



CITY OF

PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF JANUARY, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 62** Accept bid of Christenson Oil for annual supply of lubricating oils, greases and turbine oils for \$71,028 (Purchasing Report - Bid 68-A)

Disposition: Accepted; prepare contract.

- 63** Accept bid of Moore Excavation for Sumner sanitary sewer for \$4,327,857 (Purchasing Report - Bid 74)

Disposition: Accepted; prepare contract.

- 64** Accept bid of NW Outdoor Equipment, Inc., for furnishing fairway mowers for \$80,934 (Purchasing Report - Bid 81)

Disposition: Accepted; prepare contract.

- 65** Accept bid of Brattain International Trucks, Inc., for furnishing two 48,500 GVW cab & chassis with 9-10 yd. dump body for \$142,622 (Purchasing Report - Bid 84)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 66** Authorize Advance Refunding Bonds (Resolution)

Disposition: Resolution No. 35234. (Y-5)

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- *67** Pay claim of Shawna Reed (Ordinance)
Disposition: Ordinance No. 167277. (Y-5)
- *68** Pay claim of Lawrence Bidner (Ordinance)
Disposition: Ordinance No. 167278. (Y-5)
- *69** Contract with Ball, Janik and Novack for the consulting services of Victoria Cram on matters pertaining to the relationship between the City of Portland and the federal government (Ordinance)
Disposition: Ordinance No. 167279. (Y-5)
- 70** Approve Intergovernmental Agreement between the City of Portland and the State Vocational Rehabilitation Division and Commission for the Blind (Ordinance)
Disposition: Passed to Second Reading January 26, 1994 at 9:30 a.m.
- Commissioner Earl Blumenauer**
- 71** Accept Phase IX Residential and Arterial Conversion Street Light project and make final payment to Hawkeye Construction, Inc. (Report; Contract No. 28671)
Disposition: Accepted.
- 72** Set hearing date for Wednesday, 9:30 am, February 23, 1994, for the vacation of SE 101st Avenue and SE 103rd Avenue lying south of SE Powell Boulevard (Resolution; C-9856)
Disposition: Resolution No. 35235. (Y-5)
- 73** Vacate the most easterly N Bybee Lake Road south of N Marine Drive, under certain conditions (Second Reading Agenda 33)
Disposition: Ordinance No. 167280. (Y-5)
- *74** Authorize the purchase of 13 mid-size police sedans through the State of Oregon Price Agreement and provide for payment (Ordinance)
Disposition: Ordinance No. 167281. (Y-5)

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Commissioner Charlie Hales

75 Approve the annual review of the Basic Emergency Services Plan (Resolution)

Disposition: Resolution No. 35236. (Y-5)

***76** Contract with Northwest Outdoor Equipment, Inc., to furnish three fairway mowers to Golf Operations (Ordinance)

Disposition: Ordinance No. 167282. (Y-5)

***77** Authorize an Intergovernmental Agreement with jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties for Regional Emergency Management and approve Regional Emergency Management Workplan (Ordinance)

Disposition: Ordinance No. 167283. (Y-5)

Commissioner Mike Lindberg

78 Accept completion of contract with Pneumatic Construction, Inc., for drag chain housing replacement and pay retainage (Report; Contract No. 28745)

Disposition: Accepted.

79 Accept completion of the installation of flowmeters for Airport Way No. 1 and Force Avenue pump stations and make final payment to Triad Mechanical, Inc. (Report; Contract No. 28766)

Disposition: Accepted.

***80** Authorize a contract and provide for payment for the Albina Pump Station remodel (Ordinance)

Disposition: Ordinance No. 167284. (Y-5)

***81** Authorize Agreement with Lee/Ruff/Stark Architects for \$70,093 for architectural and engineering services for Interstate facility and Willis Building improvements and provide for payment (Ordinance)

Disposition: Ordinance No. 167285. (Y-5)

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- *82** Amend agreement with Arctic Slope Consultant Group, Inc., to extend termination date with no increase in contract amount (Ordinance; amend Contract No. 27442)

Disposition: Ordinance No. 167286. (Y-5)

- *83** Amend City Code to clarify and adjust collections procedures for delinquent sewer charges (Ordinance; amend Chapter 17.36)

Disposition: Ordinance No. 167287. (Y-5)

City Auditor Barbara Clark

- *84** Reduce sewer assessment lien to 3955 SE 112th Avenue (Ordinance; amend Ordinance No. 164820)

Disposition: Ordinance No. 167288. (Y-5)

REGULAR AGENDA

- 61** **TIME CERTAIN: 9:30 AM** - Adopt the Eastbank Riverfront Park Master Plan (Resolution introduced by Commissioner Hales)

Discussion: Commissioner Hales said this could make a real difference to a critical part of the City.

