



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF NOVEMBER, 1990 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

The Mayor proclaimed November 11-17 as National Education Week. Vicky Barrows, President, Portland Association of Teachers, spoke about the impact passage of Measure No. 5 will have on the Portland School District. Joseph Malone, Assistant Principal at Beaumont Middle School, and some of his students described aspects of MESA, a program to encourage student interest in science and math.

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

**CONSENT AGENDA - NO DISCUSSION**

- 1786 Cash and Investment balances for September 27, 1990, through October 24, 1990 (Report; Treasurer)  
**Disposition:** Adopted.
- 1787 Return Purchase Report to Council and recommend it be amended (Purchasing Report - Previous Agenda 1685)  
**Disposition:** Adopted.
- 1788 Accept bid of Ferrellgas, Inc., for furnishing propane gas for \$44,275 (Purchasing Report - Bid 34-A)  
**Disposition:** Adopted. Prepare contract.

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**Mayor J. E. Bud Clark**

- \* 1789 Settle the claim of Jack Carroll (Ordinance)  
**Disposition:** Ordinance No. 163583. (Y-4)
- \* 1790 Settle the claim of Susan Troxell (Ordinance)  
**Disposition:** Ordinance No. 163584. (Y-4)
- \* 1791 Amend contract with Paramid, Inc., for data processing systems planning services at \$56,507 and provide for payment (Ordinance)  
**Disposition:** Ordinance No. 163585. (Y-4)
- \* 1792 Agreement for reciprocal access between the Portland Police Data System and the Regional Automated Information Network (Ordinance)  
**Disposition:** Ordinance No. 163586. (Y-4)

**Commissioner Earl Blumenauer**

- 1793 Authorize the Engineer to release \$28,700 to Marion Construction Co. and retain \$8,000 until completion of work (Report; Contract No. 24980)  
**Disposition:** Adopted.
- 1794 Amend report accepting completion of SE Holgate Wastewater pumping station and make final payment (Report; Contract No. 25031)  
**Disposition:** Adopted.
- 1795 Accept Change Order No. 2 (Report; Contract No. 25901)  
**Disposition:** Adopted.
- 1796 Accept Change Order No. 1 (Report; Contract No. 26257)  
**Disposition:** Adopted.
- 1797 Approve final Certificates of Completion and Change Orders; accept the NE 87th Avenue and Broadway (#5 Madison) sanitary sewer system as complete and provide for final payment (Report; C-9692)  
**Disposition:** Adopted.

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- 1798 Declare the purpose and intention of the City of Portland to construct the Adventist, Montavilla and Linn Park sanitary sewer systems (Resolution; C-9743, C-9744, C-9745)
- Disposition:** Resolution No. 34782. (Y-4)
- \* 1799 Accept a sewer easement for the Englewood sanitary sewer system project, granted by Multnomah County, authorizing payment of \$100 (Ordinance; C-9700)
- Disposition:** Ordinance No. 163587. (Y-4)
- \* 1800 Grant a revocable permit to Childrens Oncology Service of Oregon, Inc., for stairs, walls, fence and landing in right-of-way at 3440 SW US Veterans Hospital Road (Ordinance; repeals Ordinance No. 160897)
- Disposition:** Ordinance No. 163588. (Y-4)
- \* 1801 Grant a revocable permit to Standard Insurance Company for street tree lights on SW 5th Avenue between Salmon and Taylor Streets at 900 SW 5th Avenue (Ordinance)
- Disposition:** Ordinance No. 163589. (Y-4)
- \* 1802 Amend the Comprehensive Plan and change the zone of property at 12717 SW Terwilliger Boulevard from FFsr, Farm and Forest with site review overlay, to R20sr, Limited-Density Single-Family Residential with site review overlay (Ordinance)
- Disposition:** Ordinance No. 163590. (Y-4)
- Commissioner Mike Lindberg**
- \* 1803 Amend contract with Charlotte Beeman to provide services to administer a public art program for the Portland Public Schools and provide for payment (Ordinance; Contract No. 24282)
- Disposition:** Ordinance No. 163591. (Y-4)
- \* 1804 Accept a perpetual easement for a water meter vault on the property of the Metropolitan Service District at NW 61st Avenue near NW Culebra Street and execute a quitclaim deed relinquishing a similar, smaller easement in the same location at no cost to the City (Ordinance)
- Disposition:** Ordinance No. 163592. (Y-4)

