



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF MARCH, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales and Kafoury, 3.

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

**277** **TIME CERTAIN: 9:30 AM** - Adopt regulations declaring certain activities on business properties a public nuisance and providing remedies (Ordinance; amend Code Title 14)

**Discussion:** Commissioner Kafoury said the intent here is to separate residential from commercial activity. She stressed the need to balance concerns for civil liberties with citizen concerns about the negative impacts on neighborhood liveability.

Individuals testifying in support of the ordinance included:

Robyn Brantley, 3837 SE 40th, 97202, Kellogg Middle School student  
body president  
Ngoc Vu, 3444 SE 55th, 97206  
Desiree Cornelius, 2747 SE 79th, 97206  
Nicole Pace, 2747 SE 79th, 97206  
Amber Hathorn, 22603 SE 51st, 97206  
Monica Faricy, 3703 SE 65th  
Dana Schilperoort, 2646 SE 46th, 97206  
Terri Roses, 6507 SE Duke, 97206  
Katherine Anderson, 3534 SE Main, Crime Prevention Coordinator  
for SE Uplift  
Mike Smoke, SE Portland  
Greg Olson, 4308 SW Galeburn, 97219  
Gary D. Schwindt, 10706 SW 63rd Place, 97219  
Alicyn McCollum, Kellogg Middle School student

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Supporters objected to the presence of an adult motel so close to Kellogg Middle School, reminding Council of the recent kidnapping there and the fact that the abductor took the student to the nearby motel where he assaulted her. Many called for closure of the motel. They said neighbors need tools, such as this ordinance, to make their areas safe for children and expressed their belief that neighborhood liveability has been compromised by the presence of certain types of businesses.

Louise Shaw, 6735 SW Ventura Drive, Tigard, noted that the Oregon Supreme Court has stated adult businesses can not be regulated while the US Supreme Court does allow regulations on them. The Oregon Supreme Court's decision has left only one avenue open and that is the nuisance ordinance before Council today. She asked for approval despite its confining language and for an extension of the boundaries and the time lines.

Commissioner Kafoury noted that some amendments have been proposed and said she would ask for more time to consider them.

Brad Woodworth, attorney, Oregon Entertainment Corporation, said it would be a big mistake to pass this ordinance today. He asked for consideration of a number of amendments changing the definition of owner and defining the pattern of disruptive behavior. He said they were proposing a standard of consistent behavior rather than the three instances of negative behavior currently called for in the ordinance. He noted that, to the extent the ordinance regulates prostitution, it has to correspond with existing State statutes, which include prohibition against closure if the owner did not know about the problem, putting property back into productive use and the right to ask for a jury trial regarding closure.

Commissioner Kafoury said the American Civil Liberties Union also sent some proposed changes and by next week the City Attorney can give Council an idea of whether these should be added.

Commissioner Hales asked Mr. Woodworth to summarize any major policy differences he might have regarding the ordinance.

Mr. Woodworth said the main policy concern is that the ordinance will be selectively enforced against his type of business. He said there are adequate State remedies already and this ordinance should be aimed only at businesses with a long history of persistent problems. One fear is that businesses could be "set up" by individuals who stage incidents of disruptive behavior in order to get rid of them.

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Tracy Blakeslee, President of Oregon Entertainment Corporation, said they believe this ordinance would be selectively enforced against adult-oriented businesses. It also amounts to an indirect tax because of the need to hire extra security. The impact could be confiscation of a business.

Robin White, Portland BOMA, said they support the intent of the ordinance but have concerns about some of the procedures, particularly early notification to the owner or agent about negative behavior. She noted that the owner does not get notification until 10 days prior to the time action is taken and no proof of service is required. She said notification needs to go to the owner or agent rather than to the business. Ms. White also said providing for civil action without an opportunity to try to solve the problem first is heavy handed.

Oscar Hess, 8965 SE Division, said residential property ought to be included as well. He said this is too powerful a tool for the City and suggested that the neighborhood associations be involved first if there are problems and then go to the hearings officer. This would give better checks and balances.

Victor Dow, manager of the Powell Motel, said they are not against this ordinance but cautioned that public urination and other negative activities happen everywhere. As long as their business is not discriminated against, they have no problem with it.

