



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF NOVEMBER, 1998 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Kafoury and Sten, 5.

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

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

CONSENT AGENDA - NO DISCUSSION

- 1714** Rescind acceptance of bid from CMJ Construction, Inc. for restroom renovations at Berkeley Park and reject remaining bids (Amended Purchasing Report - Bid 99026)

Disposition: Accepted.

- 1715** Reject all bids for NE Precinct front desk remodel (Purchasing Report - Bid 99055-SMP)

Disposition: Accepted.

- 1716** Accept bids of U.S. Filter and Familian Northwest for annual supply furnishing various clamps, service saddles and couplings for \$55,654 and \$13,283 respectively (Purchasing Report - Bid 99060)

Disposition: Accepted; prepare contract.

- 1717** Accept bid of Goodyear Tire and Service Co. to furnish annual supply of high speed pursuit tires for an estimated annual amount of \$76,694 (Purchasing Report - Bid 99074)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

- 1718** Approve the issuance of Kaiser Permanente Revenue Bonds, 1998 Series A, by the Hospital Facility Authority of Clackamas County, Oregon as approved by the Hospital Facilities Authority of the City of Portland, Oregon (Resolution)

Disposition: Resolution No. 35740. (Y-5)

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- 1719** Approve the issuance of Revenue Bonds (Legacy Health System) Series 1998, by the Hospital Facility Authority of Clackamas, Oregon as approved by the Hospital Facilities Authority of the City of Portland, Oregon (Resolution)

Disposition: Resolution No. 35741. (Y-5)

- *1720** Agreement with Western Identification Network, Inc. for participation in the automated fingerprint identification system (Ordinance)

Disposition: Ordinance No. 172883. (Y-5)

- *1721** Create the classification and salary rates for Sports Official, Parks and Recreation, and establish one Recreation Leader position, Portland Tennis Center, in Parks and Recreation in accordance with the Personnel Rules adopted by the City Council (Ordinance)

Disposition: Ordinance No. 172884. (Y-5)

- *1722** Authorize the settlement of claims by Michael D. Burr (Ordinance)

Disposition: Ordinance No. 172885. (Y-5)

Commissioner Jim Francesconi

- 1723** Accept amended report on completion of contract with KLB Construction, Inc. for Forest Park landslide repair, authorize final payment and release retainage (Amended Report; Contract No. 30936)

Disposition: Accepted.

- 1724** Accept contract with B.J. Cummings Co. for remodel of the Water Bureau on the 5th floor of the Portland Building as complete, authorize final payment and release of retainage (Report; Contract No. 31634)

Disposition: Accepted.

- *1725** Amend contract with MuniCom for consulting services to increase amount and extend termination date (Ordinance; amend Contract No. 32022)

Disposition: Ordinance No. 172886. (Y-5)

Commissioner Charlie Hales

- 1726** Accept contract with Pro Landscape for Smith School soccer field as substantially complete, authorize final payment and release retainage (Report; Contract No. 31824)

Disposition: Accepted.

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- *1727** Amend contract with BRAUN Intertec to increase the contract by \$20,000 and extend the completion date to March 31, 1999 (Ordinance; amend Contract No. 31121)

Disposition: Ordinance No. 172887. (Y-5)

- *1728** Authorize a contract and provide for payment for material and labor to construct Cathedral Park improvements (Ordinance)

Disposition: Ordinance No. 172888. (Y-5)

- *1729** Authorize the Purchasing Agent to sign a Purchase Order for purchase under State Agreement with Software Spectrum No. 5044 for Microsoft Office packages estimated in the amount of \$61,500 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 172889. (Y-5)

Commissioner Gretchen Miller Kafoury

- 1730** Accept contract with Platinum Construction Services, Inc. as complete and make final payment (Report; Contract No. 31785)

Disposition: Accepted.

- *1731** Contract with the Housing Authority of Portland for the implementation of activities under the HOME Investment Partnership Program in the amount of \$1,515,425 and provide for payment (Ordinance)

Disposition: Ordinance No. 172890. (Y-5)

- *1732** Amend agreement with the Workforce Development Board by expanding the scope of work and increasing the amount by \$25,000 and provide for payment (Ordinance; amend Agreement No. 31896)

Disposition: Ordinance No. 172891. (Y-5)

- *1733** Contract with Ecumenical Ministries of Oregon for \$30,000 for the Shared Housing Program and provide for payment (Ordinance)

Disposition: Ordinance No. 172892. (Y-5)

Commissioner Erik Sten

- 1734** Accept amended report on Inverness Force main, Section "E", Project No. 5838, and authorize final payment to Alliance Corporation (Report; Contract No. 30810)

Disposition: Accepted.

