

Portland Planning and Sustainability Commission

September 24, 2019

5:00 p.m.

Meeting Minutes

Commissioners Present: Ben Bortolazzo, Katie Larsell, Akasha Lawrence Spence (by phone), Oriana Magnera, Steph Routh, Chris Smith (by phone), Eli Spevak

Commissioners Absent: Jeff Bachrach, Mike Houck, Daisy Quiñonez, Katherine Schultz

City Staff Presenting: Emily Sandy (BDS); Andrew Aebi, Zef Wagner (PBOT); Jenn Cairo, City Forester

Vice Chair Spevak called the meeting to order at 5:06 p.m. and gave an overview of the agenda.

Documents and Presentations for today's meeting

Testimony for today's meeting

Items of Interest from Commissioners

- *Commissioner Routh:* I am no longer a City of Portland employee, so I can vote on PSC items.
- *Commissioner Larsell:* I was at the Climate Strike on Friday. It was great to see young people. On October 2, I'm taking a webinar on accessory buildings and affordability. If others are interested, let me know.
- *Commissioner Lawrence Spence:* I want to invite people to Business for a Better Portland Forum on October 3. This is a new type of chamber of commerce working on issues plaguing Portlanders today. I'm inviting everyone to come out. It's at Red Fox Commons at 5:30-7:30 p.m. Congressman Blumenauer will be there and others.

Director's Report

Joe Zehnder

- Council will have its hearing on Better Housing by Design next Wednesday, October 2.
- We are looking at having our bureau Budget Advisory Committee be a combination of a few PSC members, CIC members, and BPS staff. We'll be reaching out to you all soon with the meeting schedule and proposal for this year's BAC, which we hope will continue through next year to help us improve on the process to make it more in-depth and engaging for all.
- At your seats today, you have the DOZA Proposed Draft. We have a joint briefing with the Design Commission at your next meeting on October 8, followed by the hearing on October 22.

Vice Chair Spevak asked if any PSC members have potential conflicts of interest for either of today's items.

- None.

Title 11: Extend Sunset Date

Hearing / Recommendation: Emily Sandy (BDS); Jenn Cairo (PP&R)

Presentation

Emily introduced the project and the intent to extend regulations that pertain to private trees in development situations. The current sunset date is December 31, 2019. The proposal is to extend these amendments to December 31, 2021.

Emily shared the proposal, the legislative process, the history of the amendments passed in 2016 compared to previous code, PSC's recommendations from 2016, data about what has happened in the three years since 2016, and further considerations that are informing the extension of the sunset date.

We are talking about private trees in development situations today. Title 11 makes a distinction between private trees, City trees, and street trees. It also makes a distinction between development situations and non-development situations. It doesn't pertain to when tree regulations are triggered or when a site or tree is exempt from tree preservation regulations.

When we say "tree" tonight we are assuming that the regulations have been triggered and no exemptions apply.

The Urban Forestry Commission will hold its hearing on this topic on October 17 before it goes to City Council.

Title 11 was adopted in 2011 but wasn't effective until January 1, 2015. Less than a year after it was effective, there was community concern regarding especially large trees being removed in association developments, which prompted the amendments that became effective in May 2016. Because there was limited community engagement for the amendments to be effective so quickly, a sunset date was added to encourage further community engagement in the years between.

Slide 8 shows a comparison of the 2015 code, PSC's recommendation in 2016, and what Council adopted and is in effect currently.

Slide 10 shows data about large trees 2016-2019, however there are a number of things we don't know as well as possible further considerations. BDS and UFC are committed to working on the further considerations over the next two years at a minimum.

Testimony

1. Robert Bernstein: I want to extend the amendments. But it doesn't go far enough. Do away with exemptions. Everyone should share in the benefits of trees and nature in general. *see written testimony.*
2. Micah Meskel, Portland Audubon Society: Vote to extend the big tree amendment. This is a step to ensure benefits are shared. There are some steps you can take to improve on the amendment so it's not just pushing forward the status quo. Take what the youth in the climate strike brought forward. Consider other ways to build in green infrastructure. Remove commercial and industrial zone exemptions – every part of the city should be playing a role in

improving community health and preserving trees.

