



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF AUGUST, 1990 AT 9:30 A.M.

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

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

Commissioner Blumenauer announced that Robert Stacey, Jr., Acting Director of the Planning Bureau, has been named Permanent Director.

Agenda No. 1349 was pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**Mayor J. E. Bud Clark**

- \* 1347 Authorize contract with Washington County to provide access to Portland Police Data System (PPDS) (Ordinance)

**Disposition:** Ordinance No. 163332. (Y-5)

- \* 1348 Authorize Special Assessment Improvement Bonds, Series 1990, in the amount of not more than \$3,000,000 and set terms of subsequent series (Ordinance)

**Disposition:** Ordinance No. 163333. (Y-5)

- \* 1350 Call for bids to purchase Glock 9mm pistols for the Bureau of Police, authorize a contract, and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163334. (Y-5)

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- \* 1351 Authorize agreement between the City of Portland and NE Enterprises for a sum not to exceed \$18,457 to provide professional services in the implementation of the Adult Foster Home Pilot Project (Ordinance)

**Disposition:** Ordinance No. 163335. (Y-5)

**Commissioner Earl Blumenauer**

- 1352 Authorize the City Attorney to intervene and participate in Portland General Electric rate case (Resolution)

**Disposition:** Resolution No. 34760. (Y-5)

- \* 1353 Accept a sewer easement for the Fanno Creek Pressure Sewer Replacement Sewer Project, granted by Robert Lynn Vieira and Abby Crumpacker Vieira, authorizing total payment of \$25 (Ordinance)

**Disposition:** Ordinance No. 163336. (Y-5)

- \* 1354 Accept a sewer easement for the Fanno Creek Pressure Sewer Replacement Sewer Project, granted by Way W. Lee and Priscilla D. Lee, authorizing total payment of \$200 (Ordinance)

**Disposition:** Ordinance No. 163337. (Y-5)

- \* 1355 Authorize the City Attorney to continue negotiations to purchase a permanent sewer easement and a temporary construction easement for construction of the Floyd Light Sanitary Sewer System Project, authorize the City Attorney to commence condemnation proceedings, if necessary, and authorize the City Attorney to obtain early possession (Ordinance)

**Disposition:** Ordinance No. 163338. (Y-5)

- \* 1356 Authorize a Crossing and Finance Agreement with Portland Terminal Railroad Company in connection with the NW 9th Avenue Project from NW Hoyt to NW Front Avenue (Ordinance)

**Disposition:** Ordinance No. 163339. (Y-5)

- \* 1357 Authorize an agreement between the Portland Development Commission and the City of Portland Office of Transportation to provide public involvement and conceptual design for the NE 15th/16th, 16th Two-Way Phase I Project (Ordinance)

**Disposition:** Ordinance No. 163340. (Y-5)

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- \* 1358 Accept four sewer easements for an identical parcel of land for the Englewood Sanitary Sewer System Project, granted by Gladys A. Hern, William Hern, Diane Hardy and Susan Powell, authorizing total payment of \$250 (Ordinance; C-9700)

**Disposition:** Ordinance No. 163341. (Y-5)

**Commissioner Dick Bogle**

- \* 1359 Extend contract with Signal Control Co. for furnishing traffic control equipment through June 30, 1991 (Ordinance; Contract 25528)

**Disposition:** Ordinance No. 163342. (Y-5)

- \* 1360 Extend contract with Norris Paint Company for traffic paint through June 30, 1991 (Ordinance; Contract 25574)

**Disposition:** Ordinance No. 163343. (Y-5)

- \* 1361 Extend contract with Ben-Ko-Matic Brush and Equipment Co. for furnishing street sweeper brooms through June 30, 1991 (Ordinance; Contract 25625)

**Disposition:** Ordinance No. 163344. (Y-5)

- \* 1362 Extend contract with 3M Company for furnishing retro reflective pavement markings through June 30, 1991 (Ordinance; Contract 25667)

**Disposition:** Ordinance No. 163345. (Y-5)

**Commissioner Mike Lindberg**

- \* 1363 Call for bids for the construction of a 16-inch main in NW Skyline Blvd., authorize a contract, and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163346. (Y-5)

- \* 1364 Amend Columbia South Shore Hazardous Materials Containment Facilities Design Handbook (Ordinance)

