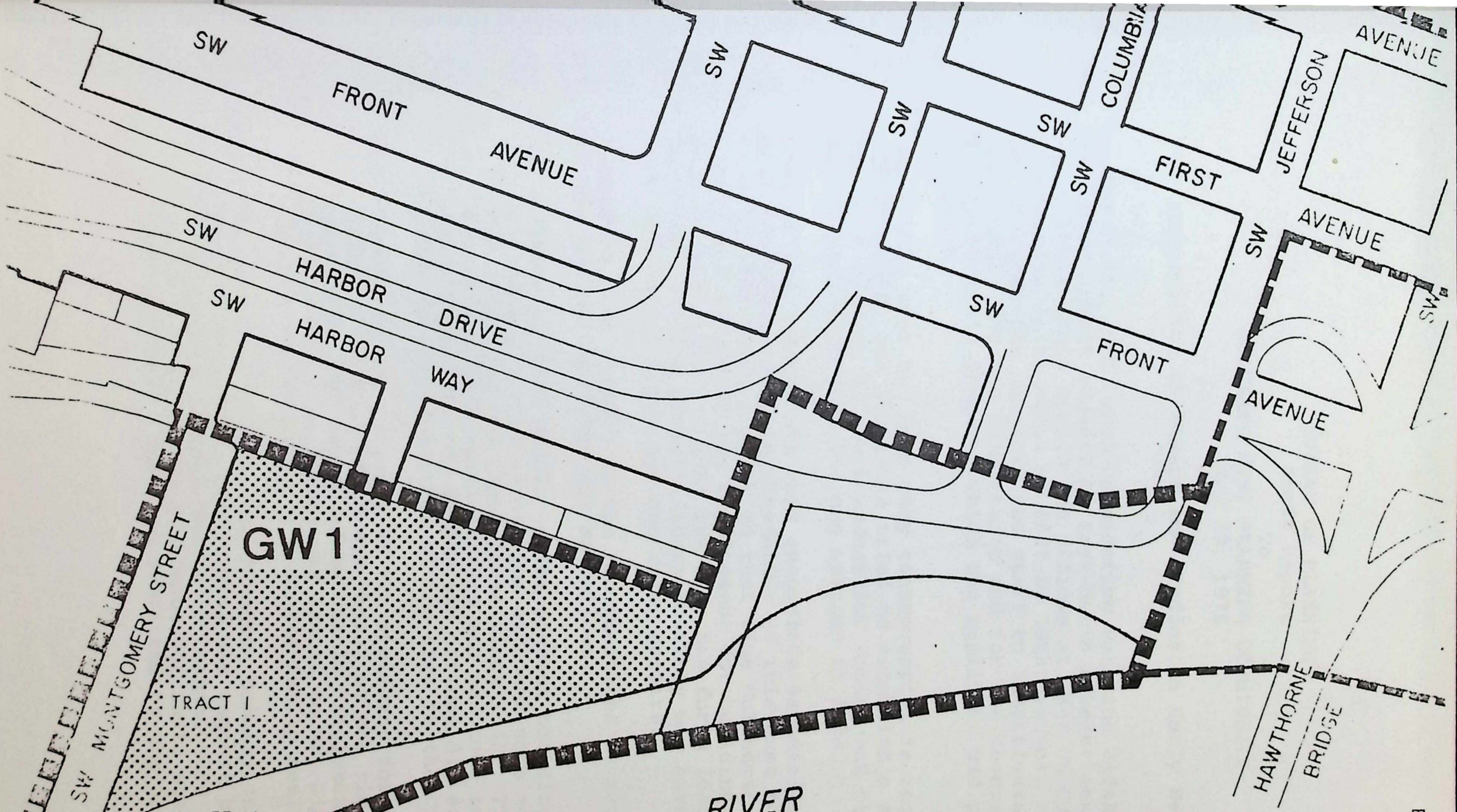
The use provided in the amendment also fulfills earlier recommendations made by the Planning Commission in February, 1969 in the report Willamette Waterfront/South of Downtown Portland, which advocated purchase of various parcels in this locale under a combination of public programs, i.e. Willamette River Greenway, Urban Renewal, etc. for public and water oriented uses.

The August 13, 1973, Planning Commission and December 7, 1973, City Council DPR approval of the proposed Oregon International Center called for the provision of substantial public green space in this area.

## Recommendation

Approval of the First Plan Amendment to the Downtown Waterfront Urban Renewal Plan as proposed.

DC/RO:bn




| | |
|---|---|
| PROPERTY TO BE ACQUIRED | |
| PARCEL NO | GW1 |
| AREA | 5.16 ac |
| OWNER | MULTNOMAH PLYWOOD CORP |
| PROJECT BOUNDARY | |

SO. of DOWNTOWN AREA

# PROPERTY ACQUISITION MAP

First Amendment to the
DOWNTOWN WATERFRONT
URBAN RENEWAL PROJECT

PORTLAND DEVELOPMENT COMMISSION
MAY 1975

EXHIBIT B
Page 3 of 3

101

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
May 29, 1975

Information on Towers and Studios on Healy Heights

On March 25, 1975, when considering Petition 6424R, a revocable permit request by Kaye-Smith Enterprises to establish a radio studio and offices at 4646 SW Council Crest Drive (also known as 4646 SW 19th Avenue), the Zoning Committee directed the staff to investigate the legal basis for the KPAM studio and for the towers on the applicant's property which the applicant had proposed to remove.

Since this area has been very controversial in regard to radio towers, the staff has tried to establish a more reliable history of the broadcasting towers and other allied buildings than the one written in 1973.

Some of the records are very incomplete especially as to what did exist prior to annexation of this area to the City in 1948 because prior to that time Multnomah County had no zoning nor requirement for building permits. Also despite the fact that the City has for a long time required building permits, there possibly may have been some activity without the necessary permits.

Therefore, the answers to the two questions as requested by the Zoning Committee are as follows:

1. Status of KPAM studio -- The present building was existing prior to annexation although some remodeling and repairing has taken place since 1948. The staff has talked to several persons and has come to the conclusion that the studio and offices did exist prior to the annexation of the area to the City.

2. Towers on the property of the applicant for Petition 6424R -- This property was vacant at the time of annexation and was owned by Harold Singleton. In 1951, a building permit was issued to Mr. Singleton for the construction of a single-family residence.

   On January 15, 1970, the Planning Commission granted CU 1-70, a conditional use request by Mr. Singleton to install two radio transmitters in the garage of his residence for radio stations KBOO and KRRC. The plan submitted by the applicant

showed one 50 ft. antenna tower and the applicant also stated that the antennas for the two stations would be mounted on an already existing amateur radio tower.

No permits were found for any of the three towers existing on the property in question. In 1970 only one of these three towers existed; it was an amateur radio tower (see above) and most of the amateur radio towers in the city have been installed without a permit.

DDC:RA:bn

# PORTLAND CITY PLANNING COMMISSION

## JULY, 1975 MEETING

AGENDA 405

TUESDAY, July 1, 1975

MEETING LOCATION:

Downstairs Auditorium
Water Services Building
520 S.W. Montgomery St.

TIME OF MEETING:

See inside

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 405
Tuesday, July 1, 1975
Water Services Building
520 S.W. Montgomery St.

FROM 12 NOON TO 1:30 PM

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Joint discussion with recently appointed Residential Care Facilities Board.

2. Briefing on status of Marquam Hill study; set date for hearing.

AFTER 1:30 PM

APPROVAL OF MINUTES

3. Planning Commission Minutes ..... 12 May 1975
3 June 1975

4. Zoning Committee Minutes ..... 13 May 1975
27 May 1975
10 June 1975

COUNCIL ACTIONS

5. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

6. File CU 43-75, Expansion of convalescent home; Holladay Park Plaza, applicant; NE 16th Avenue between NE Clackamas and Wasco Streets.

7. File CU 29-75, Landfill; Zusman and Jaffee, applicants; SW Multnomah Boulevard between SW 22nd and 23rd Avenues.

8. File DPR 41, Car wash; Harold Schnitzer, applicant; SW Clay Street between SW 11th and 12th Avenues.

9. File DPR 42, 114 parking spaces in Rhodes Building; Bill Naito, applicant; between SW Morrison and Alder Streets and SW 9th and 10th Avenues.

10. File DPR 43, Extension of time for 100-space parking lot; Evans Products Co., applicant; between SW 4th and 5th Avenues and SW Market and Clay Streets.

11. Zoning Code amendments regarding transitional use.

12. Zoning Code amendments regarding permitted development on undersized platted lots.

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
May 12, 1975

Present: Gustafson, Minden, Roso, Shannon, Wessinger
Staff: Bonner, Cannady

The meeting was called to order at 7:35 p.m. in Room 200, City Hall Annex, by Vice-Chairperson Gustafson for the purpose of policy area discussion in the NW District Central Area, Hills and Westside and Thurman/Vaughn areas.

The meeting was opened with a statement and map discussion by Mr. Bonner regarding specific areas to be discussed.

I. Central Area

For Policy Area 5 Ms. Roso suggested a wording change, "hospital additions and alterations" to "medical facilities." She thought the present wording would tie the whole area to one administration and that there was need for a more general statement.

Ms. Gustafson asked are we limiting anyone who wishes to develop a medical facility to buying property from the two existing hospitals? Is this area so bought up already that it is creating a monopoly?

Mr. Bonner said there is at least 2/3 of a block between 21st and 22nd and at least 2/3 of a block between 22nd and 23rd which is not hospital-owned so we're not talking about a situation where Good Samaritan is taking over the area.

Ms. Roso questioned the meaning of the word "predominantly" in paragraph 3. Mr. Minden said that at least 50% would be "predominantly residential."

Mr. Shannon asked what difference does it make if it is a majority or less than a majority? Why do you need such a firm rule? Aren't we just trying to preserve the property so there isn't a conversion backwards? What difference does it make what percent is residential and what percent isn't?

Mr. Bonner referred to NWDA recommendations and cited their Policy Area 3 recommendations "a. maintain and encourage high density residential uses" and "c. Permit new construction under conditional use procedures provided that the proposed development is predominantly of residential uses."

Ms. Gustafson asked what is the difference on what to do between new and existing construction?

Mr. Bonner said when it comes to a choice, do you lose the existing structure as a residential structure or do you maintain that structure as residential in character? Think about saving the structure itself and how it fits into the area.

Mr. Minden said he feels it will police itself.

Ms. Roso was concerned with floor space allotted to residential use and cited buildings where area on the 2nd floor is used as residences but is smaller than that used commercially on the bottom floor.

Mr. Bonner said if you are questioning how much residential you need, possibly you should change the wording from "predominately" to something else.

Ms. Roso suggested using "substantially" in place of "predominately".

Mr. Mike stoops, Assistant Administrator, Good Samaritan Hospital, said the Hospital is in agreement with the position the NWDA has taken with regard to Policy Area 3 and with the addition of a portion of Policy Area 3 to Policy Area 5. He also said that Policy Area 4 is a mixed use high density residential area and "medical facilities" would be an appropriate change in Policy Area 4 as well as in Policy Area 5.

Ms. Gustafson recommended going through Policy Area by Policy Area making changes, etc. as recommended.

Ms. Roso recommended adoption of the staff recommendation on Policy Area 3 with one amendment: to change the word "predominately" in the 5th line to "substantially" but to keep it in the last line as it refers to new construction.

Shannon suggested "partially" instead of "substantially." He said substantial still means a big chunk.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 3 policy as the staff recommended except that in the 5th line "predominately" be changed to "substantially" and that Policy Area 3 mapping be reduced by 2 blocks between 21st and 23rd, Lovejoy and Kearney.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 4 policy to read "Maintain and encourage high-density residential uses. Plan medical facilities for compatibility with surrounding uses" and reduction of Policy Area 4 by a portion of a half block pointed out by staff which area will be shifted to Policy Area 2B. Motion carried unanimously.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 5 policy to read "Plan medical facility additions and alterations for compatibility with surrounding uses." Motion carried unanimously.

Mr. Wessinger questioned the recommendation for change in Policy Area 6 policy and asked exactly what was meant by it.

Mr. Edgar Storms of the NWDA suggested, regarding Policy Area 6, that the Planning Commission adopt essentially its own recommendation as it was adopted before except for some minor word changes. NWDA wants the new policy to read as follows:

"Emphasize development of pedestrian-oriented shopping on central portions of 21st and 23rd, north of NW Glisan Street with such shopping to serve...."

Mr. Storms said the point they were trying to make is that Glisan and Everett are a couplet, Glisan being a 1-way street going west and Everett a 1-way street going east. We contend that the commercial areas on 21st and 23rd between Glisan and Burnside might be more appropriate to car access and the area to the north of Glisan be pedestrian-oriented.

Mr. Bonner showed on the map a small area extending west from 21st toward 22nd which would also be put into Policy Area 7.

ACTION: Ms. Roso moved and Mr. Minden seconded adoption of Policy Area 6 policy as recommended by the staff and of adding to Policy Area 6 the area extending one block south of NW Glisan on 21st. Motion carried unanimously.

In discussing Policy Areas 7 and 8 it was suggested that the policies should differentiate between pedestrian-oriented commercial uses north of Glisan and auto-access-oriented commercial uses to the south of Glisan.

ACTION: Mr. Minden moved and Mr. Wessinger seconded adoption of Policy Area 7 as recommended by the staff with change in the Policy Area map commensurate with the change in Policy Area 6. Motion carried unanimously.

ACTION: Wessinger moved and Minden seconded adoption of Policy Area 8 policy as the staff recommended. Motion carried unanimously.

II. Hills and Westside

Mr. Bonner made a presentation on the background of the area and went over the findings. He said Policy Area 9 is now an A0 zoned area and the recommended policy of medium-density residential envisions rezoning to A1. Policy Area 11 is now A1 zoned area and the recommended policy of low- to medium-density residential envisions rezoning to A5.

He said in the entire Hills and Westside area there is now only 1 block developed zone A0 density, i.e. apartments located north of Chapman School. A half block on the north side of Marshall between 25th and 26th should be put into Policy Area 10 instead of Policy Area 12. It is medium-density apartment area.

Mr. Edgar Waehrer of the NWDA said they agree completely with the findings and are not disagreeing with the policies but they need refining. As to Policy Area 9 we agree as it is written. For Policy Area 10 we recommend that it be broken into 2 subareas, 10a - south of Lovejoy and 10b - north of Lovejoy. He referred to the staff's findings, page 2, second to last paragraph. He said the language they are suggesting is for the area south of Lovejoy to be "maintained medium-density residential west of 23rd." As to the staff's reasons for recommendation, he read from the NWDA statement saying he would amend the last sentence to read:

> "The policy recommendation encourages the development of the old St. Vincents Hospital... site at a medium density compatible with zoning and good planning practices."

