

Portland Planning Commission
Summary Minutes
July 13, 2010
12:30 – 3:30 pm

Commissioners Present: Andre Baugh, Don Hanson, Lai-Lani Ovalles, Michelle Rudd (arr. 2:45), Chris Smith, Irma Valdez (left 2:45 pm)

Commissioners Absent: Howard Shapiro, Jill Sherman

City Staff Present: Director Susan Anderson, Jay Sugnet, Mindy Brooks, Sandra Wood, Jessica Richman, Eric Engstrom, Deborah Stein, Mark Walhood, Ella Lewis, BPS; Stuart Guin, Bureau of Transportation

Others Present: Chris Corich, Port of Portland

Commissioner Don Hanson convened the meeting.

Request for Street Vacation: R/W #7130 – SE 21st

Action: Consent

Documents Distributed:

- Staff Report and Recommendation to the Planning Commission

Commissioners recommended approval of the Consent item with a unanimous Aye vote (Y-Baugh, Ovalles, Smith, Valdez, Hanson (5)).

Airport Futures Project

Action: Continued Hearing

Documents Distributed:

- Memo, July 13 second hearing on Airport Futures, Jay Sugnet to Planning Commission, July 6, 2010
- Document, Frequently Asked Questions
- PowerPoint: <http://www.portlandonline.com/bps/index.cfm?c=41664&a=311159>

Jay Sugnet, BPS Project Manager, provided an overview of the Airport Futures Project and an update on the Natural Resources Program, including outreach efforts since the Planning Commission hearing on June 23. He described the project in context with the City's long-time effort to develop natural resources plans citywide, noting that the Willamette Greenway and Middle Columbia Corridor plans represent the two oldest plans in the city. He summarized the project's consistency with Metro's Title 13 provisions and the Federal Clean Water Act. He restated the intent to increase the level of resource protection in the area and clarified the ability of current property owners to continue operations either with restrictions in protection zones or requirements in conservation zones. He described work to clarify issues since the last meeting and provided scenarios for residential and industrial expansion under new provisions.

Commissioners Questions

- Commissioner Smith asked staff to clarify the impetus for the City's zoning changes related to preservation and conservation. Mindy Brooks, Airport Futures Project Team, explained that the water quality in the Columbia Slough has been a long-time issue, because a number of at-risk species reside there, and the City hopes to avoid further listings of endangered species. She said most of the

- City's streams, wetlands and drainage districts are protected already, with this riparian area and slough remaining the last areas to receive the p-overlay.
- Commissioner Hanson cited the additional restriction of 50-ft p-overlay from top of bank and asked if other government jurisdictions govern that area. Mindy Brooks said there are no other protections in that 50-ft. area.
 - Commissioner Valdez asked about communications with previous testifiers. Mindy Brooks indicated staff has made numerous phone calls and site visits.

Public Testimony

Roland Haertl, Colwood National Golf Club, reported that the Colwood golf course property is privately owned although zoned as open space. He said overlay zones convey an adverse regulatory impact due to increased costs for permits, timeframes required for modifications and impacts on property values that represent a legal taking. He referred to a letter from William Saunders, President of National Golf Courses. In response to questions, he clarified he feels singled out for a 300-ft buffer on this property that is not required of others.

Ron Beck requested more time to discuss issues with staff. He explained he raises horses on his property, with a protective overlay running through half of a property that has been inaccurately delineated as wetland. He expressed concerns about mapping errors for his and other properties.

Sally Beck explained that the wetland delineation on her and her husband's property is 15 years old, and they believe their property is not in the same category as it was before. She said they are willing to perform a new delineation but the process takes time. She asked for staff to review and reconsider application of the overlay to that property.

Patrick Metzger, NE Coalition of Neighborhoods, reported that the Portland Airport's neighborhoods pushed for a larger role in the planning process, worked with the Port for 2.5 years and now enthusiastically supports the final Airport Futures products. He supported replacing the Conditional Use Master Plan process with the Airport Plan District, commitment to reviewing any future development in a legislative process, and commitment to further collaboration between the Port and an ongoing advisory committee.

Fred Stovel, AF Planning Advisory Group, Land Use & Transportation Subcommittee, reported that the PAG members knew the study area exceeded the Port boundaries and were satisfied that the City's current regulations and policies were adequate to handle environmental work. He said the advisory group worked with numerous experts in expectation that existing rules would not be burdensome. He stressed that the zoning package needs to remain with the Airport plan as one package and appreciated that the City is taking responsibility to contact people.