Zari Santner, Project Manager, Parks and Recreation, said adoption of this plan is an important step in realizing the vision of linking the east and west sides of the river. She noted that a concept plan for this park was first adopted by Council in 1986 and later, in 1988, the Central City Plan called for development of a park near the Hawthorne Bridge.

Les Prentice, Portland Development Commission, highlighted the two-year process used to develop this plan, which depended heavily on building community-wide consensus through extensive citizen involvement and public review.

Barbara Walker, Citizens Advisory Committee Chair, said first of all this is a river park which is viewed as a community focal point linking many entities. She called it a fabulous plan.

Joan Shipley, CAC member, said the vision for this area is astounding. She said the plan developed by the designer, George Hargreaves, allots each space with an identity of its own, adding that this plan is uniquely Portland.

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George Hargreaves, designer, described the urban planning principles which guided this project and showed slides to illustrate them. He noted that the location of the freeway had a major influence on the location of the major features. He said the committee developed a list of programs they wished to locate there and found sites for them, not all of which were at first apparent. He said the central focus was always the river and early on they realized the need to strengthen the southern anchor adjoining OMSI. To achieve this they tried to create a series of public attractors and root them in the environmental and historical fabric of the area. He described the various attractors included in the plan, including an amphitheater, water features, a community center, a market place underneath the freeway, food court, docks and piers and a beach. They hope to attract private investors to develop many of these in order to help pay for the public attractors. On the northern end of the project they envision a marsh culminating in a large viewing area with a restaurant.

Ms. Walker stressed that above all the committee considers this the beginning of a process that has been desired for decades and as a building block both for the east side and the entire City. She noted that this plan will work whether or not the freeway is moved. Now that it has been decided to move the freeway, it is essential not to let this area remain a wasteland.

Frank Weigel, CAC member and developer, said it is very important that this plan become a reality and not round-filed. The park would cost less than 10 percent the amount of investment that has been made in the Eastside in the last three years. Estimated cost of the Park plan is \$40 million and there are opportunities to tap private sector resources to help in building it. He recommended formation of a non-profit corporation to accomplish these goals.

Commissioner Lindberg asked about using private funds to do some of the development itself.

Mr. Weigel said economic studies showed them which elements could realistically be funded by the private sector. Those elements were the ones included in the plan and are very real possibilities.

Mayor Katz asked if the phases of development had been thought out and where the City would have revenue possibilities.

Mr. Weigel said the resolution asks for two additional months to answer those concerns. The plan has the potential for being phased, with the most realistic opportunities at the south end although there are some funds available through grants to provide access from the bridge.

Mayor Katz asked about whether the links with the CSO had been considered.

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Mr. Weigel said yes but all the funding sources have not been developed today or given chronological weight.

Ms. Walker said they have not isolated which strategies to follow and in which order and that is why they are asking for additional time.

Chet Orloff, CAC member and Director, Oregon Historical Society, suggested using the park as the emblem of the Lewis and Clark bicentennial celebration and envisioning its grand opening in 2005.

Paul Zumwalt, speaking for the Oregon Arena Corporation and Portland Trail Blazers, endorsed the master plan as a viable and practical step to recovering the eastbank of the River. Their endorsement assumes that the esplanade will not preclude the important Greeley/I-5 improvements. He said until the I-5 freeway removal issue is clarified, they are not likely to proceed with further master planning of the arena site.

John Craig, 3459 SE 8th, 97207, architecture student and member of the Libertarian party, said this program forces developers to build huge market sheds for which there is no proven need. It disregards possible market conditions that make the project unfeasible and ignores the lessons to be learned from the unsuccessful Yamhill Market or the effect on Saturday Market. He said the plan relies on public investment during uncertain financial times and suggested that the City sell the four-block parcel to a developer with the stipulation that a public esplanade be built. He said private development such as Riverplace, which most people perceive as a public amenity, is a precedent.

George Ward, consulting engineer, 510 SW 3rd, 97204, opposed adoption although he has no criticism of the plan itself. He said it is very poor timing to approve a \$40 million project without informing the public that many millions will be lost if it is implemented prematurely. Top priority should first go towards finding an answer to the CSO problem. He added that even if the City is successful in reducing the estimated \$1 million cost of the CSO project by \$300,000, this will still represent an enormous burden to the City.