As to 10b north of Lovejoy he proposed policy and reasons directly from the NWDA statement. As to Policy Area 11 reasons for recommendation Mr. Waehrer proposed adding "With adoption of this policy action will be initiated to rezone this area to A2.5 density."

Mr. Minden asked why not enlarge Policy Area 9 to include the part of Policy Area 10 south of Lovejoy?

Mr. Waehrer said they could not be combined because of differences in zoning of Policy Areas 9 and 10. We want to accomplish the same thing in both areas, i.e., medium-density residential areas zoned A1.

ACTION: Mr. Minden moved and Mr. Shannon seconded adoption of the findings for the Hills and Westside Area as laid out by the staff. Motion carried unanimously.

ACTION: Mr. Minden moved and Mr. Roso seconded adoption of the policy for Policy Area 9 as given in the staff report. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Minden seconded adoption of the policy for Policy Area 10 as given in the staff report and with the addition on the map for Policy Area 10 of the half block on Marshall between 25th and 26th. Motion carried unanimously.

ACTION: Mr. Minden moved and Mr. Wessinger seconded adoption of the policy for Policy Area 11 as given in the staff report. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Shannon seconded adoption of the policy for Policy Area 12 as given in the staff report including reduction of Policy Area 12 by the half block on Marshall between 25th and 26th. Motion carried unanimously.

III. Thurman/Vaughn

Mr. Bonner recommended a different policy for Policy Area 14 than that found in the book and suggested avoiding Policy Area 14 for the time being until joint study can take place with the City and State and the neighborhood groups.

Mr. Charles Landskroner, President of the NW Industrial Neighborhood Association (NINA) commented with respect to:

1. the findings in the report,
2. the concern of residents and businessmen of the Thurman/Vaughn corridor, and
3. possible solution,

looking toward development of a joint plan by the NWDA and his group for the area between 23rd and 27th and between Thurman and Vaughn.

Mr. Landskroner recommended avoiding Policy Area 14 for the time being; he had no more objection to Policy Areas 13 and 15. He said more information is necessary.

Mr. Minden asked what kinds of things can be done on this land as far as both housing and industry?

Mr. Landskroner said the area is right for planning and right for a mixture of uses -- commercial and high density residential -- but if the high density residential is to be for low-income people the public will have to do it and not the private sector. He said he would accept revised Policy Area 14 policy as recommended.

Ms. Gustafson asked Mr. Landskroner if he had specific comments on findings in addition to wanting more? He said he would rather not comment on the present findings. He said the findings are subject to misinterpretations and he doesn't believe there is clarity in these findings. He would like an opportunity for his group not to be prejudiced in the findings they develop for the joint effort -- they will be different from findings at this time.

Mr. Bonner said this is not an urban renewal area. It will require substantial private investment. There is not enough public money available.

Mr. Marvin Witt, President, NWDA, said he wished to commend the staff people that worked so hard in this area. There is good opportunity for good things to happen in the Thurman/Vaughn corridor. We are in total accordance with the material presented.

Ms. Gustafson asked if the findings are in fact prejudicial? Mr. Bonner said "no", we tried to keep them as factual as we possible could.

Ms. Roso questioned the last finding on page 2 and asked is this prejudicial? Should we include this in our findings?

Mr. Minden asked if $286,000 is the public money available? Mr. Bonner said $286,000 is virtually no public money.

Mr. Minden commented that the findings could have been more optimistic -- that the area has more than this to offer -- but he has no findings to suggest be added.

ACTION: Ms. Roso moved and Mr. Minden seconded approval of the findings with the last paragraph deleted. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Ms. Roso seconded adoption of the Policy Area 13 policy as recommended by the staff. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Minden seconded adoption of Policy Area 14 policy as recommended by staff on the errata sheet with the parenthetical statement that [the Planning Commission has the implicit understanding that we will have a planning process in this particular area, that this is a unique area as opposed to other areas, and that we are considering it on that basis.] Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Shannon seconded adoption of Policy Area 15 policy as recommended by the staff. Motion carried unanimously.

ACTION: The Policy Area 16 policy area was deleted by the Commission as recommended by staff.

Mr. Bonner recommended deferral of the Trafficways Plan pending completion of the Arterial Streets Program.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:bn

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

June 3, 1975

Present: Sheldon, Gustafson, Barnett, Rose', Roso, Shannon, Wessinger
Staff: Bonner, Cannady, Vail, O'Hiser, Mazziotti, Scheddel

The meeting was called to order by Chairman Sheldon at noon in the Water Services Building.

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DIRECTOR'S REPORT

Briefing on design of the East Fremont Bridge ramps.

Report on State Legislature activities.

ITEMS FOR ACTION

File CU 43-75, Expansion of Convalescent home; NE 16th and Clackamas; Holladay Park Plaza, applicant

File DPR 40, Request for renewal of 37-space parking lot; SW 10th and Stark; Dussin Investment Company, applicant.

First Amendment to Downtown Waterfront Urban Renewal Plan (boundary change to include waterfront area south of Hawthorne Bridge for public open space use); Portland Development Commission, applicant.

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Briefing on Design of the East Fremont Bridge ramps

Richard Ivey, CH2M, planning consultant, gave the presentation. He said that a study is underway to determine what to do with the ramps. He stated that the ramps provide access to Emanuel Hospital. He added that last March the City Council authorized them to go ahead with their study. He stated that he received a letter from Mr. Cowles Mallory, City Engineer, asking them to hold back on the study until they can get the most current traffic figures. He said that CRAG is in the process of revising traffic figures. He thinks that they will finish the study in January, 1976. He said that traffic is based upon population distribution and employment and there will be significant differences from previous figures. He said that he wouldn't have much of a project report for the Commission for two months.

Mrs. Gustafson asked if they were working with neighbors.

Mr. Ivey said that they have had a committee making contacts, and there will be a more general meeting at the end of June. He said that they haven't had a close working relationship with the neighborhoods. He added that until they have something significant to say they probably won't be contacting the neighborhoods themselves.

Mrs. Gustafson said that it would help to present options to the neighborhoods.

Mr. Ivey said that the ramps were designed to be temporary. The decision is to tear down the ramps or just not use them. Mr. Ivey said that there is a great deal of opinion that the ramps should not be closed. Mrs. Gustafson asked if it would be cheaper to just open the ramps to traffic.

Mr. Ivey said that the ramps could be opened with little investment, but the full range of options should include removing the ramps. He said that the ramps were originally designed to provide access to the Elliott Neighborhood, and Emanuel Hospital would not have had access to those ramps on the original design.

Mrs. Gustafson asked if they would get a consensus of the neighborhood's opinion.

Mr. Ivey said that the City will decide what to do. He said that constraints have been placed on them because they were told that there should not be increased traffic east of Union Avenue.

Report on State Legislature Activities

Don Mazziotti said that during the State Legislature session the staff has reviewed 110 bills and he, Ken Hampton, and Frank Frost have testified 10 to 20 times. He said that at the end of the Legislature session he plans to put together a report with all pieces of legislation that have passed. He said that a large number of them have a direct impact on planning. He said that the staff proposes development of a one-stop permit for the City.

Mrs. Gustafson asked if that meant that if several groups had to approve a permit that they would all meet together.

Mr. Mazziotti said 'yes' and that if there is failure on the part of one agency to participate then they would be giving approval by default. He said that the permits are not subject to hearing. Mr. Mazziotti said that House Bill 2034 is a maintenance bill and is addressed to financial problems. He said that people express fear that their home will be assessed higher if they improve it. He said that under this bill any person that makes improvements that are on the shopping list will be exempt from tax increase for six years. He said that the shopping list is for critical items such as missing porch steps, roofs, furnaces, etc. If a person feels that his property has been assessed higher for these improvements, he may appeal.

Mrs. Gustafson said that the City could only collect so much taxes and that some people's taxes would be doubled in a year while others would stay the same, so there is an inequity in taxes. Ken Hampton said that you can always appeal.

Mr. Mazziotti said that House Bill 4222 is a bill that would allow tax exemption for 10 years to the extent that someone brought their house up to code. He said that painting or other maintenance would be considered maintenance and would not be tax exempt. He said that it would have to be something to do with the adequacy of the unit. Mr. Mazziotti said that the government would not lose any tax, the bill would just be shifted.

Mr. Sheldon said that it would be useful to see if there is any interface between these bills and the problems confronting the Planning Commission in the adoption of the Downtown Development Regulations.

Mr. Mazziotti said that he had written a draft regarding these bills and the Commission would probably be receiving a copy from Mr. Bonner. Mrs. Gustafson asked if the staff could not have one person to whom all homeowners could go regarding everything of concern. Mr. Mazziotti said that if they found someone that good they would be hired away by the private sector.

Mr. Bonner said that Don is responsible for what has been accomplished, and it is an accomplishment that can't be overrated. Mr. Wessinger and Mrs. Gustafson also said that they thought that it was a job well done.

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MINUTES

| | |
|---|---|
| Planning Commission..... | 10 April 1975..Approved |
| | 24 April 1975..Approved as amended |
| | 29 April 1975..Approved as amended |
| | 6 May 1975 ...Approved as amended |
| | 7 May 1975 ...Approved as amended |
| | 20 May 1975 ...Approved |
| Zoning Committee | 22 April 1975..Approved |

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COUNCIL ACTIONS

The Commission discussed Council actions regarding Planning Commission matters.

CU 43-75, Expansion of Convalescent home; NE 16th and Clackamas; Hollady Park Plaza, applicant

This case was deferred at the request of the applicant.

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DPR 40, Request for renewal of 37-space parking lot; SW 10th and Stark; Dussin Investment Company, applicant

Mr. Rose' left the room stating that he had a conflict of interest in this case.
Mr. Rodney O'Hiser gave the presentation.

| | |
|---|---|
| Planning Commission File: | DPR 40 |
| Applicant: | Dussin Investment Company |
| Location: | Northeast corner of the intersection of SW 10th Avenue and SW Stark Street |
| Legal Description: | Lots 7 and 8, Block 86 1/2 Portland Addition |
| Quarter Section | 3029 |
| Zone: | C1 |

Request: The applicant's request for approval of surface parking under the DPR procedure has not been approved by the Planning Director and as a courtesy to the applicant has been referred to the Planning Commission for consideration.

Applicant's Proposal: The Dussin Investment Company wishes to continue to operate for another one year period, a 37-space surface parking facility primarily for long-term parking rather than short-term parking previously specified by City Council on an approval of the first year's request.

Previous Actions: On April 29, 1974 the Planning Director, as provided by Ordinance 138412, denied a request by Mr. Dussin for a 37-space long-term parking facility. This action was appealed to the Planning Commission which also denied the request on June 4, 1974. The applicant appealed this denial to the City Council, which on July 17, 1974 granted a one year permit for a short-term facility. On April 22, 1975 the Bureau of Buildings by letter to Mr. Dussin noted that the operator's rental procedures allowing monthly and weekly parking was not in conformance with the Council order for short-term parking only, and that the rental of parking spaces must be limited to short-term basis without delay.

Code Considerations:

Pertinent portions of Section 33.50.135, of the Planning and Zoning Code relating to Downtown Plan Review are as follows:

(1) Approval shall be obtained prior to commencement of any phase of construction within the Downtown Review Area as follows:

B. Of the Planning Director for:

6. Temporary surface off-street parking and drive-in business facilities for a period not exceeding one year.

C. A request denied by the Planning Director shall be considered by the Planning Commission upon request of the applicant.

(3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with Council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.

Findings: Downtown Plan Goal Parking Policy Conformance

Circulation: The adopted Downtown Parking and Circulation Policy identifies SW Tenth Avenue and SW Stark Street as Major Traffic Access streets. The Stark Street entrance and exit to and from the facility is consistent with the circulation policy.

Parking: The adopted Parking Policy language which governs this proposed facility is covered under Section J Surface Parking lots p. 13 item 4 and 5, which require that a revocable permit for a surface parking facility may be allowed "only where it is demonstrated adequately that the use of the property for surface parking will contribute substantially to the goals of the Downtown Plan. Generally, these surface parking lots shall not exceed 20 spaces."

The basic objective of various documents, the Downtown Plan, Clean Air Program and Parking Policy has been to (1) Reduce reliance on the automobile for all-day employees and need for long-term parking by encouraging transit patronage, car pooling, etc. and (2) to encourage short-term parking in planned locations when needed to replace short-term facilities being removed from the center of downtown.

Conclusion

A 37-space parking facility located at SW 10th and Stark would relate satisfactorily to the various recent vehicular traffic circulation plans which have been suggested to date. However, such a facility would not be consistent with Item B of the Interim Parking Policy because: 1) a 37-space facility is substantially more than the specified generally 20 or less and 2) the parking at the proposed location would not be supportive of Downtown Plan Goals to develop an identifiable system of short-term parking to serve retail core facilities.

Steve Gilley, 900 S.W. 5th said that the continued success of the Pittock Building depends upon the ability to use this parking lot. The following spoke in favor of the proposal:

Cliff Alterman, Attorney, 1107 Commonwealth Building,
Representative Dussin, Investment Company
John Budinhaus, parking lot operator
Stan Goodell, 941 Pacific Building, Building Owners and Managers Association

Staff Recommendation: Denial of application for long-term parking lot.

Mrs. Gustafson said that the Planning Commission is bound to consider this case in relation to the Parking Policy.

Mr. Sheldon said that he was disappointed that there were so few findings. He said that it is the City's policy that there be a major parking facility at the west end of Downtown, therefore the number of parking spaces in the neighborhood would be important to know. He said that if there are a large number of spaces for long-term parking in the area and less demand for short-term parking facilities, and he wondered what effect this would have on the City's plans to build a large parking facility in the area.

Mrs. Roso moved that this applicant be given a two-year permit for a long-term parking lot.

Mr. Barnett seconded the motion.

Mr. Wessinger said that he was afraid that if the Commission let it go for two years, it would get lost in the shuffle. Mrs. Gustafson said that the motion would make the whole Parking Policy invalid. She said that if the motion passes the Commission ought to forget about encouraging short-term parking and just allow long-term parking. She stated that there is no reason to have a Parking Policy if we give long-term parking to everyone that asks for it.

ACTION: Ayes: Roso
Nays: Barnett, Gustafson, Sheldon, Wessinger
Motion failed.

Mrs. Roso said she based her motion on the fact that she feels that the findings are insufficient and the implementation of the Parking Policy is not spelled out.