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- 1735** Accept completion of the high head outfall valve modifications, Project No. 6267, and authorize final payment to Todd Hess Building Company (Report; Contract No. 31646)

Disposition: Accepted.

- 1736** Accept completion of the Columbia Boulevard Wastewater Treatment Plant temporary site Civil Work Building, Project No. 6403, and authorize final payment to Dirtworx, Inc. (Report; Contract No. 31766)

Disposition: Accepted.

- 1737** Consent to transfer of solid waste and recycling franchises to USA Waste of Oregon, Inc. (Ordinance)

Disposition: Passed to Second Reading December 2, 1998 at 9:30 a.m.

- 1738** Consent to transfer of solid waste and recycling franchise held by Waste Management of Oregon, Inc. to USA Waste of Oregon, Inc. (Ordinance)

Disposition: Passed to Second Reading December 2, 1998 at 9:30 a.m.

- *1739** Authorize contract with Copenhagen Utilities for the relocation of water facilities at the estimated amount of \$125,000 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 172893. (Y-5)

- *1740** Accept one water facility easement for the SW Hilltop Lane project, authorizing payment of \$980 (Ordinance)

Disposition: Ordinance No. 172894. (Y-5)

- *1741** Accept seven water facility easements for the SW Hilltop Lane project (Ordinance)

Disposition: Ordinance No. 172895. (Y-5)

- *1742** Agreement with ACE Consultants, Inc. for \$300,000 for design and technical services for water main improvements and other design services as may be required (Ordinance)

Disposition: Ordinance No. 172896. (Y-5)

- 1743** Agreement with KPFF Consulting Engineers for \$300,000 for design and technical services for water main improvements and other design services as may be required (Second Reading Agenda 1697)

Disposition: Ordinance No. 172897. (Y-5)

- 1744** Authorize an intergovernmental agreement between the City of Portland Bureau of Environmental Services and Washington County in the amount of \$11,460 to assist in undertaking a study of the commingled project (Second Reading Agenda 1701)

Disposition: Ordinance No. 172898. (Y-5)

REGULAR AGENDA

- S-1713** **TIME CERTAIN: 9:30 AM** - Direct the Bureau of Planning in consultation with the Bureau of Environmental Services, Parks Bureau, the North Macadam Steering committee and other interested parties to review and recommend changes to the FAR bonuses, Willamette River Greenway set-backs and heights along the entire length of the Willamette River within the City of Portland, with the intent of amending code language in a timely manner (Previous Agenda 1708; introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said for a year Council has been on record that it wanted to do more to protect the Greenway. She requested a timeline for a workplan before she left office and was told by Commissioner Hales that there was no will of the Council to do that. She disagrees and believes there needs to be a community conversation about the River and the City's commitments. She said the Avalon Hotel appeal last year was a very painful process for everyone -- the developers, Planning staff and the Council. At that time she felt the Greenway regulations needed to be rethought as many changes have occurred since 1987 when the rules were adopted. She personally would be happy to vote today for 200-foot setbacks, although she has been advised that is illegal. Why not be outrageous about this? What she is proposing today, however, is some kind of predictable schedule as to when the planning will be completed. She would hope that on December 8, when the budget is discussed, this will receive a high priority for funding and that the work can begin before July, 1999. This is critical work as people are looking to the City for some improvement and some predictability for development guidelines along the River.

Commissioner Hales moved the Substitute he had distributed. Commissioner Sten seconded.

Mayor Katz asked for an explanation of the differences between the original and the Substitute resolutions.

Commissioner Hales asked David Knowles of the Planning Bureau to explain them.

David Knowles, Director, Bureau of Planning, said Council earlier had signalled its interest in looking at the regulatory environment surrounding the Willamette River and its edges. He met with Parks staff and developed a resolution which tries to respond to some common concerns from Council. This resolution directs the Bureau of Planning, together with the Bureau of Environmental Services (BES), Parks and the Portland Development Commission (PDC) to develop a work plan to revise the Willamette Greenway plan and lay out the overall policies for the Greenway zone, which lies on both sides of the river, to a depth of about 150 feet. The zone governs development adjacent to the Greenway, in the Greenway itself and on the riverside. It also includes design guidelines concerning the character of development. He

said Planning believes that if the City is going to explore different regulatory options for the River over the next two years under the Environmental Species Act, the North Macadam process and other projects, it makes sense to revisit the City's overall policies, meet with all the stakeholders and arrive at some recommendations. This kind of planning process takes more time but will allow better coordination of the individual efforts that are going on over the next few years. He said they are particularly concerned that BES' work on the Endangered Species Act responses dealing with the riverbank and fish habitat are not currently linked with development 25 or 50 feet away. If there is an interest in moving the setbacks, scientific data is needed to make findings to support doing so. This resolution instructs staff to complete the work plan by December 30 and then Council can consider this during its January budget deliberations.