Commissioner Lindberg said they are trying to coordinate the two projects and his office will respond to questions about this.

Ray Hyde, 1584 SE Lexington, 97292, questioned the wisdom of spending millions when the City still does not know what it wants to do on the East side. He said he does not think the public understands the potential revenue that can be generated on the East side over a period of years. He said he looks on the freeway as the Berlin Wall.

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Mayor Katz said that question was raised by the Committee itself and was factored into the plan.

Worth Caldwell, 20 NE 14th, Central Eastside Industrial Council, said the CEIC unanimously passed a resolution endorsing the plan. It calls for maximizing public\private development opportunities where feasible in order to generate revenues for operations and maintenance as well as increase Portland's tax base and employment opportunities.

Nancy Finch, 7409 SE 82nd Ave., #26, enthusiastically endorsed the plan, citing San Antonio and Chicago as cities where river walks have been very successful.

Jim Ringelberg, Bob Perron Associates, 800 NW 6th Ave., #27, said this plan would be a public health hazard because of the freeway noise, noxious odors and water pollution from road spray, upstream hazards and multiple CSOs. The study does not call for a study of levels of pollution and how they might be mitigated. Because there is a one and one-half mile stretch that does not allow escapes, there is a safety hazard as entrapment can, and will, happen. Nor does the plan address the high changeability of the water levels due to flooding and only superficially addresses the historical and cultural aspects of the harbor. Noting that the Trail Blazers put their master plan on hold until the freeway issue is resolved, he urged Council to do the same.

Jerry Mitchell, 6915 SE Belmont, 97215, supported the plan even though there is a need for a lot more information. It is important to recognize some of the constraints, including budget, which are in place and to coordinate all the projects in the area and make sure City bureaus work closely together. The Multnomah County Bridge Accessibility project also needs to be coordinated with the Eastbank project.

Mayor Katz said Council has been told by many people that they need to do multi-bureau planning and implementation and this is an example of where it can happen.

Juliann Lansing, 380 SE 27th, said this is fiscal irresponsibility. There are already more parks here than in Washington and money should be spent on the poor and the homeless.

George Crandall, 1445 NW 30th, opposed the plan, contending that when the reality of what a pedestrian would face in the proposed Park is examined, the plan does not work. He said the general public will not feel safe in this kind of an environment and the only people who will use it will be a few hearty bikers and joggers. He said the question is, if the freeway is removed, would the proposed improvements still be relevant. He said probably not, as the master plan is a specific response to the

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freeway. If the Council believes the freeway will never be realigned, then it should adopt this. However, if Council intends to develop an integrated transportation and land-use plan consistent with recommendations of the Eastbank Citizens Advisory Committee and believes the freeway will be realigned, it should not. Approval of the plan is premature at this time and could set in motion a series of public commitments that could compromise the larger vision. He said this plan ignores the physical realities of the Eastbank, including noise, space and safety issues, adding that the City cannot make a prince out of a frog, even with a \$40 million kiss. He made three recommendations: 1) accept the plan as a version of what will happen if the freeway stays; proceed immediately with a comprehensive transportation and land-use plan for this area; and 3) reevaluate the esplanade plan once the comprehensive planning effort has been completed in 12 to 18 months to determine which pieces the City can proceed with immediately.

Tom O'Keefe, United Community Action Network, said the City could generate money by selling earplugs if it goes ahead with this project. He said this seems to be on a fast track and more time should be taken to address water, air and noise issues. He suggested planting ivy from Forest Park on the freeway pilings, include a free zone for street musicians, put in a fountain that operates on waste and storm water when it rains and move Portlandia over there.

Jada Mae Langloss, homeless, said she favors this if it is in harmony with nature and the City respects the air, water, plants and the people and not just makes this another parking lot.

Brian Swaren, PO Box 82548, submitted a plan which calls for covering the freeway with a flat roof on top of which you place greenery.

Bob Elliott, neighborhood representative on the CAC, said both the Hosford Abernethy Neighborhood Association and SE Uplift Land-Use Committee endorse this plan. OMSI, while a welcome addition to the neighborhood, did not give them the access to the river but this plan will.

Mayor Katz asked staff about the issues raised regarding the freeway, noise and air quality, water pollution and regulation regarding infill, as well as the CSO.

