

Portland Planning and Sustainability Commission

May 12, 2020

12:30 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach (left 2:30 p.m.), Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera, Steph Routh, Katherine Schultz (left 1:32 p.m.), Chris Smith, Eli Spevak [one position held]

Commissioners Absent: Daisy Quiñonez

City Staff Presenting: Andrea Durbin, Michele Crim, Alisa Kane, Sallie Edmunds, Mindy Brooks, Jeff Caudill, Debbie Bischoff, Cassie Ballew; Amanda Watson (Mayor's office); Morgan Steele, Stephanie Beckman, Mike Liefeld (BDS)

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 12:30 p.m.

Chair Spevak: In keeping with the Oregon Public Meetings law, Statutory land use hearing requirements, and Title 33 of the Portland City Code, the Portland Planning and Sustainability Commission is holding this meeting virtually.

- All members of the PSC are attending remotely, and the City has made several avenues available for the public to watch the broadcast of this meeting.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications.
- Thank you all for your patience, humor, flexibility and understanding as we manage through this difficult situation to do the City's business.

Items of Interest from Commissioners

Commissioner Routh: Thank you to everyone who has voted already, and we're thankful for our vote-by-mail. May 14 is the last day to safely mail in your ballot.

Director's Report

Andrea Durbin

- Budget work session at Council this morning. There is a \$75M shortfall, so non-represented staff are taking furlough days; EMS budgets have been cut. But BPS has still been able to retain our staff. We are expecting another wave of budget direction and cuts in the fall. BPS requested moving forward with hiring new PCEF staff; additional funds to move forward with climate actions (renewable fuels first); anti-displacement was not yet included, but we will continue to do the work; floodplain work has been delayed until the fall since we are still awaiting FEMA direction. There is a community budget hearing this evening at 6:30-8:30 p.m.

Consent Agenda

- Consideration of Minutes from the April 28, 2020, PSC meeting

Commissioner Bachrach moved to approve consent agenda. *Commissioner Routh* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The consent agenda passed unanimously.

Climate Emergency Declaration

Briefing: Michele Crim, Alisa Kane; Amanda Watson (Mayor's Office)

Michele introduced herself, Alisa, and Amanda. Today is an overview and context about where we are with this work and what the declaration effort is.

Amanda gave a high-level overview of the declaration. In response to community advocacy, BPS and the Mayor's office started this work in summer 2019. The groups were concerned the initial declaration was not responsive to the community or reflect climate justice. Last fall, the Mayor's office directed BPS to do more outreach and listen to include community input in the updated draft resolution.

The declaration is a document that sets the stage for how Portland will address climate action going forward, particularly in relation to and with frontline communities. The declaration updates our climate goals including net zero by 2050. It sets our principles and values and priorities for action as well as a process to meet the goals.

Alisa gave an update about all the outreach to community organizations in the fall and winter to create the current draft. It's a beginning of a relationship with new leaders working on climate and a listening about priorities and experiences of a number of groups. The draft was shared, and public comments were taken.

Public comments are shared in the [summary document](#), from the 300+ comments staff received. We are going to focus on principles and values as well as priorities for actions. Amanda and Michele walked through the various types of input received. People are interested in some clarity and definitions. Some of the changes we're looking at include looking at near-term emission targets as guideposts. Coordination and collaboration with partners is also being included. Other comments received were highlighted in reporting requirements, accountability, authority, resources, budget, the need for the City to resource frontline communities, natural systems, urban forestry, adaptation, transportation, buildings and energy, fossil fuels, and governance structure.

There were lots of comments about the governance structure and decision-making authority. As we evolve the engagement in looking at climate action plans and potential for reducing carbon emissions. There isn't a one-size-fits-all body to decide how we move forward with our climate action work, so we are looking at creating different avenues to acknowledge we need lots of different voices; community-led climate action; create community benefits to reduce carbon emissions; climate justice initiative to identify actions; and working with other organizations that have been active in the climate space for decades. This is a commitment to look at our climate work with a new climate justice lens to pull apart

systemic issues. We expect to have multiple opportunities for people to have their voices heard, including the PSC, in the next version.

Commissioner Houck: I didn't think we'd be providing feedback today. But I did send some thoughts I put together this morning that focus on the issues about the exclusive focus on mitigation. There was passing reference to green infrastructure and climate adaptation. The whereas clauses are fine, but I'm proposing more action and be it resolved comments.

