



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF APRIL, 1995 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; Ben Walters, Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 442, 443, 445 and 446 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

- 429** Accept bid of Portland Freightliner for 11 33,000 gvw cab and chassis with 5 cubic yard dump body for a total of \$578,325 (Purchasing Report - Bid 95)
- Disposition:** Accepted; prepare contract.
- 430** Accept bid of H & W Emergency Vehicles for furnishing five 1500 GPM pumpers for \$1,098,916 (Purchasing Report - Bid 98)
- Disposition:** Accepted; prepare contract.
- 431** Return purchase report to Council and recommend it be amended to accept bid of Landmark Ford for one extended cab compact pickup for \$16,980 (Purchasing Report - Bid 107; Return Agenda No. 399)
- Disposition:** Accepted; prepare contract.
- 432** Accept bid of All Concrete Specialties, Inc. for NE 15th/16th decoupling project Phase 2 for \$1,014,236 (Purchasing Report - Bid 109)
- Disposition:** Accepted; prepare contract.
- 433** Accept bid of Buckaroo-Thermoseal for Albina Yard reroofing project for \$58,698 (Purchasing Report - Bid 110)
- Disposition:** Accepted; prepare contract.

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434 Accept bids of Barnebey & Sutcliffe Corporation and Hallsten Corporation for preliminary treatment facilities odor control system at the Columbia Blvd. Wastewater Treatment Plant for \$758,365 (Purchasing Report - Bid 113)

Disposition: Accepted; prepare contract.

435 Accept bid of Horizon Equipment & Construction for one walking excavator for \$188,199 (Purchasing Report - Bid 118)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

436 Approval to issue Gross Revenue Bonds, Series 1995 (Terwilliger Plaza project) by the Hospital Facility Authority of Clackamas County, Oregon and approved by the Hospital Facility Authority of the City of Portland, Oregon (Resolution)

Disposition: Resolution No. 35378. (Y-5)

***437** Authorize Legal Service Agreement with Gordon, McKeon & Rives (Ordinance)

Disposition: Ordinance No. 168631. (Y-5)

***438** Authorize extension to Legal Services Agreement with Lehner, Mitchell, Rodrigues and Sears (Ordinance; amend Contract No. 29111)

Disposition: Ordinance No. 168632. (Y-5)

***439** Settle claims of Kathleen O'Brien (Ordinance)

Disposition: Ordinance No. 168633. (Y-5)

***440** Pay claim of Janell Dool (Ordinance)

Disposition: Ordinance No. 168634. (Y-5)

***441** Pay claim of Brenda Doty (Ordinance)

Disposition: Ordinance No. 168635. (Y-5)

***444** Apply for a \$50,000 grant funded by the Edward Byrne Memorial State Grant Program (Ordinance)

Disposition: Ordinance No. 168636. (Y-5)

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***447** Contract with Willis-Corroon for provision of employee benefits consulting services (Ordinance)

Disposition: Ordinance No. 168637. (Y-5)

***448** Amend Code, Payroll Deductions for Charitable Purposes, regarding eligibility of participants in the City's annual charity drive (Ordinance; amend Code Chapter 5.10)

Disposition: Ordinance No. 168638. (Y-5)

***449** Amend City Code to comply with final federal regulations concerning family and medical leave for eligible employees (Ordinance; amend Code Section 4.24.180(b))

Disposition: Ordinance No. 168639. (Y-5)

Commissioner Earl Blumenauer

450 Set hearing date, 9:30 a.m., Wednesday, May 3, 1995, to vacate SW Virginia Court (Report)

Disposition: Adopted. (Y-5)

451 Set hearing date, 9:30 a.m., Wednesday, May 3, 1995, to vacate a portion of NE Flanders Street between NE First and Second Avenues (Report)

Disposition: Adopted. (Y-5)

452 Declare the purpose and intention of the City of Portland to construct street improvements in the Harney Park Local Improvement District (Resolution; Street; C-9878)

Disposition: Resolution No. 35379. (Y-5)

***453** Authorize execution of lease agreement with Commercial Truck Leasing and Rental, for a certain area of SE Grand Avenue lying under the Pacific Highway structure, for vehicle parking use (Ordinance)

Disposition: Ordinance No. 168640. (Y-5)

***454** Authorize execution of lease agreement with Hoyt Building Investors for a certain area of NW Lovejoy Street lying between NW 12th and 13th Avenues for tenant/employee parking use (Ordinance)

Disposition: Ordinance No. 168641. (Y-5)

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***455** Amend contract with OTAK, Inc. to increase contract time for the SW Terwilliger bikeway improvement project (Ordinance; amend Contract No. 28536)

Disposition: Ordinance No. 168642. (Y-5)

***456** Authorize two Intergovernmental Agreements between the Portland Development Commission and the Office of Transportation to provide up to \$75,000 for pre-development planning services for potential mixed-use redevelopment at NE 60th and Glisan Street (Ordinance)

Disposition: Ordinance No. 168643. (Y-5)

Commissioner Charlie Hales

457 Accept completion by Zink Commercial Contractors of Columbia Park restroom remodel, make final payment and authorize project manager to release retainage (Report; Contract No. 29369)

Disposition: Accepted.

***458** Grant license for non-park use of park property to Pacific Power & Light Company to install radio equipment and related communication lines on the communication tower at Rocky Butte Park (Ordinance)

Disposition: Ordinance No. 168644. (Y-5)

***459** Grant a right-of-way easement with conditions to the City of Gresham to construct, operate and maintain a bridge over Springwater Corridor and adjacent Bureau of Water Works property (Ordinance)

Disposition: Ordinance No. 168645. (Y-5)

***460** Grant revocable permit to Hoyt Arboretum Friends Foundation to construct improvements to the Hoyt Arboretum in Washington Park (Ordinance)

Disposition: Ordinance No. 168646. (Y-5)

***461** Amend contract with URS Consultants to increase the amount by \$10,183 and extend the completion date to April 15, 1995 (Ordinance; amend Contract No. 29174)

Disposition: Ordinance No. 168647. (Y-5)

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Commissioner Gretchen Kafoury

***462** Amend contract with Culver Glass Co., Inc. by \$11,477 for Portland Building window repair project (Ordinance; amend Contract No. 29589)

Disposition: Ordinance No. 168648. (Y-5)

***463** Amend Agreement with Aron Faegre and Associates, Architects, for professional architectural services for the master plan of a new public safety facility and construction of a new Emergency Communications Center (Ordinance; amend Contract No. 27519)

Disposition: Ordinance No. 168649. (Y-5)

***464** Contract with SRG Partnership, P.C. for design of the Portland Building 2nd floor public meeting room remodel and provide for payment (Ordinance)

Disposition: Ordinance No. 168650. (Y-5)

***465** Contract with Oregon Latina Assn. and Hacienda CDC for \$12,000 to develop and operate the La Linea de Crisis Spanish language domestic violence information and referral telephone system and provide for payment (Ordinance)

Disposition: Ordinance No. 168651. (Y-5)

***466** Contract with Coalition of Black Men for \$13,000 to carry out outreach and marketing of Home Ownership Programs to low income minorities in North/Northeast Portland and provide for payment (Ordinance)

Disposition: Ordinance No. 168652. (Y-5)

Commissioner Mike Lindberg

467 Accept completion of the SE Salmon Street, 15th to 16th Avenues, sewer reconstruction and release retainage to Battan's Construction (Report; Contract No. 28711)

Disposition: Accepted.

***468** Authorize the Energy Office Director to sign Portland General Electric's terms and conditions agreement for cash rebates resulting from energy efficiency projects on city-owned facilities (Ordinance)

Disposition: Ordinance No. 168653. (Y-5)

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***469** Amend contract with Brown and Caldwell for professional engineering services and provide for payment (Ordinance; amend Contract No. 28951)

Disposition: Ordinance No. 168654. (Y-5)

***470** Contract with David Evans and Associates, Incorporated to provide engineering and design services for Fiske B CSO storm sewer project (Ordinance)

Disposition: Ordinance No. 168655. (Y-5)

***471** Authorize a contract and provide for payment for the construction of the Farr pump station and for other miscellaneous pump station improvements (Ordinance)

Disposition: Ordinance No. 168656. (Y-5)

***472** Authorize a contract and provide for payment for the SE 60th and Stark sewer reconstruction project (Ordinance)

Disposition: Ordinance No. 168657. (Y-5)

***473** Authorize a contract and provide for payment for Beaumont sewer reconstruction project (Ordinance)

Disposition: Ordinance No. 168658. (Y-5)

***474** Authorize a contract and provide for payment for the NE Knott, 37th - 39th sewer reconstruction project (Ordinance)

Disposition: Ordinance No. 168659. (Y-5)

***475** Authorize a contract with the lowest responsible bidder for the SE Sherman Street from SE 30th to SE 31st and SE 32nd Pl. from Lincoln to Stephens sewer reconstruction project and provide for payment (Ordinance)

Disposition: Ordinance No. 168660. (Y-5)

***476** Authorize a contract with the lower responsible bidder for the SE Mill Street (extended) from SE 62nd to SE 56th sewer reconstruction project and provide for payment (Ordinance)

Disposition: Ordinance No. 168661. (Y-5)