Tom O'Connor, no address given, said the concerns about notification are valid and objected to increasing the power of cities to seize property. He said it has never been proved that pornography causes violent crime.

Paul Richmond, no address given, said he feels manipulated by having kids testify when they do not know the full implication of what the ordinance will do. He said prostitution should not have been made an illegal act because it then becomes open to people who want to make a profit off it.

Robert Wattenburg, 313 E. Burnside, said this ordinance violates the 14th amendment which calls for equal protection of the law. He said zoning and increased security at schools are better answers to the problem.

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Kay Durtschi, Southwest Neighborhoods, said her neighborhood association supports this bill but believes moving it to a felony from a civil offense is more appropriate. They are also concerned with the lowering of property values that occurs when adult motels open.

Mayor Katz said serious issues regarding rights and responsibilities need to be addressed.

Commissioner Kafoury said her office has been working with the neighborhoods for a long time on how to deal with disruptive businesses and disruptive residential properties. She said this does not single out any type of business and they believe it strikes a delicate balance between civil rights and responsibilities.

Commissioner Hales asked if the judge would have discretion about closing property.

Kathryn Imperati, Senior Deputy City Attorney, said the City tried to leave some discretion to the courts to analyze the specific circumstances. However, a more structured series of steps towards closure could be added if desired.

Commissioner Hales asked if the judge would also have authority to impose a fine.

Ms. Imperati said the ordinance does not presently give the courts that remedy but that could be a possible amendment.

Mayor Katz said she would like a copy of all the amendments submitted and an analysis of applicable Oregon state statutes.

**Disposition:** Passed to Second Reading March 31, 1993 at 9:30 a.m.

## **REGULAR AGENDA**

### **Mayor Vera Katz**

**278**

Amend Title 5 of the City Code to promote, among other things, competition and accountability in the awarding of Professional, Technical and Expert service contracts (Ordinance; amend Code Sections 5.68.015, 5.68.030, 5.68.040 and 5.68.060)

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**Discussion:** Commissioner Kafoury asked if there was a list of eligible contractors and other information that could be supplied to bureaus to make this process user-friendly.

Commissioner Hales said he believes Purchasing is prepared to give out and maintain a list.

Mayor Katz said she would like to continue this because she has questions about how physicians are selected.

**Disposition:** Referred to Commissioner of Finance and Administration.

**Commissioner Earl Blumenauer**

**279** Consider vacating a portion of NW Thompson Road, as initiated by Resolution No. 35097, at the request of Multnomah County (Previous Agenda 239; C-9830)

**Discussion:** Cay Kershner, Clerk of the Council, said this should be continued two weeks. Mayor Katz so ordered.

NOTE: This was brought up for reconsideration at the 2:00 p.m. session.

**Disposition:** Reconsidered. March 10, 1993 at 2 p.m.

**City Auditor Barbara Clark**

**280** Assess benefitted property for the costs of the HCD improvement of SE 18th Avenue from SE Clinton Street to SE Division Street, and construction sumps (Hearing; Ordinance; C-9782)

**Disposition:** Dan Vizzini, Auditor's Office, recommended that the one remonstrance be overruled. He said assessments cover 30 percent of the cost and a federal grant covers the rest. He said the remonstrator was ineligible for an additional HCD subsidy because his income was too high but with a 20-year City loan, his assessment would be \$22 a month.

Commissioner Kafoury moved to overrule the remonstrance and pass this to second reading. The motion carried. (Y-3).

**Disposition:** Remonstrance overruled; passed to Second Reading March 17, 1993 at 9:30 a.m.

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**281**

**Assess property for sewer system development charges through  
December, 1992 (Second Reading Agenda 272; Z0344 through Z0379)**

**Disposition:** Ordinance No. 166296. (Y-3)

**At 10:52 a.m. Council recessed.**

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**A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF MARCH, 1993 AT 2:00 P.M.**

**THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Hales, Kafoury and Lindberg, 4.**

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

**On a Y-4 roll call, the Consent Agenda was adopted as follows:**

**CONSENT AGENDA - NO DISCUSSION**

**284 Request from Tom O'Keefe, United Community Action Network, for Council hearings on storm water drainage charges (Communication)**

**Disposition: Referred to Commissioner of Public Works.**

**285 Accept bid of CTR Business Systems, Inc., for furnishing microcomputer hardware maintenance, Group I and Mac Shop Northwest, Inc., for Group II, for \$233,246 (Purchasing Report - Bid 92-A)**