**Disposition:** Ordinance No. 163347. (Y-5)

**REGULAR AGENDA**

The following item was removed from Consent and voted upon separately:

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- \* 1349 Authorize appropriation for the 1990 Rental Rehabilitation Grant and authorize contract with the Portland Development Commission to implement the program and provide for payment (Ordinance)

**Discussion:** Cay Kershner said this item needed to be on the Regular Agenda because it appropriates funds.

**Disposition:** Ordinance No. 163348. (Y-5)

- \* 1365 Approve a contract in the amount of \$43,000 with Komar Associates for study of development potential of possible future light rail stations in the vicinity of North Portland and Milwaukie Corridors (Ordinance)

**Discussion:** Commissioner Koch asked whether a decision was going to be made about which street the line would be going down, Martin Luther King, Jr. Boulevard or Interstate?

Barrow Emerson, Bureau of Transportation, said this project will analyze economic factors for development around the future light rail stations, and specifically address whether the City should become involved in property development along four potential alignments in the North/Northeast Corridor and the Milwaukie corridor. He said they are now doing a preliminary alignment study analyzing Vancouver/Williams and Martin Luther King Boulevard to see if these should move on to the formal planning process along with I-5 and Interstate Avenue.

Mr. Emerson said this effort will help the City address increased residential density, aid decision making in the Albina Community planning process and the North/Northeast Alignment study, and help the City decide whether a westbank alignment for the Milwaukie corridor light rail is desirable.

**Disposition:** Ordinance No. 163349. (Y-5)

**City Auditor Barbara Clark**

- 1366 Assess construction of Knott Park Sanitary Sewer. (Second Reading Agenda 1340)

**Discussion:** Cay Kershner said several remonstrances had been filed and some additional information had been distributed about the issues raised by the two people who testified last week.

Commissioner Lindberg moved to overrule the remonstrances and on a second by Commissioner Bogle, the motion carried. (Y-5)

**Disposition:** Ordinance No. 163350. (Y-5)

- 1367 Assess improvement as a district: streets within SE Duke/97th District HCD Improvement Project, and construction of sumps (Hearing; Ordinance; C-9636)

**Discussion:** The Mayor asked if anyone wished to speak and there was no response.

**Disposition:** Passed to second reading.

- 1368 Assess improvement of SW Locust Street, SW 65th Avenue, and SW Pomona Street (Hearing; Ordinance; C-9665)

**Discussion:** The Mayor asked if anyone wished to be heard but there was no response.

**Disposition:** Passed to second reading.

At 9:52 a.m., Council recessed until 10:00 a.m.

- 1346 **TIME CERTAIN: 10:00 AM** - Report of the Portland Development Commission regarding passenger safety and rail improvements at Union Station for Council review (Report introduced by Mayor Clark)

**Discussion:** Mayor Clark said the Portland Development Commission has been moving ahead, at Council direction, with a project to purchase the Union Station property for restoration and redevelopment. In response to a request from rail passenger groups for a Council hearing to address concerns about track improvements and removal of a passenger shed, he asked the Union Station Task Force to report their findings, recommendations and the progress of construction currently underway.

Doug MacGregor, Vice-Chair, PDC, said a lot of misinformation and litigation has occurred in connection with this project and it is time for cool heads and reason to prevail. HE said PDC is legally responsible for the safety of the tracks, a responsibility it takes seriously. Mr. MacGregor said the project has been extensively reviewed and evaluated and the recommendations of the Task Force had been adopted in response to concerns.

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Don Magnussen, Chairman, Mayor's Union Station Task Force, explained the scope and makeup of the Task Force and outlined the process they followed in reaching their conclusions. He said the Task Force felt they had made a good compromise with their conclusion that Tracks 6 and 7 should be removed but the corridor retained to permit the addition of track if needed in the future.

Larry Dully, Director of Development, PDC, said that despite the Task Force recommendations, two local organizations continue to object because of the proposed removal of the unused tracks and dismantling of one of the two sheds. He said the five remaining tracks are adequate to handle growth and that Amtrack had approved the plans, despite opponents' claims and lots of confusion about Amtrack intentions.

