



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6th DAY OF JANUARY, 1999 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Acting Clerk of the Council; Ben Walters, Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

Mayor Katz welcomed, on behalf of the Council and Portland citizens, the new electees City Auditor Gary Blackmer and Commissioner Dan Saltzman.

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

**CONSENT AGENDA - NO DISCUSSION**

- 2 Accept bid of Portland Excavating, Inc. to furnish NE Martin Luther King Jr. Blvd. from NE Failing to NE Shaver Streets sidewalk improvements for \$82,642 (Purchasing Report - Rebid 99051 SMP)

**Disposition:** Accepted; prepare contract.

- 3 Accept bid of Stride Construction for the NE Precinct front desk remodel for \$50,000 (Purchasing Report - Rebid 99055)

**Disposition:** Accepted; prepare contract.

- 4 Accept bid of Natt McDougall Company for CSCC Segment 3, Interstate 5 to NE 13th Avenue, for \$7,750,000 (Purchasing Report - Bid 99082)

**Disposition:** Accepted; prepare contract.

- 5 Accept bid of Andersen Pacific Contractors, Inc. to furnish Cathedral Park improvements for \$163,850 (Purchasing Report - Bid 99095)

**Disposition:** Accepted; prepare contract.

- 6 Accept bid of IKON Office Solutions to furnish annual supply of Canon copier maintenance for an estimated amount of \$539,580 (Purchasing Report - Bid 99103)

**Disposition:** Accepted; prepare contract.

JANUARY 6, 1999

**Mayor Vera Katz**

\*7 Pay claim of James Lyle (Ordinance)

**Disposition:** Ordinance No. 172981. (Y-5)

**Commissioner Jim Francesconi**

\*8 Authorize the solicitation of three bids for a three phase remodel of the 12th floor of the Portland Building for the Bureau of General Services, the Office of Finance and Administration and its Accounting Division, enter into contracts with the lowest responsible bidders and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172982. (Y-5)

\*9 Lease office space at 421 SW 6th Avenue for the Bureau of Housing and Community Development (Ordinance)

**Disposition:** Ordinance No. 172983. (Y-5)

\*10 Authorize agreement for acquisition of the Cornelison Property adjacent to Leach Botanical Garden and Johnson Creek in the Botanical Gardens Local Share Target Area (Ordinance)

**Disposition:** Ordinance No. 172984. (Y-5)

\*11 Authorize application to the Oregon Department of Forestry for a grant in the amount of \$3,000 for an interactive Urban Forestry display (Ordinance)

**Disposition:** Ordinance No. 172985. (Y-5)

\*12 Authorize application to the Meyer Memorial Trust for a grant in the amount of \$9,830 for the Neighborhood Tree Liaison program (Ordinance)

**Disposition:** Ordinance No. 172986. (Y-5)

\*13 Authorize contract amendment with Beery and Elsner LLP for additional legal services related to a Plan District and Master Plan at Portland International Raceway (Ordinance; amend Contract No. 31698)

**Disposition:** Ordinance No. 172987. (Y-5)

\*14 Amend agreement with SMG/Columbia Consulting Group/Seattle, increase the amount by \$24,720 and extend the completion date (Ordinance; amend Contract No. 31952)

**Disposition:** Ordinance No. 172988. (Y-5)

JANUARY 6, 1999

**Commissioner Charlie Hales**

15 Accept contract with J.P. Contractors, Inc. for Ed Benedict Park improvements as substantially complete, authorize final payment and release retainage (Report; Contract No. 30260)

**Disposition:** Accepted.

16 Accept completion of Plaza Blocks improvements by Andersen Pacific Contractors, make final payment and release retainage (Report; Contract No. 31721)

**Disposition:** Accepted.

17 Accept completion of Plaza Blocks Park restroom renovation by Platinum Construction Services, make final payment and release retainage (Report; Contract No. 31802)

**Disposition:** Accepted.

18 Accept contract with Nutter Underground Utilities, Inc. for improvements on NE Marine Drive at NE Gantenbein Avenue as complete, make final payment and release retainage (Report; Contract No. 31825)

**Disposition:** Accepted.

\*19 Authorize a contract and provide for payment for Mt. Scott Community Center and site improvements (Ordinance)

**Disposition:** Ordinance No. 172989. (Y-5)

\*20 Amend contract with Northwest Geotech, Inc. to increase the amount by \$9,500 (Ordinance; amend Contract No. 31123)