- Michele: Related to green infrastructure action plan is something we'll follow up with. Multiple bureaus are working on this, and we'll see if we can incorporate something if it makes sense.

Commissioner Larsell: The things staff highlighted today – are those things you're looking to change?

- Amanda: Yes, both the overview of the comments and things we're looking to edit. We hope to have an updated/red-lined version possibly as soon as later this week.

Commissioner Larsell: I'm more interested in the be it resolved section as *Commissioner Houck* noted.

Chair Spevak: I had two main topics. In looking through the 2015 document, I'm having a disconnect about why we're having a challenge with being inclusive with frontline communities – I feel like we're reinventing the deal. Organizational structure is a big deal for us. The PSC hasn't provided the accountability to be the best body to be reviewing and leading this (with Council). Active, accountability by a new group might be the way to achieve this.

Commissioner Bachrach: I'm wondering if there is connection to use funds from PCEF for resources in this work. Is that possible legally and/or something that should be addressed?

- Michele: This is related, but there are very clear restrictions on what the PCEF funds can be used and how the program is administered. It is a huge opportunity for us to implement at a scale a variety of climate actions to activate the types of projects we need to reduce carbon emissions. Work force development, restorative agriculture, etc can be done with PCEF money to directly benefit the community through the expenditure.

Commissioner Magnera: The equity work isn't sufficient to get us to where we need in terms of community-led solutions. Staff have shared the intentionality around a new governance structure here, which is helpful. The initial CAP engaged people, but it's not the full decision-making power that the community wants.

Commissioner Houck: I was pleased to see the suggestion from Eli about an advisory group or commission that focuses explicitly on climate change and natural resources. Governance aside I would love to see a commission or advisory group whose focus would be broadly on natural resources which would include climate change.

Andrea: The anti-displacement work will be coming to the PSC in the summer so the PSC can hear about this work.

River Plan / South Reach

Work Session: Sallie Edmunds, Mindy Brooks, Jeff Caudill, Debbie Bischoff, Cassie Ballew; Morgan Steele, Stephanie Beckman, Mike Liefeld (BDS)

Commissioner Schultz recused herself from this project.

Sallie introduced today's work session and the team. As staff present their topics to you, please have the relevant table in front of you.

For each topic we will start by asking if you want to add anything to the discuss list. If not we will be asking you to support the staff recommendation for all that are not on the discuss list. In some cases these are amendments, in other cases they are a staff recommendation to stick with the proposed draft language.

Topic A: Watershed Health and Resilience

Table A, Continued: Watershed Health and Resilience Amendments

Memo A-22: River Setback

Memo A-10: Enforcement

Memo A-25: Ross Island Sand and Gravel (informational only)

Commissioner Spevak: I move to amend the Proposed Draft to be consistent with A-26, Ross Island restoration in future Water Resources Development Act package and to affirm the following Proposed Draft items:

A-8, Minimum tree diameter for re/planting

A-19, Trail signage

A-24, Site-specific River e application

Commissioner Bortolazzo seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item A-4, Encroachment into the Setback

Mindy noted this was part of CC2035 Plan. We had discussion about expanding the setback from 25 to 50 feet. We looked at different options on different sites in the area. Still in the river and environmental overlay zone, so there is a built-in deterrent because additional mitigation will be required.

Chair Spevak asked staff to remove of allowance the 5-foot setback encroachment outside of the Central City. *Commissioner Houck* seconded.

(Y3 – Houck, Magnera, Spevak; N5 – Bachrach, Bortolazzo Larsell, Routh, Smith)

A4 will remain as staff has proposed.

Item A-22A, Expanded River Setback

Staff shares the concern expressed by stakeholders and commissioners and evaluated a variety of options to limit the impacts of future riverfront development. Our analysis is summarized in Memo A-22.

Staff Recommendation

- Maintain two key Proposed Draft proposals
 - Expand river setback to 50 feet of top of bank
 - Establish riparian buffer area (“beneficial gain” required)
- Apply River Environmental to all areas within 100 feet of top of bank

Commissioner Larsell: What is the difference between the 100-foot setback and the river environmental overlay?

- Jeff: With the expansion of the river setback, you could still have a structure there, but you would be limited in what else you could do on the site. So that’s why there are 3 different levels of how strict it is.

Commissioner Houck: The main concern I understand from staff are non-conforming uses and potential for legal actions on takings. Why is it not possible to apply the 100-foot setback aside from places you’ll get into the potential takings?