Rodney Aho, President, Oregon Association of Railway Passengers, offered a compromise plan for Council consideration. He said Portland should be retaining and expanding the tracks, not tearing them down. He said they had collected the signatures of 1,500 people upset by the PDC proposal.

Rich Carlson, Director, Oregon Association of Railway Passengers, showed slides of the Station area. He said it will be very costly to dismantle the shed so it can be rebuilt later. He also objected to moving the trains closer to the station, which he said will destroy the spatial setting and add passenger safety concerns.

Fred Nussbaum, Secretary, Friends of Union Station, said PDC is relying on faulty analysis and erroneous assumptions and that their plan will cause operational difficulties and interfere with passenger use. He questioned the conclusions of consultant Robert Leachman about track widths and showed slides to illustrate actual track use by Amtrak trains.

Robert Leachman, consultant, responded to Mr. Nussbaum's assertions and said it is feasible to load two trains at the same time and said the plan will allow more passengers and more flexibility.

Commissioner Lindberg cited Amtrak's letter of August 7 which states that the southbound single track is unacceptable.

Mr. Leachman said it is not practical to have both a doubletrack freight and doubletrack passenger approach.

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Mr. Dully said they will be holding further discussions with Amtrak on this subject.

The following individuals spoke in opposition to the proposed PDC plan for Union Station:

Terry Parker, 1527 NE 65th  
J. Ward O'Brien, 11823 Carl Road, #13  
Lewis MacArthur, historic land use consultant  
Dick Springer, State Senator  
Dan McFarling, 20585 SW Cheshire Court, Aloha 97007  
Connie McCready, former Portland Mayor  
Jim Howell  
Kenton Herman, 1335 SE Salmon  
Ken McFarling, 7417 SE 20th  
Mary Ann Schwab, 605 SE 38th  
Jim Smith, President, Oregon State Council of Senior Citizens  
Gordon Zimmerman, 5529 SE Steele  
Al Staehli, 317 SE 62nd  
Ray Polani, 3168 SE Lake Road  
Ray Guimary, Transportation Consultant, 1200 NW Front, #500  
George Hoffman, 14105 SE Laurie, Milwaukie  
Douglas Allen, 2247 SE 51st  
Roy Porter, 29526 Dodge Park, Gresham

Opponents cited concerns with tearing down and storing a historic landmark and with adverse affects on rail and passenger service if tracks are removed as proposed. Many questioned decreasing capacity at a time when the use of public transportation facilities is growing and expansion is becoming a high priority. They also cited concerns about safety and congestion, the use of freight and passenger trains on the same tracks, and the high fees charged for excursion trains.

Commissioner Lindberg asked Mr. Dully about the availability of the land for expanded use in the future and about the \$1,000 fee for excursion trains.

Mr. Dully said the City would retain ownership and it would not be sold for private development.

Bruce Allen, Project Manager, PDC, said Amtack has agreed to allow the incidental use of their tracks for excursions at no charge to the City but the \$1,000 fee is for use of the station and is nothing PDC has anything to do with.

Commissioner Bogle said there seems to be disagreement about the usage of Tracks 1 and 2 and he thought, after a visit to the site, that Track 1 looked unusable.

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Mr. Dully said Track 1 is now used only on an occasional basis for temporary storage. He outlined improvements planned for the tracks to allow better use and provide better access.

Mayor Clark asked if they were going to be able to handle the longer trains.

Mr. Dully said the longer trains, now generally on 4 and 5, will be handled off Tracks 2 and 3.

Commissioner Blumenauer said there seems to be genuine factual disagreements and also differences about what the future of rail holds for the community. He asked for time to study the compromise proposed by Mr. Aho and said he wanted to examine the tradeoffs of development versus transportation potential. He said the Bureau of Transportation did not support the project in its report, merely said it was feasible.

Commissioner Lindberg said he is not comfortable with adopting this today and also asked for additional time to assess the issues.

Mayor Clark said he will ask for a response tomorrow from PDC on the compromise proposed.

**Disposition:** Continued to August 9, 1990 at 2 p.m.

At Noon, Council recessed.



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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 8TH DAY OF AUGUST, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer (arrived at 3:15 p.m.), Bogle, Koch and Lindberg, 4.

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

Council agreed to take the items out of order and hear the Time Certain appeal last.