Commissioner Kafoury asked if one-time money is available for half a year so that the work can get going before June.

Mr. Knowles said putting together the work plan will take some time as it involves three other agencies and will be quite detailed. They estimate the time needed to be at least several years with a cost at between \$200,000 and \$400,000 each year.

Mayor Katz asked what staffing will be needed.

Mr. Knowles said he has not talked to Parks and BES but to do a project like this a permanent staff would be needed for several years. Once Council members see the scope of work this directs, they could call for a narrower scope of work but until they see the tasks that are laid out they will not know. If Council does not want to take a comprehensive planning approach, it could delete all the industrial lands from the scope although that does not make much sense as they impact fish habitat too. Planning recommends a comprehensive process, not a piece-meal one.

Commissioner Sten said he would like to get the process started in January rather than spending a lot of time talking about what the regulations should be and prejudging the outcome. He is completely against waiting to start until July first. He said Council has tentatively agreed to set aside \$375,000 for endangered fish species work and he does not know why some of that money could not be used for this process. He said it is time to move ahead as it has been a year since the Avalon Hotel decision and that is too long.

Mayor Katz said the original resolution called for the Planning Bureau to address the regulations immediately. Mr. Knowles is telling Council that a vision plan needs to be done first and that is one reason why this may take longer and cost a little more.

Mr. Knowles said Planning's recommendation, as well as the Parks Bureau's, is that they need a more comprehensive planning process, especially on the setback question.

Commissioner Francesconi said Commissioner Kafoury's resolution is actually more of a work plan which includes a vision plan so he sees the two versions as being very close.

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Commissioner Sten said he sees no substantive differences between the two and asked Commissioner Hales what is going to happen.

Commissioner Hales said he believes planning means you figure out what a place should be and then write the specifications, rather than writing them first. There is a process already underway to figure out what the North Macadam district should be and he does not know what the outcome will be. He believes regulations should come after a plan is formed and that is the fundamental difference between the two resolutions. The second resolution directs that planning work around the River be done first, followed by the regulations themselves. He said he feels very strongly about using that discipline and that is why he has offered his substitute.

Leonard Gard, land-use specialist, Southwest Neighborhoods, said the land-use committee supports Commissioner Kafoury's resolution. He expressed concern that a two-year process will be too long as development is already occurring in the North Macadam area. He said the regulations his committee seeks, such as a wider Greenway setback and cutbacks in the liberal FAR bonuses, do not contradict the vision the City already has and urged that a shorter work plan be adopted so that they will have the regulations in time.

Kirsten Kane, Audubon Society, read a letter from Director Mike Houck stating that the current 25-foot setbacks from the Willamette River are simply not sufficient. Mr. Houck recommends that Council provide interim protection, address the FAR bonuses and not exempt the North Macadam district from any new regulations. He also believes the two-year time line is too long.

Jeanne Galick, Corbett Terwilliger Lair Hill Neighborhood Association, said the Avalon case demonstrated that the greenway regulations are outdated and vague and that even the district plans conflict with the current Greenway regulations. Unfortunately, in the Avalon case, the Greenway regulations did not prevail. She urged passage of the resolution and expressed concern with interim protection as she does not want to see decisions affecting the Greenway made on a project-by-project basis. It is also essential to review the FAR bonuses. She urged that this process be adequately funded and put on the fast track. She said comprehensive and integrated regulations are needed and Council must provide strong leadership to see that they happen.