ACTION: Mr. Wessinger moved approval of a one-year short-term parking permit with an added finding to the staff report to the effect that this change from short-term to long-term use would directly contradict the adopted Downtown Parking Policy Section M. 3 which is "to encourage a continuing and orderly conversion from long-term to short-term use of parking spaces in Downtown parking facilities..."

Mrs. Gustafson seconded the motion.

Ayes: Barnett, Gustafson, Wessinger

Nays: Roso, Sheldon

Motion carried unanimously.

Mr. Sheldon said that he voted nay because he felt that the motion was a direct contradiction to policy and since it was inconsistent he could not support it.

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Mr. Rose' returned to the meeting

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Rod O'Hiser presented the following staff report:

First Amendment to the Urban Renewal Plan, Downtown Waterfront Development Commission Proposal

The Portland Development Commission has recommended that the boundary of the Downtown Waterfront Urban Renewal Plan be amended to include

a waterfront area south of the Hawthorne Bridge. The proposed plan amendment specifies that the use of this added land shall be Public Open Space.

Under ORS 457 the Planning Commission is required to review proposed Urban Renewal Plan amendments and forward a recommendation to the City Council.

Findings

The proposed amendment is consistent with several land use policy decisions made for the area in recent years. The land use proposals of the document Planning Guidelines/Portland Downtown Plan, adopted by City Council December 28, 1973, would be implemented by the proposal. That policy document contained goals which stated:

> "The area included in the waterfront should be large enough to be flexible and usable, providing for the fullest range of activities."

and specifically recommended:

> "Extend acquisition of public land and development as far west, north and south as possible."

Further, Open Space Guidelines specified:

> "Develop the waterfront as a major public open space and recreation facility for the entire city."

The use provided in the amendment also fulfills earlier recommendations made by the Planning Commission in February, 1969 in the report Willamette Waterfront/South of Downtown Portland, which advocated purchase of various parcels in this locale under a combination of public programs, i.e. Willamette River Greenway, Urban Renewal, etc. for public and water oriented uses.

The August 13, 1973, Planning Commission and December 7, 1973, City Council DPR approval of the proposed Oregon International Center called for the provision of substantial public green space in this area.

Recommendation:

Approval of the First Amendment to the Downtown Waterfront Urban Renewal Plan as proposed. Galbreath, Portland Development Commission staff, said that the Planning Commission must state a finding as to approval of the proposed land use, Public Open Space as consistent with the "general plan" for Downtown Portland - Planning Guidelines/ Portland Downtown Plan. He said that this amendment would allow public

open space for the entire waterfront. He stated that the intent is to extend public control over all of the riverfront within the Downtown boundary. He said that the area will be purchased for the City of Portland with Willamette Greenway funds. He added that access was available and would not be over private property.

Mrs. Roso asked if they could not just buy other property.

Mr. Galbreath said that they have not been able to purchase other property. He said that they have met with PP & L, owners of property to the South, to seek options to buy their property, but PP & L will not enter into negotiations at this time.

ACTION: Mr. Wessinger moved to approve the proposed land use, Public Open Space, as consistent with the "general plan" for Downtown Portland - Planning Guidelines/Portland Downtown Plan - adopted by City Council, December 28, 1972, and to recommend City Council approval of the First Amendment to the Downtown Waterfront Urban Renewal Plan.

Mr. Rose' seconded the motion.

Ayes: Barnett, Rose'. Sheldon, Wessinger
Nays: Gustafson, Roso

Motion carried.

Mrs. Gustafson questioned the purchase of the land with Greenway funds as the City would not have control over the land, State could put in offices, stores, etc. as Greenway funds have regulations attached.

ACTION: Mr. Wessinger moved that the Planning Commission recommend that City Council file an application to the State Greenway Committee for funds for acquisition of the land.

Mr. Rose' seconded the motion.

Ayes: Barnett, Rose', Sheldon, Wessinger
Nays: None
Abstained: Gustafson, Roso

Motion carried.

Because of no further business, the meeting adjourned at 4:40 p.m.

Respectfully submitted,

Ernest R. Bonner

Ernest R. Bonner
Director

EB:pa

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

May 13, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:30 p.m. by Chairperson Gustafson. Present were members Minden, Roso, and Sheldon, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 30-75 Conditional Use to convert a single-family dwelling use to two-family dwelling use to be located on Lots 9 through 14, Block 34, Berkeley, was requested by Grant H. Wilson, Jr., deed-holder.

Grant Wilson, Jr., applicant, was present.

Frank White, 3661 SE Nehalem, was present in remonstrance.

John Stryker, 7530 SE 35th, was present to speak in remonstrance on behalf of the Eastmoreland Community.

Dianne Vanderbout, 3651 SE Nehalem, was present in remonstrance.

Jon Vanderbout, 3651 SE Nehalem, was present in remonstrance. He submitted a petition containing 60 signatures of area residents against the request.

Mrs. Wallace Nesbit, 3675 SE Crystal Springs Boulevard, was present in remonstrance.

Ludmilla Ellis, 3665 SE Crystal Springs Boulevard, was present to speak against the request.

Letters of approval were received from Larry A. Dalrymple, 3653 SE Tenino; and Gary L. Leighton, 7924 SE 35th Avenue.

Letters of remonstrance were received from Jon and Dianne Vanderbout, 3651 SE Nehalem; Leona and Frank White, 3661 SE Nehalem Street; Kenneth and Helen Anne Case, 7938 SE 35th Avenue; Fred and Mary Jo Dobler, 3622 SE Lexington Street; James Huffman, 8005 SE 36th Avenue; John and Ludmilla Ellis, 3665 SE Crystal Springs Boulevard; Tom and Linda Johnson, 7934 SE 36th Avenue; Paul and Carolyn Ginter, 3672 SE Nehalem Street; Mrs. C. J. Wilkinson, 8020 SE 36th Avenue; Peter J. Brix, 3520 SE Crystal Springs Boulevard; Margaret and Lester Luther, 3631 SE Lexington Street; Theodore and Delma Schaer, 3635 SE Nehalem Street; Howard and Laina Westcott, 3623 SE Nehalem Street; Joe and Leora Lomnicki, 3682 SE Nehalem Street; Hobart B. Smith, 3680 SE Crystal Springs Boulevard; Ralph and Marjory Hale, 7900 SE 35th Avenue; Harry F. and Elizabeth Gray Gelvin, 3630 SE Crystal Springs Boulevard;

Ronald and Martha Dawson, 7845 SE 36th Avenue; Gerald D. Sitton, 8034 SE 36th Avenue; Karl H. Martzloff, 3440 SE Crystal Springs Boulevard; Mrs. J. H. Fetz, 3623 SE Crystal Springs Boulevard; Flora Morris, 3629 SE Crystal Springs Boulevard; and Mrs. W. Wallace Nesbit, 3675 SE Crystal Springs Boulevard.

Southeast Uplift recommended approval of the request with the condition that a fire wall be constructed between the dwellings.

The Staff recommended denial of the request.

There was discussion regarding the nature of the structures prior to their being joined together. It was felt that the two houses at that time were similar to other houses in the area.

MOTION: Ms. Roso moved denial of the request in accordance with the Staff Recommendation. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Gustafson).

* * *

CU 31-75 Conditional Use for a day care center to be located on Lot 4, Block 2, Lincoln Park, was requested by Mary O'Hara, deedholder.

Mike Elmaker, attorney representing the applicant, was present.

Mary O'Hara, applicant, was also present.

There was discussion regarding the number of children allowed per teacher by State regulation.

A letter stating no objections was received from Robert R. Jones, 3841 SW Canby Street.

Letters of remonstrance were received from Elmer Weimer, 3934 NE Union Avenue; Henry Wunsch, 3933 NE 8th; and Mrs. Pearl McCauley, 3807 NE Grand Avenue.

The Staff recommended approval for a maximum of 10 children with the following conditions: (1) the applicant shall comply with all City Code requirements including fire and building codes; and (2) the applicant shall install fencing, gates and screening in compliance with Section 33.30.430(3) before operation may commence.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

AMENDMENT: Ms. Roso moved to amend the motion to include a condition (3) that there be no outside play before 9:00 a.m. Mr. Minden seconded the amendment.

ACTION: The motion as amended was passed unanimously (Minden, Roso, Gustafson).

* * *

CU 33-75 Conditional Use for dining room addition and exterior remodeling to be located on Tax Lots 49, 153 and 175, Section 6, T1S, R2E, was requested by Belmont Care Center, deedholder.

Jerry Erwin, proprietor of the Belmont Care Center, was present.

There was discussion regarding the Mansard roof proposed by the applicant.

A letter of approval was received from Charles L. Graham, Sr., 915 SE 50th Avenue.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of plans submitted and approval of a variance to increase the roof overhangs in the required front yards from 30 in. to 48 in. and approval of a variance to reduce the required 10 ft. wide north front yard to 5 ft.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Gustafson).

* * *

CU 36-75 Conditional Use for an addition to nursing home to be located on Lots 12, 13, 14, 15, east ½ of Lots 3 and 4, and south 30 ft. of Lot 5, Block 2, Kennedy's Addition, was requested by Olaf D. and Eva M. Jallo, deedholders; and Donald H. and Barbara Alder, contract purchasers.

John Reynolds, 701 Standard Plaza, attorney representing the applicant, was present. He submitted eight letters from people favoring the request. He also submitted a petition containing 26 signatures of people favoring the request.

Don Johnson, architect for the applicant, was present.

Barbara Alder, operator of the nursing home, was present.

Keith Hart, 5814 NE 36th, was present to speak in remonstrance.

Mrs. William Rochat, 5730 NE 36th, was present in remonstrance.

Sylvia Hart, 5814 NE 36th, was present to speak against the request.

Jeanette Skolfield, 5815 NE 37th, was present in remonstrance.

Letters of approval were received from Mary C. Jacobson, 5615 NE 36th Avenue; Mrs. R. Norgard, 3710 NE Simpson Street; Calvin R. Rogers, 1701 NE 141st Avenue; Bonnie Gold, R.N., Director of Nurses, Jallo's Nursing Home; Katherine Bucknum, 3920 NE Highland; Mrs. Edwin Wickberg, 6517 NE 23rd Avenue; Beatrice Anderson, 1705 N. Willamette Boulevard; Mrs. L. M. Boylen, 2014 NE 19th Avenue; Harold A. Iben, Chaplain, 2222 NE 132nd Avenue; Leona Roe, 5714 NE 37th Avenue; Ida M. Scott, 1820 NE 58th Avenue; Jack Naylor, M.D., 316 NE 28th Avenue; Sr. Mary C. McNichol, S.H.C.J., 4411 NE Emerson Street; Charles R. Simon, R. Phm., 545 NE 47th Avenue; and Marie C. Grant, 6036 N. Mississippi Avenue.

Letters of remonstrance were received from Mrs. Cecil Skolfield, 5815 NE 37th Avenue; and Robert R. Krueger, 5818 NE 37th Avenue.

The Staff recommended denial of the request.

There was discussion regarding the possibility of the applicant getting together with neighboring property owners to discuss possible solutions to problems created by the nursing home.

MOTION: Ms. Roso moved to defer the request for 30 days so that abutting owners can contact the applicants and their representatives to discuss possible alternatives for expansion and protection of surrounding neighbors. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Gustafson).

* * *

CU 38-75 Conditional Use for excavation, fill and establishment of Cathedral Park to be located on River Lots 3-10; also fractional Blocks 8, 9, 10, and 11; James John Addition to St. Johns (including vacated streets); was requested by City of Portland, Bureau of Parks, deedholder.

Ms. Roso declared a conflict of interest in this matter and therefore did not participate in the hearing on the request. Mr. Sheldon appeared at this time so that a quorum was maintained. Ms. Gustafson turned the chair over to him.

Dave Richen was present representing the applicant. He submitted a letter from senior citizens in the area favoring the proposal.

Ed Erickson, administrative assistant for the Bureau of Parks, was present.

Ms. McCoy, Chairperson of Cathedral Park Festival this year, was present.

The Staff recommended amendment to the St. Johns Plan for inclusion of the entire proposed park area to be changed from industrial to recreation use and elimination of arterial notation

adjacent to the Bridge west of N. Burlington Avenue; and approval of the Master Plan and Phase I with the following conditions: (1) the applicant shall work with the Landmarks Commission to ensure compatibility with their preservation efforts and with the Design Committee, especially pertaining to but not limited to the landscaping, riverbank enhancement, structural design and parking facilities; and (2) the applicant shall work with the City Traffic Engineer, City Engineer, especially street departments, sewer department and right-of-way section, the Water Bureau and other agencies which have an interest/jurisdiction in this area.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Gustafson seconded.

ACTION: Motion passed unanimously (Gustafson, Minden, Sheldon).

* * *

At this time Ms. Gustafson left the meeting and Ms. Roso returned.

* * *

CU 37-75 Conditional Use for a day care center to be located on Tax Lot 218, Section 18, T1S, R1E, was requested by Vermont Hills United Methodist Church, deedholder, and Westside School, applicant.

Mike Maley, 3020 SW Illinois, was present representing the applicant.

Edna Bryce, 6111 SW 55th Drive, was present in remonstrance.

There was discussion regarding the area in which children at the facility reside. Mr. Maley cited the exact boundaries of the area.

The Staff recommended approval with the condition that all City and State requirements are met.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

CU 40-75 Conditional Use for fill to be located on Tax Lot 65, Section 10, T1S, R1E, was requested by John Platt, deedholder; and La Bien, Oregon Ltd., contract purchaser.

Fred Bender, general partner of La Bien, was present. He stated that one of the reasons for the fill proposal is to avoid flooding which has been a problem in the past.

Al Lawson, Lawson Construction, was present representing the applicant.

Penny Allen, Corbett-Terwilliger-Lair Hill Planning Committee, was present. She suggested on behalf of the Planning Committee that a "D" zone be placed on the subject property in order that there might be some control over future development on the subject property.

Alan Fox, Staff Member of the Bureau of Planning working with the Corbett-Terwilliger-Lair Hill Planning Committee, was present.

A letter of approval was received from W. F. Courten on behalf of Macadam Investors Oreg., Ltd. 5331 SW Macadam #200.

The Staff recommended approval of the fill in accordance with the applicant's plans, limited to areas above the high water line (16.8 ft.) with the following conditions: (1) the applicant, by accepting this Conditional Use, shall not object to Planning Commission initiation of a D zone for this property and the applicant's adjacent holdings; (2) the applicant shall provide easement for pedestrians along the river from the south property line to the north property line and an easement for bicycles through the site; such easements shall conform to the design standards adopted for the subject property and adjacent holdings; and (3) the applicant shall comply with all city and state code requirements and the Lower Willamette River Management Plan.