- 1371 Tentatively grant appeal of Whitaker Street Corp., applicant, and overrule decision of the Landmarks Commission to deny request for new window proportions and second story balconies on the south facade at 111 SW Hooker Street (Findings; HLDZ 67-89)

**Discussion:** The Clerk said findings had been distributed.

Commissioner Koch said he would not vote as he had not been present at this hearing or the hearing on the next item.

**Disposition:** Appeal granted. (Y-3; Commissioner Blumenauer absent)

- 1372 Tentatively deny appeal of Charlotte Brown, applicant, against decision of the Variance Committee to deny a variance to increase the number of employees to eight plus two owners at the wholesale craft business located at 3915 SW Freeman (Previous Agenda 1294)

**Discussion:** Cay Kershner, Clerk of the Council, noted that appellant had submitted written rebuttal to neighborhood testimony given last week and that the neighbors had then submitted a response to that rebuttal.

Pete Kasting said since Council's tentative vote denied the appeal, they could rely on the decision of the Hearings Officer for their findings.

**Disposition:** Appeal Denied (Y-3; Commissioner Koch abstained; Commissioner Blumenauer was absent).

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## REGULAR AGENDA

- 1370 Appeal of Gregory Wethers against approval of the application of Renaissance Group for a Comp Plan Amendment and zone change in order to expand an existing building and parking at N Vancouver between N Sumner and N Alberta (Hearing; 7996-PA)

**Discussion:** Tom McGuire, Planning Bureau staff, reviewed the Hearings Officer's decision and staff and applicant concerns about the zone change which will allow expansion of facilities to be leased by the State Human Services Division.

Council members expressed concern with enforcing the housing condition.

Gregory Wethers, appellant, said the process for granting a lease to this group was seriously flawed and that those most immediately affected did not receive proper notification. He submitted a petition signed by those opposing the project for the record. Mr. Wethers also cited negative traffic impacts which will result from location of this facility in a residential zone. He objected to the removal of the existing houses, saying there was no reason to believe new houses would be built.

Chad Debnam, applicant, said the process was fair and that he had neighborhood support. He said the building is perfectly tailored for this site and that the landscaping along Williams Avenue will lessen the impact on neighboring residences. He said the four existing houses are in very poor shape.

Commissioner Lindberg asked if his commitment to building thirty houses was definite and pragmatic.

Mr. Debnam said the biggest problem is trying to find contiguous lots but that he lives and owns property in the neighborhood and wants to see it appreciate.

Charles Ford, 4012 N. Commercial, said he was a member of a group who met with state officials to determine a site for the facility. He said the process was fair and this was the right direction to take.

Stephen McPherson, African American Journal, 525 NE Killingsworth, said this appeal is an abuse of the system by someone who does not live in the neighborhood but owns property there, including derelict buildings.

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Cetroy Nash, 5050 NE Cleveland, opposed the rezoning and expansion because of its scope. He said the state will use this as regional headquarters and that traffic will severely impact Alberta.

Isidore Maney, 5251 N. Riley, disputed Mr. Wethers' allegations regarding the notification process and said the existing vacant structure has been a problem in the neighborhood.

Robert Hansen, 5015 NE Cleveland, opposed the rezoning because of the size of the agency and the negative impacts it will have on auto and pedestrian traffic.

Macceo Pettis, Manager of Albina CSD Office, said neighborhood groups favor this site because many clients live nearby and because they believe the current building is an eyesore that will be enhanced by the landscaping and other improvements that are planned.

Mr. Wethers in rebuttal said no consideration has been give to the impact of moving 40,000 square feet of office space into a residential neighborhood.

Pete Kasting, City Attorney, noted that a no vote will deny the appeal and grant the zone change.

Commissioner Bogle said the current site is too small to serve the public and anytime you can trade six houses in disrepair, plus the potential for sixteen more, for thirty new housing units, you should do it.

Commissioner Koch said he is uncomfortable about the housing promised because there is no way to hold anybody to it. While he is not convinced the proposed use is the best use, he will go along with the Hearings Officer since the current use is not good.

Commissioner Lindberg said while he is reluctant to change a residential zone and lose the housing units, he believes the commitment to new housing is significant and the facility is important to the neighborhood.