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## City Auditor Barbara Clark

- \* 1805 Reduce systems development charge (Ordinance; amend 162351)

**Disposition:** Ordinance No. 163593. (Y-4)

- \* 1806 Reduce systems development charge (Ordinance; amend 162548)

**Disposition:** Ordinance No. 163594. (Y-4)

- \* 1807 Reduce systems development charge (Ordinance; amend 162595)

**Disposition:** Ordinance No. 163595. (Y-4)

- \* 1782 **TIME CERTAIN: 9:30 AM** - Authorize a contract between the City of Portland and the City of Chicago (on behalf of the Urban Consortium Energy Task Force) for \$63,000 for a project to investigate the effects of operation and maintenance training for on-site managers of low-income multi-family buildings (Ordinance)

**Discussion:** Dan Saltzman, Energy Commission Chair, said Portland is one step ahead of most cities in the country in having an energy policy, noting that one of the grants before Council provides for Portland to help other cities develop policies similar to ours.

Mr. Saltzman said the Energy Office success in obtaining these grants is consistent with its goal of achieving a ratio of three dollars in grant funds for every dollar in general fund money received. He presented Commissioner Lindberg with two awards Portland received from the National Environmental Awards Council for its multi-family and block-by-block low income weatherization programs.

David Tooze, Energy Office, showed Council samples of the free, energy-saving kits given to participants in the low income block-by-block weatherization program.

**Disposition:** Ordinance No. 163596. (Y-4)

- \* 1783 Authorize a contract between the City of Portland and the City of Chicago (on behalf of the Urban Consortium Energy Task Force) for \$20,000 for a project to establish recycling programs in multi-family buildings and estimate the associated energy savings (Ordinance)

**Disposition:** Ordinance No. 163597. (Y-4)

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- \* 1784 Authorize a contract between the City of Portland and the City of Chicago (on behalf of the Urban Consortium Energy Task Force) for \$15,000 for development of a guidebook and on-site training on the Sustainable City strategic planning process (Ordinance)
- Disposition:** Ordinance No. 163598. (Y-4)
- \* 1785 Authorize a performance-based agreement between the City of Portland and Portland General Electric Company, Inc., (PGE) to augment the Low-Income Multi-Family Weatherization Assistance program (Ordinance)
- Disposition:** Ordinance No. 163599. (Y-4)
- \* 1815 Amend Agreement for Services No. 26358 with Marcy Wood by \$9,000 for professional services to provide assistance on energy saving projects (Ordinance)
- Discussion:** Commissioner Lindberg asked that this be moved from the Regular Agenda and heard with the other energy ordinances.
- Disposition:** Ordinance No. 163600. (Y-4)

## REGULAR AGENDA

- 1808 Appeal of Pamela Anderson against denial of a permit to keep ducks and geese on property at 5733 SE 99th Avenue (Hearing; Report)
- Pamela Anderson, 5733 SE 99th Avenue, explained that she obtained all the signatures within a three hundred foot radius, except for three neighbors and two vacant homes.
- Kathryn Imperati, Senior Deputy City Attorney, said the regulations require 100 percent approval of neighbors within 300 feet.
- Henry Rogers, Multnomah County Health Department, said his office received a complaint July 16, 1990 about bad odors in connection with Ms. Anderson's keeping of chickens, ducks and geese. He said he inspected the property and although he found no odor or anything affecting the public health, he did find that Ms. Anderson had no permits, either for the chickens or for the ducks and geese. He said by collecting permission from two-thirds of her neighbors, she was able to obtain the less restrictive permit to keep the chickens but was unable to obtain the 100 percent approval needed for the permit to keep ducks and geese. On that basis alone, and not because of any public health hazard, the permit was denied. He said the people who refused to sign the petition live about fifty feet away from the Anderson property.