**Disposition:** Ordinance No. 172990. (Y-5)

\*21 Increase contract with Pacific Cascade Controls for the installation of energy management and control systems in Portland Parks community centers by the sum of \$20,106 (Ordinance; Contract No. 31364)

**Disposition:** Ordinance No. 172991. (Y-5)

**Commissioner Dan Saltzman**

22 Accept completion of the Midcounty sewer cleanup project Package "D," Project No. 6365 and authorize final payment to Nutter Underground Utilities Co. (Report; Contract No. 31832)

**Disposition:** Accepted.

**JANUARY 6, 1999**

- 23** Accept completion of the Midcounty sewer cleanup project Package "D," Project No. 6366 and authorize final payment to Nutter Underground Utilities Co. (Report; Contract No. 31833)

**Disposition:** Accepted.

- 24** Accept completion of the NW Davis sewer reconstruction project, Project No. 6041 and authorize final payment to S-2 Contractors, Inc. (Report; Contract No. 31834)

**Disposition:** Accepted.

- \*25** Amend Title 17 of the City Code to extend the deadline for requesting recalculation of the stormwater system development charge from December 31, 1998 to April 30, 1999 (Ordinance; amend Code Chapter 17.35)

**Disposition:** Ordinance No. 172992. (Y-5)

- \*26** Authorize sales agreement with Pacific Power for purchase and installation of service transformer for Inverness wastewater pump station, Project No. 5152 (Ordinance)

**Disposition:** Ordinance No. 172993. (Y-5)

- 27** Amend contract with Black & Veatch for professional engineering services for Columbia Boulevard Wastewater Treatment Plant digester modification project and provide for payment (Ordinance)

**Disposition:** Passed to Second Reading January 13, 1999 at 9:30 a.m.

**Commissioner Erik Sten**

- \*28** Amend agreement with Central City Concern to increase the general funds by up to \$6,000 and to modify the scope of work (Ordinance; amend Agreement No. 31897)

**Disposition:** Ordinance No. 172994. (Y-5)

- \*29** Grant a temporary, revocable permit to TCG Oregon and establish terms and conditions (Ordinance)

**Disposition:** Ordinance No. 172995. (Y-5)

- \*30** Ratify City Council's previous grant of a franchise to Electric Lightwave, Inc. and direct the Office of the City Auditor to send an acceptance (Ordinance)

**Disposition:** Ordinance No. 172996. (Y-5)

- \*31** Authorize a contract with Economic and Engineering Services, Inc. for \$51,145 to develop a lead-in-water testing program and provide for payment (Ordinance)

**Disposition:** Ordinance No. 172997. (Y-5)

- \*32 Increase the budget for contract with Gabriele Development Services from \$111,397 to \$148,181 for additional technical services (Ordinance; amend Contract No. 29073)

**Disposition:** Ordinance No. 172998. (Y-5)

**City Auditor Gary Blackmer**

- 33 Transmit Certificate of Completion for the SE 48th Avenue/Mitchell Street to Raymond Street Local Improvement District (Report; C-9906)

**Disposition:** Accepted.

- 34 Declare the purpose and intention of the City of Portland to construct street and storm sewer improvements in SW Texas Street from SW 26th Avenue to SW Capitol Hwy., SW 26th Avenue from 200 feet south and 200 feet north of SW Texas Street and SW 29th Avenue from SW Nevada Court to SW Texas Street Local Improvement District (Resolution; C-9876)

**Disposition:** Resolution No. 35756. (Y-5)

**REGULAR AGENDA**

- 1 **TIME CERTAIN: 9:30 AM** - Brief Council on the Service Efforts and Accomplishments: 1997-98 report on City Government performance (Report introduced by Auditor Blackmer)

**Discussion:** Gary Blackmer, City Auditor, said it was his pleasure to present this report, prepared for the past eight years by his predecessor. It is an important document in understanding what is going on in Portland. It is like a dashboard which has many gauges to see what is working and what is not but, like a dashboard, it does not tell you why it is not working. It is a good way to understand the results of the efforts of City employees, managers and citizen attitudes to see where the needs are.

Dick Tracy, Director of Audits, said he would mention the highlights as the report contains a lot of information. The purpose of the report is to help improve the City's accountability to the public and to help make decisions at the Council or managerial levels. The report is provided on request (about 1,000 to 1,500 copies a year), is on the web page, and distributed to libraries, neighborhood associations, the media and various groups and organizations. It does not say which decisions to make but gives a clear picture of areas that may require more analyses and evaluations. It is a good tool.