Bruce Campbell reported he is a homeowner on the slough who fully supports the Airport Futures Plan and environmental overlay zone. He said he became an activist seeing what has been done to the slough in the past, and he urged steps for improvement as a biological and ethical duty. He said property rights stem from natural capital. He questioned how the slough can be rid of heavy metals, carcinogens, garbage and trash without setbacks. He stressed that historical decisions about history, science or social causes occurred when minorities opposed the majority, and he urged a wider view rather than a short-sighted view on property rights.

Bernie Bottomly, Portland Business Alliance, reported that PBA represents 1300 small, medium and large employers in the metro area. He requested delay until October to consider the cumulative impacts of changes on regional and citywide land use and economic development strategies. He noted that Metro's urban reserves plan is based on expectations for more job creation in the Portland area and development at higher density. He said the City's Portland Plan and Economic Development Strategy identified shortage of manufacturing and employment land in the city. He stressed that property owners are confused about what they may or may not do.

Maryhelen Kincaid, East Columbia NA, reported talking with neighbors who support the plan and said they moved to Portland for environmental protection here. She stressed the need to make preservation attractive to businesses so they embrace it. She reported on the City's, Port's and her efforts to meet with people and answer questions. She urged developing the final policy proposal for review and reporting how many people have been contacted.

Corky Collier, Columbia Corridor Association, requested delay until September to focus on issues that affect numerous property owners in an area that is 41 percent industrial. He said residential and industrial properties shouldn't have been treated similarly in the ESEE. He stressed that industrial property owners can't say their work will remain the same over 50 years. He questioned the value of overlays on flat, upland areas and contended that overlays from top of bank don't actually protect the slough, increase shade or improve water quality. He suggested that with overlays in place, it would be impossible to replace old fuel tanks with desirable recharging stations for electric vehicles. He acknowledged the importance of environmental resources but asked for more flexible provisions.

Loren Davis described his property as a unique area at the end of the levee road. He challenged the quality of available maps that don't show enough detail, encompass all the properties in the area or address topography and constraints imposed by the levee. He indicated he would like to build another house, but not subdivide. He requested more communication with property owners so people clearly understand how changes affect their properties.

Larry Zimmer reported that since the last meeting he has met with staff and was able to get a map correction and confirm his ability to proceed with development according to standards that existed when he started, provided that he keeps his project active. He considered delay to October reasonable to allow site visits for others and acknowledge the importance of property rights.

Jay Sugnet and Mindy Brooks addressed testimony.

- Mapping and Error Corrections can continue to City Council and after adoption.
- Uses can change on properties; only development is restricted in some areas.
- Businesses can grow and change within 5-ft of the p-overlay, and the footprint can change within existing development in the p- and c-overlays. Uses can change so long as they follow the base zone as industrial use.
- Current regulations only protect the area below the base flood elevation. This proposal would continue the p-overlay to 50-ft from top of bank, or 55-ft with the

setback. Development could occur 55-ft from top of bank; review would be required if that land is in a c-overlay.

- The ESEE considered economics of the industrial area versus housing capacity, with different recommendations for industrial and residential.
- Levees involve a pump system that affects hydrology; staff continues to review those functions to see if mapping corrections are warranted for nearby properties.
- Maximum density for the RF base zone allows 1 unit per acre in division, meaning that two units could be built on a current site if not in a p-overlay.
- Metro's and the City's Natural Resource Inventories identify mainly the same resources with relative rankings and quality, with variation in policy. The City's policy requirement is stricter.
- Transition areas on maps are somewhat confusing, but the c-overlay next to a p-overlay represents the transition area.
- Staff is still working to resolve issues with golf courses, including what constitutes maintenance and improvements rather than development.

Discussion

Commissioners questioned the value of delaying the project, noting that at some point resolution is necessary to move the project forward. They acknowledged businesses' requests to review implications and discuss potential modifications, but warned against inconsistency caused by too many variations among properties. They identified the key question as, "How can businesses grow and evolve" within fixed perimeters? They agreed establishment of the Urban Growth Boundary doesn't suggest sacrificing resources within the boundary, and in fact people move to Portland because of its environmental policy. They agreed they only can make decisions about tradeoffs with sufficient facts about costs and clear guidance from policy.

Commissioners and staff discussed what further work could be completed by the next meeting in August. Jay Sugnet committed to publishing new maps by two weeks before the next meeting. They acknowledged that the wetland assessment might require more time, but otherwise they confirmed they wanted to make a decision in August unless there are clear issues on why it would be worthwhile to wait until October.