Barbara Walker, 1891 SW Hawthorne Terrace, 97201, said because of Waterfront Park most people think of the Greenway as a park but most of it is not. It is an easement required as development occurs. The current Greenway inventories and regulations are outdated and confusing, causing unnecessary contention. A profusion of additional bonuses and incentives for the Central City, probably never intended for the riverfront, further complicate the process. She described how the North Macadam District came into the equation and noted that the first development proposal met all the City's requirements but did not meet all the City's goals for the site. The City wanted it to provide more housing and jobs and to meet Metro 2040 goals so it asked the developers, land owners and community representatives to work together through a formal North Macadam Framework planning process to see if those goals could be met in a financially feasible manner. For the most part, this area is a derelict, vacant, no-

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man's land but it could become the premier development in the entire City. She said the Steering Committee faces monumental problems and the process is working towards district solutions which cannot be achieved by any player alone. The North Macadam process asks a lot of developers in terms of costly delays and perhaps missed economic opportunities. It asks the City to do costly planning and provide horrendously expensive infrastructure. This resolution recognizes the high priority that should be placed on the Greenway and its paramount value. She said the City must play by the rules and North Macadam should be allowed to continue its process and act as an incubator for this. The one change she would make in the process is to have BES become more involved because of the Endangered Species Act listing.

Mayor Katz asked Ms. Walker to discuss the Steering Committee's conceptual vision for the Greenway in North Macadam as that will be coming to Council before any other work is completed and the Planning Commission and Council will have to act on it.

Ms. Walker said the Committee is gearing development plans in the District to the density levels that are desired. Principles and concepts have been identified but the Committee has not yet addressed any of the details, such as FAR bonuses, heights, setbacks, etc. Their work has been based on the existing rules, not on a new set of rules. This process recognizes that there are many expectations for the site and one of those is the Greenway, which Council wants the Committee to recognize as of paramount importance. She said she believes the process offers the participants a chance to voluntarily come up with a plan that will involve real developers, real neighborhoods and real environmentalists. She would have loved to see new regulations for the Greenway five years ago and as much as she would like to have totally new regulations for it, she believes a contract has been made between the City and the participants to enter into a functioning North Macadam process. Council should fairly uphold that process and not short change it now.

Commissioner Francesconi said some land owners, developers and others believe this is the right process but far too slow. How can Council help move this along?

Ms. Walker said this resolution helps as it makes it clear that the Committee must address the Greenway issues or they will be addressed for them. She believes there is conceptual agreement on the principles but not about the width of setbacks, heights or design regulations. Those have not been dealt with because, as chair, she does not believe the Committee has been given the mandate to address planning issues. If Council wants the Committee to look beyond what is in the current framework it can, but she believes they were instructed to come up with something better to present to Council.

Commissioner Francesconi said he believes in advocacy but also in leaders who can look at the broader picture and reconcile opposing points of view so not every dispute is left to Council. Is there that kind of leadership on the committee right now?

Ms. Walker said some do take the broader view but, while she would like to see all members do so, that is not human nature.

Corrine Paulson, League of Women Voters, said after the Avalon Hotel was approved Commissioners Kafoury, Francesconi and Sten made a commitment to review regulations governing FAR bonuses, height, bulk and setbacks on riverfront property. The League supports this undertaking and believes other interested parties representing property owners and residents along the Willamette River should be involved. Council should allocate a specific budget to fund this work. She said while there is a sense of urgency about this, the League had very short notice about it and about the change in the resolution. However, just putting this off will only make things worse.

Gary Reddick, architect, 4111 SW 6th, 97204, said the Willamette River and riverbank are not all the same everywhere and he believes building height, for instance, should probably be increased in some areas. His primary concern is underwhelming the City with inappropriate suburban-scale development and sprawl within the Urban Growth Boundary. He said out of necessity, the City has to look at things differently, such as FAR bonuses, heights, density, types of transit and new definitions of land supply. He urged Council to look at the Greenway holistically so that it is inseparable from a full vision of what Portland can be. He said other great cities, such as Paris, have parks and open space but also have great buildings near the river's edge. With these regulations, the City will be establishing the scale, the tone and even the soul of the City and what it eventually will be.

Commissioner Francesconi asked Mr. Reddick if he favored this resolution.

Mr. Reddick said he supports the new resolution but it needs to be connected to a vision for the whole City, not just the edges. Good planning is not slices of something but the whole enchilada. Planning should not be done in isolation.

Commissioner Francesconi said nothing in either resolution said anything about a broad, uniform approach.

Mr. Reddick said he does not have a problem with this particular resolution although the first resolution seemed to establish development guidelines for the entire length. He does not believe the Willamette Greenway setback needs to be 200 feet wide throughout entire length.

Commissioner Francesconi said the point is the City needs to engage citizens in a holistic visioning process, which he believes this resolution tries to do in a way that preserves the integrity of the North Macadam process.

Mayor Katz asked Mr. Reddick what his biggest fear is about this planning process.