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- *477** Authorize a contract and provide for payment for the NE 158th and private property sanitary trunk sewer construction project (Ordinance)
- Disposition:** Ordinance No. 168662. (Y-5)
- *478** Authorize a contract and provide for payment for the Northwest Central Business District, Phase I, Burnside sewer repair (Ordinance)
- Disposition:** Ordinance No. 168663. (Y-5)
- *479** Authorize a contract and provide for payment for the Fiske Basin CSO sump project, Unit 4 (Ordinance)
- Disposition:** Ordinance No. 168664. (Y-5)
- *480** Authorize a contract and provide for payment for the Stark Basin CSO sump project, Unit 2 (Ordinance)
- Disposition:** Ordinance No. 168665. (Y-5)
- *481** Intergovernmental Agreement with the Metropolitan Service District to administer the Alternatives to Pesticides education program (Ordinance)
- Disposition:** Ordinance No. 168666. (Y-5)
- *482** Contract with Leach Garden Friends for \$46,000 to perform a variety of stewardship tasks in the Johnson Creek watershed (Ordinance; waive City Code Chapter 5.68)
- Disposition:** Ordinance No. 168667. (Y-5)
- *483** Authorize application to Environmental Protection Agency for a grant in the amount of \$100,000 for an environmental justice project in regard to stormwater pollution prevention at NE 122nd (Ordinance)
- Disposition:** Ordinance No. 168668. (Y-5)
- *484** Contract with Hallsten Corporation for furnishing and delivering aluminum flat covers for the odor control system at the Columbia Boulevard Wastewater Treatment Plant and provide for payment (Ordinance)
- Disposition:** Ordinance No. 168669. (Y-5)

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***485** Contract with Barnebey & Sutcliffe Corporation for furnishing and delivering carbon adsorption units, FRP pipes and odor control dampers for the odor control system at the Columbia Boulevard Wastewater Treatment Plant and provide for payment (Ordinance)

Disposition: Ordinance No. 168670. (Y-5)

***486** Authorize negotiations to purchase easements and/or property required for the Forest Park (Low) Reservoir site and, in the event that no satisfactory agreement can be reached, authorize the City Attorney to commence condemnation proceedings and obtain early possession, if necessary (Ordinance)

Disposition: Ordinance No. 168671. (Y-5)

REGULAR AGENDA

425 **TIME CERTAIN: 9:30 AM** - Report of the Portland City Planning Commission recommending incorporation of the River District Plan and the University District Plan into the Central City Plan (Report introduced by Commissioner Hales)

Discussion: Commissioner Hales said this continues the success story of downtown Portland with two important additions to the Central City Plan. These two plans include a lot of exciting ideas and advance Council's goals for new housing downtown and for increasing Portland's market share of housing.

Michael Harrison, Planning Bureau, said today two linked amendments -- one for the University District and one for the River District -- are being presented which involve amendments of the Central City Plan's wider policies as well as for those created for two specific areas. He said close to half of the 300 actions approved in 1988 when the 20-year Plan was adopted have been done or are underway. Formation of a University District was called for in the 1988 plan and the River District plan has been through a series of public discussions and two prior reviews by Council. Staff is also using this opportunity to make some further adjustments to the Central City Plan itself, including increasing the housing target from 5,000 to 15,000 units and the job target from 50,000 to 70,000. A number of other fine tuning adjustments are being made, including the alignment of the vintage trolley line.

Mr. Harrison said the plan sets an agenda for continued work on the River and University districts but does not tie the parties down to a specific solution at this point. For instance, a University plaza is proposed but a specific design has not been selected or approved. The

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same applies to open spaces associated with the River District. He described the amendments that are being made to the Central City Plan, the Comprehensive Plan and the Zoning Code to reflect current policy on the River and University Districts. He said the Planning Commission unanimously recommended adoption of these amendments.

Judith Ramaley, President, Portland State University (PSU), briefly described the University District Plan, the culmination of two-years work in an inclusive planning process. In addition to plans for the expansion of academic facilities, she cited increased housing opportunities, expanded retail and business development, improved transportation patterns and additional open spaces as other components of the Plan. Work is already underway on putting the plan into action.

Chuck Lenard, Association for Portland Progress (APP), head of the University District Task Force, said this not only enhances the University but does a tremendous amount for downtown, particularly in meeting its goals for increased residential, cultural, commercial and general livability improvements. He said APP is committed to the plan and proud to endorse it.

Lindsay Desrochers, Vice President, PSU, said they have had tremendous cooperation from APP, the Downtown Community Association (DCA), the retail sector and the Planning Bureau. The University District represents almost 20 percent of the central downtown core. About 80 percent is owned by the University, much of it not fully developed yet. The University concluded that it shared a number of goals with the City, particularly the need for transportation management and mixed income housing, both for those connected with PSU and the surrounding community. Retail services also need to be improved. Regarding the University Plaza, they hope to create a cluster of housing and retail services around it, served by a lightrail connection. Another goal is link the Harrison Street neighborhood and the University to increase the neighborly feeling between these two areas.

Mayor Katz asked what would happen to the plan if the lightrail alignment is altered.

Ms. Desrochers said if the alignment is changed to either 4th, 5th or 6th it would not have a negative effect. However, if it comes down 10th or 11th, there could be an engineering problem in linking the campus and the plaza. She said the feeling is that mass transit must be brought to the campus in one way or another.

Commissioner Blumenauer said this represents a real vision and will generate a lot of other city activities along with it. He said PSU has

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made incredibly hard decisions in terms of transit, parking, funding, etc. The coordinated advocacy represented here is also making a difference.

President Ramaley said there is a logical connection between the University and River Districts and they are working to build a central city that will be the envy of the world.

Vern Rifer, Past Chair, DCA, said the DCA Board unanimously approved the University Plan and believes this will break, for the first time, the line between the University and the rest of downtown. The plan supports DCA's own neighborhood plan and resolves a major neighborhood problem, the area between 4th and Broadway south of Market which has been left in limbo because of the presence of PSU and the fear that it would take over those properties.

Steve Siegel, Director, Central City 2000 Plan Task Force, said they will work with PSU to make sure the development strategies move forward quickly. The Task Force expects the University District to be a key component of its comprehensive recommendations for the Central City.

Commissioner Hales said the River District report will now be considered.

Mr. Harrison said action charts for the River District are not locked in stone but are a starting point as they recognize that the placement of open spaces and other amenities may need to be adjusted.

Bob Durston, Executive Director, Transition Projects, 1211 SW Main, 97205, speaking as a member of the River Steering Committee, said this is a wonderful plan for a large tract of property that probably is not replicable in any other major urban city. He asked Council to take seriously the affordable housing needs of the community and include in the Plan very specific unit targets for affordable housing. Without specific targets, affordable housing will be an issue throughout the development process.

Marcia McInelly, Oregon Institute of Architects, Urban Design Committee, 3115 SW 4th, 97204, said they are pleased the University District Plan includes a number of site specific policies, including designation of the Parks blocks as the main north/south open corridor, creation of the plaza, a retail service district centered on Montgomery and housing opportunities. They are also pleased to see the advancement of State and City transportation goals which will result in a positive pedestrian environment. Finally, they are pleased at the public and inclusive planning process. Regarding the River District, they believe that the elements in the public realm, particularly streets, open spaces and public facilities, need further scrutiny. They endorse

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the restoration of Tanner Creek to the River, but believe it should also connect with the North Park Blocks. Extending the Parks Blocks through the U.S. Post Office is highly desirable and the connection to Tanner Creek could be achieved through widening of the Lovejoy right-of-way. They also question the plan for open space at the River Front basin because of its distance from the highest density areas and recommend the basin be retained only along Front Avenue. In short, open space is overly concentrated to the north and the River Front park and basin are overdone at the expense of the open space needs of the rest of the district. They strongly endorse pedestrian crossings to the River and believe essential public facilities, such as schools, community centers and police precincts need to be specifically located, not just referenced or deferred. They support action item R-D-1 regarding housing and the housing goal of 5,500 units although they believe over 50 blocks of vacant land could accommodate more. A retail street is called for on Lovejoy but not specifically located by policy or within a pedestrian district overlay. Finally, the design review process must be retained in the River District. While the amendments must be flexible to accommodate private sector variations, they must also be specific enough to demonstrate coherence and excellence.

Commissioner Lindberg asked if the AIA developed any sketches that outline this approach.

Ms. McInnelly said no.

Commissioner Hales said because they are negotiating specific agreements in the River District, they have another opportunity to deal with some of the concepts proposed by Ms. McInnelly. R-D-6, regarding the parks master plan, provides the opportunity to look at the distribution and connection of open space. He agreed that the City must consider not only the gross amount of open space but its location and how it relates to the rest of the neighborhood.

Paul Richmond, PO Box 484, 97207, said he feels nauseated when low-income housing is obliterated with no immediate plans for its replacement. The amount of cash being used for this project fills him with dread about corruption and "insiders" getting their piece at the expense of everyone else. He said the current plans for economic growth force out lower-income people, leaving them to fend for themselves or die. He said he fears that the City may go broke by levying bonds for projects such as this and will then sell portions off to the private sector. He also expressed concern about soil toxicity in this area and asked to see any studies addressing this issue.

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Roger Shiels, representing Bob Ames, chair, River District Steering Committee, said the linkage of the University and River Districts through the street car and other means is a very positive step. He said the Steering Committee is now in the difficult phase of actually trying to do something and this of course creates controversy. They are pleased with the progress at Union Station and will now begin to tackle such issues as expedited design review. They also hope to convince the Portland Organizing Project that the River District's commitment of 1,900 to 3,000 low- and medium-density housing units is a necessity, not a luxury in achieving the goals for low-income housing in the City. They have invited Portland Public Schools Superintendent Jack Bierwirth to discuss school proposals for the district. However, the awkwardness will continue until an agreement is reached with Hoyt Street properties and the Steering Committee begs that this process be expedited.