- Jeff: How much of a parcel do we say is enough to remove the regulations? Also, there is a state requirement beyond just take, and we don’t want that to drive our considerations.
- Sallie: We don’t usually map the setback; we map the river and environmental overlay zones. So there is a practical consideration there.

Chair Spevak: I move to amend Proposed Draft Volumes 1 and 3 to be consistent with A-22B, Apply River to all areas within 100 feet of top of bank, and affirm the following Proposed Draft items:

- A-22A, River setback
- A-22C, Riparian buffer area

Commissioner Routh seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item A-23, Willing Seller

The Willing Seller Program currently states Willamette River properties are evaluated by the BES Watershed Land Acquisition Program (WLAP). It is a similar program that evaluates all properties in the city for purchase. At this point, the WLAP budget is approx. \$1.5M per year, so purchases are generally opportunistic. BES has identified key areas of the Willamette as target areas for in WLAP but there is not specific funding for Willamette River properties.

BES is interested establishing a Willamette-specific program, but due to limits on how rate-based funds can be spent BES would not be able to fully fund it. Involvement of multiple bureaus to address both environmental concerns and hazards could be an option for such a program.

Staff recommends Keep the existing language that states, “Investigate the development of a program similar to the Bureau of Environmental Services Johnson Creek Willing Seller Program for properties along the Willamette River, including the South Reach.”

Chair Spevak: I move to affirm the Proposed Draft item A-23, Willing Seller.

Commissioner Bortolazzo seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item A-9, A-10, Enforcement of Tree and Vegetation Codes

Mindy: In the Greenway code today, removal of any trees, except nuisance species, requires a full Greenway Review. There are no exemptions or standards.

The Proposed Draft is modelled after the environmental overlay zones throughout the rest of Portland and has exemptions for removal of nuisance trees as well as dead, dying and dangerous trees and trees within 10-feet of existing structures. The Proposed Draft also has standards for tree removal in specific circumstances. Whenever trees are removed, they must be replaced.

We heard testimony that when people remove trees and vegetation along the Willamette River without going through review, as required, enforcement has been ineffective to ensure tree replacement . We also heard that a 1-year monitoring period is not sufficient to ensure that replaced trees get established.

Staff met with Bureau of Development Services and Bureau of Environmental Services to discuss the violations and enforcement process and brainstorm the best ways to address the concerns.

The first recommendation is to remove any exemptions for tree removal within the river setback and riparian buffer area. Removal of nuisance trees, dead/dying/dangerous trees and tree within 10-feet of structures would move to a standard. That means, property owners would need to do a plan check at BDS to show they are meeting the standard.

The second recommendation is for BPS, BDS and BES work look at the permitting process for tree removal that meets standards. To find ways to make it simple and fast.

The final recommendation is to extend the monitoring period to 3 years. It should be noted that this may require additional BDS resources to track permits through the monitoring period.

Commissioner Houck supports these amendments, however I want to point out inaccuracies in the staff report. A statement about people who are concerned about illegal tree cutting “targeting” people or homeowners associations is insulting. Citizens who file complaints are not “targeting” anyone, they are being good citizens. The memo says there are no repeat offenses. In fact we heard testimony from the Johns Landing HOA they cut all the trees every year and have for many years.

Chair Spevak: What is the stick at the 3-year mark? What can the City do?

- Mike Liefeld: If there is a requirement to replant, they supply the proper monitoring report. if that hasn't been met, they are found to be in violation and subject to monthly code enforcement penalties until the proper report is submitted. They would have to replant if it is not in compliance.
- Stephanie: This is an issue we have struggled with. So we have talked with BPS about tracking and enforcing. We will need to have some internal discussions about what the best way to trigger a follow-up, otherwise staff has to manually follow-up.

Commissioner Houck: On A-10A, there is a concern about Himalayan blackberries are cut, but there isn't a planting of native species.

- Mindy: The exemption of removal does carry the requirement that the area be replanted, with density requirements highlighted in code.
- Jeff: The specifics are enforcement are still things we need to discuss, and we'll come back with code on A-26.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with the following:

- A-10A removes exemptions
- A-10B action to explore permitting process
- A-10C extends monitoring period

Commissioner Houck seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item A-25, Future of Ross Island

Jeff gave background on the existing situation. Staff recommends that we keep the plan as is, pending outcomes of the State of Oregon Regional Solutions assessment.