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**Disposition:** Appeal denied. (Y-1, Clark; N-3)

**Mayor J. E. Bud Clark**

1809 Transmit Report recommending approval of an annexation in Garden Home (Report)

**Disposition:** Placed on file.

1810 File Annexation Case A-22-90 in the Garden Home area with the Portland Metropolitan Area Local Government Boundary Commission (Resolution)

**Disposition:** Resolution No. 34783. (Y-4)

**Commissioner Earl Blumenauer**

\* 1811 Authorize application to the Metropolitan Service District (Metro) for a matching grant of approximately \$122,000 to set up and evaluate recycling systems in multi-family residences (Ordinance)

**Disposition:** Ordinance No. 163601. (Y-4)

\* 1812 Adopt the Solid Waste Reduction Work Plan for Portland in accordance with Metropolitan Service District's (Metro) Regional Solid Waste Management Plan and authorize application to Metro for a Challenge Grant of \$328,500 to fund the costs of implementing the Plan (Ordinance)

**Disposition:** Ordinance No. 163602. (Y-4)

**Commissioner Dick Bogle**

\* 1813 Contract with Konell Construction Co. for \$15,800 to demolish the structures on the premises at 11206 and 11208 NE Prescott Street, known as Senn's Drive In Dairies, Inc., and provide for payment (Ordinance)

**Disposition:** Ordinance No. 163603. (Y-4)

\* 1814 Accept a \$372,500 grant from the US Department of Justice for experimentation in contamination reduction methodologies in clandestine drug labs (Ordinance)

**Disposition:** Ordinance No. 163604. (Y-4)

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Commissioner Mike Lindberg

- \* 1817 Amend agreement with Multnomah County for professional laboratory services to meet United States Environmental Protection Agency monitoring requirements for microbiological contaminants in drinking water, authorizing the drawing and delivery of warrants (Ordinance; Contract No. 19696)

Disposition: Ordinance No. 163605. (Y-4)

- \* 1816 Call for bids for purchase and erection of a 10,000 square foot prefabricated steel shop building, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 163606. (Y-4)

At 10:07 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF NOVEMBER, 1990 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Clark, Presiding; Commissioners Blumenauer, Bogle and Lindberg, 4.

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

The Mayor requested a motion for Suspension of the Rules in order to consider an emergency ordinance. Commissioner Lindberg so moved; Commissioner Bogle seconded and the motion carried. (Y-4)

- \*1818-1 Authorize a lease on behalf of the Regional Drug Initiative with the Yeon Building for Community Partnership Program staff space (Ordinance)

**Discussion:** The Mayor said this allows for an expansion of space for the Regional Drug Initiative.

**Disposition:** Ordinance No. 163607. (Y-4)

- 1818 **TIME CERTAIN:** 2:00 PM - Adopt new zoning code; amend portions of the Portland Comprehensive Plan, Title 34 Subdivisions and Partitions, Title 24 Building Regulations, and Title 18 Nuisance Abatement and Noise Control; and apply the new zones to the City (Second Reading Agenda 1780)

**Discussion:** Commissioner Lindberg said one minor question remains concerning a noise issue with PIR but he believes this can be dealt with separately.

The Mayor complimented Commissioner Blumenauer and the entire planning staff for making this happen.

**Disposition:** Ordinance No. 163608. (Y-4)

- S-1819 Establish the Zoning Code Monitoring Task Force, define responsibilities and appoint membership (Resolution)

**Discussion:** Commissioner Blumenauer said a Task Force has been formed to review the new Code and identify any issues that need to come back to Council for review.

Cay Kershner, Clerk of the Council, noted that a substitute had been filed. Commissioner Blumenauer moved the substitute, Commissioner Bogle seconded and the motion carried (Y-3)

**Disposition:** Resolution No. 34784 as substituted. (Y-4)



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## REGULAR AGENDA

1820 Adopt Amendments to the Natural Resources Management Plan for the Columbia South Shore (Previous Agenda 1721)

**Discussion:** The Mayor said he reviewed a tape of the prior hearing when he returned from Charleston.

Daniel Heagerty, CH2M-Hill Consultant to the Portland Development Commission, addressed some of the specific technical issues raised at the last hearing. He said they believe the 25-foot Resource Protection Area (RPA) is of more benefit than the existing setback under the E-zone, which the RPA replaces. The RPA requires planting on any parcel that is to be developed, a requirement which establishes a more viable and complete resource base and also makes the plan proactive.

Mr. Heagerty said the plan adequately protects water quality, pointing out that the natural wetlands in the mitigation areas are not used for storm water treatment, and that the RPA, combined with on-site treatment of surface waters, will provide greater protection than the E-zone.