**Disposition: Accepted; prepare contract.**

**286 Accept bid of Brundidge Construction for NE 62nd & Hancock Sewer Relief Phase I for \$463,444 (Purchasing Report - Bid 93)**

**Disposition: Accepted; prepare contract.**

**287 Accept bid of BL & B Contractors, Inc., for NE 13th Avenue Basin Sump Unit 7 storm sewer for \$332,071 (Purchasing Report - Bid 96)**

**Disposition: Accepted; prepare contract.**

**288 Accept bid of Chevron USA Products Company, Inc., for furnishing emulsified asphalt for \$60,000 (Purchasing Report - Bid 97-A)**

**Disposition: Accepted; prepare contract.**

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**Mayor Vera Katz**

**289** Accept the HVAC improvements at the Kelly Butte BOEC facility as complete and authorize final payment to Streimer Sheet Metal Works, Inc. (Report; Contract No. 28492)

**Disposition:** Accepted.

**290** Confirm appointment of Richard Michaelson to the Portland Planning Commission (Report)

**Disposition:** Confirmed.

**\*291** Contract with CAPE Counseling for provision of Employee Assistance Program consulting service (Ordinance)

**Disposition:** Ordinance No. 166297. (Y-4)

**\*292** Intergovernmental agreement with Multnomah County Health Department to provide bloodborne pathogen program services (Ordinance)

**Disposition:** Ordinance No. 166298. (Y-4)

**\*293** Pay claim of Hiag Brown (Ordinance)

**Disposition:** Ordinance No. 166299. (Y-4)

**\*294** Pay claim of Kaitlin Kelty subject to approval of Multnomah County Circuit Court (Ordinance)

**Disposition:** Ordinance No. 166300. (Y-4)

**\*295** Authorize extension of legal services agreement with Stoel, Rives, Boley, Jones and Grey (Ordinance)

**Disposition:** Ordinance No. 166301. (Y-4)



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**Commissioner Earl Blumenauer**

**\*296** Consent to transfer of Del Helzer Sanitary Service franchise to Portland Disposal & Recycling, Inc. (Ordinance)

**Disposition:** Ordinance No. 166302. (Y-4)

**\*297** Contract with Merina and McCoy, CPA's, for \$14,200 to conduct a Solid Waste and Recycling Rate Review/CPA Review (Ordinance)

**Disposition:** Ordinance No. 166303. (Y-4)

**\*298** Authorize the City to execute duplicate originals of a Private Road Agreement permitting use by Union Pacific Railroad Company of a road on City property near N Columbia Boulevard (Ordinance)

**Disposition:** Ordinance No. 166304. (Y-4)

**\*299** Call for bids for the NE 13th Avenue Basin, CSO Sump Project - Unit 11, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166305. (Y-4)

**\*300** Revocable permit to Jake's Restaurant to close Stark Street between SW 12th and 13th Avenues on March 16th through March 18, 1993 (Ordinance; waive Code Section 14.24.030)

**Disposition:** Ordinance No. 166306. (Y-4)

**Commissioner Charlie Hales**

**\*301** Execute a Letter of Agreement with the State of Oregon Department of Environmental Quality for participation in the Voluntary Cleanup Program concerning the former Linnton Oil Fire Training Grounds (Ordinance)

**Disposition:** Ordinance No. 166307. (Y-4)

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**Commissioner Gretchen Kafoury**

**302** Adopt a policy regarding minority and women business enterprise outreach under the HOME Investment Partnership Program (Resolution)

**Disposition:** Resolution No. 35110. (Y-4)

**\*303** Authorize application for a grant under the HOME Investment Partnership Program of the US Department of Housing and Urban Development for the Portland HOME Consortium in the amount of \$2,831,000 for fiscal year 1993-94 (Ordinance)

**Disposition:** Ordinance No. 166308. (Y-4)

**Commissioner Mike Lindberg**

**304** Accept contract with Zochert Fence Company, Inc., for Hillside Community Center Playground as complete, authorize final payment and release of retainage for a total of \$1,437 (Report; Contract No. 28146)

**Disposition:** Accepted.

**\*305** Extend contract with Servicemaster SW for janitorial services at Park Bureau facilities (Ordinance; Contract No. 26878)