Mayor Clark said this will enhance the neighborhood and bring the social services to those who need them.

**Disposition:** Appeal Denied (N-4; Blumenauer absent)

1369 **TIME CERTAIN** Appeal of Alan and Sharon Stutzman, applicants, against decision to deny request to remove a conditon from a previous revocable permit in order to allow expansion of the Buffalo Gap Saloon and Eatery at 0627 SW California (Hearing; 7985R)

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**Discussion:** Mayor Clark said he has known Mr. Stutzman for years but feels he can make a fair decision based on the facts of the case.

John Southgate, Planning Staff, said today's request is to remove one of the conditions of an earlier revocable permit obtained in 1988 in order to provide parking on adjacent residentially-zoned property owned by the City. A condition of approval was that the parking lot not be used as justification for expansion of the restaurant. Recently applicants purchased an existing building which they plan to convert to a meeting facility and have now asked that the condition (#8) be deleted. Staff supported this request but the Hearings Officer denied it stating that they need to meet the off-street parking requirement by obtaining parking spaces in commercially zoned lots.

Commissioner Koch said he was personally involved in negotiating the lease in 1988 and the resulting condition which held that the City property could not be utilized to justify any additional expansions. He said this was negotiated in good faith with the neighborhood.

Stephen Janik, Attorney representing Alan Stutzman, said his client believed that the condition did not apply if additional property were purchased and assumed there would no problem getting approval because of a favorable staff report and no objections from the Office of Transportation. However, he said, the Hearings Officer, relying on testimony and letters citing traffic concerns, created a brand new standard not applied in any other case and also interpreted Condition 8 to mean that the parking lot could never be used to provide three spaces for the additional property just purchased. Mr. Janik said the Hearings Officer failed to cite any authority in support of this decision.

Mr. Janik said they have support from residents on SW California and took traffic surveys over a three week period which show the availability of parking spaces.

He said with the condition as interpreted by the Hearing Officer, they will be beyond the Code minimum required parking for both buildings and that if the revised Code is approved even fewer spaces will be required.

Pete Kasting, City Attorney, asked if Mr. Janik had any objection to Commissioner Koch's participation, based on his personal knowledge.

Mr. Janik said no.

Commissioner Koch said he would like to hold him to the agreement but if staff can confirm the new requirements under the proposed rezoning, he has no problem supporting it but wants to clarify and reinforce the original agreement.

Dave Tooze, 6905 SW Virginia, opposed granting the request because of the adverse impact on an already overloaded parking situation. He said he has collected a dozen signatures of those who share his opinion.

In response to Council questions, Mr. Janik said the banquet facility will not be a continuous operation and will operate at non-peak times.

Igor Stuckly, 0406 SW Florida, objected to the expansion because of the added noise and traffic.

Jack Stutzman, owner of Buffalo Gap, said the traffic counts taken are accurate and that the banquet room will have only occasional use. He said he has no problem directing people to the office building parking lot next door.

Mr. Tooze said he understood Mr. Stutzman had no formal arrangement with owners of the lots to use them and could not direct customers to them because the cars might be towed.

Mr. Janik said there is no formal agreement although the owners do allow customers to use them.

Commissioner Koch moved to overturn the Hearings Officer's decision and grant the appeal with two conditions: 1) the owner secure written agreement to use the adjoining property for off-street parking; 2) the use of the City parking spaces not be used to justify the expansion.

Commissioner Lindberg seconded the motion.

Mr. Janik asked how many spaces would be required under the current or existing Code.

Mr. Southgate said under the proposed Code the parking requirement will go down from what it is now. Current Code requires eight additional spaces and, with five already on the property purchased for expansion, an additional three are needed off-site.

Commissioner Bogle said it looked as if we were requiring more than the Code minimum.

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Commissioner Lindberg said what he had in mind was to redirect banquet customers to off-street parking spaces.

Commissioner Koch moved to withdraw his motion.

Commissioner Blumenauer said it seems possible that there are two reasonable explanations of the condition.

Commissioner Koch said he would vote aye with the understanding that the agreement still stands regarding the City-owned property.

Commissioner Lindberg said he would rely on the good intentions of the Stutzmans to follow through on their commitment to direct customers to off-street parking lots.