Mr. Hargreaves said they addressed the issue of the freeway and noise both with members of the CAC and the technical advisory committee and reexamined what would happen if the freeway were moved. He said they looked at available sites and determined that the land use should be complementary to OMSI and such elements as the public market. The rest of the plan is virtually a river edge, linear plan. The area between the Burnside and Morrison bridges, which would change if the freeway

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were moved, is where they call for the simplest elements and plan to make the least capital investment.

Commissioner Lindberg asked about the possibility of covering the freeway with a garden such as in Seattle.

Mr. Hargreaves said in Seattle the freeways had structures above them which Portland does not have.

Ms. Walker said their charge was to develop a plan which would be workable with or without the freeway. Given that direction, they felt it was irresponsible to develop such an element for the freeway itself.

Regarding noise, Mr. Hargreaves said in the noisiest area they inverted the site to form a negative sound board since sound waves do not travel down. This will allow people to get away from the noise although it will still not be a bucolic park. He said you cannot quantify exactly how much the decibels will be reduced but they will test for that as the plan is implemented. Areas in the floodplain are designed to withstand flooding.

Commissioner Lindberg asked about the safety issue raised by Mr. Crandall.

Mr. Hargreaves said they disagree that people will be unsafe. He said there are overlooks, docks and piers so that as people move along the corridor they can get down to the river.

Commissioner Lindberg asked if people would be captive once they got on the trail.

Mr. Hargreaves said there is one 12-block stretch but people can exit at the bridge approaches.

Mrs. Walker said people always charge that only derelicts will use a park and she does not believe this will happen and she feels strongly that people will use this park.

Mayor Katz asked about permits to do the fill.

Mr. Hargreaves said their technical advisory committee determined that the limited fill they are proposing, in areas where they wish to get away from the freeway, was possible and feasible.

Mrs. Walker said they have worked very closely with Multnomah County and have had wonderful cooperation with the Bureau of Environmental Services (BES) on the CSO issue. The plan will be mutually beneficial and coordinated.

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Commissioner Hales said it looks as if the design is horizontally flexible and asked if the design will survive the options being considered by BES for the CSO.

Mr. Hargreaves said this is a master plan and the exact dimensions must be flexible. He said it was hoped that this plan would flush out the CSO issue.

Commissioner Kafoury stressed that Council has not made a decision yet to move the freeway and did not vote to spend \$19 million to move the freeway.

Commissioner Blumenauer said this plan, which is freeway neutral, is a way to take advantage of available funds and begin implementation of some aspects. He said he understands why people are confused about the City's position relative to East Bank and it is incumbent on Council to clarify very quickly exactly what it is going to do. He expressed a reservation, given the magnitude of the issues still pending, about Item 3 which calls for execution of the Plan within 12 years. However, he believes the plan itself will resolve that. This is a phased approach that begins to realize the potential of the East side of the river.

Commissioner Hales said this plan is an artful blend of public attractors and recreation. It is the art of the possible on a difficult site, both visionary and doable, which will enliven the heart of the City. It is flexible enough to respond to funding opportunities and will be a bridge between attractors now inaccessible to each other and to citizens who would like more access to the river. He said this will be a reference point for coordinating other projects such as the CSO but, more important, it is also an inspiration.

Commissioner Kafoury said this is a very exciting proposal and something the City can do now.

Commissioner Lindberg said this culminates years and years of work. It will leave a tremendous legacy for the City and he has no doubt that this will be intensively used. The private sector is excited about investing in this area which can be a catalyst for further public improvements.

Mayor Katz noted the Council direction to the committee that the plan work with or without the freeway. She said Council has wonderful opportunities for improving various areas of the City but limited resources which need to be used wisely to make pieces of this happen. This is a vision for the future and 2005.

Disposition: Resolution No. 35237. (Y-5)

Mayor Vera Katz

- 85** Implement a program that establishes employee discounts to assist employees in meeting their work and family needs and provides the City opportunities to increase employee productivity (Previous Agenda 25)

Discussion: Mayor Katz said the Purchasing Agent had raised some concerns last week but she assumes they have been taken care of.

Commissioner Kafoury said her only concern was that this not give City employees advantages that private employees did not have and said she had been assured that many private firms take advantage of similar programs.

Disposition: Resolution No. 35238. (Y-5)

Commissioner Earl Blumenauer

- *86** Authorize a contract with Telecomm Systems, Inc., dba Portland Paging Co., to furnish radio paging services for an estimated \$100,000 and provide for payment (Ordinance)

Discussion: Commissioner Blumenauer said this is an instance where Purchasing snagged a bid to piggyback onto a contract of another jurisdiction, in this case Clackamas County. It saved the City six percent and also cut down on a lot of paperwork.