**Disposition:** Ordinance No. 166309. (Y-4)

**\*306** Call for bids for improvements in Bloomington Park, authorize a contract and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166310. (Y-4)

**\*307** Authorize the Bureau of Water Works to purchase an easement for water facilities on the property of Linda A. Read at a total cost of \$3,500 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 166311. (Y-4)

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**City Auditor Barbara Clark**

**308** Appoint Sheri L. Humble to the Police Internal Investigations Auditing Committee (Report)

**Disposition:** Confirmed.

**282** **TIME CERTAIN: 2:00 PM** - Adopt report and recommendations of the Planning Commission to amend Development Standards for Columbia South Shore, amending Title 33 and Zoning maps (Report introduced by Commissioner Kafoury)

**Disposition:** Continued to <sup>JUNE 23,</sup> April 8, 1993 at 2:00 p.m.

**283** Amend Title 33 of the City Code relating to the Columbia South Shore Plan District, amend Scenic Resources Protection Plan and amend Official zoning maps (Ordinance)

Mayor Katz stated the ground rules for today's hearing and future Council consideration.

Bob Glascock, Bureau of Planning, outlined the Plan's major goals: 1) encourage high quality development; 2) complete scenic resource protection for the district; 3) promote a balanced transportation system; and 4) provide a high level of certainty for developers. He identified and summarized the issues that remain in contention, including concerns about pedestrian and exterior standards in Airport Way. The Portland Development Commission (PDC) and the Columbia Corridor Association (CCA) have asked that the item relating to flex-space buildings be deleted or modified. Regarding a request from Thrifty Auto and PDC to amend the zoning to insure that an existing auto use would be allowed, he said it does not appear needed because the project does not seem likely.

Mr. Glascock said the Planning Commission also asked staff to take a closer look at the scenic resources, evaluate their significance and preserve the mountains views. The development community, however, asked that the Scenic Findings Report (Exhibit A) be revised to consider new economic information provided since the Planning Commission record was closed. Another issue is view corridors, which take a view from a fixed vantage point in contrast to scenic corridors, which involve multiple views. The Planning Commission has recommended three new view corridors for protection, the most controversial being the view of

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Mt. Hood at the eastern entryway. The corridor would cut through the 65-acre parcel owned by Art Spada. Other major issues involve landscape standards on Marine Drive, the method (screening or painting) of softening the effect of rooftop mechanical equipment and whether to allow sign adjustments. The Planning Commission is recommending that mechanical equipment not be highly visible from Marine Drive, view corridors or Airport Way and call for a combination of screens and painting of the rooftop equipment. PDC and the CCA want paint only as the method. Persons advocating for sign adjustments take issue with the Planning Commission's recommendation that signs should be directed to abutting streets and not to interstate freeways.

Connie Lively, Portland Development Commission, said while they approve of standards which promote high quality development for the district, they believe these standards have gone beyond that to address protection of views and special pedestrians standards. She asked Council to be sensitive to the development community's concerns in this area and not discourage development and job creation, the City's primary goal. She said the Commission focused on three high impact elements: 1) setting up a 25 foot landscape set back from Airport Way; 2) requiring that exterior storage yards be setback and screened and; 3) limiting signage. The Commission recommends modifying or deleting standards that are not cost effective and agrees with the CCA on these modifications. She said the Commission is asking for the following adjustments to the standards: 1) delete the 150 foot setback for loading docks; 2) allow exterior storage setback adjustments; 3) rely on the base Code to determine allowability of heavy truck parking; 4) delete the limitation on metal siding on north/south streets buildings; 5) allow sign adjustments; 6) remove the prohibition on awning signs; 7) delete the requirement for fully screening rooftop mechanical equipment and; 8) defer pedestrian standards until they are adopted Citywide. In addition, Ms. Lively recommended that paragraph B3 on page 515-9 be retained as it reflects an existing agreement between Thrifty and PDC. This allows for replacement of parking spaces if the road is aligned.

Paul Shirey, Portland Development Commission, said PDC also seeks an amendment to include educational uses in the industrial opportunity overlay area so that Mt. Hood Community College would not be precluded from offering classes in this area.