He also said they believe the 25-foot RPA will restore and enhance a presently degraded system. He said they have compared plans in other locations but feel the comparisons do not apply to the singular situation existing in the South Shore. He said a unique aspect of this plan is that it places the burden of restoration upon the property owner. Mr. Heagerty said they firmly believe that the lost buffers must be restored in order to protect the resources.

Commissioner Lindberg noted testimony from such groups as the EPA and State Fish and Wildlife stating that the 25-foot buffers were not adequate for wildlife and natural resource protection and asked Mr. Heagerty how he would account for the difference in judgment.

Mr. Heagerty said the models they used were built for different resources and different purposes. He said he believes that the RPA will exceed the protection provided by the existing E-zone.

Commissioner Blumenauer asked if the plans in other localities that call for larger buffers did not also vary, depending on the resource being protected.

Mr. Haggerty said absolutely. He said when you see large buffers it is because of a very important resource that needs to be protected, such as the Pine Barrens in New Jersey. He said they believe serious degradation of

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the Slough would continue under the E-zone because of dredging requirements and other practices, and because of the lack of provisions for planting or enhancement.

Commissioner Blumenauer asked if Commissioner Lindberg felt comfortable with the proposed Plan.

Commissioner Lindberg said he had not understood earlier the balance between economic development and environmental protection. He said he thinks the environmental agencies still differ about this but realizes there cannot be 100 percent protection because of past decisions and future plans. He said his statement last week that 25 feet was not enough was a judgment call and he feels that the enhancement aspects of the Plan are a vast improvement.

Mayor Clark said this Plan looks like it will bring a tremendous amount of enhancement to the area and also get the developers to make the investment.

Commissioner Blumenauer said no one on Council wants to cast a vote against a sound environment. He said he is convinced that this is clearly better than what we have now.

The issues calling for Council action as outlined in Duncan Brown's memo of November 7, 1990 were discussed. Council agreed that it would accept staff recommendations to amend the Plan regarding the buffers issues, accept Exhibit D to replace Chapter 7 and accept Exhibit B, the aerial photograph identifying the natural resources to be protected. The Mayor asked if anyone wished to testify regarding the acceptance of Chapter 7 and of Exhibit B. No one responded.

Commissioner Blumenauer moved to approve the amendment sought by Tim Ramis in his letter to Council of October 17th directing that property not determined to be wetlands by the Army Corps of Engineers be considered part of the NRMP. Commissioner Bogle seconded and the motion carried. (Y-4)

Kathryn Imperati, Senior Deputy City Attorney, said Council should vote to accept the report to ensure that there is no ambiguity.

Commissioner Blumenauer moved to accept the report incorporating the actions agreed upon above. Commissioner Bogle seconded.

**Disposition:** Adopted as amended. (Y-4)

S-1821 Adoption of a Natural Resource Management Plan for the Columbia South Shore area (Previous Agenda S-1722)

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The Clerk said a substitute needed to be accepted. Commissioner Blumenauer so moved; Commissioner Bogle seconded and the motion carried (Y-4)

Commissioner Lindberg moved to add an emergency clause to the ordinance because of the need to allow pending development proposals to proceed and to obtain a regional permit. Commissioner Blumenauer seconded.

**Disposition:** Substitute Ordinance No. 163609 as amended. (Y-4)

1822 Appeal of Parkrose Community Group against approval of the application of Portland Rescue Mission for a conditional use to operate an institutional care facility in a residential zone at 13207 NE Halsey (Hearing: CU 53-90)

**Discussion:** Cathey Briggs, Planning staff, said this was an appeal of a conditional use for an institutional care facility in an R2 zone, a low density, multi-family zone. She said the applicant proposes to build transitional housing and to provide training for up to 80 homeless women and children and some families on a 2.3 acre site. It will involve new construction as well as conversion of an existing medical office.

Peter Smith, speaking for Parkrose Community Group, appellants, said this application does not meet conditional use requirements for an institutional care facility in a residential zone.

Ron Morris, spokesman for the Portland Rescue Mission, said they are trying to meet the needs of homeless women and children by giving them training and transitional housing. He said they try hard not to be a burden to the neighborhood, noting that the buffer areas exceed the requirements and that they will provide round-the-clock security. He pointed out that if the property were developed, up to 46 units could be built, with far higher impacts on traffic and noise.