Disposition: Ordinance No. 167289. (Y-5)

Commissioner Charlie Hales

- *87** Authorize interagency agreement with Portland Development Commission to conduct an archaeological investigation of Columbia South Shore (Ordinance)

Discussion: Commissioner Kafoury noted that every time Planning staff has been diverted to work on projects such as this, they have been unable to complete others, such as the rewrite of Title 34, about which the most complaints are heard. She said she hopes the resources can be found to do that work as well.

Disposition: Ordinance No. 167290. (Y-5)

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- *88** Authorize agreement with Heritage Research Associates, not to exceed \$80,000, to conduct an archaeological investigation of Columbia South Shore (Ordinance)

Disposition: Ordinance No. 167291. (Y-5)

- *89** Revise fees charged at municipal golf courses and establish effective dates (Ordinance; amend Code Section 20.20.010)

Discussion: Commissioner Hales requested that this be continued two weeks, noting that it would then have to be amended to change the effective date.

Disposition: Continued to February 2, 1994 at 9:30 a.m.

Commissioner Mike Lindberg

- 90** Adopt the Public Art Policy for the Bureau of Environmental Services and Bureau of Water Works (Resolution)

Disposition: Continued to January 26, 1994 at 9:30 a.m.

- *91** Authorize an intergovernmental agreement with Powell Valley Road Water District (Ordinance)

Discussion: Tom Pokorny, Manager, Powell Valley Road Water District, said this is an extension of the original 1991 agreement.

Disposition: Ordinance No. 167292. (Y-5)

- *92** Contract with Parametrix, Inc., to conduct a remedial investigation and feasibility study of the Columbia Slough and to provide for payment (Ordinance)

Discussion: Commissioner Lindberg requested a continuation for one week.

Disposition: Continued to January 26, 1994 at 9:30 a.m.

At 11:52 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF JANUARY, 1994 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

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

- 94** Tentatively deny appeal of Block 216 Partnership against Hearings Officer's decision to deny application to demolish an existing building and construct a surface parking lot at 901-917 SW Alder Street (Findings; 93-00064 CU DZ; Previous Agenda 1936)

Discussion: Cay Kershner, Clerk of the Council, noted that the findings had not been filed.

Disposition: Continued to February 9, 1994 at 2:00 p.m.

- 95** Tentatively grant appeal of the Melvin Mark Properties against the Landmarks Commission's decision to give landmark designation to the Governor Building located at 408 SW Second Avenue (Findings; 93-00709 DM; Previous Agenda 2045)

Discussion: The Clerk noted that the City Attorney's office had not had sufficient time to review the findings in this case.

Disposition: Continued to February 9, 1994 at 2:00 p.m.

- 96** Tentatively deny appeal of Mittleman Jewish Community Center against Hearings Officer's decision to impose Condition F in approving a conditional use master plan for site development and improvements located at 6651 SW Capitol Highway (Findings; 93-00476 MS; Previous Agenda 18)

Disposition: Findings Adopted. (Y-5)

- *93** **TIME CERTAIN: 2:00 PM** - Protect and conserve natural resources within the Fanno Creek watershed (Ordinance; amend Comprehensive Plan, Zoning Maps and Title 33, Planning and Zoning; Previous Agenda 1946)

Discussion: Al Burns, Planning staff, said except for reformatting because of new Court and LUBA decisions, this is the same as the April 7, 1993 submission. He said they changed the way they do an analysis

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and the Goal 5 report, making it four times thicker. However, there are no substantive changes from the August 4th draft except for amending the environmental code to include new enactments made by the East Buttes and Terraces Natural Resource Plan, the Columbia South Shore Plan and the public facility siting Code changes. One deletion was made to remove an exemption (originally designated D-11) and there are also some changes in the zoning map amendments as site conditions have changed and in some cases resources identified as significant have been removed. Other changes to the zoning maps resulted in narrowing some protection zones based on new topography which became available to the City in 1993 that helped identify streams in relation to right-of-ways and property lines. The new maps are more accurate. One site, the Lewis Singer site, needs to be changed slightly. He handed out copies of the changes, noting that Council will have to note that the December 6th maps are adopted as revised today. He said in all cases where amendments have been made from last April until today, the result has been to either make no change or lower the level of protection. That is true on all private property. The only place environmental zoning was increased was in Lesser Park, which is public property.