MOTION: Ms. Roso moved approval of the Staff Recommendation. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

6429 Zone change from R20 to FF for Tax Lot 4 of Lots 13 to 17, Lots 19 and 20, Golf Acres and Plat 2, was requested by Charles A. and Jean E. Robinson, deedholders; and Charles (deceased) and Emma Schlesser, contract lifetime estate.

Mr. and Mrs. Robinson, 4817 SE Ankeny, applicants, were present to speak on their own behalf.

The Staff recommended approval of FF zoning.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

6432 Zone change from R20 to R10 for Tax Lot 94, Section 24, T1S, R2E, was requested by Milton Erickson, Lucille Erickson, and Sevin and Velma Ostrom, deedholders.

C. H. Van Hausen, Jr., was present representing the applicants.

Dave Utzinger, 7231 SE Sherman, was present to inquire about the proposal.

Southeast Uplift recommended denial of the zone change.

The Staff recommended denial.

MOTION: Ms. Roso moved approval of the zone change. Mr. Minden seconded.

There was discussion regarding the ramifications of zoning this property R10 and allowing its being partitioned into three lots. Mr. Sheldon felt that because of the size of the property and its relationship to Barbara Welch Road, a zone change to R10 would result in the creation of problematic lots which might require variances in the future.

Ms. Roso withdrew her motion.

MOTION: Mr. Minden moved denial of the request in accordance with the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

6435 Zone change from A1 to A0 for property located on NW Lovejoy between NW 23rd and 24th Avenues was requested by the deedholders, contract purchasers, and optional purchasers of the property (see Exhibit A for legal descriptions and names of owners/purchasers).

Lyle Banton, 2153 SW Main, was present representing the optional purchasers of Lot 18. He presented photographs showing existing development in the area.

Herb Hagen, 3201 NE Broadway, applicant, was present.

There was discussion regarding how many employees would be present in the office proposed for Lot 18. Mr. Banton stated that there would be five full-time employees and some part-time help.

Dick McGarrity, 2427 NW Marshall Street, was present to speak in remonstrance to the request. He stated that the Northwest District Association is opposed to the zone change.

P.C. File: 6435

Committee Meeting: May 13, 1975

| Applicants: | Legal Description: |
|---|---|
| Anna Drougas, deedholder | Lots 6 and 7, Block 1, Goldsmith Addition |
| Vera G. Barr, deedholder | Lot 10, Block 1, Goldsmith Addition |
| Tom R. and Mildred E. Regdon, deedholders | Lot 11, Block 1, Goldsmith Addition |
| Sylvia Jackson, contract purchaser | Lot 11, Block 1, Goldsmith Addition |
| Amelia Kumek, deedholder | Lot 14, Block 1, Goldsmith Addition |
| Neil McNebb, deedholder | Lot 15, Block 1, Goldsmith Addition |
| Ada May and Percy J. Bolstad, deedholders | Lot 18, Block 1, Goldsmith Addition |
| Herbert Hagen, contract purchaser | Lot 18, Block 1, Goldsmith Addition |
| Fredrick R. Cornilles and Lyle W. Banton, optional purchasers | Lot 18, Block 1, Goldsmith Addition |

Zone Change Request: A1 to A0

Location: NW Lovejoy between NW 23rd and NW 24th Avenues

Petition Percentage: 69.6%

Quarter Section: 2927

Applicant's Proposal: To maintain residential use except for the conversion of Lot 18 to office use. The proposed office use would require a conditional use in the proposed A0 zone.

SV:NW:st

The Staff made two recommendations: (1) denial of the request; or (2) deferral of the request until Council makes a decision on the proposed Northwest Plan.

Mr. Sheldon stated that he would be opposed to granting a zone change because there is already existing A0 zoned property in the area which has not been developed with A0 uses.

MOTION: Ms. Roso moved denial of the request in accordance with the Staff Recommendation. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

6439 Zone change from A2.5 to M3 for Lots 3 and 4, 9 and 10, Block 2, Evanston, was requested by Manifold Business and Investments, Inc.; Alice Wilkenson, Charles and Florence Ruckles, deedholders; Society of St. Vincent de Paul, optional purchasers.

Charles Royer, Secretary of St. Vincent de Paul Society, was present.

Ralph Daylen was present representing the applicant.

Dave Utzinger, 7231 SE Sherman, was present. He suggested alternative zoning such as a "P" zone. It was determined, however, that a "P" zone would not allow the applicant's proposed use in that it would not allow overnight parking of trucks.

There was discussion regarding the possibility of changing the zone to M3B rather than M3 in order to eliminate any possibility of access from the property to SE 27th Avenue.

Southeast Uplift deferred their recommendation due to insufficient information regarding the proposal.

The Staff recommended approval on the condition that there be no vehicular access to or from SE 27th Avenue to Lots 1, 2, 3, or 4, and that there be a screened fence adjacent to the front property lines of the subject property along SE 27th Avenue.

MOTION: Mr. Minden moved approval of M3B with a variance to reduce the required front yard west from 15 ft. to 1 ft. and with the condition that the staff of the Design Committee approve landscaping along the fence on SE 27th. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

6433R Revocable permit for storage of inoperable vehicles to be located on Lot 8, except the east 10 ft., all of Lots 9, 10, 11 and 12, Block 3, Bernhardt Park, was requested by Norlinn Inc., by Ken Garrison, lessee.

Ken Garrison, applicant, was present. He submitted a petition signed by 88 people supporting the request.

Augusta Richter, 9703 SE Harold, was present to speak in favor of the request.

There was discussion regarding the newly created need for this particular use.

Southeast Uplift recommended approval of the request.

The Staff recommended denial.

MOTION: Ms. Roso moved approval of the request except for that portion of the property which contains the house. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

V 5-75 Vacation of Block 75, Albina, dedicated for street purposes in 1950 and a portion of N. Hassan Avenue in order to allow enlargement of existing industrial building was petitioned for by Eagle Metal Co. Employees Profit-sharing Fund.

Ken Story, 2035 SW 58th, was present representing the petitioner.

The Staff recommended approval of the request.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

V 8-74 Reconsideration Vacation of a portion of SW Bancroft Terrace, west of SW 6th Avenue, in order to enlarge residential yard area, was petitioned for by John A. Richardson.

This matter was considered by the Zoning Committee on December 10, 1974, and action was deferred until a recommendation could be available from the Homestead Neighborhood Association or 90 days, whichever came first.

The request was scheduled for March 11, 1975, but again was deferred at the request of Mr. Chamberlain, Chairperson of the Homestead

Neighborhood Association, because he had been unable to meet with the applicant.

The Staff again tentatively set April 22, 1975 for the date of reconsideration; however, the neighborhood association requested deferral because Mr. Chamberlain was on vacation.

John Richardson, 4255 SW Bancroft Terrace, petitioner, was present.

Mr. Chamberlain, Homestead Neighborhood Association, was present.

A letter received from Mr. Chamberlain was read into the record. The Association recommended that a 30 ft. buffer area be placed on the north side of the petitioner's property.

The Staff recommended approval provided the owners agree in writing that any future construction on their ownership in Lot 2, Block 19, Portland Homestead, is completed in compliance with the requirements of Chapter 70 of the Uniform Building Code.

MOTION: Ms. Roso moved approval of the Staff Recommendation. Mr. Minden seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

V 8-75 Vacation of SW Lee Street between the east line of Eckmann Addition and the east line of the subdivision of Brookford in order to allow additional yard area between private property and City Park and to close streets to prevent vehicles from entering park was requested by the Parks Bureau.

The Staff recommended approval of the portions of SW Lee Street as shown on Map 3 "Recommended Development" (Exhibit B) provided three cul-de-sacs are constructed as shown also on Map 3.

MOTION: Mr. Minden moved approval of the Staff Recommendation. Ms. Roso seconded.

ACTION: Motion passed unanimously (Minden, Roso, Sheldon).

* * *

The meeting was adjourned by Chairperson Sheldon at 9:15 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

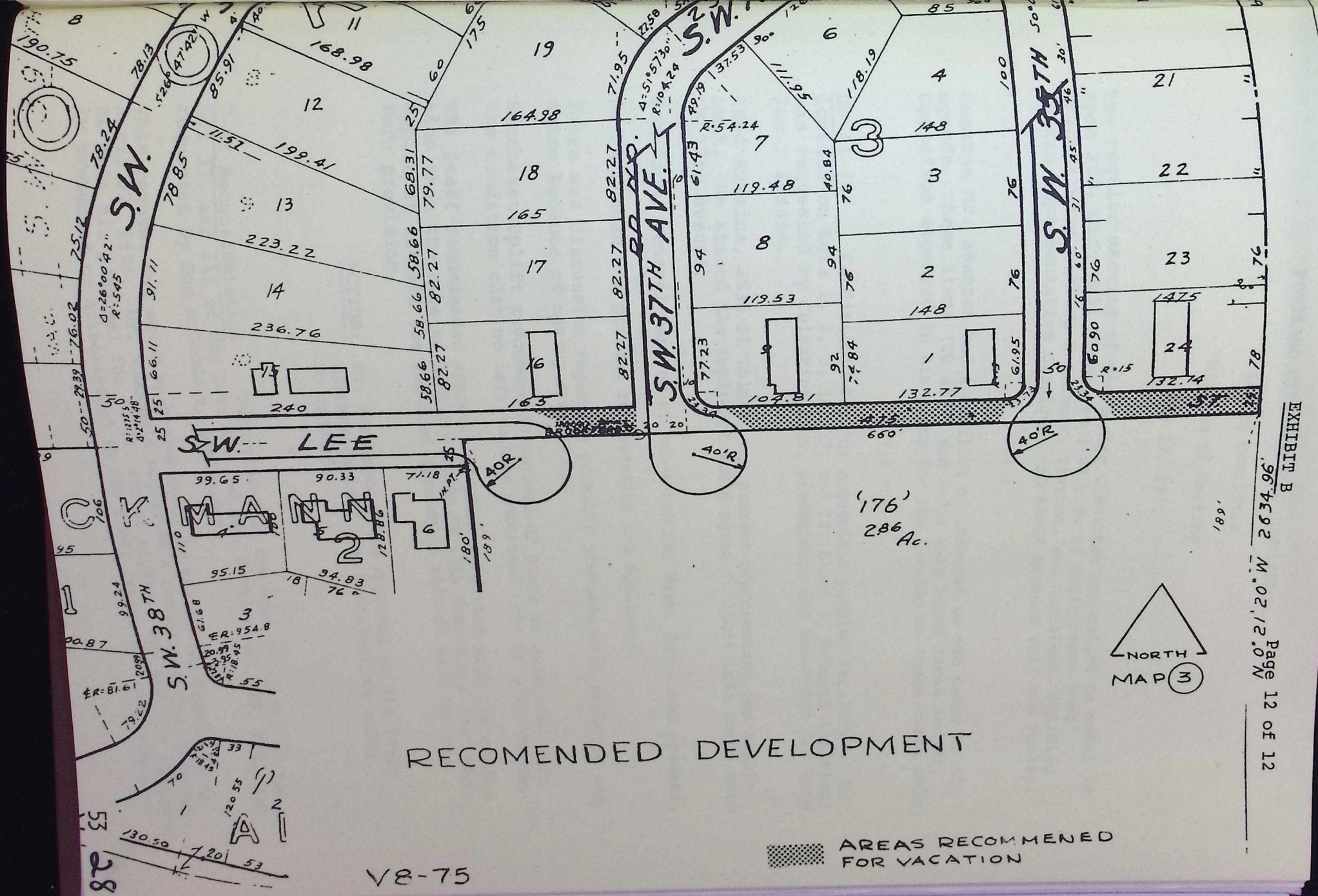


EXHIBIT B

Page 12 of 12

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PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

May 27, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:05 p.m. by Chairperson Rose'. Present were members Wessinger, Shannon, and Gustafson, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

Because Mr. Shannon had a conflict of interest on two cases on the agenda, these items (CU 41-75 and 7-75) were heard first and Ms. Gustafson appeared in his place for the hearing on these cases only.

* * *

CU 41-75 Conditional Use for a gasoline pumping facility to be located on Lots 1, 2, 3, 16, 17, and 18, Block 8, Holgate Addition, was requested by Celestine Shaw, deedholder, and Rub-A-Dub Car Wash, Inc., lessee.

Fred Russina, 2835 SE Tolman, was present representing the applicant. He stated the applicant would agree to limit left turns onto SE 17th Avenue.

Rex Nicu, general manager of Rub-A-Dub Car Wash, Inc., was present.

David Duncan was present representing the applicant.

There was discussion regarding possible problems with lighting and noise because of nearby apartments.

Southeast Uplift recommended approval of plans as submitted with the condition that no left turn be permitted onto SE 17th Avenue.

The Staff recommended approval of plans submitted with the condition that there be no left turn onto SE 17th Avenue and that the applicant install the required signing to enforce said no left turn provision.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Ms. Gustafson seconded. So ordered.

* * *

7-75 Reconsideration Subdivision of the west 425.7 ft. of Tax Lot 37, and all of Tax Lots 132 and 248, Section 18, T1S, R1E, was requested by Dan McGoodwin, deedholder.

This request was acted upon previously by the Zoning Committee on April 22, 1975. Mr. McGoodwin requested a reconsideration because he felt his proposal for 40 ft. street right-of-way was not adequately presented or acknowledged in the staff report and presentation.

Dan McGoodwin, applicant, was present. He presented four proposals for Planning Commission action in writing (see Exhibit A).

Mr. Vail stated that many of the points Mr. McGoodwin raised should be addressed by the Planning Commission in its consideration of the proposed subdivision code which will be coming before them some time this summer.

Mrs. Washburn, 4550 SW Cameron Road, stated that neighbors are concerned that access not be allowed through the site to the west. She also felt that it is not appropriate to require curbs and sidewalks for this subdivision because the rest of the area does not have curbs and sidewalks.

There was discussion regarding the possibility of requiring access to the west for emergency purposes and whether or not such access would be to a street which abutting property owners would allow to be improved.

The Staff recommended the following: (1) that the proposal be redesigned by the applicant to include a street terminating in a cul-de-sac and with all lots meeting R7 zone requirements; (2) that emergency access be provided to satisfy the requirements of the Fire Bureau; (3) that a 40 ft. wide right-of-way be approved for the street and a 40 ft. radius for the cul-de-sac cited in No. 1 above; (4) any street improvements including but not limited to pavement width and sidewalks shall be left to the judgment of the City Engineer; and (5) that all utility lines be placed underground, including lines to street lights.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Ms. Gustafson seconded. So ordered.