Individuals speaking in favor of the application included:

Mike Maksimowicz, 1839 SE 97th  
 Marti Coleman, 1743 NE 162nd  
 Martin Dasler, 1700 NE 132nd  
 Phil Rydman, 2229 SE Salmon  
 Vera Enghouse, 13750 NE San Rafael  
 Velma Horenstein, 13207 NE Halsey  
 Delvin L. Mace, Architect, 27001 NW Vaughan  
 Doug Rogers, Snow-Cap  
 Allen Kirk, 6303 SW 90th

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Proponents of the facility cited the desperate need for such a facility and the Rescue Mission's intent to be a good neighbor.

Individuals opposed to granting the application included:  
 Jacob Partman, 13120 NE Schyler  
 James Flannagan, 1429 NE 134th  
 John Broyler, 1346 NE 134th

Opponents said that while this is no doubt a worthy project, it does not belong in a residential section and does not meet the required conditions. They said it will negatively affect the liveability and stability of the surrounding neighborhood.

The Mayor said the Council will make its decision on the basis of the land use law. He said he disagreed with claims that property values would be lowered, citing the presence of such facilities in Northwest Portland with no resulting drop in values.

Commissioner Bogle applauded the work of the Mission and said he believes it is legally clear for Council to vote to allow this facility.

Commissioner Blumenauer said it was repugnant and contrary to the intent of the Code to shunt women and children around as if they were not worthy to live in our neighborhoods.

**Disposition:** Appeal denied. (N-4)

1823 Appeal of Thomas Mulflur against decision to deny application for a variance to increase building height from the maximum allowable 35 to 50 feet in order to build a single-family residence on property between 3461 and 3469 NW Thurman (Hearing; VZ 126-90)

**Discussion:** Suzanne Searle, Planning staff, reviewed the decision of the Variance Committee not to grant this variance, one of three sought by the applicant, on the basis that it was a design choice and no property hardship was involved. She said the Committee was concerned with how the stilts would look from below and believed the height variance request was contrary to the intent of the Code and would have a negative visual impact.

Dennis Batke, Architect, said the variance was needed to overcome an existing hardship caused by a steeply sloping building site. He said it will not rise above the allowable 35 feet as viewed from the street.

Council noted that there was no opposition from the neighborhood.

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Commissioner Bogle moved to tentatively uphold the appeal and grant the variance. Commissioner Blumenauer seconded.

**Disposition:** Appeal granted tentatively; Prepare findings for November 21, 1990 at 2:00 p.m.

At 3:50 p.m., Council was recessed.

A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON AND THE METROPOLITAN SERVICE DISTRICT COUNCIL (METRO) WAS HELD THIS 8TH DAY OF NOVEMBER, 1990 AT 4:00 P.M.

CITY COUNCIL MEMBERS PRESENT WERE: Mayor Clark, Co-President; Commissioners Blumenauer, Bogle and Lindberg, 4.

METRO COUNCIL MEMBERS PRESENT WERE: Tanya Collier, Co-President; Councilors Lawrence Bauer, Roger Buchanan, Tom DeJardin, Richard Devlin, Jim Gardner, Gary Hansen, David Saucy, Jr., George Van Bergen and Judy Wyers.

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

METRO OFFICERS IN ATTENDANCE: Gwen Ware-Barrett, Clerk of the Council; Daniel Collins, Metro Counsel.

Both the Mayor and Councilor Collier noted that this marked the first time such a joint meeting between the two entities had been held.

1824 TIME CERTAIN: 4:00 PM - Execute an Agreement with Metropolitan Service District (Metro) and authorize sale of City property (Ordinance)

**Discussion:** Sue Keil, Operations Manager, Bureau of Environmental Services, thanked the parties involved for their cooperation and reviewed the changes that were made in the agreement in the last few days. She said the City had not envisioned that the project would come to fruition this year and had not budgeted for it. She said the City will transfer \$639,000 within 30 days, with the balance to be paid in June after the supplemental budget is approved. She said a default clause will allow Metro to terminate the agreement if the City does not follow through with the funds.