3. Catherine Mushel, Trees for Life: Support extending mitigation fees for trees in development situations. Taking care of trees has been a problem for everyone here, so our goal is to make tree care at the forefront. Big trees and development are an issue in East Portland in particular, so this is an equity issue as well. Support the trees and the fund. *see written testimony.*
4. Peter Sallinger, Portland Youth Climate Council: This is a group that the City created in 2017. Thank you to the PSC for protecting trees. We must ensure the sunset clause is not overlooked. We are until when it's only being extended for two years. We shouldn't have to go through this fight just two years from now, but we are in support of the extension. We also are against the commercial and industrial exemptions. Everyone should be playing a part in decreasing CO2 emissions. We hope to have a more permanent solution in two years.
5. Doug Klotz: The PSC has to balance objectives, including reducing carbon emissions. Exempting commercial zones, where we get density, is important. I'm glad to see the study is progressing, and I suggest some mitigation. *see written testimony.*
6. Albert Kaufman: Part of a group of tree activists call Old Trees PDX. We care about trees, and we tried to stop the cutting of trees at 41st and Clinton and preserving sequoias. I'm trying to think of ways to build incentives to encourage developers to build around large trees. Forcing developers to pay to remove a tree is a joke; those fees are ridiculously minimal. When we think about the youth and wanting them to save us – but you are the ones who are about to set the rules of the game. I would like to see this strengthened by increasing fees and knowing where the money goes (e.g. to the Audubon Society).

Vice Chair Spevak closed testimony at 5:44 p.m.

Vice Chair Spevak read a [statement](#) that *Commissioner Houck* provided about the extension.

Discussion

Commissioner Larsell: What happens to trees if there isn't going to be anything built?

- Jenn Cairo: In a non-development situation on private property, permits are generally required and mitigation or tree planting is required for trees 12" or larger.

Commissioner Larsell: What is happening to the tree money?

- Jenn: Title 11 has a Tree Planting and Preservation fund, which is where all mitigation funds are deposited. Code defines how this may be used. It is primarily for tree planting to replace some portion of the trees permitted for removal and not planted as a permit requirement. It has about \$3.2M. It's not a large amount given accumulation started in January 2015 and tree planting requires resources, for example the BES voluntary tree planting program expends about that much over a year or two. This is reported to Council each year. They are all on the Urban Forestry website for reference. Since it's a new fund, we undertook a study to determine how best to use these funds. "Growing a More Equitable Forest" is the City's tree planting strategy.

Commissioner Larsell: I assume you're taking climate change into account. Are we asking the right questions to preserve big trees?

- Jenn: We are taking the climate emergency into account. We are seeing significant impacts on trees of all ages, for example, Western red cedars.

Commissioner Larsell: Is there a map of where the tree code impacts different areas of the city?

- Emily: This is producible aside from the trees that are exempt (dead, dying).

Commissioner Bortolazzo: It's clear why commercial zoning could be exempt, but it's unclear to me about the industrial exemptions.

- Emily: Industrial exemption is because there is a heavy industrial zone that allows for as much area of the lot. General industrial is similar. The impact on the buildable land inventory and whether or not tree production would impact this is not yet quantified.

Commissioner Routh: Commercial/industrial is the question I have too.

- Emily: If it's exempt, it's exempt from all regulations including fee-in-lieu.

Commissioner Routh: I'm hearing that there were more fees collected in the past three years than previously... is that correct?

- Emily: We took our data of number of trees preserved. The fund comes from many sources. We had an amount from 2015 based on a previous report and then took the 2.87 years' worth of data and divided it to get an annual average, which was about double of what it was in 2015.

The exemptions are in Title 11.

Vice Chair Spevak: We've been asked to remove exemptions on projects before based on analysis of impacts (e.g. RIP). Do you see any kind of capacity to look at a code project to look at that?