Bill Bach, member of the Steering Committee and Port of Portland employee, said since the Port declared Terminal One non-operational they have considered options for its use. Although they do not see immediate redevelopment opportunities, this Plan allows them to plan for the transition of the property and make appropriate interim uses.

Pat Prendergast, private developer, said he was concerned about prescriptive planning but has been reassured by Mr. Harrison's testimony that there is plenty of flexibility in the plan as it continues to evolve. This is a plan contingent on public infrastructure and capital investments and the City's ability to commit to them.

Debbie Wood, Central City Concern, and Steering Committee member, said the housing policy for the River District calls for the housing to reflect the income levels that exist in the City at large to ensure affordable housing.

Mr. Harrison said action chart item R-D-0 deals with the range of housing. He said it also calls for the public and private sectors to come up with specific strategies which will take place under the overall umbrella of the Central City Plan.

Commissioner Hales said this is proof that Portland makes bold plans and then actually carries them out. The partnerships that have developed are also very unusual.

Commissioner Kafoury noted passage of the housing goal but said unless ways can be found to fund these projects the City will not get the housing mix that is wanted.

Mayor Katz said there are still a lot of unanswered questions but this is

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a vision. She congratulated President Ramaley for what she has done at PSU, both internally and externally.

Disposition: Adopted. (Y-5)

426 Amend the Central City Plan by adopting Action Charts for the University District and River District and making related changes (Resolution introduced by Commissioner Hales)

Disposition: Continued to April 12, 1995 at 9:30 a.m.

427 Amend the Central City Plan to adopt and implement the University and River sub-district policies, further statements and land use designations (Ordinance introduced by Commissioner Hales; amend Code Chapter 33.510)

Disposition: Passed to Second Reading April 12, 1995 at 9:30 a.m.

428 Establish the University District Steering Committee to assist in the implementation of the University District Vision and to recommend related plans and actions to the Central City 2000 Task Force (Resolution introduced by Mayor Katz)

Disposition: Resolution No. 35380. (Y-5)

***442** Agreement with the Oregon National Guard for Drug Interdiction operations (Ordinance)

Discussion: Paul Richmond, Neighborhood Media Group, cited an incident several years ago on Liebe Street where he alleged Police were engaged in a paramilitary operation, resulting in the terrorizing of many citizens and the injury of an innocent person -- all for one marijuana cigarette. He criticized the vagueness of this agreement and the power it gives the Police Bureau to block public information. He said he is very concerned about the trend to a paramilitary force, noting the growth of the tactical unit.

Jim Crawford, concerned citizen, said he became concerned after Police shot a drug suspect 22 times in the back, after he had already collapsed. Since that time the Police have racked up an amazing number of shootings and killings and his research shows this is indicative of a national trend with the number of persons killed by Police rising by over 50 percent from 1987 to 1993. He said he fears the increasing militarization of the police and finds the excessive use of force on Liebe Street inexcusable. He said it is a mistake to believe the police are outgunned by criminals as the record shows that the number of police officers getting killed is at an all time low.

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Commissioner Lindberg asked Mayor Katz as Police Commissioner to provide information about the raid.

The Mayor agreed.

Timothy Herman, 333 SW Park, 3rd floor, HHMC News Service, said he served in the Navy in order to protect rights guaranteed him in the constitution. He said people should not be locked up for non-violent crimes or subject to confiscation of property. He said the City has accepted this grant in order to go after marijuana growers, who are no threat to society whatsoever. He said he does not understand what the drug war is about or why the National Guard is needed.

Commissioner Lindberg asked if there was a major shift in policy to bring in the National Guard and take on new roles.

Mayor Katz suggested holding this over to the afternoon session to allow the Police to respond.

Disposition: Continued to April 5, 1995 at 2:00 p.m.

***443** Apply for a \$498,722 grant funded by the Edward Byrne Memorial State Grant Program (Ordinance)

Discussion: Paul Richmond, PO Box 484, 97208, said this is a Police Bureau grant for a program coordinated by the Tactical Operations Division and designed to get kids to report suspicious behavior of their parents, classmates and siblings. He cited the City of Austin's audit of the D.A.R.E. program which found that participation actually increased the likelihood that the kids would use drugs. He said this program is formatted after the D.A.R.E. program and because it is protected by federal copyright, parents are not even allowed to see the curriculum which could result in a paramilitary raid on them, however unwittingly.

Mayor Katz said the Portland G.R.E.A.T program is being reshaped so that the result seen in Austin does not occur.

Disposition: Ordinance No. 168672. (Y-5)

***445** Declare 32220 SE Oxbow Drive as forfeited property to be surplus and authorize its sale and conveyance (Ordinance)

Discussion: Paul Richmond, PO Box 484, 97208, said this property is being seized because the District Attorney believes the property was used to grow marijuana. This follows the same pattern of police seizing property to pay for more police who then seize more property. This tactic also serves to eliminate political undesirables, such as Jeff

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Liddicoat who was charged with having a "grow operation" in his home. Charges of drug abuse have long have been used to eliminate rivals, often made by corrupt law enforcement members. He cited the recent revelation of such involvement by a Portland Police officer and suggested Council review the 1993 Mullen Commission report on the New York Police.

Mayor Katz asked if it is appropriate to discuss the case involving the police officer since it is in litigation.

Ben Walters, Deputy City Attorney, said to the extent that Mr. Richmond is offering his own opinion, it is all right.

Mr. Richmond said the Mullen Commission also found that the officers most involved in corruption were also involved in excessive use of force. He said the precinct that the corrupt officer in Portland came from was responsible for six of the 13 shootings that took place in 1992 and raises red flags about what might have been going on there. He said the Mullen Commission also found that community policing, which involves the hiring of inexperienced officers, resulted in more corruption and excessive use of force.

Disposition: Ordinance No. 168673. (Y-5)

***446** Authorize disbursement of City money in connection with forfeiture of property at 3121 NE Columbia Boulevard, declare forfeited property to be surplus and authorize its sale and conveyance (Ordinance)

Discussion: Paul Richmond, PO Box 484, 97208 said this deals with another forfeiture of property for allegedly growing marijuana and raises the same concerns addressed above.

Disposition: Ordinance No. 168674. (Y-5)

Commissioner Charlie Hales

***487** Establish the Parks Bond Construction Fund and create budget authority for the expenditure of bond proceeds (Ordinance)

Discussion: Commissioner Hales said this creates the operating fund for the Parks bond measure projects.

Disposition: Ordinance No. 168675. (Y-5)

***488** Authorize a State Historic Preservation Office grant application requesting \$35,000 to augment the funding of the Update of the 1984 Historic Resources in the Central City Plan Sub-Districts of Downtown,

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North of Burnside, Northwest Triangle and North Macadam
(Ordinance)

Discussion: Commissioner Hales said this grant would allow the State to continue to fund a full time person.

Disposition: Ordinance No. 168676. (Y-5)

Commissioner Gretchen Kafoury

489 Initiate comprehensive plan map amendment for Kennedy School site
(Resolution)

Discussion: Commissioner Kafoury said this is a critical project for the Concordia neighborhood, noting that the vacant property has been of concern for a long time. This also completes a piece of the Albina Plan which was purposely left out when the Plan was adopted two years ago in order to first complete the neighborhood plan process. The only hangup with the Planning Commission, she believes, was that the proposal went beyond the school site and what the neighborhood had agreed to. She said the current proposal only includes the school site so they can move ahead with the private developer.

David Knowles, Planning Bureau Director, said this initiates without prejudice a comprehensive plan map amendment and directs the Planning Commission to hold a hearing on it and report back.

Steve Morash, attorney with Schwabe, Williamson and Wyatt, 1211 SW 5th, representing United Grocers, said the company owns property about one block south of the Kennedy School site. When the Comprehensive Plan and Zone Change originally came before the Planning Commission, this property was part of that package. He said he understands that the Planning Commission's decision to take no action was partially because of some technical, legal issues. When the Albina Plan was adopted, a mistake was made on the designation for a portion of the United Grocers property. Prior to the Plan adoption, the property had a parking area which was zoned Residential but designated General Commercial. There were also two existing residences which were designated General Commercial in the Comprehensive Plan. After adoption of the Albina Plan, the General Commercial designation was replaced by Residential. United Grocers believes this was a legislative mistake because of the existing commercial use on the property, which is a parking area. They request that Council initiate a legislative change to correct this mistake as this property is similarly situated to the Kennedy School property and both should be treated the same. The intent is that the changes proceed independently so that if problems arise on one site, action on the other

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would not be bogged down.

Mr. Knowles said this was raised at the Planning Commission which rejected the request on the basis that the property had been purchased after the Albina Community Plan was adopted. He said Council could ask the Planning Commission to reconsider this and possibly make a new recommendation. Council's action today simply initiates the zone change and Comprehensive Plan change for Kennedy School and does not foreclose the ability of United Grocers to contact the Planning Commission or from pursuing this through a quasi-judicial procedure.

Mr. Morash said he understood that the portion used for a parking area was acquired by United Grocers prior to adoption of the Albina Community Plan and it was the two houses, surrounded on three sides by the existing commercial use, that were acquired afterwards. He said when those houses were acquired the Plan was not available to the public and United Grocers was unaware that it had been changed from a Commercial to a Residential designation.