Mr. Tracy said the contents are the same as in the past; information on City bureaus, how much work is done and how much is spent. Most importantly, there is information on results -- what is happening as a result of the services provided citizens. Information comes from bureau data, six other comparison cities (primarily in the area of spending) and the complete results of the annual citizen survey. New in this 8th annual report is both five-year trends and 10-year trends to see the differences over shorter and longer time periods. There are new questions on planning and development in this year's survey, which give a good picture of attitudes about growth and development in commercial and residential areas.

JANUARY 6, 1999

Mr. Tracy said the report indicates the community is safer, residents are more satisfied with City services, has a cleaner environment and improved livability. Some things are worse: the streets are in worse shape; there is more concern about traffic congestion and safety; and a growing housing and rental cost burden. In the eight years of asking how safe people felt in walking about their neighborhoods, the feeling of safety has increased 11 percent City-wide and being out at night has increased 14 percent. The feelings about downtown has also improved.

Mayor Katz said there were significant positive changes in inner Northeast and North.

Mr. Tracy said over the life of the survey, there has been a 21 percent decline in the number of crimes per thousand residents. Structural fires per thousand have declined significantly. In answer to Commissioner Hales' question if the same six comparison cities have been used throughout, he said yes. In the eight years, approval of police is up 14 percent, environmental services is up 21 percent, the drainage program is up 13 percent and there has been a nine percent increase in both parks and recreation. The two rated lowest of the City's services are traffic safety and congestion. Mr. Tracy noted the downside of the improved treatment of sewer effluents is that the rates, in a ten-year period, are up about 123 percent. He explained a chart showing the livability percentages by City neighborhoods, noting that the Outer Southeast is significantly less satisfied. Typically, neighborhoods are rated better than the City as a whole, which is not true of the inner Northeast.

Mr. Tracy said the backlog of street maintenance has not improved in ten years (and is a continuing problem), nor has the quality rating by City engineers. Regarding housing, if over 30 percent of income goes to housing it is a cost burden. Over a ten-year period, owners have an increasing burden and rentals are on the rise.

Commissioner Sten asked if the survey can also reflect the difference between homeowners who bought recently and many years ago. Or, the cost for a first-time buyer.

Mr. Tracy said that could be built into the annual survey of the housing census information.

Mr. Blackmer said retirees on a fixed income would certainly have a higher percentage going to housing and their numbers would affect the amount.

Commissioner Francesconi asked, other than housing, what can the Council do to improve services in Outer Southeast.

Mr. Tracy said there could be a number of factors -- demographics, income, differences in the level of services.

Mr. Blackmer said the survey could get a good profile of that area and also look at the American Community Survey data.

Mr. Tracy said there could be significant differences related to certain demographic factors such as income, age, education.

JANUARY 6, 1999

Commissioner Hales asked if the return from Outer Southeast was big enough for accuracy.

Mr. Tracy said the return was large and they are confident with the figures. He noted, for more cost, more directed surveying could be done, expanding the kinds of questions in different ways. Mr. Tracy noted the irony in the good livability ratings and the poor rating for the land use process. There are mixed feelings about residential development. The lowest rating for good is in the Southwest and is contrasted to the inner Northeast which said it improved the neighborhood.

Mr. Tracy noted that over the last eight years, a tight, cooperative network has been developed with bureau managers and employees to develop and collect good measures.

Mayor Katz said this was a first-class survey and Dick Tracy has received national accolades, as has the City, for continuing this effort.

Commissioner Saltzman asked if this were a random mailing.

Mr. Tracy said it was and has been done the same way for the eight years, with a 40-50 percent return rate and they are confident it is reliable information.

Mr. Blackmer said they do a telephone follow-up periodically to question those who did not return it to determine if their responses are representative of the general population and that is calibrated into the survey. This is also done county-wide and information is shared.

Commissioner Francesconi said he was concerned about the lack of performance information/performance indicators on parks.

Mr. Tracy said they have worked with parks for eight years to help identify measures to track progress in accomplishing their goals and objectives. Parks and Recreation is a dispersed and diffused organization, ergo difficult to gather data. The process needs to systematically identify specific and major goals and what are good measurements to track the progress.