Mr. Reddick said his biggest fear is that people underrealize what Portland can be in the way of a City, not just a big small town. He thinks City limits on building heights in the heart of the City to four floors of wood frame over one floor of concrete will come to be seen as inappropriate. He believes sprawl is occurring although it has not been recognized because frankly there has not been a lot of growth until just now. Some people believe a five-story building will create canyons but that is a matter of perspective.

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Mayor Katz said in the final analysis this will become a political decision in a political arena as architects disagree themselves about the vision. It would be helpful if they could get to some kind of closure about this.

Commissioner Sten said he thinks politically the City needs to be more proactive in talking about its watersheds, probably the fundamental misstep in Portland's last 25 years. There was no argument about backing off from Johnson Creek but when you come to the Willamette it gets uglier because there's more money at stake. He believes if anything undermines Mr. Reddick's vision, it will be people's sense that it does not make room for nature. The rules right now specify 25-foot setbacks everywhere from the River and if five story buildings are allowed not only in the River District, where he agrees they could be even taller, but everywhere along the River, the City will lose its citizens on this issue. The major Achilles' heel in the land-use planning over the past 25 years has been disrespect for the watersheds.

Mr. Reddick said he would not disconnect his notion of density from parks, open space and watersheds. He is also passionate about them.

Joseph Poracksy, 1826 SE 22nd Avenue, 97202, Geology Professor, Portland State University (PSU), said his students look at photos and have a difficult time picking out green spaces along the Willamette although it is very easy to identify highways, parks and new developments. He said the Willamette Greenway is more myth than fact and given its incremental loss, the situation is getting worse. He said there is no need to develop a new vision as the City already has one -- the Willamette Greenway. He said the Greenway is only a small sliver of the North Macadam area and concerns about that area should not preclude decisions about the Greenway. At the Avalon Hotel hearings it was clear to everyone that there was a problem with the existing Greenway regulations as this development may have been legally allowable but was in major conflict with the spirit of the regulations. He asked Council to adopt this resolution, act quickly to strengthen its Greenway regulations and follow up with vigorous enforcement.

Amanda Fritz, Friends of Arnold Creek, supported completion of this work within a year, which can be done if this is properly funded. She said this process needs to run concurrently with the North Macadam framework plan or it will undo that work or be moot. The Greenway work is much bigger than North Macadam and the regulations need to have a legislative basis and not be created case by case. A planning process is needed that coordinates responses and implements needed regulations. It also needs holistic decision makers, not just members of a steering committee for a specific project. This work should conclude concurrently with the North Macadam Vision Plan and the planning process should be adequately funded and completed in a year.

Mayor Katz asked her views as a member of the Planning Commission.

Ms. Fritz said there needs to be funding for staff, the main impediment to doing this work. However, the City has to spend two years thinking about a new vision for the Willamette. She said North Macadam is a small part of what this resolution addresses.

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Commissioner Hales said he does not believe there are significant development possibilities, given the zoning code, anywhere other than the North Macadam district as much of the rest of the River is already a park or zoned industrial. The reality is that this discussion is about the North Macadam district and the remainder of the waterfront south of there that is zoned for development. That is the focus of this concern, not a grain elevator or bargeway in the Northwest Industrial area.

Ms. Fritz said she has not been involved in the North Macadam process but it seems to her that this would also apply to part of the Sellwood Moreland Plan, the River District and North Portland.

Commissioner Hales said FARs and height limits are not an issue in the industrial zone.

Ms. Fritz said when she was appointed to the Planning Commission she questioned various people as to what the bigger issues were and the Willamette Greenway regulations came up again and again.

Commissioner Francesconi listed several properties where redevelopment from industrial has been requested.

Commissioner Sten said he believes there will be substantial redevelopment in the next few years near the Rose Garden. He predicts that many areas up and down the River will redevelop. Also, the industrial Greenway regulations are woefully inadequate and need to be reviewed.

Christine Perala, river geologist, cited many efforts going on Statewide which focus attention on what needs to happen to the Willamette within the City. Stream corridors need to be protected and there is a clear need to enhance setbacks, although the exact width has not yet been determined. She said placing large buildings next to the River makes no sense and called for suspension of the FAR bonuses until the planning process is completed.

Dr. John Gardiner, hydrologist, Professor Emeritus, North Sussex University, urged Council to look at the Greenway and the potential for restoration along the River within a wider plan. He expressed concern that waiting for a plan may not result in a temporary moratorium on development and noted that in France, the lack of such a moratorium resulted in widespread filling in of the floodplain.