Mayor Katz said Council could not resolve that issue today.

Commissioner Hales asked Mr. Knowles if he was suggesting that United Grocers either ask the Planning Commission to act on this legislatively or pursue a quasi-judicial request.

Mr. Knowles said the Planning Commission could reconsider this upon its own initiative if it felt the assumptions upon which it based its prior decision were incorrect.

Commissioner Hales asked if the factual issues were fully discussed at the Planning Commission.

Mr. Knowles said yes. The important point is that nothing Council does today forecloses either a legislative or quasi-judicial action.

Disposition: Resolution No. 35381. (Y-5)

Commissioner Mike Lindberg

490 Withdraw territory from Rockwood Water District effective July 1, 1995 (Second Reading Agenda 417)

Discussion: Commissioner Lindberg asked that this be referred back to his office because of new information that came in after the last hearing.

Disposition: Referred to Commissioner of Public Utilities.

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City Auditor Barbara Clark

***491** Cancel City liens on tax foreclosed properties which Multnomah County has transferred to Northeast Community Development Corp. (Ordinance)

Disposition: Ordinance No. 168677. (Y-5)

492 Assess benefitted property for the costs of construction of the NE Airport Way water and sanitary sewer Phase II Local Improvement District (Second Reading Agenda 423; C-9704)

Disposition: Ordinance No. 168678. (Y-5)

At 11:25 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF APRIL, 1995 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 Officer Chuck Bolliger, Sergeant at Arms.

***442**

Agreement with the Oregon National Guard for Drug Interdiction operations (Ordinance)

Discussion: Mayor Katz said an issue was raised about the Liebe Street mission this morning when this was considered.

Commissioner Lindberg said he did not want a Council discussion on this but only wished to get a written report later. He asked about the role of the Oregon National Guard in terms of law enforcement activities. He said when the Guard was brought in previously in the 1980s their role was limited to support activities regarding drug houses and youth gang issues.

Captain Bob Kaufman, former Gang Enforcement Team Commander, explained how the National Guard came to be involved in supporting counter-drug efforts, including education. He said currently the two Guard members working for the Police Bureau are in clerical support roles. From time to time the Bureau may ask for additional equipment or personnel but Guard members do not have a direct enforcement role and do not carry guns. Mostly they are used in marijuana eradication programs in the national forests.

Commissioner Lindberg asked if the Police would ask for special equipment if there was a drug raid on a house.

Captain Kaufman said yes, if Police believed it was an extremely dangerous situation which they could not handle with their own inventory. On two occasions they requested a light-armored vehicle from the Guard. He said this MEO actually shrinks the role of the Guard and does not allow its use in enforcement.

Mayor Katz asked him to prepare a report for the Council on the Liebe incident.

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TIME CERTAIN: 2:00 PM - Adopt the Report and Recommendations of the Planning Commission on the Environmental Zone Streamline Project and adopt amendments to Title 33, Title 34, and the Comprehensive Plan (Ordinance introduced by Commissioner Hales; amend Code Titles 33 and 34)

Discussion: Commissioner Hales said the Environmental Zone system is an important piece of the City's policy of environmentally sustainable and appropriate development. However, the regulations as originally drafted were effective but not always understandable or easy to apply. Citizens, developers, builders and property owners complained about the costs and delays involved in environmental zone reviews. In September, 1993, he appointed a citizens committee to oversee an Environmental Zone Streamlining Project to reexamine and improve those regulations. In December, 1994, the Department of Land Conservation and Development (DLCD) advised the City that its environmental regulations did not comply with State Land Use Goal 5 and in January, 1995, it ordered the City to adopt new regulations by April 17. As the work of the citizens committee was nearing completion, the Planning Commission was able to produce a recommendation which meets DLCD's mandate. He said he strongly supports the committee's report with one exception, relating to the establishment of a new review process for development standards. He acknowledged members of the committee.

Stark Ackerman, Chair, Environmental Steering Committee, said they have worked for the last 1-1/2 years to simplify and establish certainty in the environmental review process, particularly for small residential development projects, while still maintaining the same level of protection. The Committee's efforts resulted in a draft which was made available to the public in July, 1994, followed by public hearings. He said the environmental boundaries were accepted as given, as was the level of protection. The Committee's task was to find ways to reduce the burden on people. The Committee, supported by a technical advisory committee, focused on procedure and tried to involve citizens in the process. Key concerns included: 1) deficiencies in the notification process and failure to apprise recipients of the consequences; 2) questions about where the zones were drawn and their accuracy; 3) inadequate education about the benefits of such zoning; and 4) unreasonable and burdensome standards and requirements. The report ultimately issued by the committee is a consensus position, representing compromises on most of the concerns raised and reflecting the wide diversity of opinions and backgrounds of the committee members.

Mayor Katz asked him to identify areas where there is still some disagreement between the Committee and the Planning Commission.

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Mr. Ackerman said the first issue in the report concerns residential lots and how they would be treated. The Committee proposes clear and objective development standards for use as an alternative to discretionary review through a Type II process. This would allow property owners to get environmental approval as part of an over-the-counter plan check process. Because situations on the ground differ so widely, the committee built in additional protection to compensate for situations where the standards might not offer the same level of protection. The Committee wanted to give property owners the choice of going through environmental review so that an innovative design not envisioned in the development standards could be proposed. The Committee also wanted a double check mechanism and proposed a Type IV review process that would allow someone other than the permit staff person to say yes. That is an issue that remains controversial. The Committee also recommends development of an environmental handbook to address the lack of knowledge the public has about the purpose of environmental zones, how review is conducted, etc. He said the Committee asks Council to support and fund this piece. Third, inspection and enforcement measures need to be improved. The Committee proposes a predevelopment inspection, special environmental inspectors and increased enforcement after development. Another key recommendation was the provision of full zone-wide notice about the Planning Commission hearing along with some indication of the consequences of being in one. The committee also wanted a clearer identification of the environmental zone, including the zone lines, the specific resources to be protected and a process for property owners to question these designations. The Committee also proposed certain mitigation measures. These include waiving minimum density requirements in environmental zones and making land in environmental zones eligible for the Transfer of Development Rights (TDRs). The Committee strongly believes its recommendations should be accepted as an integrated package because of the compromises that were made. The Planning Commission largely supports these recommendations, with some reservations.

Mr. Ackerman said there is a lack of resolution as to whether only the development standards should be used, if they can be used, rather than giving the property owner the option of going through a review process instead. The Committee strongly recommends giving an applicant this choice because the development standards were specifically designed to add extra protection. This was done in the context of residential properties only and, subsequently, the Planning Bureau has also applied them to commercial and industrial properties. The Committee does not have a clear position on that but suggests this be studied. The Type IV review process is the greatest outstanding issue. The Committee originally recommended this as an appeal process but concern was raised that this would create an appealable issue to LUBA and set a

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precedent that would create problems with regard to other clear and objective standards. The Committee reconsidered this proposal and selected an alternative process which reduces the time sequences and could be characterized as more of a "second look" rather than a review process. The Planning Commission has not reviewed this. This is a thorny issue and perhaps there has not been enough time to do justice to this.

Mayor Katz said she understands the Committee originally made some recommendations which were reviewed by the Planning Commission. The Committee then reviewed the Type IV process again and changed its recommendation.

Mr. Ackerman said the Committee's revised recommendation differs from its original one and differs from what the Planning Commission considered. The revised recommendation has not been formally considered by the Planning Commission or developed into Code language.

Commissioner Kafoury asked what the final recommendation is.

Mr. Ackerman said when applicants come in with development proposals, they would receive a notice to be posted on the property; this would include a copy site plan and the date set for an inspector's visit to the property. The Planning Bureau would then notify neighborhood organizations within 400 feet of the property. A meeting would take place on site and interested parties could talk to the inspector who would make a decision immediately thereafter as to whether the development standards had been met. If approved, a notice of intent would be mailed and members of the community would be given a 10-day period to object. Objections would have to be in writing and very specific. The inspector's supervisor, or delegate, would then have to reconsider and respond.

Commissioner Kafoury asked how that is different from the Type IV procedure.

Mr. Ackerman said it is shorter and involves an inspection prior to the initial decision. Rather than a formal appeal through the Planning Bureau, this is an objection process through inspectors in the Bureau of Buildings.

Rick Michaelson, President, Portland Planning Commission, said it is different also in that everyone notified will have a chance to show up on site simultaneously when the inspection is made to see if the Code is being followed correctly. Because of the timing of this process, the Planning Commission adopted the original Committee recommendation

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that retained that process within the Planning Bureau. The Commission did not change its recommendation because it did not believe it was appropriate for it to assign duties to the Bureau of Buildings without first giving it an opportunity to respond.

Mr. Ackerman said committee members spent a lot of time on this process and have come up with an integrated and balanced package which they would like Council to adopt.