Commissioner Francesconi said he was surprised that the cost recovery for youth programs was better than that for the adult.

Mr. Tracy said the idea is for youth fees to be subsidized to encourage (particularly low-income) youth to use recreation programs, but more revenue than was intended is being collected from them. Less is being collected from the adult programs than intended.

Commissioner Hales asked if some of the door-buster programs, such as swimming lessons, would distort the statistics.

Mr. Tracy said a better system within the bureau would be needed to gather such information.

Commissioner Hales said this is a useful, consistent tool which helps Council in decisions and priorities, in a management information format.

Commissioner Saltzman recommended asking how people are using the City's communication channels, such as do they use the neighborhood associations.

Commissioner Sten said he suspected the higher sewer program rating was because people better understood it than any perceived level of service.

Mayor Katz said there are two figures the Council can take to heart: 79 percent find the City as a whole livable and 84 percent find their neighborhoods livable. It is interesting that most of the data supports the data from "Your City, Your Choice." So, there are two ways to measure whether or not we are on track. She recommended asking questions in the area of planning and growth, linking it to the Urban Growth Boundary.

**Disposition:** Accepted. (Y-5)

- 35 Vacate a certain portion of SW Multnomah Boulevard between SW 40th and SW 45th Avenues, under certain conditions (Second Reading Agenda 1883; C-9943)

**Discussion:** Mayor Katz said the first reading of this was on a very busy Council day so two citizens who were patient then will be heard today.

Jim Peterson, Multnomah Neighborhood Association (MNA) Traffic Chair, said they were surprised on the restriction on the improvements and where they are triggered in writing the ordinance and also surprised that it is not clear who presently owns the property. This could be another case where staff writes the findings without the facts. The property is environmentally sensitive and they are not sure the area's storm water has been addressed.

Maria Gregory, MNA, said the ordinance should restrict any improvement to landscaping, not construction, because of the storm water issues.

Dan Saltzman asked if landscaping only would preclude a picnic area and playground for children in the apartments.

Ms. Gregory said that would be fine. Their concern is any construction that would lose pervious surface area.

Commissioner Sten said there was no reason to approve a vacation without knowing what the property owner was going to do with it.

**Disposition:** Ordinance No. 172999. (Y-3; N-Sten, Katz)

### Mayor Vera Katz

- \*36 Authorize employees temporarily assigned to the rank of Assistant Police Chief who have remained members of the Portland Police Commanding Officers Association (PPCOA) to enroll in the VEBA Plan established under the PPCOA collective bargaining agreement (Ordinance)



**Discussion:** David Reem, 909 SW 12th Avenue, spoke about his opposition to the use of "emergency" clauses in situations he felt were not emergencies.

**Disposition:** Ordinance No. 173000. (Y-5)

\*37

Agreement with Grandma's Place to provide child care services to the Bureau of Police employees and their families, costs paid for by user fees with minimum costs not to exceed \$115,000, supplemented by the Bureau if necessary (Ordinance)

**Discussion:** Chief Charles Moose, Police Bureau, said Community Policing has done an excellent job of listening to the community but the Bureau must also listen to and recognize the valuable working men and women. Erratic schedules such as emergency call backs and court appearances and child care are everyday concerns. A survey indicated that a number of people want child care in the Justice Center and also for it to be drop-in care. This would also serve as a good example for the City.

Officer Ann Senstrom, Police Bureau, said the care would be provided Monday through Friday from 6:00 a.m. to 6:00 p.m. and on holidays. Presently, there are 24 staff positions, 14 for full time and 10 drop-in, which can change to accommodate the needs. The ages range from infant to school age. The central location will enable employees to visit at lunch or breaks. To date, there are 50 registrations and the largest request has been for the drop-in care. She said they planned to open March 1st.

Commissioner Hales said this was a positive idea and asked where it might go next, as to other precincts.

Chief Moose said, depending on this being successful, other City employees have these needs and another location than downtown will be needed.

Officer Senstrom said the central location makes sense for the pilot program and there are plans to expand it to other precincts.

Commissioner Hales said he hopes this grows and develops and the assumption is not made that the care must be inside the precinct facility.

Commissioner Saltzman said it was fantastic to have an issue he believes in on his first day in Council.

Chief Moose said it is anticipated that this will be cost-sustainable and two employee unions have made donations.