Steven Shain, North Macadam Steering Committee member and Vice President, Zidell, said his company owns about two miles of land along the Willamette in various locations and each one faces different regulations. He favors the most current resolution because it moves several steps beyond what was proposed last week and respects the work of the North Macadam visioning group, which has tried to find the right mix between affordable housing, jobs, etc. He said North Macadam is one of the most overplanned and yet least developed districts in the City and while he agrees that the current plan is woefully inadequate, a plan is needed that provides proper incentives so development occurs and the Greenway gets build. The Greenway should be viewed in the context of everything the City is trying to accomplish.

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He said the Steering Committee is trying to determine where 25-foot setbacks are appropriate and where they are not.

Commissioner Francesconi asked what the Steering Committee needs from the City.

Mr. Shain said the Committee is now moving quickly and he does not want to see a process that ends up preventing any buildings there for another thirty to forty years.

Mayor Katz asked if Ms. Walker has clear direction to deal with the setbacks and FAR issues. This Council has expectations that those issues will be addressed by North Macadam before they are brought to the Planning Commission and Council. She also wants to make sure that BES is involved.

Jeffrey Lang, President, Gales Creek Insurance Service, said he has been waiting more than 20 years for something to happen along the River. He suggested postponing this resolution for another week to allow further review before making a decision. If not, he proposed amendments to the resolution to: 1) include the fact that it is not uncommon to find dead fish in the River; 2) begin an inventory of the River now, to be completed by July 1, 1999; 3) address FAR bonuses, height of adjacent buildings, setbacks and trail standards; 4) consider an interim moratorium on all applications for development within 200 feet of the Willamette; and 5) give Planning staff a benchmark process to get the job done. He said San Francisco held off all applications for the harbor for six years. While everyone says this is disrupting a legal process, the fact is that rules do change. For instance, once it was legal to dump in North Macadam and now it is not.

Doug Weir, 342 SW Hamilton Court and President, Friends of Terwilliger, said the big challenge here is see how nature and an urban City can work together. Council should consider the lost opportunities to solve the problem and do it now, before development occurs that has to be fixed later. He noted that North Macadam did flood in 1996 so care must be taken as to what can be developed there.

Joe Coffman, Willamette Riverkeeper board member, 3362 SW Corbett, 97219, supported the resolution and the need to take a broader, more comprehensive look at the Greenway that will create linkages all along the River.

Paul Gleason, 7638 SW 36th, 97219, said he believes people should be able to view the Willamette River when they are downtown and not have to look at the backs of buildings. There are ought to be good riparian habitat and the River should not be shaded out by tall buildings too close to the banks. Development can wait.

Mayor Katz asked if BES is at the table working on the issues identified in the resolution. She asked if interim guidelines or a moratorium is doable.

Mr. Knowles said the North Macadam Steering Committee has been given a charge from Council to integrate all these planning elements. There are two different groups within the Steering Committee. One deals with land use and one with greenway and park-related issues.

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The intent has been to synthesize those at the Steering Committee level. There is some feeling that an artificial separation exists there that does not make sense.

Mayor Katz asked if the work of those two subcommittees needs to be integrated.

Mr. Knowles said yes and staff could help them do that. He said people mean different things when they talk about the Greenway. Some mean the river, some mean the trail and some mean the adjacent development. City policies refer to the Greenway as the area that stretches from the river back about 150 feet. That is part of the overlay zone on both sides, all up and down the river. There are three parts to the overlay. The first is from the top of the bank to the setback line and the issues there are trail design, effect of development on the bank, vegetative cover, etc. The second is riverward of the top of the bank and one big issue there is what is meant by top of the bank as well as the impact on fish and wildlife. The third area is from the setback line landward where the issue is the right place for the setback line and the right kind of development on the other side of the setback line but still within the Greenway overlay zone. Planning staff believes those issues cannot be decided separately as they are inextricably linked. He said in North Macadam these issues may have been chunked up the wrong way.

Mayor Katz said Council may want to totally integrate those two committees so when they talk about the Greenway they are talking about the same thing.

Mr. Knowles said the Endangered Species Act work is primarily with BES and mostly related to the riverbank. It is a part of everything that needs to happen although clarity is still needed about the scope of work there.

Commissioner Sten said he would like to know if it is the lack of clarity that has been holding things up as he is frustrated about how long this has been held up. What does BES need to be clear about?

Mr. Knowles said the lack of clarity has been about different concerns voiced at different times. Commissioner Kafoury has usually talked about setbacks, FARs and heights. Commissioner Hales has generally focused on the trail. Mostly, the problem with getting at Commissioner Kafoury's issues has been due to a lack of Bureau resources and the existence of an ongoing process on North Macadam. He does not know how to get at the setbacks without looking at the broader issues. He said staff can prepare a scope of work in fairly short order but it will take longer to do the parks inventory, probably six months, and collect the other data. Everyone agrees the participation of BES in the North Macadam process will be helpful.