- Emily: We share administration of Title 11 with BDS and PP&R. We are committed to working on this amendment and possibly make it permanent. It's hard to draw the line because it's all related. We can participate more as reviewers on a bigger project if that is requested of us.
- Jenn: We've had a couple requests to Council to have capacity to work on amendments, but they were unsuccessful. We're looking at other ways to fund the work, and we have a large list of potential amendments, some of which you've heard tonight. We're trying to figure out a way to staff and address these additional issues.

Commissioner Larsell: What analysis will you be doing in the next two years?

- Emily: The last slide shows a few options. But a project would have to be scoped, and we're not at that point yet.

Commissioner Lawrence Spence: You mentioned the barriers to doing the equity analysis and the other analyses? I'm concerned that in two year we'll still have the same barriers. You might need more time to have answers.

- Emily: Resources. We have commitment from BDS management to spend time on this project over the next two years, specifically about preservation of large trees in development situations. The other pieces are potential at this point.

Motion

Commissioner Bortolazzo: We have some data, and we need to have a serious look at this in the next two years. We should strongly support a project that is fully scoped.

Commissioner Bortolazzo moved to recommend staff proposal to extend sunset date of existing amendments to December 31, 2021. *Commissioner Larsell* seconded.

Commissioner Magnera: We should encourage Council to fully fund this work. A strong scoping with sufficient resources. There is something compelling about removing commercial and industrial exemptions. Trees are needed in these areas. The industrial zone exemption is particularly concerning. I also want to support reducing the lot size exemption down to 3000. There is opportunity to bring in sufficient funds here.

Commissioner Magnera: I move to amend the recommendation to remove commercial and industrial zone exemptions. *Commissioner Routh* seconded.

Joe: The concern on industrial was because we didn't have an adopted Economic Opportunity Analysis (EOA) last time, but we do now. The kind of thing that caused pause last time is that there was concern about not knowing the facts about the additional costs of development in a commercial setting where mixed-use and housing was coming from (before Inclusionary Housing). We still don't have that analysis.

Commissioner Larsell: My pause on this is that we should do outreach to commercial and industrial owners before I support it.

Commissioner Bortolazzo: We have a window in the next two year to scope this and fund it overall. There are several things I'd like to tinker with, but we don't have the information our community input just yet.

Commissioner Routh: I appreciate the concerns of not wanting to change the rules. Buildable lands in Portland are demonstrably near communities of color. Two years isn't forever, so let's use the sunset as a "laboratory".

Commissioner Lawrence Spence: I agree strongly with these sentiments. We are running out of time and need to act now.

Vice Chair Spevak: I can't recommend this because we've basically heard not testimony about it.

Commissioner Magnera: The PSC has made recommendation before without public input.

Commissioner Smith: It will be interesting to see how Council would remove exemptions without significant public process. Maybe we apply the same sunset to commercial and industrial as we are to other portions of the work.

Commissioner Magnera: I move to amend the recommendation to remove commercial and industrial zone exemptions. *Commissioner Routh* seconds.

(Y3 – Lawrence Spence, Magnera, Routh; N4 – Bortolazzo, Larsell, Smith, Spevak)
The amendment does not pass.

Commissioner Smith moved to eliminate the commercial and industrial exemption with the same sunset date as the proposed extension of December 31, 2021. *Commissioner Magnera* seconded.

Joe: What we're talking about today is the large tree provision. Exemptions are applicable to this. So the action today is about the large tree provision. There is an exemption for development situations in IH, IG1, EX, CX across the board.

Commissioner Bortolazzo proposed a friendly amendment to keep industrial zones exempt but remove commercial zones from exemption. Industrial lots have much more land area. Commercial zones are prime for higher densities that we want to encourage. We don't know enough about this, but it's more clear about industrial zones. *Commissioner Smith* noted his intent was to cover all the zones he mentioned.

Commissioner Magnera: Affordable housing exemption would still stand. In two years we can see the impact on the number of units built.