* * *

At this time Mr. Shannon returned to the meeting, and Ms. Gustafson left.

* * *

CU 39-75 Conditional Use for a day care center (pre-school) to be located on Lots 4 and 5, Block 24, Wilshire, was requested by Bethany Lutheran Congregation, deedholder; and Anne Clark, renter.

Anne Clark, applicant, 3221 NE Schuyler, was present.

A letter of approval was received from Hans and Caroline Schnoor, 4426 NE 37th Avenue.

Letters of remonstrance were received from C. R. Williams, 615 SE Market Street; and Mr. and Mrs. Robert Elquist, 4414 NE 37th Avenue.

Requested Planning Commission Action

1. That the 20 or 21 lot subdivision design with 10'wide walkway dedication and 40' wide street dedication be approved.

2. That provision of the "standard" 28' street pavement with standard curb and/or sidewalk not be a condition of such approval.

3. That the Planning Commission consult with (recommend ? request ?) City Engineer in order to determine and approve a satisfactory drainage system to minimize storm water run-off and postpone any requirement to provide storm sewers with 28' wide paved roadways between curbs and sidewalks until such time as (1) a storm sewer trunk system for the Fanno Creek Drainage has been designed and installed, and (2) an opinion about such mode of neighborhood re-development is expressed by the presently forming neighborhood association.

4. That (1) there be a 30' street dedication eastward from lot 13 Block #1 for a 2 lane paved road access to SW 45th Avenue, the road to be posted "no parking", and that (2) an alley be dedicated westward from the cul-de-sac road for a paved emergency road access to either SW Flower Court or to SW Pendleton Street, posted "no parking", and satisfactory to the Fire Marshall's office.

There was discussion regarding ownership of the house to the north of the subject property. Ms. Clark stated that the house is used by the church as the pastor's residence.

The Staff recommended approval of a pre-school for 2½ hours a day, 5 days a week for 25 children with the following conditions: (1) the applicant shall comply with all City and State requirements pertaining to this type of facility; and (2) the Church shall screen their north property line as required by the Planning and Zoning Code.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 43-75 Conditional Use for a nursing home to be located on all of Block 178, Holladay's Addition, was requested by Lloyd Corporation, deedholder, and Holladay Park Plaza, lessee.

This request was heard out of order at the request of the applicants.

Franz Drinker, 4165 NE Alameda, was present representing the applicant.

Ernest Vetter was present representing the applicant.

There was discussion regarding using the next floor up in the building or constructing the addition to the west over the dining room. Mr. Drinker stated that using the third floor would not be feasible because the units on the upper floors belong to the tenants. Construction over the dining room would not be structurally feasible.

A letter of approval was received from T. Marsh and Doris E. Davis, 1831 NE Multnomah Street. Twenty-six letters of approval were received from tenants of Holladay Park Plaza.

The Staff recommended denial of the request.

After discussion it became evident that any motion either to approve or deny this request would result in a split vote.

ACTION: Mr. Shannon moved to refer this matter to the full Planning Commission. Mr. Wessinger seconded. So ordered.

* * *

CU 42-75 Conditional Use for unit ownership to be located on SE 76th Avenue, south of Division, was requested by Elana N. Burge,

Administratrix of the estate of Mamie Grace Burk, deedholder; Charles B. Harris III and Sam E. Allen, optional purchasers.

Sam Allen, 738 SW Maplecrest Drive, applicant, was present. He stated that he had received a letter from the Bureau of Buildings stating that the garage on the subject property would have to be torn down. He stated that in the very near future the house on the site would also have to be razed.

A letter against multiple dwellings was received from Mirna C. Mansfield, 3909 4th Plane Blvd., Sp. 69, Vancouver, Washington.

Southeast Uplift recommended approval with the condition that plans be approved by the Fire Marshall.

The Staff recommended approval of the request with conditions as listed on the attached page (Exhibit B).

MOTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded.

MOTION: Mr. Shannon moved to delete condition #10 from the motion. Mr. Wessinger seconded the amendment to his motion.

ACTION: Motion as amended carried unanimously.

* * *

6438 Zone change from R5 to A2.5 for the south 8.5 ft. of Lot 17, all of Lot 18, and the north 16.5 ft. of Lot 19, Block 15, Mt. Tabor Villa Annex, was requested by Richard and Dorothy Chase, deedholders.

Alex Gallegas was present representing the applicant.

There was discussion regarding the previous Council decision on a variance request for this and an adjacent parcel.

Southeast Uplift recommended approval with the condition that off-street parking be located parallel to the street in order to provide optimal space for landscaping.

The Staff recommended denial of the request.

ACTION: Mr. Wessinger moved denial of the request in accordance with the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

6420 Zone change from R5 to R5P for Lots B, 1 and 2, Gordon Place, was requested by Rolland and Colleen Hanson, deedholders.

1. The Design Committee shall review and approve preliminary and final development plans of the entire site.

2. Any Homeowners Declaration and Homeowners Association Bylaws shall be submitted to the City Attorney for approval.

3. Any condominium plot of the property shall be reviewed and approved by the Planning Commission and others as required by law prior to recording in the County deed records.

4. Any townhouse plat shall be reviewed and approved by the Planning Commission and others as required by law prior to recording in the County deed records.

5. The applicant shall develop the property with underground wiring and utilities which shall comply with City of Portland codes and standards.

6. The applicant shall provide water service and fire hydrants and water pressure as required by the Water Bureau and Fire Marshal.

7. Private roadways shall not be constructed without prior approval of the City Engineer, City Traffic Engineer, and City Fire Marshal.

8. Private roadways shall be constructed to the load-bearing capacity of the largest of public services and safety vehicles, and the applicant shall agree that the City shall be held blameless for any damage done to the roadway or to any adjacent structures resulting from a failure to construct the private roadway with an adequate load-bearing capacity, including private roadway around existing residences.

9. The applicants shall work with and have the approval of the Traffic Engineer, Traffic Safety Division, Fire Marshal and Planning Commission to secure the safest possible access in and out of the project before any development commences.

10. The applicant shall employ a registered architect or registered engineer to design this development.

This request was heard on March 25, 1975, and was deferred in order to allow the applicant an opportunity to work with the Staff to draw up revised plans which would create two parcels of land: one parcel containing the required 5,000 sq. ft. of lot area for the existing dwelling, and one parcel that would be used for parking and access to the applicant's store and tavern.

Mr. Hanson, applicant, was present.

The Staff recommended approval of R5P for the west half of Lots B, 1 and 2, Gordon Place, with the condition that the Staff of the Planning Commission approve fencing and landscaping of both the east and west ½ of the subject lots.

Mr. Wessinger declared a conflict of interest and stated he could not vote on this request.

Mr. Shannon stated that because he had not participated in the previous hearing on the request, he felt that he should not vote on it at this time.

Mr. Rose' stated that he is in favor of the Staff Recommendation and directed the Staff to take a poll of those members who attended the previous hearing on the matter to obtain their votes on approval of the Staff Recommendation.

(Note: Subsequent to the hearing, Mr. Sheldon and Mr. Minden were polled as to whether or not they would approve the Staff Recommendation, and they stated that they would. Therefore the request is approved according to the Staff Recommendation.)

* * *

6441R Revocable permit for a day care center (pre-school) to be located at 116 NE Schuyler Street, was requested by Mt. Olivet Baptist Church, deedholder, and Northeast Cooperative Pre-school, applicant.

Doug Blair, 2144 NE 18th, parent of one of the children in the Pre-school, was present. He stated that the pre-school has been operating for two years, but has been forced to find a new location because of rising rent costs. He stated that the pre-school has agreed with the Church to construct a fence on NE 2nd Avenue and between the two houses on the site.

The Staff recommended approval of a day care center for a maximum of 12 children with the condition that an outdoor play area be provided and thereafter maintained with a minimum area of 100 sq. ft. per child of total enrollment capacity of the school. Screening shall be provided separating such play area from abutting lots.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

V 9-75 Vacation of a portion of SE 48th Avenue, south of SE Powell Boulevard, was requested by East Side Van and Storage Co. in order to allow orderly development.

There was discussion regarding the recently-approved zone change for the petitioner's abutting property.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of the request for the vacation of the southerly portion of SE 48th Avenue. The Staff further recommended that the remaining north 90 ft. of SE 48th Avenue also be vacated.

ACTION: Mr. Wessinger moved approval of the Staff Recommendations. Mr. Shannon seconded. So ordered.

* * *

V 10-75 Vacation of a portion of SE Firenze Lane between SE 75th Avenue and SE 77th Avenue was requested by Edward J. Hutchinson in order to interrupt the "circular" traffic pattern around Block 1, Loomis Park, thus preventing its use as a street race track.

Mr. Hutchinson was present.

There was discussion regarding the uniqueness of the subdivision in which Mr. Hutchinson's property is located.

Southeast Uplift recommended approval of the request.

The Staff recommended approval of the vacation.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 26-75 Amendment Amendment of conditional use for off-street parking to be located on Tax Lot 1, Block 4, Sunnyside Plat 2 and 3, was requested by Sisters of Mercy of Oregon, deedholders, in order to delete condition #1 and to allow a 49-space parking lot.

The Staff recommended approval of an amendment to reduce the number of parking spaces from 54 to 49 and to delete condition #1 which requires DEQ approval.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Rose' at 4:30 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

June 10, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:05 p.m. by Chairperson Sheldon. Present were members Barnett, Gustafson, and Minden, Building Bureau Representative Dunnigan, and Staff Members Weisser, Hampton, and Tucker.

* * *

Mr. Barnett arrived during the hearing on the first matter (CU 36-75 Reconsideration) and therefore did not vote on this item.

* * *

CU 36-75 Reconsideration Conditional Use for an addition to nursing home to be located on Lots 12, 13, 14, 15, east ½ of Lots 3 and 4, and south 30 ft. of Lot 5, Block 2, Kennedy's Addition, was requested by Olaf D. and Eva M. Jallo, deedholders; and Donald H. and Barbara Adler, contract purchasers.

This request was originally heard on May 13, 1975, and was deferred for 30 days so that the abutting owners could contact the applicants and their representatives to discuss possible alternatives for expansion and protection of the surrounding neighborhood.

Don Johnson, architect representing the applicant, was present. He stated that the two new beds originally proposed for the expansion had been deleted from the plan.

Mr. Adler, applicant, was present.

Barbara Adler, applicant, was also present.

There was discussion regarding whether or not the facility presently meets the conditions set by the original Conditional Use approval for the building in 1955. There was also discussion about how the applicant's proposal complies with new State regulations for nursing homes.

Keith Hart, 5814 NE 36th, was present to speak in remonstrance. He stated that although this particular expansion would not affect his property, he fears that future expansions will.

Sylvia Hart, 5814 NE 36th, was present in remonstrance.

Mrs. Skolfield, 5815 NE 37th, was present to speak against the request.

There was discussion regarding the possibility of installing air conditioning so that the windows of the facility could remain closed and noise problems could be reduced.

The Staff recommended denial of the request.

ACTION: Ms. Gustafson moved denial of the request in accordance with the Staff Recommendation. Mr. Minden seconded. So ordered.

The Zoning Committee felt that the proposed expansion would create an institutional facade which would adversely impact the neighborhood.

* * *

6434R Revocable permit for a centralized institutional kitchen to be located on Lot 28, Block 2, Woodlawn, was requested by Carol H. Ingersoll, deedholder, dba Ingersoll Foundation.

Carol Ingersoll, applicant, was present. She described her present program and stated that the proposal is for a kitchen facility only. Food prepared on the premises would be distributed to the separate homes of the Ingersoll Foundation. She stated that the kitchen would serve approximately 25 to 30 people.

There was discussion regarding the applicant's original application for a centralized institutional kitchen on Lot 37, Block 1, Woodlawn. There was also discussion regarding the status of the Ingersoll Foundation in relation to the residential care facility procedure.

Mrs. Lily Mae Jordan, 1018 NE Madrona, was present to speak in remonstrance to the request. She felt that the applicant's use of 9 houses in the area for the Ingersoll Foundation was excessive.

Mrs. Ingersoll stated that she began acquiring homes in this neighborhood about two years ago.

Corinne Seitz, 7030 NE 8th, was present. She stated she would have no objection to the proposal.

A letter of approval was received from Charlotte A. Duncan, Field Representative, Multnomah Clackamas Associations for Retarded Citizens, 718 W. Burnside.

Woodlawn Neighborhood Association recommended approval of the revocable permit.

The Staff recommended deferral for 30/60 days in order to renotify the neighborhood of the revised plan and location and to allow the applicant sufficient time to answer any Residential Care Facility or Planning Commission inquiries.

MOTION: Ms. Gustafson moved approval of a revocable permit for one year. Mr. Barnett seconded.

MOTION: Ms. Gustafson moved to amend the motion so that the revocable permit would be for either one year or until such time as the residential care facility proposal comes before the Planning Commission, at which time the kitchen will be considered as a part of the residential care facility. Mr. Minden seconded the amendment.

ACTION: Motion as amended carried unanimously.

The Zoning Committee stated that this approval does not imply any approval by the Planning Commission of the use of the houses for residential care facilities.

* * *

6442 Zone change from M2S to M2SD for Tax Lots 4, 9, 70, 71, and 77, Section 15, T1S, R1E; and Tax Lots 13, 14, 15, 17, and 65, Section 10, T1S, R1E, was initiated by the City Planning Commission.

This zone change was initiated as a result of the Planning Commission's action on a fill request for La Bien Company (P.C. File CU 40-75) and is consistent with a previously established policy of "D" zoning along the waterfront begun by the establishment of "D" zoning for the John's Landing complex.

Fred Bender, owner of La Bien, was present and requested that the matter be continued until the Corbett-Terwilliger-Lair Hill Planning Committee can meet again to discuss design criteria for the proposed "D" zone.

Dale Myers, chairperson of the Corbett-Terwilliger-Lair Hill Planning Committee, was present. He also requested a continuance.

ACTION: Mr. Minden moved to defer this request for 30 days. Ms. Gustafson seconded. So ordered.

* * *

V 11-75 Vacation of a portion of the alley in Block 16, Portsmouth, was requested by Douglas Penner in order to provide additional yard area and to prevent nuisance traffic from using unimproved alley.

Janet and Douglas Penner, petitioners, were present.

There was discussion regarding use of the alley system in this block by other property owners who might be affected by the vacation.