Commissioner Sten said once North Macadam comes up with a vision for what it wants built there, then working out an environmental treatment that is both urban and protective of the river will not be that hard. He met with the principle parties in North Macadam about 18 months ago and got the sense then that the developers wanted to know what the regulations were going to be. Because it has taken so long to figure this all out, it has been hard to provide certainty. There is a sense from Council that something more innovative and

ambitious is needed than the current minimum setbacks but since those minimum regulations have not yet been changed it is very hard for BES to provide anything concrete until it gets a better idea of exactly what is planned. Otherwise BES can only give generic advice. As he views the environmental regulations, redevelopment is the strongest economic way to try and protect assets, if it is done right. He cited Buckman Heights as one example where a car lot that drained into the Willamette was taken off the sewer system. He said this may be something of a chicken and egg problem but to solve the technical problems, first North Macadam needs to have a vision of what it is trying to build there.

Mr. Knowles said his understanding is that the committee process would benefit from BES expertise.

Commissioner Sten said given that this work was to have been done last June, some other collective kick in the pants is needed. BES is glad to be involved but is having a hard time getting a handle on what would be helpful.

Mr. Knowles addressed the issue of interim regulations. He said Planning is happy to bring whatever regulations Council wants. But the zoning code lays out a public process for this and when there are controversial Code provisions those processes tend to take longer, with confrontations both in front of the Planning Commission and Council. In the past, staff proposed a six month process but was clear that consensus would probably not be reached and that the City's setback rules might be legally vulnerable, i.e. over "taking" issues, because of the process. Moratoriums are governed by State statute and are available only in situations where infrastructure does not support the proposed development or where there is a complete absence of regulations. In both cases, moratoriums apply only temporarily.

Ben Walters, Deputy City Attorney, said that is spelled out in ORS 197.505 through 540.

Commissioner Kafoury asked if any development applications are coming in now.

Mr. Knowles said he knows of none now for development in the Greenway zone.

Ms. Walker said she was asked if the Macadam Steering Committee would come up with FAR bonus and setback changes. She said the Committee is split into two subgroups -- the Parks Greenway group and the land-use groups -- and believes it would be wise to combine the work of both. She said to accomplish Council's desired outcomes, the Parks Greenway group needs someone from BES there all the time. They also need more representation from the general public.

Commissioner Francesconi said appropriate development can increase access to the River. The health of the local economy is linked to the health of the natural environment. It is also clear the River still divides those who believe in the continuing need for economic development and those who believe in environmental protection. There is also a division between those that believe in incentives and those who think more regulations are needed. He noted Council's request, following the Avalon decision, for a review of the FAR bonuses. However, nothing happened until Commissioner Kafoury brought forward this resolution.

He said the Avalon process was very unfair to the developer who was sent back to the Design Commission three times but it did highlight conflicts between the design guidelines and the underlying Codes. Council made a commitment to work through those conflicts and it needs to tie its priorities to the budget process. Broader discussion by the community is needed as well. He supports the resolution as Parks cannot move forward without Planning at the head of the table.

Commissioner Hales apologized to Commissioner Kafoury as it has become clear that he has not done a good job of communicating his concerns. He said when there are competing values and goals, it is very important to do good inclusive planning in advance. He believes Council has focused too much on what the City should not do because so much development has been so bad. But good development follows a vision. What the City currently does not have is a community vision about what it would like to see if one stands on the Greenway and looks west. He agreed the City is not getting to that vision fast enough and he committed to being actively involved in working out these difficult questions. The regulations will follow from the vision, not from just trying to limit the damage.

Commissioner Kafoury said in the Avalon case, the developers voluntarily agreed to 50-foot setbacks and four people said they thought the building was too high and not stepped back enough. She said she disagrees with Commissioner Hales' view for the River and her goal is to get a public dialogue about this going. She said she does not know if her view will prevail but she is very nervous about potential developments. She said it seems more efficient to plan for developments like the Avalon at the front end rather than having to pay to redo them.