Commissioner Hales said the City should be leader in employer-assisted day care and housing, as it is in employer-assisted transportation. Now many other employers are assisting with transportation.

Commissioner Sten said this an issue the entire country is way behind on and hurts dramatically. The cost of child care is expensive. This will send a good signal.

**JANUARY 6, 1999**

Mayor Katz complimented the Bureau for checking with its own employees on providing services. If this looks like it can expand, the Bureau will look at other facilities, as well as schools.

**Disposition:** Ordinance No. 173001. (Y-5)

At 10:45 a.m., Council recessed.

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6th DAY OF JANUARY, 1999 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Britta Olson, Acting Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

**38** **TIME CERTAIN: 2:00 PM** - Appeal of the Centennial Neighborhood Association against Hearings Officer's decision to approve the application of Keith and Leona Bybee for a zone change from R7 to R2 in compliance with the comprehensive plan, located at 1304 SE 162nd Avenue (Hearing; 98-00838 ZC)

**Discussion:** Kathryn Beaumont, Senior Deputy City Attorney, said this was an on-the-record hearing, designed only to decide if the Hearings Officer made the correct decision based on the evidence presented.

Mayor Katz asked about ex parte contacts and there were none.

Kathleen Stokes, Planning Bureau, said this was a request for a zone change from R7 to R2 in compliance with the comprehensive plan map designation. To be approved, it needs to meet the approval criteria of Section 33.855.050 A and B of the Zoning Code for Zoning Map amendments and also has to be consistent with the transportation element of the Comprehensive Plan, including Goal 6, Policy 6.1 through 6.25, the District Policies, classification descriptions and maps. The site is on the corner of SE 162nd and Main. The area was designated R2, a low density multi-dwelling zone, because it fronts onto an arterial. The site fronts onto 162nd, a neighborhood collector, minor transit street, city bikeway and walkway. There are no sidewalks adjacent to the property, except on the corner, but that is substandard. A condition of approval requires upgrading the corner and installing sidewalks on 162nd and on Main. The intersection carries about 18,000 cars daily, regulated by traffic signals, crosswalks and a left turn lane. Three schools are located in the vicinity. Maximum buildout of the site would allow seven units, creating an additional traffic load of about 80 trips per day, a .04 percent increase. This intersection, even though signalized with a crosswalk, is on the high accident location list -- those that have had at least 20 accidents within the last three years. The Hearings Officer approved a zone change from R7 to R2, with conditions which Ms. Stokes noted.

Louise Cody, Land Use Co-Chair, Centennial Neighborhood Association (CNA), said they had three main objections to the zone change based on the violation of the approval criteria 33.855.050 for base zone changes regarding adequate public services, transportation capabilities, streets. One, the violation is due to traffic impacts and safety issues around the three primary, elementary and intermediate schools. Two, the violation of adequate fire protection due to inadequacy of fire rescue and emergency service, not only to support the increase in density but for accidents that may occur. Three, violation of the transportation element of Comprehensive Plan Goal 6 and the amended transportation rule interim requirements due to the lack of good transit. If the zone change is approved, services must be available at that time. The zone change will more

than triple the housing units from two to seven. SE 162nd Avenue is a district collector and classified as a transit street, but is not in reality. The MAX station is one-half mile away, exceeding how far people will walk to catch it, as well as the nearest buses being one-quarter of a mile away. Increasing density at this site violates transportation goals to reduce congestion and auto trips. More auto trips endanger children walking to all three schools. As of May, 1998, the 174th Avenue fire station has been closed and the 162nd site is 40 blocks from the nearest fire station. Fire response in this area is nearly twice the City's four minute goal. Ms. Cody said Policy 6.4 is violated as there is no land use and transportation planning coordination. Policy 6.18, Clean Air and Energy Efficiency, is violated. Regarding Policy 6.26, the adjacent street system is not capable of accommodating the proposed change. The Transportation Planning Rule interim requirement, pedestrian and bicycle facilities, is also violated.

Bruce Cody, CNA, said even the Planning Director agreed that the Comprehensive Plan designations should really be the same as the zoning. The neighborhood has appealed this because it is a bad example -- it violates the approval criteria. He emphasized that fire and emergency response time was worse than any station in the city, even without increased density.

Commissioner Hales asked about objections to any development served by Fire Station 45 versus this particular site. No development approval on a transit street until there is transit is a chicken and egg problem.

Mr. Cody said the driving factor for the appeal was the increased traffic congestion, especially when children are going to school.