Mr. Michaelson said the Planning Commission in general endorsed the Committee's recommendations. One of most difficult aspects of the environmental protection program is that it involves several bureaus -- Planning, Buildings, Bureau of Environmental Services and Parks. The Planning Bureau, which has authority only over the Zoning Code, believes that adoption of the handbook and increased enforcement are even more important than the Code changes. Many Commission members felt strongly that the Title 33 changes should be adopted only if funds are provided to produce the handbook within the next fiscal year and to provide the Buildings Bureau with enforcement mechanisms to carry through on this. These recommendations call for a shift from case-by-case management decisions to one layer of education and follow-up on clear and objective standards. Presently there are no clear and objective standards and the Planning Bureau reviews each property separately, a costly and time-consuming process but one that serves to educate property owners. He said the recommendations change that and the Commission heard repeatedly from property owners that if only they had known the goals and regulations beforehand, they would have done things differently. The handbook will help people do that. The Commission feels so strong that the handbook is essential that some members felt the new regulations should sunset if the handbook is not adopted. Enforcement is equally important, particularly as the clear and objective standards are not as strict as the old land-use review, and it is 100 percent compliance is essential. These proposals will cost money and probably should be funded through fee increases, but will still be less than what applicants pay now. Many administrative details still need to be worked out. For instance, a strong minority of Commission members oppose the Type IV appeal process because they are uncertain whether that is appealable to LUBA. If it is, then it does not meet the objectives of the Planning Commission. Also, the Commission never discussed in depth the proposal to substitute on-site inspection by the Buildings Bureau for the Type IV appeal process.

Mayor Katz asked what he recommended Council should do.

Mr. Michaelson recommended that Council adopt the package as it is but ask the Planning Commission, the Bureau of Buildings and the Committee to work on an alternative to the Type IV process and bring it

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back to Council quickly to implement before the beginning of the next fiscal year. He said this piece is not central to the DLCD discussion but is essential to making the whole process work.

Mayor Katz said Council is concerned about doing it right the first time.

Mr. Michaelson said there other such details that need to be worked out.

Doug Van Dyk, Committee member and Planning Commission member, said the four key components are the development standards, the handbook, enforcement and the review process. He said while he himself wonders if that additional review is necessary, it is needed to retain the consensus of environmental community and the neighborhoods. He said Council might reconsider any process it does adopt in a year.

Arnold Rochlin, PO Box 83645, 97283, a Committee member, said the members on the environmental side made many concessions to developers and would feel betrayed if the citizen participation aspect was thrown out now. Either of the two processes (the Type IV or the on-site inspection) would be acceptable although he tends to favor the committee's final recommendation which invites the community to meet with the inspector on-site. He said one Commissioner threw out the bogey man of a LUBA appeal. This is baseless as jurisdiction by LUBA is strictly on the basis of the substance and subject matter of the decision. He said he does not expect more than two or three appeals a year but knowing that something is appealable magically improves the quality of decision making. One additional concern is the difference between the committee and the Commission's recommendations on alterations to existing development. He said allowing those whose houses were built before these procedures were in effect to add up to 800 square feet without regard to the existing development standards is a mistake. The Commission adopted a proposal allowing unlimited new additions as long as it was on land already disturbed, which is defined as land where there is no native vegetation. This does not comply with the Goal which identifies residential use as a conflicting use which needs to be regulated and balanced with protection of the environment. He asked for adoption of the Committee's recommendation and allow additions up to 800 square feet without environmental review if there is full compliance with the building standards and the building was built before the new regulations were adopted. Otherwise, the person who has cleared trees off his property could do anything, while the person who has kept the forest is limited to 5,000 square feet of development.

Mike Bercutt, 8610 SW 59th, described some of the mandates the Committee could not do anything about. One concerned the issue of

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mapping. They also had a mandate to come up with clear and objective standards which they believe 60 and 70 percent of the cases could meet and the rest would, either willingly or not, go through discretionary review. He said one thing that will be scrapped is the visual preference survey preference for lot sites, as homes will need to be sited as close to the street as possible in order to protect as much of the environment as possible. This may result in some difficulty with respect to the character of neighborhoods but seems a reasonable compromise. He proposed that parcels of less than one acre, platted since the Comp Plan was implemented, be excluded from these regulations. He said subdivisions go through a very extensive platting review process and have already been found to comply with Goal 5.

Linda Bauer, 6232 SE 158th, 97236, said she supports monitoring, enforcement, community involvement, the handbook and no minimum density in the E zones.

Michael Carlson, 5151 NW Cornell Road, representing the Portland Audubon Society and member of the Committee, said the Society strongly supports the E-zone and the appeal and review process. He encouraged consideration of a longer review process to give citizens an opportunity to be involved. He said right now the environmental review process can take up to 10 months so the 42 days proposed now seems very minimal and he does not see why one would quibble about 21 or 42 days. He said they also strongly support removal of the exemption for federal projects. They support the minimal density exemption and the proposal to expand fish habitat protection. The Audubon Society recommends three changes: 1) limit additions on existing development to 800 square feet; 2) restrict improvements to within or abutting a paved travel lane in an existing right-of-way; and 3) amend the language in D-2 regarding removal of native trees within ten feet to add the word "primary" structure.

Commissioner Hales noted that the March 30 memo from Tom McGuire that includes the amendments omitted from the Planning Commission document simply because of time or other technical considerations.

Mayor Katz, noting some unresolved issues, asked about the timing of this.

Mr. Knowles said the staff recommendation would be to act today. Council could go ahead and adopt the policy statements, which indicate the intent to have a handbook, for instance, and then ask staff to develop a specific proposal that responds to that policy directive. He said there is nothing that precisely defines a level of activity or sets a budget.

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Mayor Katz said Council members may want to revisit some committee recommendations where they differ.

Mr. Knowles said this must be adopted by emergency ordinance.

Mayor Katz said perhaps the Type-IV appeal issue and others may have to come back to Council later for resolution.

David Wise, 12365 SW Boones Ferry Rd., 97035, said he has environmental zones on his property and supports them for the protection they provide from exploiters. He supported passage of the regulations with an expanded process for citizen appeals.

Amanda Fritz, 4106 SW Vacuna, 97219, land-use chair, West Portland Park Neighborhood Association, supported the proposal on behalf of the neighborhood association. She said criteria for stormwater quality and quantity need to be adopted as well, adding that she understood that BES had already developed them in draft form. Updates of Title 17 and 34 also need to be done as soon as possible. She said this should not be the final version and loopholes that appear will need to be closed quickly. One loophole in the development standards is the connection for existing utility lines. Currently they allow the connection to go through the EP zones without environmental review; this should be changed. Notification and appeal rights are very important and appeals should go to a hearings officer rather than a department director.

Guy Orcutt, Association of Northwest Steelheaders, 4041 NE 22nd, 97212, said fishery preservation must become an urban issue as fish depend upon habitat within the City and the destruction of Portland's streams threatens a great regional resource. He called for stringent environmental review of BES and the routing of stormwater runoff away from streams, consideration of fish passage when installing culverts and keeping open the environmental review process to all through proper notification.

Steve Smith, Arnold Creek Neighborhood Association, called for written notification, arguing that restricting notification to citizens who notice the signs on the property will be unfair to many. Regarding stormwater runoff, he said streams should never be used as drainage ditches or conduits for sewage. He said BES should not approve stormwater treatment plans that consist of direct piping of street and roof runoff to streams. He noted erosion damage to Oak and Tryon Creeks and exposure of the sewer line as a result of not having environmental zones in place when the sewer lines were drawn.

Lyn Mattei, Northwest Environmental Defense Center (NEDC), 133 SW 2nd, #302, 97204, urged Council not to make any changes that lower

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existing protections. She requested a continuation of this hearing to allow the public more time to review the information and some of the latest suggestions that have been made. She said they strongly object to exempting the Portland Office of Transportation (PDOT) and other agencies from the environmental process. She cited as an example the exemption of PDOT from environmental review in the Columbia South Shore, which resulted in clear cutting 11 acres of a protected upland forest despite strong opposition.

Doug Weir, 342 SW Hamilton Court, 97201, said clear and objective standards strongly enforced would make the job of groups such as his, Friends of Terwilliger, much easier. Currently the City relies on such groups for oversight but, with these regulations, the City will have more responsibility. He noted that preapplication has been eliminated, notification has been trimmed and the process shortened, reducing the ability of neighborhood groups to get involved. A process shortened to 23 days would mean neighbors would not find out about any proposed development most of the time. He said an appeal process should be included to catch things that fall through the cracks. He described a case where environmental zones were not shown on a map and which planning staff failed to catch.

Anne Nickel, Columbia Corridor Association, PO Box 55651, 97238, supported a continuation to allow more time for review. She said the area most critical to them is the Type IV review as they believe that the whole purpose of creating clear and objective standards is so they can be applied. If a developer meets those standards it does not make sense to stop the process at the Building permit level. If the standard is not clear and objective, change it. If the standard is not being applied correctly, train the staff. She said the burden of citizen concerns should not be placed only on the developer. The process is supposed to allow applicants to avoid a review process if they meet the standards and, if they are violated, enforcement should be provided. She said they received comments from land-use attorneys, several of whom said the City is making work for them. She also asked for inclusion of clearer definitions for identified wetlands and streams.

Herb Althouse, PO Box 491, Gresham, Columbia Corridor Association member, agreed with Ms. Nichol. Noting reference changes, he said in the blue book, pages 71-73, Section 430.240 (b) (1) and page 81-87, Section 430.250 (a) and (e) are not clear and objective standards. He too agreed there had not been adequate time for review. Functional values are not defined although referred to frequently. The document also refers to 13 map areas but not all are available and the one for the Western Columbia Corridor, which is referenced, does not seem to exist.

Michael Carlson, speaking for the Johnson Creek Corridor Committee,

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said they support immediate adoption of the updated E-zone ordinance with some revisions. Regarding tree replacement, they request that three one-inch diameter trees be required to replace the loss of one 12-inch tree. They encourage fish habitat designations for Balch and Miller Creeks and encourage removal of the exemption from review of federal NEPDES projects. They also support the Citizens Committee recommendation for the minimum density exemption and for a Type IV review which would encourage citizen involvement.