Commissioner Sten said he is frustrated by the length of time this review has taken and would like to push to do it within a year. He said he does not think there is that much difference between the two resolutions but is glad to hear that everyone is going to work together constructively. He believes it is much better to do things with incentives but they have to be combined with regulations and noted that he would never have voted in favor of the Avalon if only the minimum setbacks from the River had been proposed. He said as part of being proactive on the Endangered Species Act, Cottonwood Bay is being rebuilt even though the next door property plans to riprap the entire area, which the regulations allow. He said he does not want to hold North Macadam up but regulations that fit today's standards are not there and he believes the City can do much better. He noted that treatment of the watersheds are the number one mistake the City has made and cited the regulations placed on Johnson Creek because of the unintended consequences there.

Mayor Katz said the River means different things to different people. It is the center of commerce and a port. But it is also a recreation and transportation center with ferries and water taxis. For some it is a center of natural resources that they wish to remain pristine without competing uses. For others, because of the variety of uses, varying setbacks seem to be the answer. These issues will be resolved at the Planning Commission level and by Council. She said the work needs to be done soon in order to make the Greenway happen in the River District and North Macadam. While all this debate is going on, work is being done. She apologized for the late changes to the original resolution but felt this was such a critical issue that it was essential that Council have five aye votes. That is why she asked Mr.

Knowles to come up with something the entire Council could agree on. As it is clear decisions about North Macadam will probably be made by the citizen committee long before this Greenway planning is done, a "whereas" was added in the substitute to allow the North Macadam group to continue its work so the City can be protected from further Avalons. During the budget process, Council agreed on the importance of the River but this resolution ensures that the work will be funded at a level that allows Planning, Parks and PDC to complete their work.

Disposition: Substitute Resolution No. 35742. (Y-5)

Commissioner Charlie Hales

- 1745** Consider vacating a portion of SE Knight Street west of SE 14th Avenue, as initiated by Resolution No. 35726, to help protect and add area to the Oaks Bottom Wildlife Refuge (Previous Agenda 1706; C-9956)

Disposition: Continued to November 25, 1998 at 9:30 a.m.

- 1746** Acknowledge Central Northeast Neighbors successful Neighborhood RideShare Program (Resolution)

Discussion: Commissioner Hales thanked the neighborhood for its collaborative effort and a job well done.

William Warren, RideShare Coordinator, Central Northeast Neighbors, Inc., introduced the citizens and others involved in the program.

Allison Stoll, Central Northeast Neighbors, presented Francie Royce from the Office of Transportation with a certificate of appreciation.

Mr. Warren said this program involved an agreement among three neighborhood associations -- Greater Hollywood, Cully and Madison South -- to divide their rideshare points equally. He explained the rideshare concept and said it worked so well that the neighborhood continued to promote rideshare even after the incentive goals had been reached.

Mayor Katz asked about the motivation.

Mr. Warren said the initial motivation was to explain all the benefits of rideshare but it also provided an opportunity for residents to change their normal behavior slightly in a way that benefits livability and promotes cooperation.

Commissioner Francesconi asked how it worked.

Francie Royce, Office of Transportation, said the money came through a contract with the Bureau of Traffic Management and was funded out of regional monies. This is the first time a rideshare based on a neighborhood rather than a work place has been tried. She said it has

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been very successful but there is no money to continue the program.

Mr. Warren explained how neighbors earned incentive points. He said they tried to make it easy enough to effect behavior changes. When a neighborhood earned 1,000 points it could get money but had to submit a list of incentives to the Oregon Department of Transportation for approval. Normally people did not ride together before the program so they did see a change in behavior.

Susan Hamilton, Chair, Madison South Neighborhood Association, said they used their rideshare points to place permanent wood and metal signs to identify their neighborhood and also purchased bulbs and a plaque for Rocky Butte Park.

Carol Dixon, Cully Neighborhood Association, said they will put up 90 signs within the neighborhood plus a special sign at Albertsons.

Ms. Stoll said this was a wonderfully successful partnership which she hopes can be duplicated throughout the City to reduce congestion and parking.

Bob Ueland, Central Neighborhood Coalition, said since light rail was voted down this kind of program needs to be encouraged.

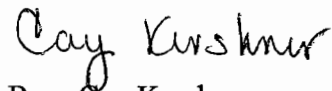
Commissioner Hales said there is no better way to promote change than having neighbors talk to neighbors and, with respect to transportation, this shows that a lot of small things can make a difference.

Mayor Katz said small things, like the downspout program, get citizens involved and make a real difference. She said she hopes the City can keep providing incentives like this.

Disposition: Resolution No. 35743. (Y-5)

At 12:15 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland


By Cay Kershner
Clerk of the Council

NOVEMBER 25, 1998

WEDNESDAY, 2:00 PM

DUE TO THE LACK OF AN AGENDA

NO MEETING WAS HELD