Ms. Spetter said to her knowledge no private property had an increase in environmental zoning or more restrictive zoning.

Micheal Carlson, Audubon Society, supported the plan, noting that resources have been lost since the beginning of this process. He said there have been substantive changes in the Environmental zone code that are of great concern. He referred to Page 430-5 Section D, No. 1, where they, and other groups, strongly oppose inclusion of an exemption which would allow any federally-supported project to be exempt from the E-Zone Code so that no review of the environmental impacts would occur. They also have concerns with Nos. 4 and 5 in the same section. On No. 4, he suggested that the language should state that improvements must be within the existing, paved travel lane rather than in the right-of-way, as the latter could encompass paper streets that were platted many years ago but never built. Regarding No. 5, the language should be changed to state that water quality monitoring stations which are only accessed by pedestrians be constructed to the standards of the Bureau of Environmental Services. That is important because the intent is to allow only pedestrian access and keep vehicles out. Another concern is on page 430-8 regarding exterior lighting (F) where they propose that all lights exceeding 200 watts, not just incandescent lights, must be placed so that they do not shine into natural resource areas. This is a big issue for wildlife protection. A final concern appears on Page 430-13 (Section A, No. 2) with the wording "there are not practical locations," where they suggest adding the words "or other forms of development within the same ownership."

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Marvin Witt, 1611 NW 32nd, 97210, said what appeared to be a slight problem became major when an error on Map No. 3325 showed the overlay on his lot going down the middle of it, making it unbuildable. He said his lot lies between two culverts and the site drains rainfall but that is the extent of the groundwater there. He said there are other ways to mitigate for this site and build something that is environmentally sound. He said he needs direction on how to move from here.

Commissioner Hales asked if the mapping is still incorrect.

Mr. Witt said yes, by about 20 feet.

M. Edelman, 9415 SW Capitol Highway, 97219, said since signing up to speak he learned his problem has been straightened out.

Mike Burcutt, 8610 SW 59th Ave., custom home builder and member of the Environmental Zone Streamlining Committee, said the findings do not indicate that this is a no-growth measure under the guise of environmental protection. Because of drastically increased development costs there will be a negative economic impact. When it takes six to 18 months for land-use review, and the review adds tens or hundreds of thousands of dollars to the cost of construction, the astute business person will not locate in the City. He said nothing is said about the potential environmental disaster awaiting the City with the discontinuation of sewer inspections within EP zones nor does it address the problem of fire protection caused by the inability to clear fire breaks and underbrush without environmental review. The maps are inaccurate and unclear and no survey data was done to justify placement of most environmental boundaries. Contradictory City Codes are not addressed, making administration and enforcement difficult. People rarely know their property is in an environmental zone until they contact the Planning Bureau and then because of the mapping problem, they are not able to identify the proper location of the zone. Members of the Planning staff need to be educated about the environmental zone requirements so that more than one person knows what they are. He urged that approval be delayed until the Streamlining Committee and the Technical Advisory Committee have the opportunity to propose solutions to the problems.

Commissioner Hales asked if his mapping issue refers to Ash Creek Woods.

Mr. Burcutt said both Phase I and II are missing from the map.

Lois Anderson, 3910 SW Beaverton Hillsdale Highway, referred to Map No. 3525 which shows her property zoned as R7C. She said they have lived on this property for 43 years. They paid the sewer assessment in 1973 with the idea of future development. She said if the property is not

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developable they would like a property assessment reduction, which is what occurred on a neighboring property. One question is that on p. 287 it states that property east of SW 45th is recommended for EP zoning. However, their property has been designated EC on the map. Mr. Burns told them the map prevails but they would like it to be a matter of record that the map will prevail over the text. She said they feel they have been good stewards of the land and are being punished for it.

Mayor Katz said if the map prevails, the text needs to be corrected.

Dorothy Cofeld, Oregonians in Action, representing Lois Anderson, said they do not favor the Fanno Creek overlay because it burdens land owners, particularly those such as Mrs. Anderson who have not yet developed their land. She said environmental review for those in an EC zone is very cumbersome, including such requirements as a complete inventory of every plant and every indication of wildlife on the property. The burden should be on the government to at least tell the applicant where the significant environmental concerns are.

Mayor Katz asked if these concerns related to the new changes that have been made or if she is replaying past concerns.