Melinda Bell, 3640 SW Coronado, read a letter from her husband David C. Howard, in support of continued environmental protection. They asked to strengthen the notification requirements through increased on-site enforcement and public education, which the handbook would provide. Ms. Bell called for passage of the package recommended by the Planning Commission rather than omitting anything. She asked if neighborhood associations and others might have input into the education of the on-site inspectors. Regarding the proposed amendments, she said Item D-2 calling for removal of native trees within 10-feet of any proposed structures is too broad.

Jeff Lewis, 44154 NE Brogden, Hillsboro, 97124, noted that the environmental handbook has not been prepared, the environmental zoning maps and resource analysis have not been done, accurate ESEE analyses of individual lots have not been made and the EP/EC zones have still not been applied uniformly to similar properties. He said 13 major technical objections have been identified and he believes the City has not met the LCDC order to produce clear and objective standards. He cited a Supreme Court case involving loss of land which could result in government officials being subject to personal liability suits and damages. He said the City has chosen to ignore that part of Goal 5 which states that a governmental body is highly encouraged to purchase property overlaid by an ecotaking and has also ignored a Supreme Court ruling that if regulation of a property goes too far it will be recognized as a taking and compensated at the fair market value. He cited further violations of Constitutional amendments, including the First Amendment which calls for no laws to be enacted which establish a religion. He said the religion in this case is pantheism, the protection of trees, forests, water bodies and nature. He called for Council to reverse the E-zones or to pay for them. Or else offer alternatives, such as higher densities on buildable portions.

Michael Doss, 2343 SW 45th, 97215, attorney representing Mr. and Mrs. Jeff Lewis and other property owners in the Skyline Plan District, said they know DLCD has the City under the gun to get something done but this is so fatally flawed it needs to be sent back and redone the right way. He requested that the record be left open for 14 additional days, as per OAR 660.25.090, which calls for interested persons to be

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given at least 21 days for review and comment. He said the Environmental Zone Streamline Project recommended draft was dated March 29, 1995, essentially giving one week for review. He said what is happening here is that the horse is being put before the cart, especially in the Skyline Plan District. He said they have filed an appeal with LUBA regarding the Skyline Conservation Plan based on failure to meet Goal 5 requirements. First of all, the Plan is based on improper inventory -- old maps and aerial photos are being used that do not reflect uses in the area. The City needs to review its inventory in Skyline and possibly in other areas. Second, the environmental handbook does not carry the force of law so applicants will be confused about how to use it. Also, it contradicts itself by stating in the first paragraph of Page 14 that the handbook will provide approval criteria while in the second paragraph it says it will not. He said the takings argument is a valid one here, stating that approximately 85 percent of Mr. Lewis' property has been overlaid with EC and EP zones which significantly reduce the value. That is a taking.

Molly O'Reilly, 1414 NW 53rd Dr., 97210, said 25 Forest Park area residents at a recent neighborhood meeting, all of whom have environmental zones on their property, encouraged their representative to defend the land use laws and increase environmental protections. She said they believe their property is enhanced by these zones as it means the neighbors will not cut the trees that keep the creek from flooding and that the ambiance that caused them to buy the property will remain. She said it is important that citizens get notice and be able to comment, noting that neighbors have caught inaccuracies because they are more likely to know such things as the size of a wetland, which may be tiny in August and a lot larger in February. Just sending notice to organizations is not enough and it is important that citizens hear directly and that the City not rely only on neighborhood associations. She urged Council to support the Committee's carefully balanced plan. She said developers said they wanted the process streamlined but did not say they wanted the protections or citizen input reduced. She said there is no need for appeal if the proposal meets clear and objective standards. She supported the Committee's recommendation for an 800-foot maximum on modifications.

Commissioner Lindberg asked if she thought Council should support the Committee recommendation about public notification and involvement.

Ms. O'Reilly said yes. She said what came out of the Planning Commission was pretty comparable to the Committee's. She supported changing the words "recognized organizations" to "citizens." Also, organizations which want to be notified of environmental actions should be on a standard list.

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Mayor Katz said all those issues will be raised before the hearing is closed.

Tom Bechtell, Leavitt Chain Company, 921 SW Washington, Suite 100, 97205, said they have a two-acre parcel in the Maywood neighborhood with an R1-C-zone and just learned that the Planning Commission approved the Committee's recommendation to eliminate minimum density requirements for land within environmental zones. However, he just learned that elimination of densities applies only to residential, single-family zones, not to multi-family zones. He said he believes it should apply to multi-family zones as well. He said in his situation it would be impossible to build 40 units and be sensitive to the environment too.

Lisa Park, 12090 SW Boones Ferry Rd. 97219, said her property has a creek running through it and she is very much in favor of environmental zoning to protect the creek and all environmentally sensitive areas in Portland. She urged adoption of the Committee's revised report, particularly the neighborhood's right to appeal.

Spencer Vail, planning consultant representing James Williams, who resides at 4900 SW Garden Home Road, said when Mr. Williams bought his property in 1977, the zoning was half R7 and half R10. The map of existing zoning today shows that all his property is either in the C or P zone, with a majority in the P zone. The property, about 30,000 square feet, is vacant. He said there is nothing in the proposed ordinance that provides for any type of compensation to Mr. Williams if it turns out that he is not able to build any houses on it. He has the density for three; the Comprehensive Plan designation is R7 which increases that to four. He said Mr. Williams and others in similar circumstances should be reimbursed if they are unable to build. He said there needs to be some definite delineation as to why the line is drawn where it is and the handbook is necessary to make the interpretations about what is buildable and what is not. He said Council should do two things: 1) consider what happens if people cannot build on their property; and 2) expedite the handbook as fast as possible.

Les Blaize, 9639 NW Skyline, 97231, said over 80 percent of his property is covered by environmental zones and he is glad to have them there. He said the zones are necessary, unfortunately, because people do not treat their property correctly and that has to be legislated. There have been a lot of problems with the appeal process and rumors that perhaps it will be taken out. He said the appeal process should remain and there should be an opportunity for people to identify errors that slip by an overworked and underpaid Planning staff. He noted that neighborhood associations and citizens have done so in the past. He said either proposed approach proposed, with site inspection or

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review by the Planning Director, are all right with him.

Phillip Thompson, 29525 NW St. Helens Rd., Scappoose, 97056, said environmental zones also support Livable City goals and what the staff recommended to the Planning Commission is that minimum density should not be suspended within 1,000 feet of a transit street. The recommended draft, however, is silent on that issue and that piece appears to have been taken out at the Planning Commission level. He said minimum density requirements should be retained adjacent to transit streets and it should be recognized that exempting Environmental Zones from minimum-density requirements is a substantive, not a procedural, change. He added that while staff recommended that all lands within a 1,000 feet not be suspended, it would be all right to reduce that to 500 feet. Even 250 feet would be okay but there should be some requirement for minimum density along transit streets in Environmental Zones.

Chris Moyer, 1953 NW Kearney, 97209, owner of property on the south side of Kelly Butte, said she is concerned that the environmental overlays greatly diminish its development potential and value. She noted that the property continues to be taxed on the basis that it could be fully developed without regard to overlays. She said she was encouraged to use TDRs as a way to get the value of the property back but her realtor found they have no value. If the City continues to push TDRs, she will fight to have the City pay her for them. She said it should not be up to her to incur additional costs to search for potential buyers for something there is no market for. She said the proposed regulations are not clear and objective and she objects to having private property owners pay the bill when they lose the value of their property. There is no reason why the community as a whole cannot join together on this responsibility. This is an abuse of government power and she will fight for fairness and due process.

Mayor Katz asked if this is the property that cannot build at all on Kelly Butte.

Ms. Moyer said no, it is zoned R2.

Kay Durtschi, 2230 SW Caldew, 97219, said mapping must be done properly in order to identify environmental resources. She said she just came from a preapp conference concerning property that can^{not} be built on because proper mapping has not been done. She said if the City only notifies recognized organizations and not the neighbors themselves it will have to give the coalition offices more money. She pleaded with Council to change that language. Also, on page 5 of Tom McGuire's memo, it says no streets or alleys are created in the resource area of an environmental conservation zone. That should be changed to include

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driveways and parking areas or use the phrase "pervious surfaces." Do something to eliminate questions that may be appealed. Finally, do not leave out the citizen appeal process.

Ken Benschhof, President, Rocky Butte Preservation Society, said without the enforcement piece, the rest of the proposal is an exercise in futility. He described what happened with regard to Norstar Development, Lots 2 and 4, including failure to provide fences for erosion and to protect trees, as well as the illegal cutting of 15 trees. He said the inspector failed to notice this and neighbors called it to his attention. A deal was worked out so the developer could continue building but would go through environmental review to take care of the illegal tree cutting. That was in January and no request for environmental review has yet been made. If someone chooses to ignore the regulations now, there is no penalty.