Ann Nickel, Executive Director, Columbia Corridor Association, said the CCA is concerned about increasing regulations without an appropriate study of their economic impact. She said some of the standards are

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economic disincentives and will inhibit, not enhance, development opportunities. She asked that the transportation standards, including the pedestrian, be deferred for this reason.

Greg Specht, President of NAOIP, 3005 SW 154th Terrace, #6, said these are counterproductive to the goal of maximizing development and will discourage this area from becoming the economic center it is proposed to be. He objected to the prohibition of loading docks within 150 feet of Airport Way and the requirement for contrasting materials for pedestrian pathways. He called for changes in the rooftop screening requirements to allow painting as an alternative.

Commissioner Hales asked what the regional competition for development is.

Mr. Specht said there are no regulations as strenuous anywhere else in the region, not even anywhere else in Portland.

Stark Ackerman, Black Helterline attorney, said the ESEE (Economic, Social, Environmental and Energy process) is inadequate and does not consider other relevant information that would allow Council to fully see the economic impacts of these regulations. He asked that the ESEE be remanded to the Planning Commission or Planning Bureau with clear directions to revise it, recognizing the need to balance standards against other goals.

Commissioner Hales asked why an ESEE was required here.

Mr. Glascock said Scenic Resources are a statewide goal requirement and, since the City has an existing Scenic Protection Plan it must go through the ESEE process when considering a change.

Commissioner Hales said he wants to know the legal foundation of each part of the document so we do not get remanded by LUBA.

Mr. Glascock said staff could do additional work on the ESEE which would include work by the City Attorney's office.

Mark Childs, Grubb and Ellis, 1000 SW Broadway, #1000, said heavy regulation is scaring away potential investors. He compared this area to Troutdale, contending that 680 pages of regulations apply in Portland while only one page applies in Troutdale. He said their special concerns

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include the proposed setbacks which would delete 50 percent of the usable property along Airport Way, the Marine Drive Scenic Corridor requirements and the mass transit/pedestrian standard.

Mayor Katz said she was sure these three issues would be raised over and over.

Others speaking with concern about these issues included:

Tony Reser, Cushman Wakefield, 200 SW Market, #300  
Herb Althouse, TMT Development, 703 SW Broadway  
Dennis Sivers, representing T. & W Equipment Co., 4730 SW Macadam  
Art Spada, 13635 NE Clackamas

Bill Horning, 204 SW 1st, representing the Spada family, said the Spada family should be compensated for what is not really a view corridor as it is a public view easement. He said there are many places one can view Mt. Hood from the area and it not been demonstrated that this particular loss of view is being protected anywhere else. The easement cuts through the heart of the Spada property and would cause no less than two acres of net loss or about \$150-175,000 in property value while they estimate the employee loss at between 80-100 employees. The Spadas believe in the view concept but do not want to be the ones who pay for it. He asked for mitigation either by allowing penetration into the view corridor or by allowing them access to Airport Way.

Jeff Bachrach, attorney representing Thrifty Car Rental, referred to its agreement with PDC regarding replacement parking. He asked Council to identify non-controversial pieces that do not require ESEE analysis so that they can be passed and are not caught up in a court action.

Dan Osterman, 4644 SE 17th, asked that the CS zone allowance for signage remain as it stands. He said any more restrictions which disallow freestanding signs and awnings are excessive.

Lyn Mattei, representing the Columbia Group and Oregon Chapter of the Sierra Club, the Northwest Environmental Defense Center, and the Confederated Tribes of the Grand Ronde, requested a 7-day extension to allow the Tribes to comment on the protection of ancestral sites in the Columbia South Shore. She argued that the City had broken its promise to adequately deal with the indirect cumulative impact on the South Shore, including the impact on wetlands, migratory wildlife habitats and cultural resources. She also challenged the passage of

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any standards or regulations to Title 33 that would foreclose the protection of cultural and archeological resources. She said the proposed standards violate existing land use laws, the Comprehensive Plan and Oregon's Goal Five. The Comprehensive Plan Policy 5.20 Objective C requires the City to protect and enhance scenic and environmental qualities on Marine Drive as well as archeological resources but the proposed development standards do not fulfill this mandate. In order to attract business, she said, very little environmental protection is left while absolutely nothing is left for archeological protection. She asked Council to review copies of a report from Greg Burtchard of Portland State University which were included in the materials she submitted and which should have been distributed by PDC, but were not.