Ms. Keil outlined major provisions of the agreement. She said it will consolidate authority and responsibility for management of the landfill closures; transfer ownership of the landfill (236 acres) and wetland properties (421 acres); create a financial basis through transfer of monies from other funds; recognize City responsibility for treatment of non-hazardous leechate, and enable the Parks Bureau to contract with Metro for management and operation of Smith and Bybee Lake recreation areas.

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Tom DeJardin, Metro Councilor, moved for adoption of Resolution 90-1314 by the Metro Council. Councilor Don Gardner seconded. Mr. DeJardin said Metro accepts responsibility for closure of the landfill. He said the action today is the means of achieving a vision of what the area will be in the future.

Bob Martin, Metro Solid Waste Director, said the amendments regarding transfer of the funds and the default clause are included in the revised agreement. He said closure of the landfill will be occurring for five years, while management of Smith and Bybee Lakes will continue ad infinitum. He said he believes the agreement forms the basis of a very sound partnership for the City and Metro throughout a very complex process.

Mayor Clark asked if the City's ordinance needed to be substituted.

Cay Kershner, Clerk of the Council, said it was a substitute Exhibit, not a substitute ordinance and she did not believe it needed to be substituted. The City Attorney concurred.

The Mayor asked if anyone wished to speak on the landfill ordinance. No one responded and the Mayor closed the hearing to public testimony.

Commissioner Blumenauer said he appreciated the extra, last minute effort everyone made to make this work. He said this is a model for the success of regional government. He said everyone knows what the costs and benefits are because they have taken the time to work through the issues to ensure there are no surprises.

Councilor DeJardin moved to substitute the agreement dated November 8 for the previously submitted agreement in Resolution No. 90-1314. The motion carried.

Councilor Van Bergen questioned Metro Counsel Dan Collins about whether the old contract could truly be put to bed and about the duty of the purchaser to examine pertinent zoning and other requirements.

Mr. Collins said this supersedes the old contract which is now terminated and this one takes it over. He said the deed will include a notice clause regarding the duty of the purchaser but it does not need to be in the agreement.

Councilor Bauer asked about distribution of any income derived from energy recovery on methane gas. Mr. Collins said nothing in the agreement places any obligation on Metro to share those revenues.

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The Metro Council voted unanimously to adopt the resolution as amended.

The Mayor called for the vote by City Council and the ordinance passed. (Y-4) (Note: because no emergency clause was attached to this ordinance, it passed to second reading).

**Disposition:** Passed to Second Reading November 15, 1990 at 2:00 p.m.

\* 1825 Adoption of a Natural Resource Management Plan for the Smith and Bybee Lake area (Ordinance)

**Discussion:** Commissioner Lindberg said this plan demonstrates the ability of both the City and Metro to set aside turf interests and work together on a regional basis. He said this involves 2000 acres, the largest management protection plan the City has adopted in recent history.

The Metro Clerk read Ordinance No. 90-367. Councilor Collier said the ordinance was first read on October 11 and referred to the Council's Intergovernmental Relations Committee which held a public hearing on it on October 23. The ordinance was moved for adoption.

Councilor Gardner presented the report of the Intergovernmental Relations Committee and their unanimous decision to urge approval by the Metro Council. One issue that arose was whether the Metro Councilor on the Advisory Committee should be from the Smith and Bybee Lake area (District 12). Mr. Gardner said they decided not to restrict appointment to the member from that district, as Metro's role is to reflect regional interests.

Jim Sjulín, Parks Bureau, said efforts have been underway for the past four-and-one-half years to produce a management plan that would provide needed protection and management for the major remnant of a once wild and dynamic Columbia River flood plain. He outlined highlights of the Plan, including: adoption of clear management goals and objectives; establishment of a management committee; replacement of the St. Johns End Use Plan adopted in 1987; and establishment of a Smith and Bybee Lakes Trust Fund to finance implementation and ongoing management. In addition, the Plan calls for the Parks Bureau to develop and operate the recreational component, provides for the acquisition of private property from willing sellers, and replaces E-zone regulations with a Natural Resources Management Plan. He said overall the Plan provides longterm protection of the single largest remaining block of natural resource openspace remaining in Portland.



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Paul Fishman, Fishman Environmental Services, 434 NW 6th, #304, showed slides of the affected area, which comprises approximately 2200 acres.