Additional Written Testimony

Steven W. Abel, Stoel Rives

Ron Beck

Sallie Beck

Bernie Bottomly, Portland Business Alliance

Corky Collier, Exec. Dir., Columbia Corridor Association

Chris Corich, General Manager, Aviation Long Range Planning and Noise, Port of Portland

Loren and Janice Davis

Bob Dolphin, Plant Engineer, O-1 Portland

Maryhelen Kincaid

Dean Marriott, BES

Alesia J. Reese, East Portland Neighborhood Associations

William W. Saunders, Jr., Pres., National Golf Courses, Inc.

Elaine Smith, Oregon Department of Transportation, Region 1 Headquarters

Commissioner Hanson left the record open and continued the hearing to the meeting on August 10, 2010. [Meeting has since been rescheduled for August 24, 2010, 12:30 p.m.]

5 minute break

Commissioner Rudd joined the meeting at 2:45 pm and Commissioner Valdez exited.

Proposal for Planning and Sustainability Commission

Action: Hearing / Recommendation

Documents Distributed:

- Memo, Planning and Sustainability Commission: Proposed Draft, Sandra Wood, June 22, 2010
- Amendments to the Portland Comprehensive Plan and Portland City Code to Create a Planning and Sustainability Commission, Proposed Draft, June 22, 2010

Sandra Wood, PBS Senior Planning Manager, explained the need to change references to the Portland Planning Commission in the Comprehensive Plan and Zoning Code, as well as to define the purpose of the new Planning and Sustainability Commission, provide for expanded membership to 11 members, define requirements for quorum and term limits, and establish a liaison relationship with the Design and Landmarks Commissions. She described an expanded scope for sustainability initiatives and stewardship of the Climate Action Plan.

Chris Smith suggested amended language:

33.710.030, Length of Terms – delete reference to “other” commissions since now the Planning, Design and Landmarks Commissions will all have the same term limits.

33.710.040, Purpose – delete the word “administration” as a responsibility because Bureau of Development Services administrates the City’s Comprehensive Plan through implementation, whereas the Planning and Sustainability Commission will not. He proposed, “The Commission has specific responsibility for development, stewardship and maintenance” of the Comprehensive Plan.”

Sandra Wood confirmed to Commissioner Baugh that current commissioners would start as new appointments, but with staggered terms and a limit of two full terms.

Public Testimony

Curt Schneider commented that these changes will allow the Commission’s discussion of broader topics beyond the detailed focus that sometimes occurs for individual sites.

Additional Written Testimony

Curt Schneider

Commissioner Baugh’s motion to approve the recommendation as amended by Commissioner Smith was seconded and passed unanimously (Y-5; Baugh, Ovalles, Rudd, Smith, Hanson; No-None).

Portland Plan: Proposed Amendments to Community Involvement Program and Periodic Review Work Program

Action: Hearing / Recommendation

Documents Distributed:

- Memo, Eric Engstrom, Proposed Amendments to Community Involvement Program and Periodic Review Work Program, July 1, 2010
- Community Involvement Program, Proposed Revisions
- Periodic Review Work Program, Proposed Revisions

Eric Engstrom, Portland Plan Project Manager, explained that formation of the new Planning and Sustainability Commission requires updates to related projects, including the Periodic Review Work Program and Community Involvement Program, with both housekeeping and substantive items. He explained that the CIC is chartered to monitor the Portland Plan's public involvement process, while the Portland Plan Advisory Group (PPAG) is charged with developing policy strategies for the Portland Plan. He explained that the Commission was briefed on the CIC changes in June. He said amendments to the State-approved workplan involve new target dates and specific deliverables, and the amendments will be submitted to the State as part of Periodic Review.

Public Testimony:

John Gibbon announced he's been appointed to the Public Utility Review Board, so has an interest in infrastructure. To improve public involvement related to the buildable lands inventory materials, he urged sizable maps distributed to neighborhood coalition offices. He said people want the opportunity to study the maps, and not everyone is Internet-savvy.

Commissioner Smith made a motion to recommend City Council's adoption of the amendments to the Community Involvement Program and Periodic Review Work Program. The motion was seconded and passed unanimously. (Y-5; Baugh, Ovalles, Rudd, Smith, Hanson; No-None). Commissioner Smith thanked Commissioners Shapiro and Ovalles for their participation on the CIC.