Mayor Katz asked PDC to provide them, if they had them.

Ms. Mattei said the City has a responsibility under federal and City law, and under Goal 5, to protect cultural as well as environmental resources. She said now that developers have received \$50-100 million in public subsidies they are turning their backs on their obligations.

Commissioner Hales said he is struggling to understand the nature of the cultural resources at risk here and how they compare with the rest of the region.

Ms. Mattei said Columbia South Shore had the highest density of native Americans in North America and is the site of some important resources left in one of the few still undeveloped areas in Portland.

Laurie Craghead, Cascade Geographic Society, said these amendments violate Goal 5 as they do not include an inventory of cultural resources. She contended that Goal 5 must be given equal weight with Goal 9. She also asked for protection of additional scenic views in order to preserve archeological sites and opposed elimination of the overlay zone.

Because it has not conducted an inventory of such resources, the City needs to explain how it would handle conflicts which arise. She asked that adoption of the standards be postponed until an inventory for the entire Columbia South Shore has been conducted.

Commissioner Lindberg asked if there was an inventory already.

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Ms. Mattei said there was one done by Portland State for the Economic Impact Statement requirement but it does only a superficial reconnaissance report and represents only a fraction of the cultural resources there.

Commissioner Lindberg asked what the primary cultural resources were.

Ms. Mattei said they include log houses, petrified canoes and arrowheads.

Commissioner Lindberg asked about the legal basis for requiring this.

Ms. Craghead said LCDC regulations require compliance with Goal 5, which specifically lists cultural resources.

Mayor Katz asked to what extent these cultural resources need to be protected.

Ms. Craghead said LCDC has not promulgated guidelines for implementation but it could come in and tell the City that it must comply with a particular goal.

Mayor Katz said the City does not know at this point how much of the cultural resources it needs to protect to meet Goal 5.

Ms. Craghead said that is because they have not been properly inventoried.

Ms. Mattei said there are federal standards that would apply.

Commissioner Hales said this area is developable now under current regulations under an acknowledged Comprehensive Plan already in place. These are additional regulations for an area already developable. He said the issue is not whether this area will be developed as that has already been decided. The question is what does it look like when its done. He asked Ms. Mattei and Ms. Craghead to be more specific about what changes in the rules would address their concerns.

Ms. Mattei said the FEC zone as presently written does apply to cultural resources and cultural resource considerations should be applied to the current regulations as well.



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Commissioner Hales said he understood that would be done on a site specific basis when someone went through the development approval process. He asked what Council's role in this was.

Kathryn Imperati, Senior Deputy City Attorney, said Commissioner Hales is correct in that City does at present have regulations acknowledged to be in compliance with Goal 5. There is no doubt that archeological resources are a Goal 5 resource that need to be addressed at some point. Two separate projects are going on in Columbia South Shore. One is revision of the Natural Resources Management Plan (NRMP) or the adoption of some revised Environmental zone regulations. The other is this project, the development standards which address what development should look like it but do not address where it will occur. The NRMP does address where development will occur and that would be the most appropriate place to address archeological resources.

Ms. Craghead said they understood the NRMP was going to be abandoned.

David Ellis, Association of Oregon Archaeologists, said of the recorded 35-40 in the City, 90 per cent are in the Columbia River flood plane and half of them are within the Columbia South Shore area.

Others urging Council to preserve Native American artifacts and cultural sites included:

Susana Santos, Sacred Earth Coalition  
Calvin Hecacta, 3760 Chemawa Road NE, Salem 97305  
Michael Jones, PO Box 299, Rhododendron, 97049  
Mavis Holt, 1235 SE 115th, 97216  
Paul Roland, Earth First  
Gary Gaunt, Yakima Tribe member  
Crazy Wolf, no address given  
Juanita Denning, 7347 SE Henry, Apartment 7

Robert Dortignac, member of the Scenic Resource Committee, supported the proposed Plan and said he was worried about changes that will pick away at it. He said the Committee would be willing to work with property owners to accommodate them.

Jean Ridings, 2150 NE Blue Lake Rd., Troutdale, 97060, objected to the use of the Interlacken Road name and stated her concern about the continual degradation of Marine Drive, adding that the 40-Mile-Loop

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people are concerned about the safety of cyclists and joggers. She also objected to having unpainted crosswalks and the destruction of wetlands.