The Staff recommended approval of the vacation.

ACTION: Ms. Gustafson moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

V 12-75 Vacation of certain streets under and near the St. Johns Bridge was requested by Council resolution on behalf of the Parks Bureau for further development of City Cathedral Park.

There was discussion regarding the Planning Commission's previous action approving excavation and fill and the establishment of Cathedral Park.

The Staff recommended approval of the vacations as requested.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Barnett seconded. So ordered.

* * *

D 13-75 Dedication of street area for the widening of SE 152nd Avenue, north of SE Barbara Welch Road was requested by the City Engineer, Right-of-way Division for construction of a sewer therein.

The Staff recommended approval of the dedication.

ACTION: Ms. Gustafson moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Sheldon at 3:30 p.m.

Respectfully submitted,

Ken Hampton

Ken Hampton
Chief Planner
Land Use Controls

KH:st

# COUNCIL ACTIONS

| DATE | ITEM | DISPOSITION |
|---|---|---|
| 5/28/75 | 1493. Transmitting request of the Southeast Uplift Advisory Board for public hearing regarding Kaiser Clinic located at 7705 S.E. Division Street, along with a petition from southeast area residents requesting repeal of Ordinance No. 117165; recommending that Council hold a hearing to discuss alternatives to deal with these requests. | To be heard by Hearings Officer |
| | 1550. Vacating the southerly 12 feet of N.W. 110th Avenue west of N.W. Front Avenue under certain conditions. (C-8861) (1419) | Passed Ordinance 140005 |
| | 1554. Report of the City Planning Commission initiating a zone change from County F2 and City M1 to FF and report on revocable permit request of the City Engineer to expand the St. Johns Sanitary Landfill on Tax Lots 3, 5 and 6, Section 31, T2N, R1E, and Tax Lots 2 and 30, Section 36, T3N, R1W, located in the Bybee Lake area. Approval of 5-year revocable permit for the landfill, with conditions, and approval of zone change, recommended. (PC 6437R and 6390) | Continued 1 week |
| 6/4/75 | 1571. Report of the City Planning Commission initiating a zone change from County F2 and City M1 to FF and report on revocable permit request of the City Engineer to expand the St. Johns Sanitary Landfill on Tax Lots 3, 5 and 6. Section 31, T2N, R1E, and Tax Lots 2 and 30, Section 36, T3N, R1W, located in the Bybee Lake area. Approval of 5-year revocable permit for the landfill, with conditions, and approval of zone change, recommended. (PC 6437R and 6390) (1554) | Continued |
| | 1613. Report of the City Planning Commission on the petition of the Estate of Ruth Hunter, deedholder, and Hans Hoeck, purchaser, to change from Zone R5 to A2.5, Lot 9, Block 3, P. J. Martin Tract, located at 1513 S.E. Yukon Street. Denial recommended. (PC 6422) (1135) | Revocable permit granted; Planning Commission report filed |
| | 1614. An Ordinance amending Title 33 of the Planning and Zoning Code, to provide for Historical Districts, providing definitions, regulations and procedures and other changes herein delineated. (Read twice) (1340) | Passed |
| | 1615. Hearing on Portland Historical Landmarks Commission proposal for historic designation of two Downtown Districts (Skidmore/Old Town and Yamhill Historic Districts). (1341) | Cont. to effective date of the above--7/9/75 |
| | 1616. Report of the City Planning Commission on petition of Ernest Jim and Zona A. Perry to change from Zone A2.5 to C2, Lot 6, Block 21, North Albina, located at 5903 N. Maryland Avenue. Approval with condition recommended. (PC 6421) | Adopted Planning Commission report |
| | 1617. Report of the City Planning Commission on the petition of the Estate of Lydia Gwinner, deedholder; and Joesph E. Weston, optional purchaser, for a change of zone from R5 and A2.5 to A1, Tax Lot 107, Section 5, T1S, R2E, located on the northeast corner of S.E. 75th Avenue and S.E. Division Street. Approval with condition recommended. (PC 6436) | Adopted Planning Commission report |

| DATE | ITEM | DISPOSITION |
|---|---|---|
| 6/4/75 (cont.) | 1618. Report of the City Planning Commission on petition of James E. and Donna M. Fitchett, George K. and Betty Van Horn, Milton E. and Connie B. Taylor, deedholders, to change from Zone R10L and R20L to FFL, Tax Lot 1 and 2 of Lot 13, Tax Lot 5 of Lot 14, Golf Acres and Plat 2, Lots 1 and 2, Block 3, Meadows Addition and that portion of Tax Lot 12, Section 2, T1N, R1E zoned R10L; and Planning Commission initiation of a change from Zone R10L to FFL for that portion of Tax Lot 4 of Lots 13-19, Golf Acres and Plat 2 zoned R10L, Tax Lot 1 of Lot 38 and Tax Lot 2 of Lots 37 and 38, Golf Acres and Plat 2, located at N.E. 13th Avenue and N.E. Gertz Road. Denial of FFL for Lots 1 and 2, Block 3, Meadow Addition; approval for balance, recommended. (PC 6417) | Adopted Planning Commission report |
| | 1619. Report of the City Planning Commission on the petition of Glenn R. Zimmerman, Trustee, Dwight B. Zimmerman and Marjorie Zimmerman, Jane S. Meyers, deedholders; Elroy Prosch, contract purchaser, to change from Zone R7 to A1, Tax Lots 1 and 2 of Lot 1, Lots 2 and 3, Block 1, Onaway; and Tax Lot 194, Section 17, T1S, R1E, located on the southerly side of S.W. Beaverton-Hillsdale Highway near S.W. 35th Avenue. Denial of A1 but approval of A2.5 with conditions recommended. (PC 6383) | Adopted Planning Commission report with conditions |
| 6/11/75 | 1680. Report of the City Planning Commission on the petition of Contemporary Crafts Association, deedholder, for a revocable permit to enlarge nonconforming use building on Lots 5 through 8, Block 178, South Portland Real Estate Association Addition to Caruthers, and the north ½ of vacated S.W. Thomas Street, located at 3934 S.W. Corbett Avenue, in Zone A0S. Approval of expansion with no parking and with condition recommended. (PC 6430R) | Adopted Planning Commission report |
| | 1681. Report of the City Planning Commission on the appeal of Erling E. Jacobsen and others against granting the Variance request of J. Carl and Margaret J. Lenchitsky, deedholders, to reduce the minimum lot area from the required 7,000 sq. ft. to 6,951 sq. ft. and to reduce the minimum lot depth from the required 90 feet to 70 feet on Tax Lot 1 of Lot 7, Block 7, Healy Heights, located south of 4409 S.W. Carl Place, in Zone R7. Approval with conditions reaffirmed. (PC VZ 70-75) | Referred to Variance Committee for reconsideration |
| | 1682. Report of the City Planning Commission on the appeal of Louis O. D'Amico and Robert D. Geddes against granting the Variance request of Elfreda S. Gross, deedholder, and Lee and Miriam Zumwalt, contract purchasers, to reduce the minimum lot area from the required 5,000 sq. ft. to 4,920 sq. ft. and to reduce the setback for a garage from the required 22 ft. to 5 ft., on Lot 10, Block 24, Arlington Heights, located on the northwesterly side of S.W. Rutland Terrace east of S.W. Chaplain Drive, in Zone R7. Approval with condition reaffirmed. (PC VZ 71-75) | Adopted Variance Committee report |
| | 1683. Report of the City Planning Commission on the appeal of S & S Properties, deedholder, and Carl E. Royer, contract purchaser, against denial of Variance request to reduce the minimum lot area from the required 10,000 sq. ft. to 8,046.25 sq. ft. and to reduce the minimum lot width from the required 70 feet to 64.37 feet on the south 64.37 feet of the westerly 155 feet of the south half of Lots 1 and 2, Block 1, Engelwood Park, except the part in the street, located on the east side of N.E. 45th Avenue between N.E. Holman and Ainsworth Streets, in Zone R10. Denial reaffirmed. (PC VZ 69-75) | Continued 1 week |
| | 1684. Report of the City Planning Commission on the appeal of Peter and Helle Nathan, deedholders, against denial of a Variance request to reduce the rear yard, north, from the required 10 feet to 0 feet, on Tax Lot 93, Section 7, T1S, R1E, located at 5171 S.W. Hewett Boulevard, in Zone R20. Denial reaffirmed. (PC VZ 72-75) | Continued to June 25 |

STAFF REPORT

P.C. File: CU 43-75

Committee Meeting: May 27, 1975

Applicant: Lloyd Corporation, deedholder; Holladay Park Plaza, lessee

Conditional Use Request: Nursing home

Location: 1300 NE 16th Avenue between NE Clackamas and NE Wasco

Legal Description: All of Block 178, Holladay's Addition

Zone: A0 and A0P Quarter Section: 2932

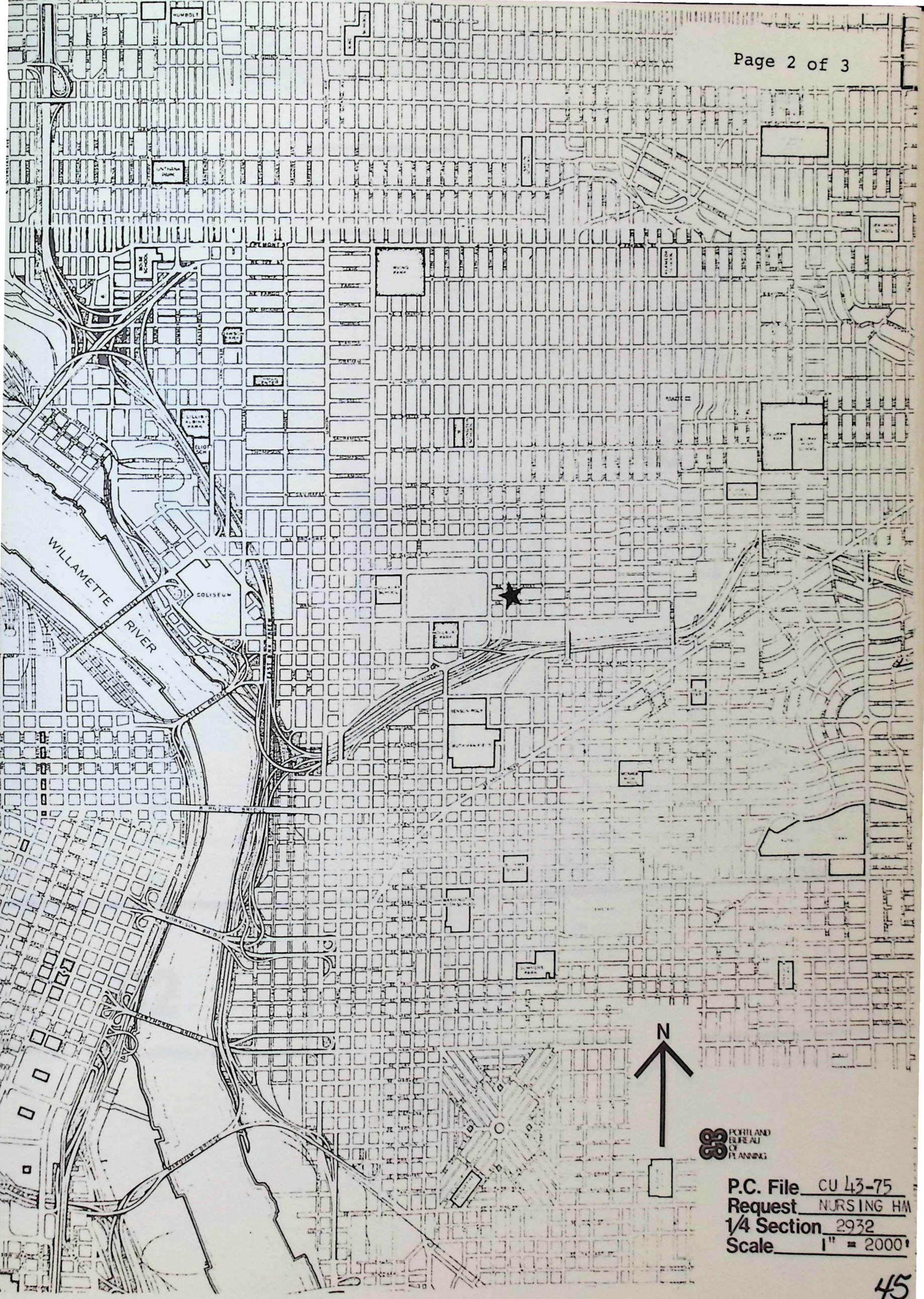
Applicant's Proposal: To add a 4,500 sq. ft. extension on to the second floor level in order to expand the existing convalescent home (nursing home). The applicant indicates no changes in parking or the high rise retirement facility.