Emily: EX and CX function similarly. So EX could go with commercial and IH and IG1 as industrial.

Joe: Other provisions apply to trees in development situations about how we deal with trees on lots that are being developed. I want to be sure the breadth of the change is understood.

Emily: It's basically what we covered tonight. One-third of trees, fee-in-lieu, if you have to give notice of not. The rules for City and Street Trees are different.

Commissioner Smith moved to eliminate the commercial and industrial exemption with the same sunset date as the proposed extension of December 31, 2021. *Commissioner Magnera* seconded.

Tree preservation standards for trees in development situations.

(Y5 – Lawrence Spence, Magnera, Routh, Smith, Spevak; N2 – Bortolazzo, Larsell)

The motion passes.

Motion to approve the two-year extension as amended tonight to remove the exemption on industrially-zoned land.

Commissioner Routh: I am a little more bold in this because we are advisory to City Council.

(Y7 – Bortolazzo, Larsell, Lawrence Spence, Magnera, Routh, Smith, Spevak)

The motion passes.

In the letter to Council:

- Our last letter implored the City to apply the standards to trees in the right-of-way to encourage preservation of trees in these areas.
- Testimony in terms of how the project may be scoped and how staff could look at data would be helpful in our recommendation letter to look at the impacts of the tree code.
- Importance of moving forward to be responsive to the climate emergency.

Columbia/Lombard Wayfinding Improvements

Hearing / Recommendation: Zef Wagner, Andrew Aebi (PBOT)

Presentation

Zef introduced the project. There is a proposal to rename segments of certain streets in the Columbia corridor. Street names have been a thorny issue that the City hasn't worked out before. Instead of working on this in a longer planning process, we secured a small amount of funding from the freight program for this effort.

Zef walked through the map and segments and proposed changes in street names.

In phase 1, we'll change everything aside from what's suggested in slide 19, but we'd ask the PSC to forward this phase 2 component as part of your recommendation so we don't need to return to the PSC once that next work can start in conjunction with ODOT.

Zef shared the outreach work the team has done (slides 20-21).

The full proposal with street name changes is shown in slide 22. Project goals are included on slide 23. The effective date is May 21, 2021. It only changes about 100 addresses, and only 2 get an actual address number change.

Testimony

1. Pia Welch: Work for FedEx Express and Chair of the Portland Freight Committee. Review with truck dispatcher and manager, who are thankful for this work. It will help alleviate much confusion, particularly on Lombard. The Freight Committee says it will streamline and help avoid awkward maneuvering of large trucks.
2. Corky Collier, ED of Columbia Corridor Association: What's impressive is that Zef took this task on willingly. He observed the issue and came up with the solution. Thank you. This effort also led to fixing other problems, particularly with emergency management. This proposal covers a large area, about half the Columbia Corridor. We've reached out to the number of people. The biggest concern is the cost of changing addresses, but hopefully we can come up with good solutions. We've given plenty of time to work on this. From a cartographic perspective, this very much makes sense. The new names are more historically accurate than the current names. ODOT has offered to pay for half of the street name changes.

Vice Chair Spevak closed testimony at 7:01 p.m.

Discussion

Commissioner Routh: Are we sure that renaming the street during a census year won't hinder the census effort?

- Andrew: This isn't an issue.

Vice Chair Spevak: How long is the overlap of current street signs with the new street names?

- Andrew: This is really a Title 17 issue. It's currently 5 years, but maintenance people don't like the 5-year overlap, which is the current requirement. Also, USPS only forwards mail for a year. So internally at PBOT we've started this conversation, and we'll look at shortening the 5-year overlap to 1 year for streets and 2 years for arterials.

Motion

Commissioner Bortolazzo moved to recommend the staff proposal as explained today. *Commissioner Magnera* seconded.

(Y7 – Bortolazzo, Larsell, Lawrence Spence, Magnera, Routh, Smith, Spevak)

The motion passes.

Adjourn

Vice Chair Spevak adjourned the meeting at 7:04 p.m.

Submitted by Julie Ocken