Duncan Brown, Planning Bureau staff, said since adoption of the Plan by the Portland Planning Commission in May, 1990, a number of actions have occurred which require amendment of the Plan. He said in addition to the amendment proposed by the Planning Bureau to eliminate Type I reviews to conform with the new zoning code, eight other actions recommended by both Metro and the City are proposed. Seven would be common to both jurisdictions, with the eighth, adoption of an emergency clause, applicable only to the City. He read the proposed amendments as contained in his memo of November 8th.

Mr. Brown also noted a Court of Appeals decision on November 7, 1990 which concluded that the City's application of environmental regulations to the Columbia Corridor was flawed. He said the City plans to appeal this and recommended that the City proceed with adoption of the Plan, noting that upon disposition of the court matter, the City can take additional action if so directed.

Patrick Lee, Metro Planning Supervisor, outlined the Plan for the Metro Council and recommended its adoption, including Exhibits A and B.

Carter McNichol, Director of Real Estate Management and Development for the Port of Portland, also urged adoption. He said the Port is committed to implementing the Plan and that he will recommend that the Port Commission adopt this Plan at their December meeting. He said after years of talking and studying, they look forward to moving ahead.

Individuals urging Council adoption of the Plan included:

Steve Roso, President, Smith and Bybee Lakes Committee  
Josey Cooper, Vice President, Smith and Bybee Lakes  
Committee

Jack Broome, The Wetlands Conservancy  
George Ward, Consulting Civil Engineer  
Paul Fishman, 5260 SW Alfred  
Mike Houck, Audubon Society

Proponents thanked Portland General Electric for its long-time support. They cited the unique opportunity this plan presents to protect an important wetland habitat within the City and manage it for recreation and wildlife enhancement.

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Steve Abel, Attorney representing Columbia Steel, requested deletion of the Columbia Steel Casting site from the Management Plan. He said Columbia Steel had appealed designation of an environmental zone on its property and yesterday the Court of Appeals agreed that the process was a flawed one. The Court stated in its decision that imposition of an environmental zone upon industrial properties must include a site-specific analysis of their existing uses, including the economic, and balance the benefits of those uses with those resulting from imposition of the E-zone. He said this decision has drastic implications for the Management Plan.

Ruth Spetter, Senior Deputy City Attorney, said her reading of the Court's opinion was not that the E-zone was invalid, but that there should be some additional specificity in the findings for Site 55. She said because of its location she believes it would receive the same designation even with a more specific review. She added that she saw no reason to delete Columbia Steel Casting from the Plan on that basis.

Mr. Collins, Metro Counsel, said he believes that this decision continues the dispute between the City of Portland and Columbia Steel and does not affect Metro adoption.

Mr. Abel said the point is the City needs to do an analysis which they have not done.

Guy Marshall, President, Columbia Steel Casting, also opposed inclusion of his company in the Plan, stating his belief that the industrial impact should have been taken into consideration.

Karen Larsen, Larsen Enterprises, said she is the owner of 50 acres on North Portland Road, approximately 10 acres of which is on Smith Lake. She said they are willing sellers of those ten acres. However, she objected to inclusion of the remaining 40 acres adjacent to Columbia Steel.

Commissioner Blumenauer moved adoption of the amendments as proposed to Council in the November 8th memo from Duncan Brown. Commissioner Lindberg seconded and the motion carried (Y-4)

Commissioner Blumenauer moved to add an emergency clause to the ordinance. Commissioner Lindberg seconded and the motion carried (Y-4). Council then voted on the ordinance itself which passed unanimously (Y-4)

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Mr. Gardner said the Smith and Bybee Lakes plan represents another step in the cooperative efforts of both governments to preserve urban greenspace. He noted that the region faces tremendous growth and that regional cooperation is required if the area is to retain the qualities that make Oregon Oregon.

Councilor Van Bergen asked the Metro counsel about the implication of the lawsuit on Metro.

Mr. Cooper said it is the responsibility of the City to follow through on the suit and that Metro does not have jurisdiction.

Councilor Devlin said this Plan should serve as a model of what can be accomplished when agencies work together.

The Metro Clerk called the roll and the Councilors approved the ordinance unanimously.

Both the Mayor and Councilor Collier thanked all involved in the project.

**Disposition:** Ordinance No. 163610. (Y-4)

At 5:45 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council