SV:NW:st

RECONSIDERATION

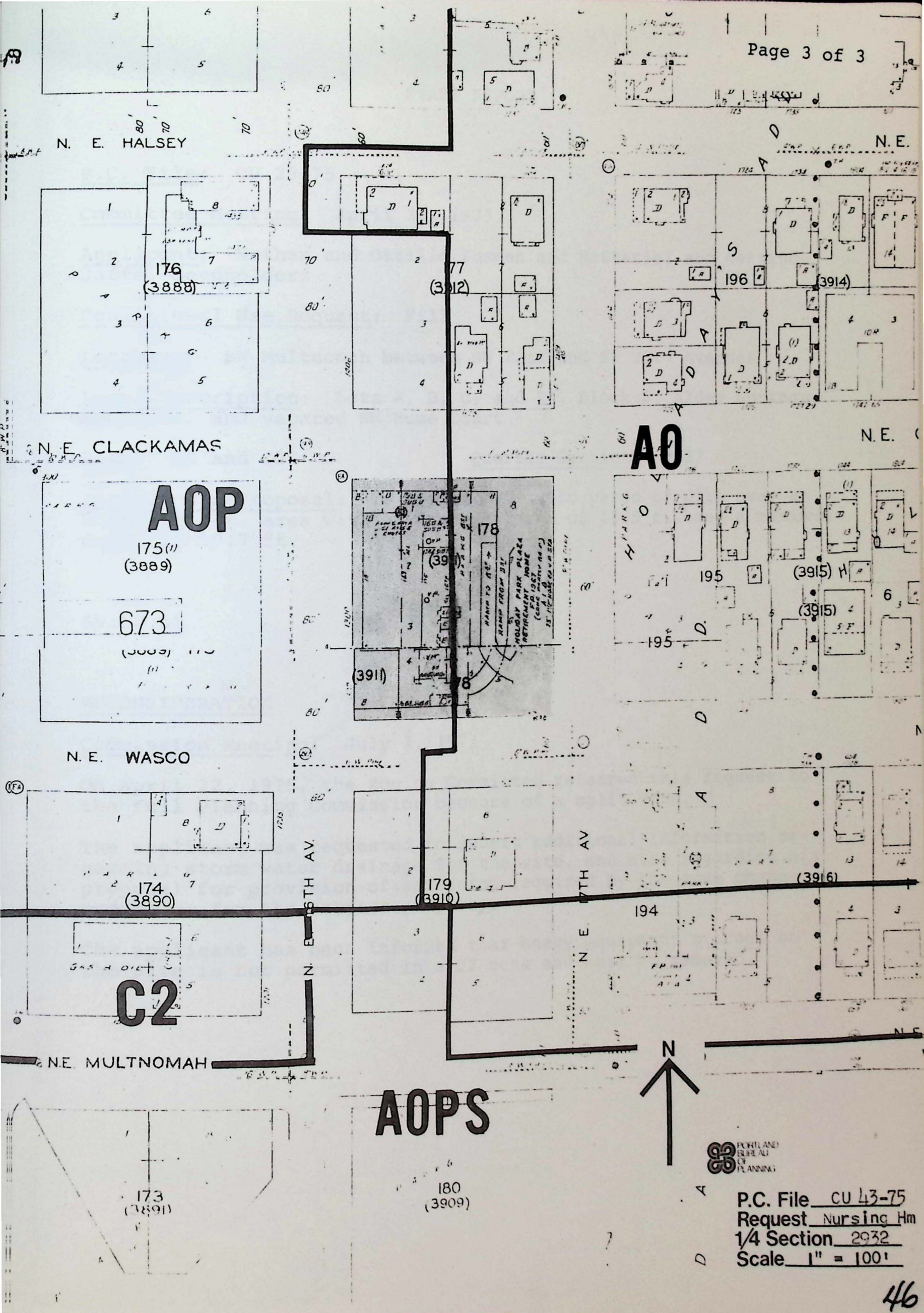
Commission Meeting: July 1, 1975

This request was heard on May 27, 1975, and was referred to the full Planning Commission because of an apparent split vote by the Zoning Committee.




PORTLAND BUREAU OF PLANNING

P.C. File CU 43-75
Request NURSING HM
1/4 Section 2932
Scale 1" = 2000'


N. E. HALSEY
N. E. CLACKAMAS
N. E. WASCO
N.E. MULTNOMAH
N. E. 16TH AV.
N. E. 17TH AV.
N. E.
176
(3888)
177
(3912)
196
(3914)
AO
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175
(3889)
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(3911)
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174
(3890)
179
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194
(3916)
C2
AOPS
173
(3891)
180
(3909)
N
PORTLAND BUREAU OF PLANNING
P.C. File CU 43-75
Request Nursing Hm
1/4 Section 2932
Scale 1" = 100'

STAFF REPORT

P.C. File: CU 29-75

Committee Meeting: April 22, 1975

Applicant: Nathan and Ottilie Zusman and Nathaniel and Gertrude Jaffe, deedholders

Conditional Use Request: Fill

Location: SW Multnomah between SW 22nd and SW 23rd Avenues

Legal Description: Lots A, B, C, and 11, Block 8, Alder Springs Addition, and vacated SW Hume Court

Zone: C2 and C2S Quarter Section: 3827

Applicant's Proposal: To fill 4,200 cubic yards of dirt over an 8,400 sq. ft. area with an average depth of 13.5 ft. and a maximum depth of 19.7 ft.

SV:NW:st

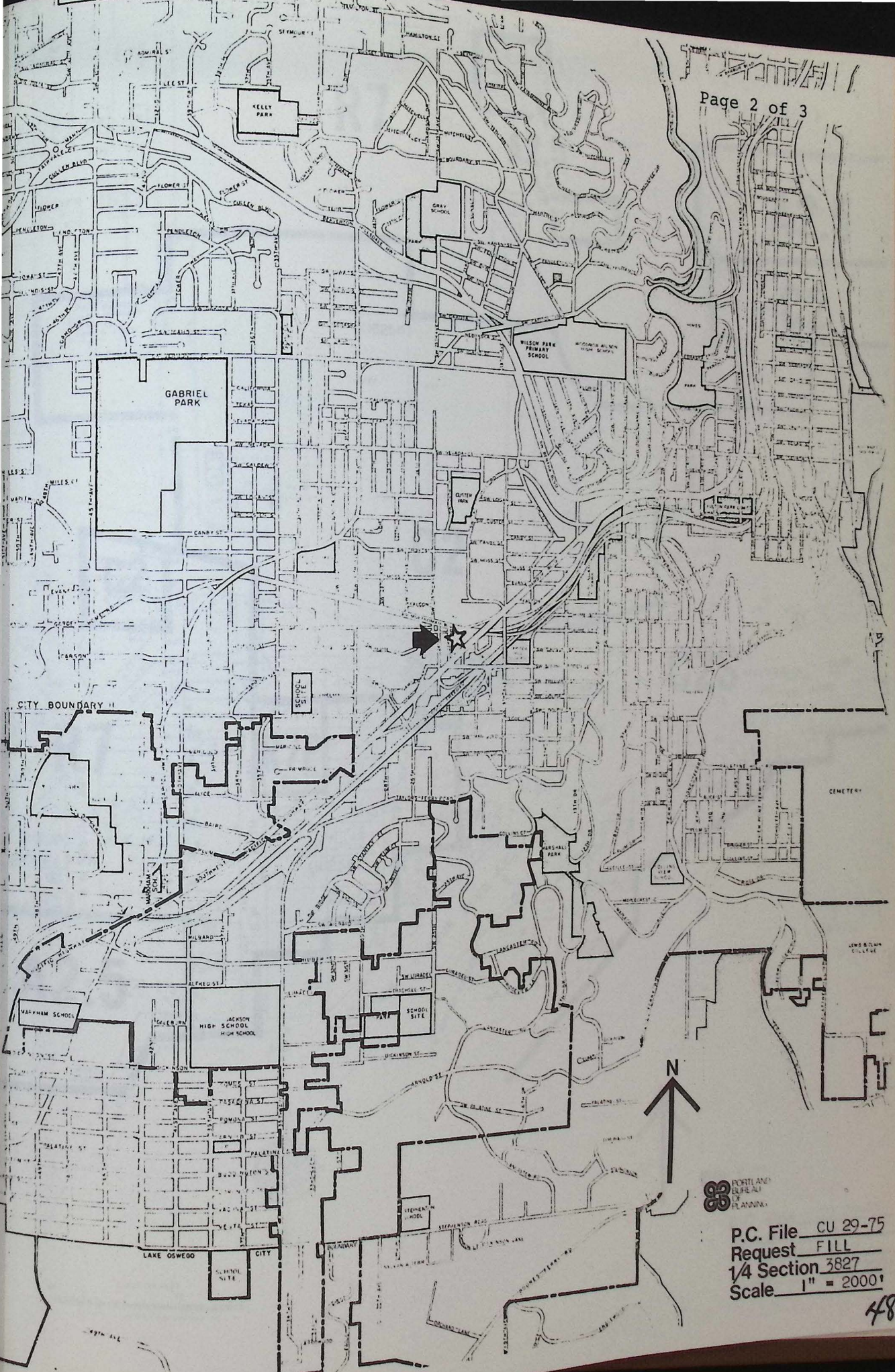
RECONSIDERATION

Commission Meeting: July 1, 1975

On April 22, 1975, the Zoning Committee referred this request to the full Planning Commission because of a split vote.

The applicant was requested to submit additional information regarding storm water drainage for the site, and also regarding his proposal for provision of screening required by the zone change ordinance for the subject property.

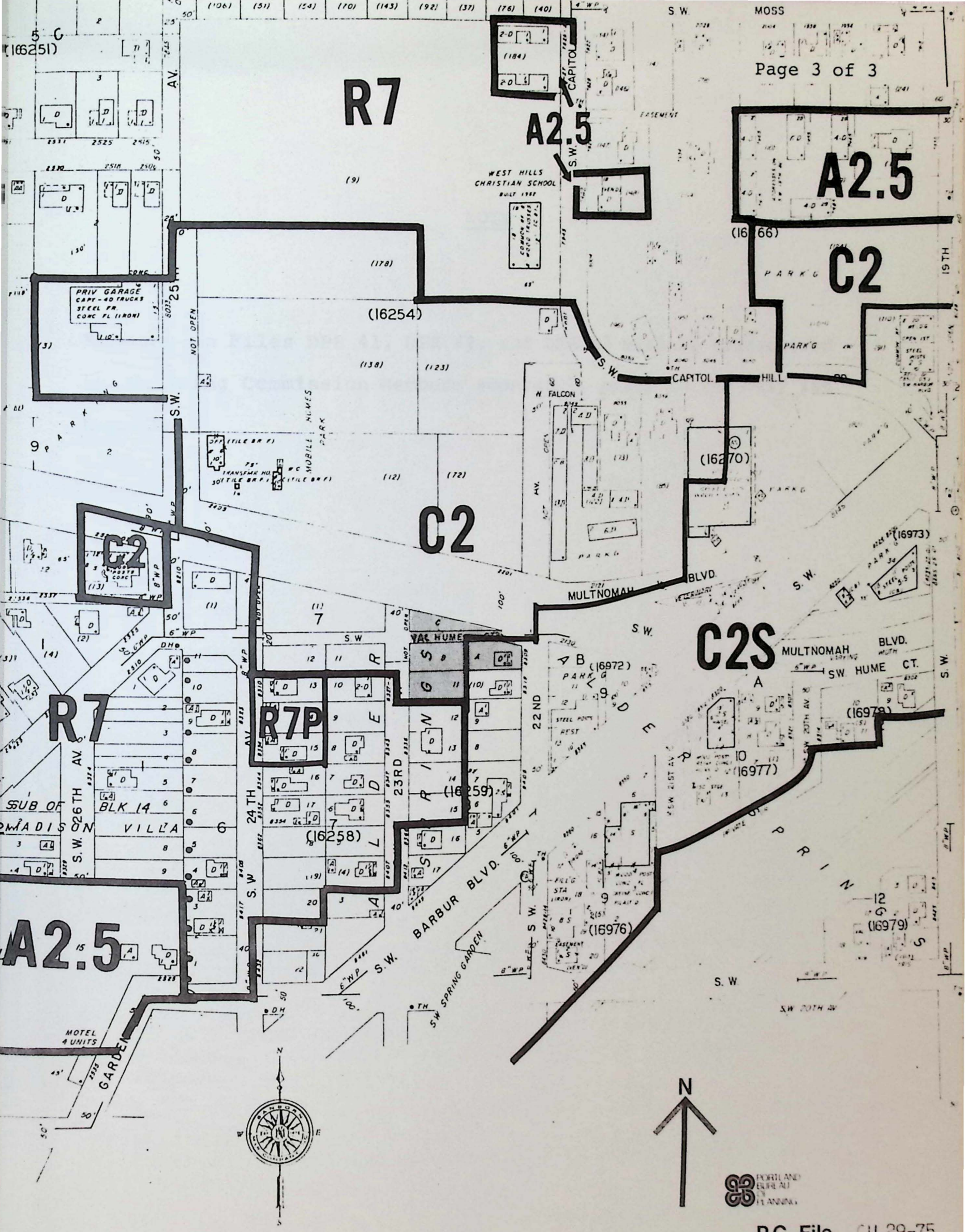
The applicant has been informed that heavy equipment storage on the site is not permitted in a C2 zone and must be removed.




PORTLAND BUREAU OF PLANNING

P.C. File CU 29-75
Request FILL
1/4 Section 3827
Scale 1" = 2000'

48




P.C. File CU 29-75
Request FILL
1/4 Section 3827
Scale 1" = 200'

NOTE

Reports on Files DPR 41, DPR 42, and DPR 43 will be transmitted to Planning Commission Members separately prior to the July 1st hearing.

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

July 1, 1975

# ZONING CODE AMENDMENTS REGARDING TRANSITIONAL USES

At its May 6, 1975 meeting the Planning Commission considered a staff report regarding Zoning Code amendments relating to certain "transitional uses" allowed under Code provisions. The Commission voted to recommend the elimination of such "transitional use" provisions from the R and A2.5 zone articles.

Following that Commission meeting, however, it was discovered that adequate notification had not been sent to all concerned parties. Therefore, notification has been sent and this matter will be before the Commission again at the Commission's regular meeting on July 1st.

## "Transitional Uses"

"Transitional use" provisions in zoning codes generally are aimed at modifying the effects of a zone permitting more intensive uses of land, on the uses within an abutting more restrictive zone. These "transitional use" provisions usually take the form of limitations on use, yard requirements, height limitations, etc. within the less restrictive zone when within certain distances of the more restrictive zone. There are some limitations of this type in the Portland Zoning Code but not as many as in most codes.

Another form of "transitional use," which does exist in the Portland Zoning Code, grants residential density bonuses on properties within R and A2.5 zones when they abut C2, C1 or M zoning along the side lot line of the R or A2.5 zone property. In the R zones duplexes are allowed on a lot up to 100 feet in width and in the A2.5 zone development at A1 density is allowed on a lot up to 100 feet in width.

This second form of "transitional use," the one with which this report is concerned, is based on several assumptions:

1. That R and A2.5 zoned lots abutting (along the side lot line) C2 or M zones are less likely to develop than other lots in residential zoning and that some incentive is needed to encourage development.

2. That obtaining the development of the lots in transitional position would tend to stabilize C2 and M zoning and deter further requests for expansion of such zones (particularly the C2 zones).

3. That the transitional uses granted would tend to protect the R and A2.5 zoning and uses from the more intensive uses in the C2 and M zones.

## Complaints

Recently complaints have been made by neighbors about the development of transitional uses, particularly the A1 zone density allowed in transitional locations within A2.5 zones. These neighbors were surprised that densities exceeding the A2.5 zone limitations were being automatically allowed. Therefore, there is need to reevaluate the transitional use provisions in the R and A2.5 zones.

## Evaluation of the Present Provisions

The first question is -- do such transitional use provisions achieve their purpose? Where they do develop at the permitted higher densities they probably do serve to stabilize zone boundaries and deter requests for C2 or M zone expansion. However, many transitional properties are developed with the usual permitted densities and zone boundaries appear to remain stabilized.