Commissioner Houck: I met with the Oregon Solutions folks recently to give them background. I've been tracking this since 1979. The Oregon Solutions team said Ross Island issues are a Gordian Knot. The only way to address Ross Island is through public ownership. I think realistically changes would have to come from the City. I'm talking to Metro about using funds from their regional bond measure to take ownership. The issue is not solely algal blooms. The creation of a management plan for Ross Island, Holgate Channel and Oaks Bottom would address Ross Island in a more holistic way.

Staff agrees with the language *Commissioner Houck* offered, which will be included in the May 26 PSC conversation.

Topic B: Recreation (Trails, Docks and Enforcement)

Table B, Continued: Recreation Amendments

Memo B: Residential Docks

Debbie noted the three topics to talk about today regarding recreation.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with the following:

- B-13 – B-15 with the typo corrected for B-15 new action R3G (timeframe: 6-20 years, not 6-10 years).

Commissioner Houck seconded.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item B-4, Parks Enforcement

Debbie highlighted *Commissioner Magnera's* concern about equity and parks tracking enforcement to ensure that the homeless population and communities of color are not disproportionately affected by enforcement actions.

Staff recommends:

- B-4, revise Action R1H: Identify funding to enhance PPR's enforcement and compliance with rules in City-owned parks, natural areas and trails in the South Reach, internal education and training around equity; and tracking enforcement. Monitor enforcement to ensure equitable rules enforcement.

Commissioner Routh: I move to amend Volume 1 of the Proposed Draft to be consistent with the following:

B-4, revise Action R1H to include proposed text about PPR staff equity training and tracking enforcement to ensure equitable enforcement.

Commissioner Magnera seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item B-10, Springwater Corridor Trail

At the 3/10 work session, Commissioner Houck asked that staff come back with responses to trails-related testimony from the 40-Mile Loop Land Trust, which Commissioner Houck supported.

BPS staff coordinated with PPR staff, *Commissioner Houck* and Jim Sjulín, testifier on behalf of the 40-Mile Loop Land Trust. Staff came up with a couple of action item changes based these conversations. Jim Sjulín reviewed Table B with BPS and PPR staff last week and he is fine with all of staffs' responses and recommendations.

For B-10, a key change to Action R3C is the mention of meeting typical regional multiuse path design guidelines when making improvements to Willamette greenway trails including the Springwater Corridor Trail.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with the following:

- B-10, revise Action R3C, to include proposed text that mentions meeting typical regional multiuse path design guidelines when making trail improvements

Commissioner Smith seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item B-12, Macadam Dual Trail System

Existing plan action C5C seeks to address the Willamette Greenway trail conflicts and congestion by looking for an alternative north-south connection in the Macadam Corridor area. Parks and Recreation

staff notes that the trolley alignment corridor may not be wide enough to accommodate a future streetcar with a paved trail. There are also a couple of other plan actions that seek to improve pedestrian and bicycle access and safety in the Macadam area and the future planning and construction of a streetcar line extension from South Waterfront to Lake Oswego. (C5A and C4A) All of these actions work toward achieving more multi-modal opportunities on the west side of the river.

Staff recommends a minor clarifying amendment to Action C5C to have an alternative north-south bike connection within the Macadam Corridor area.

Commissioner Smith: Has this been vetted with the consortium that runs the trolley?

- Debbie: What we have in the plan today is what's in the TSP. We checked in with Metro and TriMet when formulating the earlier actions, so we believe our recommendation is consistent. Any action would include a community planning process with the partners as well.

Commissioner x: I move to amend Volume 1 of the Proposed Draft to be consistent with B-12, revise Action C5C, to include proposed text that looks at an alternative north-south trail in the Macadam Corridor area.

Commissioner Bortolazzo seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item B-11, Residential Docks

We heard from Commissioner Houck on the need to limit the number and extent of docks in the South Reach. BDS staff asked that we clarify review and approval of docks. BES (along with *Commissioner Houck* and BPS staff) want to reduce the adverse impacts of docks on threatened and endangered fish and their habitats.

Debbie noted staff's considerations and recommendations, which focus on the opportunity to have significant repairs to residential docks be considered replacement and have to meet the residential dock standard and go through River Review. An alternative option for mitigation of on-site impacts is proposed for replacement docks that can't meet requirements onsite.

Commissioner Larsell: What would the code changes be like? I'm wondering if you can buy out some of the docks and get rid of them at some point when the owners find it to be a hassle?

- Debbie: We're proposing a new dock development standard to reduce new dock size. They could go through River Review if the owner wants a larger dock, but they'd have to mitigate for the impacts.