Pete Kasting said this will be a tentative vote with Mr. Janik preparing the findings.

**Disposition:** Appeal granted tentatively. (Y-5);  
Prepare findings for August 29, 1990.

At 4:05 p.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 9TH DAY OF AUGUST, 1990 AT 2:00 P.M.

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

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

The Consent Agenda was approved with no items pulled. (Y-5)

# CONSENT AGENDA - NO DISCUSSION

Mayor J. E. Bud Clark

- \* 1374 Grant a revocable permit to Art Celebration Inc., to close certain streets to hold their Artquake Festival from August 31 to September 4, 1990; waive fees for permits and inspections (Ordinance; waive Code Section)

Disposition: Ordinance No. 163351. (Y-5)

Commissioner Earl Blumenauer

- \* 1375 Grant a revocable permit to the Oregon Board of Higher Education for utility tunnel in SW US Veterans Hospital Road (Ordinance)

Disposition: Ordinance No. 163352. (Y-5)

- \* 1376 Grant a revocable permit to Piedmont Neighborhood Association to hang a banner across N Portland Boulevard between Albina and Kirby Avenues (Ordinance)

Disposition: Ordinance No. 163353. (Y-5)

- \* 1377 Grant a revocable permit to Portland Sickle Cell Anemia Foundation to hang a banner across NE Halsey Street near NE 12th Avenue (Ordinance)

Disposition: Ordinance No. 163354. (Y-5)

- \* 1378 Grant a revocable permit to Portland Airport Industrial Properties for a private storm sewer crossing NE 78th Court to serve 7823 NE Columbia Boulevard (Ordinance)

Disposition: Ordinance No. 163355. (Y-5)

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- \* 1379 Grant a revocable permit to Don Peterson for a private sanitary sewer pressure line to serve 429 N Bridgeton Road (Ordinance)

**Disposition:** Ordinance No. 163356. (Y-5)

- \* 1380 Grant a revocable permit to Portland Opera to maintain banners on street light poles from September 8, 1990 to October 6, 1990 (Ordinance)

**Disposition:** Ordinance No. 163357. (Y-5)

#### REGULAR AGENDA

The Mayor announced that the Airport Way Urban Renewal Plan amendment would be heard next but, because of objections to the agreement reached between PDC and Thrifty Car Rental, he returned it to its original place on the agenda.

- 1346 Report of the Portland Development Commission regarding passenger safety and rail improvements at Union Station for Council review (Continued from August 8 at 9:30 a.m.)

**Discussion:** Council discussed the various options outlined by PDC, including options to proceed as planned, to stop, or to incorporate the compromise proposed by the Oregon Association of Railway Passengers.

Pat LaCrosse, PDC Director, explained some of the difficulties and costs associated with these options.

Commissioner Blumenauer and Commissioner Lindberg said they would like to continue the item for two weeks to allow time to get more hard data and refine the numbers.

**Disposition:** Continued to August 22, 1990 at 9:30 a.m.

- 1373 **TIME CERTAIN: 2:00 PM** - Adoption of a Natural Resource Management Plan for the Columbia South Shore Area (Ordinance introduced by Commissioner Blumenauer)

**Discussion:** Duncan Brown, Planning Staff, said implementation of this plan will provide no net loss of natural resources in the area. He explained some of the differences and advantages between the existing E-zone and the proposed plan and said adoption of the plan will give property owners more certainty about what is required.



Paul Shirey, PDC, Project Coordinator, said this plan provides additional resource protection beyond those required under the current E-zones. He outlined efforts to inform interested parties and reach consensus and said many changes were made after Planning Commission approval to increase resource protection.

Daniel Heagerty, CH2M Hill Northwest Consultant, said they envisioned what the area should be in twenty years and then put in the mechanisms to achieve that vision.

Michele Egerts, CH2M Hill Northwest Consultant, said they proposed three methods of technical implementation: water-based maintenance, development of mitigation for wetlands protection, and development of resource protection areas as a replacement for the E-zone buffers.

Tim Hayford, Multnomah Drainage District #1, said the District's commitment to pursue and implement a water based maintenance plan is the biggest change in their history. He urged adoption with two exceptions: one, to allow them to move offload points if they find better places for them and two, to use chemical herbicides in selective situations.