Cammy Goetz, 10177 SE Powell, 97266, said she owns residential and commercial property to the south of Kelly Butte. She said the environmental streamline project does not meet the requirements for clear and objective standards. The same cumbersome, unfair restrictions still apply with further additional restrictions and instead of easing the burden on property owners, some of these result in further takings. There is no mention of compliance with Goal 5 or ORS's ruling stating that an ecotaking governmental body is encouraged to purchase the portion taken. She said it is amazing to hear that the City continues to flagrantly act in violation of Supreme Court rulings regarding taking of private property for public use. She said environmental protection is needed but if the public is the one to benefit, everyone needs to share equally in its expense. It is totally unfair for private property owners to absorb this with no compensation. She contended that the project does not meet LCDC requirements for several reasons. First, TDRs are virtually useless for the average property owner. Building only May through September is also very unreasonable as is the restriction on streets, culverts, bridges, driveways, etc. crossing over environmental zones. She said some people would be completely landlocked as a result. Allowing appeals of building permits by anyone and everyone is also unfair when an owner has gone through and met the criteria. Setback requirements here are also more restrictive than what is currently in effect.

Tim Crail, Land Use Chair, Southwest Neighborhood Information (SWNI), said neighbors need full notice and appeal rights. He believes amendment number 1 in the March 30 memo is a good start and in several ways better than the Citizens Committee's Type IV proposal. The following changes should be made: 1) clarify what is meant by recognized organizations within 400 feet of the site and also include all neighbors within 100 feet; 2) notice should include date and time of the

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site inspection and neighbors should be encouraged to attend and comment; 3) it should be stated that a trained environmental inspector will inspect the site; 4) the ability to appeal to a hearings officer, not just the director, for an independent analysis of the facts; and 5) clarify whether a written response is different, in terms of enforceability, from a decision. He asked Council to reaffirm its commitment to meaningful citizen participation.

Betty Hedberg, 7903 SW Ruby Terrace, President, SWNI, said SWNI represents a coalition of 16 neighborhood and three business associations dedicated to enhancing neighborhood livability in Southwest Portland. At the March meeting the Board voted to support the following recommendations of the land-use committee: 1) have the Code require that adjacent property owners be notified of land use applications when any portion of the property is within environmental zones and 2) endorse the continued right of citizen appeals and exemption of fees from neighborhood associations. Southwest residents also strongly encourage watershed improvements.

Paulette Rossi, 3710 NE 147th, 97230, presented Council members with sprigs of rosemary for remembrance of Earth Day on April 22.

John Marshall, U.S. Fish and Wildlife Service, said the handbook is a good idea but of questionable value as a technical tool as it takes a lot of technical expertise and documentation to make wetland determinations and value assessments. He said they have not had time to determine if the standards are truly clear and objective but they question how the E-zone will meet the Goal 5 requirement, particularly against the backdrop of the changing Goal 5 administrative rule at the State level. They support dropping the mandatory preapplication conference as long as there is a voluntary conference and would like to have an appeal option. The document does not seem to address discovery and interim protection issues for Goal 5. They support strong enforcement and funding for such a program. Regarding mapping, they suggest that the City look at aerial maps on a 1:200 scale to be able to use discernable reference points and use survey boundaries. He cautioned Council regarding reliance on fee-in-lieu programs particularly in the context of new federal regulations on mitigation banking. The Service supports the concept of expedited review but recognizes that there may be conflicts. One area they do not support is the buffer standards. He recommended that Council adopt the document and then make changes as deemed necessary.

Liz Callison, 6039 SW Knightsbridge Drive, and member of the Committee, asked that Code language be extended to apply habitat protection for all fish-bearing Portland streams. Currently only Balch and Miller Creeks are protected. She said improved protection for fish

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and wildlife are necessary now and if the riparian area and fish habitat are protected water quality will be improved. She proposed specific language to be added to Code Section 33.430.250 (A) (1) (f). She said the handbook is not the key to successful implementation as it cannot substitute for Title regulations and improved enforcement. She strongly objected to removal of Balch Creek fish standard from the Northwest Resource Protection Plan to the Comprehensive Plan as it then becomes a guideline, not a rule, and will guarantee extermination of the Balch Creek fish population. In some cases, wetlands and intermittent streams may have been left out of mapping and, if wetlands are discovered to exist during agency review, they should be allowed proper protection.

Logan Ramsey, 3026 NW Skyline Blvd., 97229, said the makeup of the Committee did not reflect adversely-affected landowners who should have made up at least 50 percent of the membership. He said his main concern is how these regulations affect RF, the former farm and forest zone. He said on page 55, regarding 33.430.140 (a), the development standards and different zones are mentioned. For R7 and R10 those zones are allowed to develop at 50 percent of lot area, which seems like a fair compromise. R20 is at 25 percent and RF gets to develop 5,000 square feet or six percent of total lot size. There is no justification for saying one zone gets to use 50 percent and another a mere six percent. He said there are many places where the regulations are interpretative rather than clear and precise. For example, a stream is defined as a stream if it has standing water at any time of the year. However, in 33.430.140 (f) regarding drainage ways and streams, development is not to take place within 50 feet from the top of the bank of any identified stream. Drainage ways in the West Hills basically have no banks and it should be defined from the center line of the stream instead. The plant list also needs to be modified to remove broad leaf maple which the City allows to be removed in Forest Park but not on private property adjacent to the Park where property owners must go through environmental review for this.

Ms. Callison clarified that she is a member of the Committee who owns property in an environmental zone and is one of several serving on it.

Mr. Ramsey said a fair way of dealing with the number of trees per acre would be to simply state a standard number. Also, on Page 91, the City is allowed to hire experts at the City's expense and no cap is set.

John Alland, Urban Forest Management Plan (UFMP) technical advisory committee member, described the important roles each Commissioner and their respective bureaus have in protecting natural resources. He said an appeal process is vitally important and supported the Type IV process even if it requires that neighborhoods pay \$100 to

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avoid frivolous appeals. He suggested adding a sunset clause until the bugs are worked out. He also urged having proper ordinances and the know-how to do the inspections until the Bureau of Buildings is ready to go. He agreed with 800 square feet standard in undisturbed areas and called for elimination of flag lots in environmental zones. Finally, there is a need to coordinate the environmental zone regulations with all the bureaus and with the UFMP. At the very least, everyone needs to measure a tree the same way. He said the national standard is 4.5 feet while this calls for five feet.

Linda Bauer, Co-chair, SE Uplift Land-use and Transportation Committee, 3534 SE Main, said they endorse the streamlining document and especially like the provisions regarding monitoring, enforcement, public involvement, the environmental handbook and no tree scarring. They recommend an adjustment to the passages about trails, prohibition of outdoor storage and putting the noise standard back in. They also endorse tree replacement, wildlife corridors and no minimum density in E-zones.

Commissioner Lindberg asked Mr. McGuire to identify where staff, the Planning Commission and Citizens Committee differ.

Tom McGuire, Planning staff, said the eight amendments noted in his March 30 memo were considered by the Planning Commission. Some differences between the committee and staff recommendations were also reviewed by the Commission. The green document before Council represents the original staff and Citizens Committee recommendations. The Planning Commission reviewed all the material in three consecutive weeks and requested that staff review any proposed amendments and respond to the testimony that came in toward the end. On March 28 the Commission voted to accept these amendments and forward them to Council.

Mayor Katz asked if the Citizens Committee objected to any of the amendments.

Mr. McGuire said no, other than those already mentioned today. Regarding the first proposed amendment, he said staff and the Committee continued to negotiate right up to the Planning Commission hearing. The Commission was presented with a scaled-down version of the Type IV appeal process and that is what they voted to accept. Amendment No 1 is the codified version of that concept. When the Planning Commission adopted the concept they asked the Committee to get back together to flesh it out more and it came up with still another version. The Planning Commission decided not to consider that version and to stick with its earlier (June 14) decision; that is reflected in the first amendment. The Committee has now presented another option,

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the last version. The other amendments are results of Planning Commission discussions and items they were not able to vote on at their very last meeting but did approve later. There is also an issue they have been working out with DLCD, which is dealt with in Amendment No. 8.

Commissioner Hales said the question now is not just whether Council wants to adopt these amendments but what else it wants to take up. He recommended taking a recess.

Mayor Katz said she wants to hear from both staff and the Citizens Committee whether the issues that have come up today have already been considered or rejected by them. She said not all are worth a lot of time but some are.

Commissioner Kafoury said she thought they were all approved at the second meeting.

Mayor Katz said no, some issues were raised since then.

Jim Sitzman, Department of Land Conservation and Development, 800 NE Oregon, room 1145, 97232, referenced his April 4 letter to Council, which spells out their remaining issue with the work done to date. He said LCDC has gone a long way in approving the vast majority of what has been done. Of the work done in the last three months, LCDC has narrowed down its concern to one issue based on the need to ensure that whatever mechanisms are in place to protect the resource, they must be clear and objective. The single issue now is whether the City can, in addition to the development standards, allow an elective or optional process that is not clear and objective on development review applications within the E-zone. He said LCDC has been advised by its legal counsel that they cannot recommend this process. He said the City can ask the Commission for a ruling on that which it is prepared to make. LCDC is interested in hearing this discussed on May 25 and 26.

Commissioner Hales asked if that schedule is fixed.

Mr. Sitzman said it would be difficult to change. He said the Commission meets next week but it would be hard to add this item to the agenda, particularly because adequate notification could not be given.

Mayor Katz asked when the deadline is for submitting the regulations.

Mr. Knowles said the City is required to submit the approved and enacted changes on April 17 so Council will have to act by emergency ordinance next week.

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Mayor Katz asked if that gave staff time to do the needed work to present to the Commission.

Mr. Knowles said yes, because 95 percent of the Code language is complete and there is no issue outstanding about that. He said if Council acts next week, they could make that deadline.