Commissioner Routh: What are example conditions that might prevent mitigation onsite?

- Mindy: For the features and functions being impacted (e.g. shallow water habitat): planting on the banks, more native vegetation, beneficial structures in the shallow water. It becomes challenging to get this on one site because of the 1.5:1 minimum mitigation. That's why the fee-in-lieu becomes important.

We are not totally sure what it will take to do the in-lieu fee, but piggy-backing on existing efforts makes sense.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with the following:

1. B11-1 Revise dock development standard to apply to replacement docks;
2. B11-2 Update exemption for normal maintenance and repair; trigger review and standards when repair is greater than 50%;
3. B11-3 Update River Review approval criteria to add fee in-lieu program; and
4. B11-4 Propose new action to implement fee in-lieu program with plan adoption

Commissioner Routh seconded.

(Y6 – Bortolazzo, Houck, Magnera, Routh, Smith, Spevak; N1 – Larsell)

The motion passes.

Topic D: Riverfront Communities (Macadam Character Statement)

Memo D: Design Amendments: Macadam Character Statement

Attachment: Revised Proposed Character Statement

Table D, Continued: Riverfront Communities Amendments

Cassie shared this portion of the discussion. We have 4 riverfront communities agenda items to cover on the subject of Urban Design. More detail on these can be found in the Riverfront Communities Table D, attached memo D and the revised Macadam Character Statement.

One reminder before we begin, the repeal of the Macadam Corridor Design Guidelines and the amendment of the character statement are under the purview of the Design Commission. Today the PSC has an opportunity to provide comments and recommendations on these items which will then go to the Design Commission on July 16 for a hearing and decision.

Item D-13, Macadam Character Statement

Major testimony themes have been reflected in the revised statement. For more detail, refer to the revised character statement, memo and table D.

In summation, three major testimony themes are highlighted in the statement and focus on:
First, development along Macadam Corridor – Staff specifically focused on encouraging development to create an environment that prioritizes pedestrians and reinforces Macadam's boulevard character.
Next, development along the Willamette Riverfront – Staff included guidance on how development should respond along the riverfront and trails.

Finally, connectivity between Macadam and the Riverfront – In response to numerous comments regarding improving the visual and physical access between Macadam Blvd. and the Riverfront, staff included more language which stressed the importance of this access, particularly east-west connections on north/south sites between macadam and the riverfront.

Commissioner Houck: I sent staff a change I was hoping to add under community character to add “ecological”: *Development should recognize the recreational, ecological, social and cultural values of the riverfront through onsite features and river-responsive design.*

Staff agrees with this inclusion.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with D-13: Forward the revised Macadam Character Statement draft, as amended by the PSC including “ecological”, to the Design Commission for a public hearing.

Commissioner Houck seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Item D-12, Macadam Plan District

This highlights the need for an updated Macadam Plan District to align with more recent plans. BPS staff agrees that the Macadam Plan District zoning code regulations needs to be updated to align with more recent planning: the 2035 Comprehensive Plan, River Plan/South Reach and the Citywide Design Guidelines.

Staff recommends a new Riverfront Communities Action C6D, which addresses an update to Macadam Plan District zoning regulations. This is a recommended priority to ensure future development works towards meeting City goals and plans, such as accommodating growth and responding to climate change.

Chair Spevak: I move to amend Volume 1 of the Proposed Draft to be consistent with the following: D-12: Proposed new action C6D: Conduct a community planning process to **update the Macadam Plan District** to reflect current and future community desires and to be consistent with the 2035 Comprehensive Plan, River Plan/South Reach and Citywide Design Guidelines.

Commissioner Houck seconded.

(Y7 – Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

The motion passes.

Sallie noted staff will return to the PSC on May 26. This session will include conversation and updates on the proposal regarding:

- Archaeological Code Amendments
- Houseless Population briefing
- Miscellaneous and follow up from today
- Detailed Code Amendments

We hope that will conclude the PSC’s work on the River Plan / South Reach.

Commissioner Houck thanked staff for their great work on these issues and complex work.

The South Reach work session will continue on May 26, 2020.

Commissioner Houck produced *Wild on the Willamette* in 2003 and will try to mail those to fellow commissioners to have a field guide.

Commissioner Larsell thanked *Commissioner Houck* for his help in shepherding the PSC through this project in addition to staff's great work.

Adjourn

Chair Spevak adjourned the meeting at 3:09 p.m.

Submitted by Julie Ocken