Burt Paynter, Chief of Regulatory Branch, U.S. Army Corps of Engineers, said they plan to issue their permit by the end of August.

Ken Beardly, Oregon Division of State Lands, said this is a much better method than a project-by-project review. He said the Fish and Wildlife Division are concerned about the effectiveness of the buffers and wetlands verification.

Dave Frederickson, Columbia Corridor Association, said this is a workable plan that increases certainty for property owners and improves the environment.

Patricia Snow, Oregon State Department of Fish and Wildlife, said the Department does not believe the plan provides adequate wildlife protections or that the 25 feet buffers in the resource protection areas are adequate.

Ralph Rogers, EPA Wetland Ecologist, said they believe the plan has a few significant shortcomings, including inadequate buffers, failure to address the impacts and implementation of mitigation for all wetland resources, and lack of a mechanism to assure their permanent protection.

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Steve Schell, Land Use Attorney, said the Plan presents a recognized method for resolving the problems of overlapping permits. He recommended making mitigation a Type I and not a Type II process.

Jeff Nudelman, Attorney for Art Spada, a property owner in the areas, objected to being forced to provide a mitigation area for the neighborhood not on his property.

Jeff Bernstein, Oregon Environmental Council, said the 25 foot buffers are not enough and should be expanded to a minimum of 50 feet with the trail outside the buffer. He also asked that nine sites listed as wetlands but not included in the plan be added in from the start or protected until they can be added in.

Jack Broome, The Wetlands Conservancy, also opposed the 25 foot buffer zones and asked for mechanisms to protect the wetlands in perpetuity.

Ron Roberts, Attorney for Union Pacific Realty Co., supported immediate passage, adding that the impact is unnaturally harsh on their property and that it will be a major challenge to develop it.

Chuck Olson, 40-Mile Loop Trail, called it an imaginative plan and recommended approval.

Laun Carlin, Sivers Co., urged quick approval in order to cut uncertainty.

Mike Houck, Audobon Society, said serious but technical issues have been raised by other agencies which should not be underestimated in connection with the issuance of regional permits. He called for larger buffer zones and a focus on restoration.

Sebastian Degens, Port of Portland, said this resolves the uncertainty and allows the Port to go ahead with the plan for the trail. He said they will submit an amendment regarding the responsibility of property owners for certain recreational improvements identified by the Plan.

Bernard Galitzki, 1809 NW Johnson, said the plan is a vast improvement and although compliance will be costly for property owners he favors immediate approval.

David Thoresen, no address stated, objected to the dumping of flood waters into Johnson Lake and to the recommendation to turn eighty percent of developable land into wetlands.

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Phil Grillo, Attorney, 1727 NW Hoyt, suggested an adjustment to the Planning Commission recommendation concerning the Little Finger Slough area.

Kenton Barnes, Attorney for Miller Paint Co., favored retention of the proposed 25 foot buffers and said enlarging them will prevent necessary future expansion.

Commissioner Blumenauer asked the Planning Bureau and PDC to deal with each of the amendments and objections raised today and use them as a framework for further Council discussion. He asked that the written record be kept open until August 15 at 5 p.m. and that an impact statement on the implications if a tax limitation measure passes also be prepared.

**Disposition:** Passed to Second Reading and Continued to September 13, 1990.

**Mayor J. E. Bud Clark**

- 1381 Make certain determinations and findings related to and adopting the Second Amendment to the Airport Way Urban Renewal Plan. (Second Reading Agenda 1344)

**Discussion:** Doug Butler, Portland Development Commission, announced that they had reached an agreement with Thrifty Car Rental.

Jeff Bachrach, Attorney for Thrifty, said all their concerns had been addressed and they now favored adoption but, as a technical matter, did not want to waive their legal rights if condemnation became an issue.

Commissioner Blumenauer said PDC would have to demonstrate public need before any condemnation proceeding and he thought that would be sufficient.

Bill Miller, Attorney for Dollar Development, objected to getting backdoored by the agreement with Thrifty and said his concern was that the plan does not allow car rental facilities enough space for their operations.

Mr. Butler said he has offered several times to meet with the Dollar people and remains open to discussions with them. He asked for immediate action today.

**Disposition:** Ordinance No. 163358. (Y-5)

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At 4:45 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council