Ms. Cofeld said she is specifically referring to the ordinances that apply to the Fanno Creek Environmental review where you have to go through a supplemental narrative and a mitigation plan.

Ms. Spetter asked if this process already existed in the Code document in April.

Ms. Cofeld said she was referring to Standards for Resource Areas in 33.430.250.

Ms. Spetter asked if this was new since December.

Ms. Cofeld said this was provided in preapplication conference in another overlay zone.

Ms. Spetter said this is a remand from LUBA and Council today is only discussing changes in the findings since the remand, not reopening the whole hearing.

Ms. Cofeld said in that case her comments echo Mr. Burcutt's call for streamlining the process. The City should tell the landowner where he/she can build so the land can be developed.

Mayor Katz said Council is not opening up the entire discussion on Fanno Creek.

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Commissioner Kafoury said other people raised issues that do not deal with the LUBA remand either.

Commissioner Hales asked if the mapping issues are germane.

Ms. Spetter said yes because the mapping was changed since the last hearing, based on more recent topographic maps and the aerial views.

Jim Lee, 10536 SW 53rd, 97219, asked Council to listen to those who seek to protect the resources.

E. L. Devereaux III, 5002 SW Vacuna, Chair Far Southwest Neighborhood Association, asked for adoption of the plan.

Arnold Rochlin, PO Box 83645, 97219-7382, said the matter before Council has been weakened and compromised to make it easier on developers. Nevertheless, he called for adoption. He agreed with Michael Carlson regarding the exemption for federally-supported projects.

John Alland, Southwest Neighborhood Information (SWNI), asked those in Council in support of the plan to stand up. He said despite this support, however, there is work to be done in streamlining the regulations.

Alice Blatt, NE Holladay, supported the ordinance but acknowledged the concerns of Michael Carlson, particularly in allowing exemptions on federally-funded projects. She noted a situation in Columbia South Shore regarding the decision to use a highly valued upland as a totally artificial wetland mitigation. She said she thought there would be public discussion about this and asked that it be removed until that occurs. She said they do believe in streamlining but if it leads to a disaster it does not serve the City's purposes.

Kay Durtschi, SWNI, thanked Council for working through these issues and urged adoption, adding that some important resources have already been lost in Southwest. She said it is imperative that there be something in place.

Mr. Burns responded to the issues raised. Referring to Mr. Carlson's concerns about exemptions in the Environmental Code, he said these were adopted last April and nothing has changed since that time. Regarding the federal exemption, he said this is not a blanket exemption for all federally-supported projects but only for those found in compliance with the Comprehensive Plan. Regarding D-4, he said paper right-of-ways are excluded and this refers only to right-of-ways that already are in use for motor vehicle traffic but are substandard. Improvement to City standard

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is the goal here and in many cases the resource will be improved by these projects, rather than degraded.

Mr. Burns said the intent of the pedestrian access right-of-way is what was stated by Mr. Carlson but he said it better. Regarding the lighting standard, there is a qualifying paragraph which limits the 200-watts to incandescent bulbs and states parenthetically that fluorescent or halogen lights must not be brighter than the 200-watt standard. The Bureau has considered these concerns and recommends that the current language be retained overall as it will be subject to review later through the environmental zone process now underway.

Commissioner Hales asked if the language in these subsections had been changed since the April adoption.

Mr. Burns said no.

Commissioner Hales said it would be out-of-bounds then to deal with previously-approved text since this is a voluntary remand from LUBA.

Regarding Mr. Witt's property, Mr. Burns said he has not had a chance to do a field check. He said if the stream channel is closer to the middle than the map shows, that is a problem for development. What he would recommend, since it is in a transition area, is to change Map 3325 from an R10P to an R10C and permit him through a quasi-judicial process to move it to where it really is. He noted that Mr. Witt applied for development review prior to the effective date of these regulations and has an alternative development proposal in process now which is grandfathered and not subject to these regulations.

Commissioner Lindberg asked if there was a policy basis to support the change in designation.

Mr. Burns said the policy basis was that it was not the intent to preclude development on these two lots but the basis is that if the protection zone is in the middle of the lot that is a higher level of protection than that envisioned by staff. For that reason, a Conservation rather than Protection designation would carry out the original intent. He said he told Mr. Witt he might be better off under the approval criteria of the new regulations but he needs to see the site plan first in order to tell. His recommendation would be to change the designation from R10P to R10C and authorize staff to change the 40-foot wide riparian corridor to center on where the drainage actually is.