The second question is -- regardless of the purpose achieved by such provisions, do the provisions violate the intent and spirit of notification of affected parties as provided in the Code for almost every zoning action and as specifically identified as a requirement by the Oregon Supreme Court in the Fasano decision? In other words, does a substantial change in residential density under "transitional use" constitute a form of zone change? With the present bonuses, it appears that it may and that it may violate the intention of providing public notice and public hearings for such changes, regardless of the good intentions of the original drafters of the Zoning Code.

## Alternatives

In light of the above, it appears that there are only three possible alternatives to be considered:

1. Maintain the potential of the transitional bonus density provisions but make the bonuses subject to public notification and hearing before the granting of any bonus.

2. Keep the bonus provisions but allow them in very limited form, e.g. only one duplex in R zones and only one additional unit in the A2.5 zones.

3. Eliminate the bonus provisions.

The staff leans toward the third alternative. However, it should be noted that elimination of the transitional use provisions will in effect constitute a kind of downzoning from the viewpoint of those who have invested in properties on the basis of present Code transitional use provisions.

While the second alternative might be acceptable to neighbors, it still is not fully responsive to the question of possible need for public notification.

The first alternative would simply provide another time-consuming public hearing action for what is probably a small portion of the properties in the transitional position in R and A2.5 zones.

Affected Properties

The staff has sampled segments of the city showing transitional use locations which are vacant and available for development. It is estimated there are 175-250 of such sites in the City which would be immediately affected by following the third alternative and eliminating the transitional use provisions from the R and A2.5 zones.

DC:KH:st

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION
June 10, 1975

Code Amendments
Regarding Permitted Development
On Undersized Platted Lots

History: The proposed zoning code upon which hearings were held in 1958 and which, with modifications, became Portland's Zoning Code in 1959, specified minimum lot sizes, e.g. 5,000 sq. ft. in R5, with no grandfather provisions for substandard lots already in existence.

As a result of testimony received at the hearings the Code was adopted with provisions permitting construction of single-family houses on existing platted lots down to a specific size, e.g. 4,000 sq. ft. in R5 zones. Less than this size would be subject to the variance procedure. The Code, as adopted, also contained the definition of "lot" as being an area, parcel or tract of land under one distinct ownership and a further provision prohibited the reduction of a "lot" below the minimums of the zone by transfer of ownership. The resulting confusion should be obvious. Did, for example, the owner of two adjoining 50 ft. platted lots in an R10 zone have the right to sell one without the other?

This ambiguity was finally brought to question and, in 1970, the Code was amended to modify the grandfather language by extending the permission to construct a single-family house on an existing platted, substandard lot only if it were held in ownership different from the ownership of any abutting lot.

In 1972 a situation occurred in which building permits were issued for two houses on adjoining undersize, platted lots wherein it was clear that the title to one lot had been transferred to a separate ownership for the purpose of building two houses. The City Attorney advised that, although this appeared to be a contravention of the Code, the language was still ambiguous enough that successful pursuit through the courts was dubious. To plug this presumed ambiguity the Code was amended once again, this time by adding a sentence to the definition of "lot" which read: "Abutting platted lots in the same ownership shall be considered a lot and any division of the ownership shall be in compliance with provisions of this Code."

Therefore, from its adoption, the Code has contained grandfather provisions recognizing pre-existing, sub-standard lots, and it has twice been amended in an effort to make it clear that such a pre-existing, sub-standard lot was a legal building site only when held in ownership separate from abutting lots so that there was no ready means for the owner to enlarge it to meet the minimum requirements of the zone. This has clearly been the policy of both the Council and the Commission as the foregoing history testifies.

Current Situation: As a result of the tightening up of grandfather provisions on platted lots there has been an increased number of requests from the minimum lot area and lot dimension provisions of the Code. Approximately 15% of all variance requests last year (39 cases) involved lot area or lot dimensions. 32 of these cases involved lot splits with 26 of these involving splits of platted lots.

A consistent pattern of Variance Committee actions on sub-standard lots held in common ownership with adjoining property has been to recognize the characteristic development in its vicinity as its criterion. In 3 of the 6 cases not involving platted lots the Variance Committee action was approval, with the 3 denials being appealed to Council and Council granting 1 of the 3.

In 17 of the 26 platted lot split cases the Variance Committee action was approval. Of the other 9, 7 were denied and 2 were deferred, one of these for a property survey and one because of location of an existing garage. Three denials were appealed with Council sustaining one denial because the lots were not to be used as platted, granting one appeal, and denying the third only because Council felt that the Code language covering variances prevented their approval. (The Variance Committee had felt the same way on the latter case.)

The authority of the Variance Committee (and the City Council on appeals) to grant such variances is severely limited. Section 33.98.010 of the Zoning Code states, in part: "A variance may be granted only if literal interpretation and enforcement of the regulations or restrictions of this title applicable to the property would result in practical difficulties or unnecessary hardships because of unique, unusual or peculiar circumstances existing in the lot or its present development." The courts have held (Erickson v. City of Portland) that such "unique, unusual or peculiar circumstances" must "arise out of conditions inherent in the land that distinguish it from other land in the general neighborhood." It requires a tenuous bit of reasoning to be able to conclude that one 40' lot out of an entire frontage of similar lots has "unique or unusual circumstances."

Recommendation: Therefore, the staff believes an amendment of the Variances article of the Zoning Code is needed to make it clear that the Variance Committee (or soon, the Hearings Officer) has the authority to grant variances on a case-by-case basis for the purpose of assuring a substantial property right enjoyed by other properties in the vicinity in addition to granting a variance on the basis of "hardship" arising out of "unique or unusual circumstances existing in the lot."

Recommended Amendments:

Note: Crossing out (---) indicates recommended deletions. Underlining (___) indicates recommended additions.

## Chapter 33.98

## VARIANCES AND ADJUSTMENTS

33.98.010 ~~Adjustments and~~ Variances. The Variance Committee upon receipt of a verified application from the owner of the property affected stating fully the grounds of the application and the facts relied upon and the arguments showing that granting the variance ~~or adjustment~~ would be in the public interest may grant ~~adjustments or~~ variances ~~, with such conditions and safeguards as it may determine,~~ as specified in 38.98.015 and in harmony with the general purpose, intent and spirit of this title, so that the public health, safety and welfare shall be secured, and substantial justice shall be done.

~~A variance may be granted only if literal interpretation and enforcement of the regulations or restrictions of this title applicable to the property would result in practical difficulties or unnecessary hardships because of unique, unusual or peculiar circumstances existing in the lot or its present development. An adjustment may be granted if the adjustment would result in comparatively trivial detriment to the neighborhood, clearly outweighed by benefits to the neighborhood or to the public safety, convenience or general welfare.~~

A variance may be granted if literal interpretation and enforcement of the regulations of this Title applicable to a property would result in practical difficulties or unnecessary hardships. Such variance may be granted:

a) to modify the impact of exceptional or extraordinary circumstances or conditions that apply to the subject property or its present development that do not apply generally to other properties in the vicinity, or

b) to allow enjoyment by the appellant of a property right possessed by a substantial portion of the owners of properties in the same vicinity, while resulting in comparatively trivial detriment to the neighborhood.

In authorizing such variance, conditions may be attached thereto regarding the location, character, and other features of existing or proposed structures and as may be deemed in the public interest and/or necessary to carry out the spirit and purposes of this Title.

38.98.015 Limitations on variances. Unless otherwise specified in this title, ~~adjustments or~~ variances shall be limited to the following matters:

(a) Modification of the parking requirements, off-street loading requirements only after approval by the city traffic engineer, lot size requirements in A Zones to allow an increase of not more than one dwelling unit, minimum lot size requirement for a single family dwelling, lot coverage, floor area, height, screening limitations, identification sign limitations outside of sign control zones, and yard regulations for principal, transitional, and accessory uses in any zone as may be necessary to secure an appropriate improvement or occupancy of a lot or structure which is of such size, shape or terrain or so located with relation to surrounding development or physical characteristics, that such modification is shown by the applicant to be in the public interest.

(b) Within R, A, C5, C4 or M4 Zones, change the use of property in a nonconforming status, provided such new use is a permitted use in the same zone or a more restricted zone, in which the former use would have been a permitted use.

(c) Within R, A, C5, C4, or M4 Zones, enlargement of the floor area of a nonconforming use up to but not exceeding twenty percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of annexed area, the effective date of the annexation, provided such enlarged building complies with height and yard regulations of the zone in which it is located.

(d) Within C2, C1, M3, M2 and M1 Zones, enlargements of the floor area of a nonconforming use exeeding twenty percent of the floor area existing on July 1, 1959, the effective date of this title, or of any applicable subsequent amendment thereto, or in the case of annexed area, the effective date of the annexation, provided such enlarged building complies with height, yard, loading, and parking regulations of the zone in which it is located.

(e) Within M2 and M1 Zones, the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, providing suitable sanitary and other facilities can be made available without extra expense to the city.

A Second Consideration: Significant is the fact that in 23 of the 26 platted lot split requests submitted to the Variance Committee the ownership has clearly involved no more than two platted lots, one of these in many cases already occupied by an existing dwelling. Where approval of the separate use of the vacant platted lot would not result in a substandard side yard for the existing dwelling (or its garage), 15 (of the 23) requests were granted. Two requests were deferred, one for a lot survey and one because of the location of an existing garage. Six requests were denied by the Variance Committee; one because an undersize yard was involved, one because the lots were to be divided different from the platting, this latter also being denied by Council on appeal. Of the other four denials, two were appealed to Council, one denial was not sustained, and the other was sustained only because Council felt that the Code language covering authority to grant variances prevented their approval of the request.

As noted earlier, the Code has been amended on at least two occasions to try to make it clear that the objective is to "grandfather" only those lots which were in isolated ownership at the time the Code was adopted, and to make illegal the sale of individual substandard lots in order to create isolated ownership. This has been the policy; the question is should it be modified?

The primary argument in favor of such policy modification is a feeling that there is a certain inequity when a vacant platted lot, if held in isolated ownership, can be built upon, but the very same lot, if held in the same ownership with one abutting platted lot, can not be built upon and its owner must maintain the two platted lots as one site or seek a variance. This situation certainly is different from that of the owner of 3 or more platted lots who, in almost all cases, can divide them in such a way as to meet the regular Code lot area and dimension requirements, with no resulting lot being unusually large.

Recommendation: The staff believes, therefore, that other amendments of the Zoning Code are needed to reduce the number of seemingly unnecessary lot area variances for undersize platted lots which have existed since adoption of the Code. The amendments recommended below would (1) allow not only the construction of a one-family residence on one platted lot held since 1959 (or the effective date of annexation) in ownership different from the ownership on any abutting lot, but would also (2) allow the construction of a one-family residence on such platted lot when held since 1959 (or the effective date of annexation) in the same ownership with only one abutting lot provided:

(a) that such abutting lot meets the minimum requirements for a platted lot or, if unplatted, meets the regular requirements for a lot and

(b) that the yard requirements for an existing dwelling on such lot be maintained.

Recommended Amendments:

Note: Crossing out (---) indicates recommended deletions. Underlining (___) indicates recommended additions.

CHAPTER 33.20
R20 ONE FAMILY RESIDENTIAL ZONE

33.20.050 Lot size required.
(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to October 12, 1964, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than fourteen thousand square feet in area, seventy feet in width, and one hundred twenty feet in depth, unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than fourteen thousand square feet in area, seventy feet in width, and one hundred twenty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to October 12, 1964, the effective date of this Chapter, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since October 12, 1964, the effective date of this chapter, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since October 12, 1964, the effective date of this Chapter, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot.

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

CHAPTER 33.22
R10 ONE-FAMILY RESIDENTIAL ZONE

33.22.050 Lot size required.
(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than seven thousand square feet in area, sixty feet in width, and one hundred feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than seven thousand square feet in area, sixty feet in width, and one hundred feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b), and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a plated lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

CHAPTER 33.24
R7 ONE FAMILY RESIDENTIAL ZONE

33.24.050 Lot size required.
(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership of any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than five thousand square feet in area, fifty feet in width, and ninety feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than five thousand square feet in area, fifty feet in width, and ninety feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether

the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

## CHAPTER 33.26
## R5 ONE FAMILY RESIDENTIAL ZONE

33.26.050 Lot size required.
(a) through (f) No change.

(g) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than four thousand square feet in area, forty feet in width, and eighty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (b) and (c) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

CHAPTER 33.30
A2.5 APARTMENT/RESIDENTIAL ZONE

33.30.050 Lot size required.
(a) through (g) No change.

(h) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (c) and (d) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than four thousand square feet in area, forty feet in width, and eighty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (c) and (d) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

CHAPTER 33.32
A1 APARTMENT/RESIDENTIAL ZONE

33.32.050 Lot size required.
(a) through (i) No change.

(j) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (e) and (f) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than four thousand square feet in area, forty feet in width, and eighty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (e) and (f) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

## CHAPTER 33.34
## A0 APARTMENT/RESIDENTIAL ZONE

33.34.050 Lot size required.
(a) through (h) No change.

(i) ~~On a platted lot located in a subdivision plat duly approved and recorded with the county clerk, prior to July 1, 1959, in accordance with the city charter and laws of the state, and held in ownership different from the ownership on any abutting lot, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d) and (e) in this section, provided, however, that no construction of a one-family dwelling shall be permitted upon a lot with dimensions less than four thousand square feet in area, forty feet in width, and eighty feet in depth unless approved as provided in Chapter 33.98.~~

On a platted lot with dimensions no less than four thousand square feet in area, forty feet in width, and eighty feet in depth, which is located in a subdivision plat duly approved and recorded with the county clerk prior to July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation, a one-family dwelling may be constructed notwithstanding the requirements of subsections (a), (d) and (e) of this section, provided:

(1) That such platted lot has been held in ownership different from the ownership of any abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; or

(2) That such platted lot has been held in the same ownership with only one other abutting lot since July 1, 1959, the effective date of this Title, or, in the case of annexed area, the effective date of the annexation; and that

(A) The abutting lot under the same ownership shall meet the minimum lot dimensions required for the zone in which it is located, whether those for a platted lot or those for an unplatted lot

(B) Any existing dwelling on such abutting lot shall continue to meet the minimum lot area per dwelling unit requirements of the zone in which it is located, whether the requirement for a single-family dwelling on a platted lot, the requirement for a single-family dwelling on an unplatted lot, or the requirement for a duplex or apartment dwelling - whether nonconforming, in which case the extent of nonconformance may not be increased, or conforming, in which case conformance must continue.

(C) Any existing dwelling on such abutting lot under the same ownership shall not be in violation of the yard requirements of Section 33.90.020.

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