Commissioner Blumenauer asked if there was any reason why a matrix could not be prepared.

Mr. Knowles said they would be happy to do that based on today's testimony even though he did not hear anything significant that had not already been considered at length by both the Citizens Committee and the Planning Commission. There are some technical issues raised that they will certainly spend more time on, however.

Commissioner Hales suggested scheduling action on all amendments at the next meeting, both those provided by Mr. McGuire and any others that may come out of the matrix. He said the hearing is closed.

Mayor Katz asked how staff will respond to concerns raised by Council members. She said she would like to see some kind of response rather than just a check mark.

Mr. Knowles said staff will evaluate all the issues they heard today and respond either by proposing an amendment or telling Council why it does not think one is appropriate. He asked Council members to let staff know the issues they are particularly interested in.

Commissioner Kafoury suggested that each Council member indicate their major issues now.

Commissioner Hales said he did not want to run through the whole list of issues raised today but would still like to sort out the various options for notice and which of those might be attractive as an alternative to simply processing these as a Type 1.

Commissioner Kafoury said that was an issue for her, too. She said there must be a way to do notification in a non-bureaucratic, non-burdensome manner. She said because of the strong feeling here, it is worth taking (an additional look). The financial issue is also important and should be linked with notice. She said there is a need for cross-trained inspectors but this will take some resources. Those are her two major concerns.

Mayor Katz said she will prepare her list tonight and give it to staff.

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Mr. Knowles said Council needs to get more information about the new appeal process.

Mayor Katz agreed but said there are other issues about which she would like a response.

Commissioner Blumenauer said there seems to be a lot of confusion and ambiguity about the legal status of these regulations. He asked the City Attorney's office to make a statement for the record regarding legal review. He said it is important to make that a part of the record as it might correct some misapprehensions people have and is also an important reality check for the City.

Commissioner Lindberg said his issues are the same as Commissioner Kafoury outlined. He noted that many of the letters received were dated yesterday or today and included a lot of little detail things that need some kind of response. Some suggest amendments.

Commissioner Hales said definitional issues are all over that testimony.

Mr. Knowles said they will take a look at those and check with Council offices that they have copies of all the letters.

Mayor Katz asked Commissioner Hales and Mr. Knowles if, since there is no flexibility on the deadline given by the State, they are willing to reconvene the Citizens Committee to review and respond to some of the issues Council may not have had time to deal with. She said she does not know if the Committee wants to come back but her sense is that there may still be issues hanging out there.

Mr. Knowles said he would like to talk with the Planning Commission President and Citizens Committee chair. He said he believes the number of issues is relatively small but some may not have received adequate discussion, such as the application of these regulations to industrial and commercial property. He said the Bureau's position on the review process is that a new process is not needed as it will unnecessarily delay issuance of the building permit. What these development standards propose is that when the applicant presents his/her plan, an inspector is then sent out with that plan in hand. The plan represents where the development is to occur and provides other information to the City. The inspector will look at the site to determine if the plan is an accurate depiction, showing where the resources are and where development will occur. With development standards, staff's task becomes to make sure, if the plan is accurate, that it complies with the Code or, in other words, the development standards. He said because it has been field tested, they believe the chances are very small that there will be mistakes.

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Commissioner Lindberg asked if this is a different recommendation than those made by either the committee or the Planning Commission.

Mr. Knowles said no. He said staff believes pre-permit inspection is needed in order to adequately do the development standard approach. They agree with that part of the recommendation. However, they do not support a delay in issuing the building permit because they believe there has been adequate checking in the field to be sure there is not a mistake.

Commissioner Kafoury said if there is already an inspection, why could there not be limited notification and a meeting at the site.

Mr. Knowles said this delays issuance of the building permit for 10 or 14 days and calls for the Planning Director to respond to objections. That creates the possibility of an appeal, although land-use attorneys may argue this, causing delays and additional work for staff. Staff believes they have balanced the need to protect resources and the need to operate a permitting system in a proper way.

Commissioner Lindberg said that approach should be placed on the matrix. He asked if it was correct that there were about 60 permits a year in the environmental zones. He said that might increase with time.

Mr. Knowles said that is correct.

Commissioner Lindberg said the number that would be delayed would just be those in the environmental zone.

Mr. Michaelson said the parties are very close on this issue and it sounds like they are farther apart than they are. The Planning Commission did not adopt the committee's recommendation because it did not feel it had the authority to require additional expenditures by the Buildings Bureau. Everyone agrees up until the point of site inspection; it is what happens after that where there are differences.

Mayor Katz said if the Commission feels that is a better process it should recommend it and let Council deal with the fiscal issues. She said between now and next week the Committee Chair, the Planning Commission President and staff ought to meet and try to get a resolution.

Mr. Knowles said they will certainly try that.

Mr. Michaelson encouraged Council members to contact him if they need clarification about the Planning Commission's position since he

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will not be present next Wednesday.

Mayor Katz summarized the actions to be taken. She said Planning staff will do a matrix and Council members will share those ideas they want staff to respond to. Staff will meet with key players in this process and try to recommend to Council a review process they think will work. The parties seem close. The Commission's problem was that they did not feel they had the authority to make recommendations with regard to another bureau but she thinks that can be overlooked. Commissioner Blumenauer has raised the legal issue which needs to be addressed. Council will give Planning staff something to act on and then the question is how many issues are still left on the table that would require bringing the group back to deal with.

Commissioner Kafoury thanked Mr. McGuire for his work on this.

Mayor Katz said everyone involved should be thanked for this is a tough issue and she is very impressed with citizens who took time to go through all the documents.

Mr. Knowles said they worked very hard.

Mayor Katz said, regarding the difference between 4.5 feet and 5.0 (tree diameters), that she did not know if our technology could identify all those disconnects but perhaps staff could respond to that. They are not major issues but they are issues.

Disposition: Continued to Wednesday, April 12, 1995 at 10:30 a.m.
Time Certain.

At 5:30 p.m., Council recessed.

APRIL 6, 1995

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF APRIL, 1995 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Hales, Presiding; Commissioners Blumenauer and Kafoury, 3.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

***494**

TIME CERTAIN: 2:00 PM - Adopt revisions to Economic, Social, Environmental and Energy analysis for Site 55 of the Columbia Corridor Environmental and Industrial Mapping Project (Ordinance introduced by Commissioner Hales)

Discussion: Duncan Brown, Planning Bureau staff, said these revisions address deficiencies found by judicial system and identified by the Land Use and Development Commission (LCDC). The new text revises and supplements the original analysis prepared for this natural resource plan. On April 20, 1989, the City adopted Environmental Zoning for significant natural resources along the Columbia River and Columbia Slough as part of the mapping project for the Columbia Corridor. This was appealed by Columbia Steel Casting Co. and while the City prevailed at LUBA, the Supreme Court found in favor of Columbia Steel Casting, finding that there were a number of deficiencies in the ESEE analysis for Site 55 which included the Smith and Bybee Lakes area. The major deficiency was a lack of full discussion of the impacts the natural resource site and conflicting uses will have upon each other that would explain why the level of protection on Site 55 was needed. This document corrects that and modifies the Environmental Zone boundaries on the South edge of the site.

Mr. Brown said a letter of support was received from Columbia Steel Casting at the Planning Commission level and the Commission adopted this report unanimously.

Arnold Rochlin, PO Box 83645, 97283, supported the staff report.

Bob Clay, Planning Bureau, said the vote should be deferred to next week so that this and the accompanying item can be passed as emergency ordinances.

Commissioner Blumenauer said this was the single most confusing land use situation he has encountered and he is glad to have it resolved.

Disposition: Continued to April 12, 1995 at 10:30 a.m.

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Adopt revisions to clarify Economic, Social, Environmental and Energy analyses in three natural resource plans (Ordinance introduced by Commissioner Hales)

Discussion: Bob Clay, Planning Bureau, said the ESEE analyses for three of the eight natural resource plans were revised -- Balch Creek, Northwest Hills and Johnson Creek. DLCD found some deficiencies in those three plans in regard to the narrative analysis of Goal 5 prepared for the ESEE consequences and indicated that the City needed to do a better job of explaining the reasons for its decisions regarding the mapping lines. The reason DLCD came to that conclusion was because of the Columbia Steel Casting Company case which went to the Supreme Court. Staff went back and reanalyzed 68 sites in these three natural resource areas to explain the mapping decisions and give more detail about the resources that were being protected, the conflicting uses allowed, etc. He noted that the Planning Commission has urged Council to act expeditiously by April 17, the deadline for providing this information to DLCD, to assure that Goal 5 compliance and the regulations on the environmental zones remain in effect.

Clyde Brummell, 2212 SE Lambert, 97202, said he believes he has solved with Planning staff a problem on his property resulting from the use of out-of-date, incorrect maps. He cited the high cost he had incurred in 1983 for survey costs when he agreed to let his son build a house on his property. He urged the City to spend the money necessary to correct its mapping.

Speaking as a President of the Oregon Homeowners Association, Mr. Brummel expressed concern about the possibility of these items costing individual homebuilders tremendous legal fees in order to build on sites that belong to them. He recommended setting a maximum fee.

Arnold Rochlin, PO Box 83645, 97283, supported the staff work

Linda Bauer, 6232 SE 158th, also spoke in support.

Disposition: Continued to April 12, 1995 at 10:30 a.m.

At 2:20 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner
By Cay Kershner
Clerk of the Council