Commissioner Hales moved the amendment to Map 3325 (Witt property) changing the designation as suggested by Mr. Burns. Commissioner Lindberg seconded. The motion carried. (Y-5)

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Commissioner Hales moved to amend Map 3825 (Singer property) to make the recommended changes. Commissioner Lindberg seconded and the motion carried. (Y-5).

Commissioner Hales asked about the amendment to Map 3923 recommended by Mr. Burkett.

Mr. Burns said he was able to use 1993 BES topography to update this site in Ash Creek Woods. He said there is a forested slope on the site that exceeds 30 degrees and is considered a severe landslide hazard. He said he believes this site still warrants a conservation zone. The map amendment that he brought today excludes a good portion of the unfinished phase of Ash Creek from the Environmental Zone along the new road and changes extensive recommendations for EP zoning to EC, thus lowering the level of protection there.

Commissioner Hales asked if that modified the location of the resource zones on the map.

Mr. Burns said yes, based on changes in actual site conditions.

Commissioner Hales asked if, even though the base map does not show the plat of the new phases of the subdivision, the resource zone boundaries have been modified since that plat.

Mr. Burns said he is aware that they have platted lots there that are much longer than the base zones. This will be a case where single family houses would have to go through environmental conservation review in the existing Ash Creek plat. Much of the area, however, has been changed from a protection to a conservation zone, calling for a \$300 review rather than a \$3,000 review. He does not recommend further change on this map.

Regarding Map 3525 (the Anderson property), Mr. Burns said the text on p. 287 should state that the map change occurs east of SW 45th and north of Beaverton Hillsdale Highway.

Mayor Katz suggested doing an addendum to the text to reflect what is on the map.

Mr. Burns suggested adding the words "north of Beaverton Hillsdale Highway" after the phrase "the extent and quality of native plant cover improves east of SW 45th Avenue" on p. 287.

Commissioner Lindberg so moved. Commissioner Kafoury seconded and the motion carried. (Y-5)

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Jeff Bachrach, representing the Homebuilders Association and Common Ground, the two appellants before LUBA, asked for clarification about the record they will be dealing with at LUBA. He said he understands there have been changes to the zoning maps since last April based on updated aerial photographs and other information. He asked if there is some evidence in the record as to what formed the basis for those map changes.

Mr. Burns said yes there is supporting information, although it is hard to describe some of it verbally.

Commissioner Blumenauer said the what should be graphic rather than verbal, but what about the why.

Mr. Burns said the usual reason why some areas are environmental protection zones and others are conservation zones is that there is a quality difference, although in some cases a decision was made to favor the development rather than the resource. For that reason, some sites deemed to be significant for natural resource purposes were not included in either zone. The Singer site is an example of that.

Mr. Bachrach said there is a reference to updated aerial photography and to a review of projects that had been developed over the past period of time. He asked if those were in the record.

Mr. Burns described how he had updated the aerial photographs since his original flight. He said they do not have the funds to survey each site but they do a representation on a 1 to 200 scale, the same scale as the zoning maps.

Mr. Bachrach asked if the aerial photos not in the record in April are in the record now.

Mr. Burns said he relied not on the aerial photos but on the topographic maps done from aerial photographs to make the changes. He said he never reviewed the original aerial photos because the resources are depicted on the topographic maps.

Mr. Bachrach asked if the topographic maps were based on aerial photographs.

Mr. Burns noted that the topographic maps are based on aerial photos prepared from a February 26, 1992 flight. He said he had never seen the original flight photographs.

Mr. Bachrach asked if a project has been built in the last nine months, should it automatically be part of this record.

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Mr. Burns said in every case where changing conditions were called to his attention since December 6, 1993 he went out and visited the site. He also drove around to see if he could catch others that were not drawn to his attention. He said there is nothing back at the office that he has not brought over here.

Commissioner Hales noted approval of the amendments.


Mayor Katz noted that a yes vote will approve the proposed changes as amended.

Commissioner Hales said there is still work to be done on streamlining the effectiveness of these regulations. But it is important to get on with it and adopt this next piece of the package as, later in the Spring, Council will have a chance to address these issues. He said he is giving provisional support today because this still needs considerable work in order to meet his tests for effective regulation -- that it accomplishes something, is assessable and understandable, gives certainty and does not impose an unreasonable cost for compliance. He said they are not there yet but this is a step in that direction.

Disposition: Substitute Ordinance No. 167293 as amended. (Y-5)

At 3:17 p.m. Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council