Portland Plan: Factual Basis and Buildable Lands Analysis

Action: Briefing

Maps Displayed:

Transportation (Connectivity Standards, Pedestrian System, 2008 PM Peak V/C Ratios, Improved and Unimproved Streets, ODOT Interchanges)

Water Service (System Map, Water Deficient Service Areas)

Sewer Infrastructure Constrained Areas

Stormwater (System Map, Depth to Seasonal High Water, Soil Infiltration Capability)

Flight Limitations

Natural Resource Features

Inventory of Significant Natural Resources

Environmental Overlay Zones

Brownfields

Inventory of Scenic Areas

Open space

Delineated Wellhead Protection Areas

Significant Cultural Resources

Hazards

Publicly Owned Land

Rural lands

Wildfire Hazard Areas

Documents Distributed:

- Memo, July 2010 Briefing and Hearing: Portland Plan Factual Basis and Buildable Lands Analysis, Eric Engstrom, July 8, 2010, with attachments including Appendix A Map Layers list; Appendix B, Buildable Lands Inventory “Map Layers” Narrative; Portland Plan Phase II: Household Forecasts and Development Capacity; Announcement, Keep Up with the Conversation
- Document, Portland Plan Phase 2: Household and Employment Forecasts and Development Capacity
- City of Portland Development Capacity Analysis, Development Capacity Analysis GIS model, overview and report
- PowerPoint: <http://www.portlandonline.com/bps/index.cfm?c=41664&a=311160>

Eric Engstrom described Background Reports related to Land Supply, Infrastructure and Housing. He described Metro’s responsibilities for forecasting regional growth and new households as they relate to land supply, housing supply and employment. He noted that current zoning is capable of meeting future needs, so large-scale upzoning won’t be necessary, but this review provides the opportunity to consider the form of growth. He said current maps comply with Metro’s Regional Plan, but there could be better ways to meet those goals, including incentives for certain types of housing in certain areas. Director Anderson added that Metro looks at both zoning capacity and market capacity to make assumptions.

Eric Engstrom reported that the capture rate for jobs in the region has been falling, while the strongest employment growth is occurring in hospitals and schools. He noted that institutions tend to be located in residential neighborhoods, where zoning is not adaptable for significant growth. He cited the lack of industrial land that is at issue in recent projects. He described steps in the process to review land supply for housing and jobs: 1) Current land base and zoning capacity; 2) Constraint layers; 3) Assumptions regarding the market and rate of development; 4) Assumptions based on current Comprehensive Plan; and 5) Exploration of alternative scenarios with different variables to make things happen. He said the current process is at Step 2, examination of constraint layers. He provide examples of constraints: ODOT’s policies suppressing development near interchanges, in conflict with the City’s alignments for light rail; suppression of residential development or sewer construction related to depth of ground water or topography; constraints on land supply related to environmental overlays or height limitations around airports.

Eric Engstrom asked for comments and questions about methodology, whether there are systemic flaws or missing items. Commissioners agreed that mapping helps clarify patterns. They confirmed they prefer integration of data layers for broader analysis and can make recommendations on how to broaden analysis.

Public Comments

Mike Houck, Urban Green Spaces Institute, stressed two points: 1) natural resources do not necessarily represent constraints, but also serve as valuable green infrastructure; and 2) Metro’s projections represent trends, but targets.

Jo Ann Jenny, Downtown Portland, recommended mapping facilities related to fire and life safety. She cited probability of an earthquake or other natural disaster that would necessitate people knowing the locations of hospitals and police and fire stations.

John Gibbon, SWNI, stressed two points: 1) Natural resources and protected land in Southwest Portland create barriers to densification; 2) Private restraints on buildable land include covenants and condo restrictions.

Eric Engstrom announced that all maps are on the Portland Plan Web site. He said there would be opportunity for more formal testimony at the Portland Plan hearing on July 27, 2010, 6:00 pm.

Director's Report

Director Anderson reported as follows:

- West Hayden Island Working Group will make their report to City Council on July 29. City Council had charged them to advise BPS on the direction for planning on WHI. If Council says to move forward, staff will bring a plan to the Commission in 2011.
- Central City Working Group has met twice; as that work moves forward there will be a report to the new commission in October.
- Three new members will be appointed to the Planning and Sustainability Commission in August. A retreat in September will allow commissioners to get to know each other, receive training, and identify big policy issues they can review along with regular work. Commissioners discussed two half-day or one full-day retreat, with varying opinions whether to meet on a Friday or Saturday. No decision was reached.

The meeting adjourned at 3:30 pm.

Meeting record prepared by Joan Hamilton, Recorder, BPS