Commissioner Kafoury said she would like the written record left open for seven days and then reconvene on April 8 to consider a matrix of the major issues as well as archeological concerns and ESEE legal requirements.

Alice Blatt, East Portland District Coalition, supported the development standards which she called pitifully minimal considering the area's scenic and cultural resources. She said she is stunned by the narrow view taken by the landowners and the developers. She said the ESEE should include mention of the public investment of \$85 million and the handsome payments landowners received for rights-of-way on Airport Way. She argued that land values have increased 30 times in the past ten years.

Mike Abbate, Scenic Review Committee, echoed Ms. Blatt's views regarding the scenic value of the area, contending that it is critical that scenic views be protected. He suggested revising regulations regarding tree plantings.

Mayor Katz asked Mr. Glascock to prepare a matrix of the issues raised today. She said she would be interested in hearing the Planning Commission's rationale on some of these decisions, particularly regarding setback and pedestrian walkway issues.

Commissioner Hales said in some of these areas there is already existing Code language that does some of what is proposed in the regulations. He said he would like an explanation of the difference between requirements in the base zone and these proposed standards.

Mayor Katz said the hearing will be continued to April 8 to allow for staff response. She proposed closing the oral record and extending the deadline for the written record one week.

Commissioner Hales said this is a legislative item and testimony could be taken at any time. He said he sees no particular reason to close the record.

Mayor Katz said she is concerned about dragging on with additional oral testimony.

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Ms. Imperati said there may be a need to reopen the hearing in the future to allow people to address any changes to the ESEE or amendments that staff propose.

Mr. Glascock said he did not mean to close the record entirely but needed to have a deadline for preparing the matrix.

Mayor Katz said she needed a clarification about where the City is regarding the ESEE report.

Ms. Imperati said Council now has the ESEE analysis forwarded by the Planning Commission. Since it was prepared, more specific, numerical economic evidence has been received which staff needs to reexamine and amend as warranted. She said the present ESEE analysis is probably not the final one.

Commissioner Hales said he still does not understand the need for an ESEE analysis given that the City has an acknowledged Comprehensive Plan and is simply amending one of the regulations.

Ms. Imperati said since the City is amending the Scenic Resources inventory to add sites or protected resources that triggers the full set of Goal 5 requirements. She said she recommended that an ESEE analysis be done in order to comply with the recent Supreme Court decision regarding Columbia Steel Casting.

Mayor Katz said on the 8th Council will hear testimony on the ESEE issue, discuss the report and consider any amendments.

*May 27,*  
**Disposition:** Continued to ~~April 8,~~ 1993 at 2:00 p.m.

## **REGULAR AGENDA**

### **Mayor Vera Katz**

**\*309** Authorize appointment of Carol Ford at a rate of pay above entry (Ordinance)

**Discussion:** Tim Grewe, Director of Financial Planning, said Ms. Ford, an affirmative action appointment, was hired to fill a temporary

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appointment and has extensive budget experience. He said the reason this is before Council is because he did not realize that a rate of pay above entry could not be authorized for temporary employees without Council approval.

**Disposition:** Ordinance No. 166312. (Y-4)

**Commissioner Gretchen Kafoury**

**310** Amend Title 33, Planning and Zoning, to clarify several issues (Second Reading Agenda 273)

**Disposition:** Ordinance No. 166313. (Y-4)

**City Auditor Barbara Clark**

**\*311** Amend the City Code to allow more flexible scheduling of Council meetings and clarify language regarding reports and communications from the public (Ordinance; amend Code Chapter 3.02)

**Disposition:** Ordinance No. 166314. (Y-4)

The Clerk asked if Item 279, considered at the 9:30 a.m. Session could be reconsidered as the wrong disposition was requested when the item was heard this morning.

**279** Consider vacating a portion of NW Thompson Road, as initiated by Resolution No. 35097, at the request of Multnomah County (Previous Agenda 239; C-9830)

**Disposition:** Withdrawn for no further consideration.

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

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*  
By Cay Kershner  
Clerk of the Council

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**THURSDAY, 2:00 PM, March 11, 1993**

**DUE TO LACK OF A QUORUM  
THE PORTLAND CITY COUNCIL  
DID NOT MEET**