Commissioner Hales said this site approval requires sidewalks but the previous testimony indicates it should be denied because of the lack of sidewalks on other properties nearby.

Ms. Cody said the approval criteria is to multiply the increased density on the site and the surrounding area.

Mr. Cody said it was not just the sidewalks, but the intersection with people turning from the site into the street as well as kids are going to school at rush hour.

Keith Bybee, applicant, said although Main Street is not a frequent transit street, Stark Street is and is within walking distance, as is MAX. The site will have a five-foot dedication which may enable the city to develop a left turn lane at this intersection. He noted that traffic has been and will be heavy in the mornings around the schools, dropping students off with lesser impact in the afternoon. Sidewalks on the site will make crossing the intersection safer for children. Mr. Bybee said the figure of 79 vehicular trips is really about eight at peak times and this site will have minimal impact. He said the site is on the east side of the street and the schools are on the west side. He noted that there is a bus stop right on the property.

Ms. Cody said the 79 vehicular trips figure came from the Planning Bureau and the Hearings Officer. The real issue is the relationship between land use planning and transportation and this is not a good site to increase density because of poor transportation.

Wendy Cawley, Department of Transportation Traffic Management, said there has only been preliminary analysis of this intersection and this is the first year it has shown up on the high accident listing. A new loop/detection signal for left turns from both 162nd and Main would increase safety. The intersection will be evaluated in more detail in three to six months, part of the regular review, and a recommended improvement will immediately follow. The site's five-foot dedication will allow for a left turn.

Commissioner Francesconi asked when the improvements could be made.

Ms. Cawley said when depends on budgeting as it is expensive and would compete with other projects city-wide. Traffic loops would come under spot improvement funding. She added that flashing yellow beacons have recently been installed at the schools.

Mayor Katz said Council would like the assurance that if the intersection is a real problem, it would move up on the list.

Ms. Cawley said it would depend on the project's cost. Less costly projects are done on a regular basis as they are absorbed in the budget. If the accident rate goes down after signal looping, it would not be reevaluated. Several locations have higher accident rates and take priority.

Commissioner Sten said this proposed zone change could potentially add five housing units but, while the intersection may need improvement, it is a bit of a jump to align the dangerous intersection to just this site.

Commissioner Saltzman asked if this zone change is part of the Outer Southeast Community Plan.

Ms. Stokes said yes.

Commissioner Hales moved to deny the appeal and uphold the Hearings Officer's decision. He said the problem of traffic safety is not closely enough linked to this zone change to warrant turning it down. He plans to take some action outside of this hearing.

Commissioner Sten said he was always nervous about land use hearings becoming vehicles for other issues and it has come up with the Centennial neighborhood before. The site would be almost duplex density on a busy street, close to transit, and is reasonable.

Mayor Katz said congestion and safety are real issues in Outer Southeast and Council is looking at understanding it and seeing what can be done.

**Disposition:** Appeal Denied. (Y-5)

**Commissioner Charlie Hales**

39

Adopt the report and recommendations of the Planning Commission on the amendments to Chapter 33.430, Environmental Zones for Utilities and Outfalls (Ordinance; amend Title 33)

JANUARY 6, 1999

**Discussion:** Tom McGuire, Planning Bureau, said the Zoning Code regulations of 1995 were found to not meet State requirements. In 1995, Council adopted completely rewritten environmental overlay regulations which were sent to the State Conservation Development Commission for approval under State Goal 5. Two different parties challenged those regulations from either end of the spectrum, the Homebuilders Association and the Coalition of Environmental Interests. The Commission found with the Environmental appellants that there were some problems with regulations relating to utilities and outfall construction in environmental zones and water quality and quantity standards. The latter standards will be addressed in Title 17 and come before Council later.

Mr. McGuire said the Planning Commission recommends adoption of the report and ordinance and to amend the Zoning Code. The amendments clarify and refine existing development standards in the Code relating to utilities and outfalls. The same is being applied to the approval criteria to which a new criterion is added specifically relating to utilities. There have been no objections from the State Conservation Development Commission or from the parties involved in 1995.

Mr. McGuire read into the record Amanda Fritz's, Portland Planning Commission, approval of these amendments.

**Disposition:** Passed to Second Reading January 13, 1999 at 2:00 p.m.

At 3:15 p.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland



By Britta Olson  
Acting Clerk of the Council