

Portland Planning and Sustainability Commission

March 22, 2022

5:00 p.m.

Meeting Minutes

PSC Commissioners Present: Jeff Bachrach, Oriana Magnera, Valeria McWilliams, Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson; 1 open position

PSC Commissioners Absent: Johnell Bell, Jessica Gittemeier, Katie Larsell

City Staff Presenting: Andrea Durbin, Nikoyia Phillips, Harmonnee Dashiell; Nik Desai, Brian Landoe (PP&R)

Documents and Presentations for today's meeting

Chair Routh called the meeting to order at 5:03 p.m.

Chair Routh: 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

- *Chair Routh* noted Director Durbin's tenure is ending in early April. The PSC knows it has been an inordinately difficult few years of compounding pandemics. Under your guidance we passed RIP, S2H, EOA, some climate justice work that we know needs to go farther. Thank you for your steady hand through this time that has been more difficult than what anyone could have imagined.
- *Commissioner Spevak* continued. I especially appreciate your help in the guidance of new PSC members. In addition to the project work, it's been great to have the PSC supported.
- *Commissioner Thompson* appreciated staff and Director Durbin for being so welcome an accessible to new commissioners. There has been lots of support and openness to feedback. In addition to what's been mentioned, it seems like there has been a shift toward less top-down and more community-led process, and the increasing focus on equity and racial justice is

developing. We know it's not a perfect process, but you have handled your leadership role with lots of optimism and commitment – thank you.

- *Commissioner McWilliams* echoed what others have said. I appreciate the comments about being a new PSC member and your having a genuine interest in the feedback we've provided. Thank you for your service and effort.
- *Commissioner Magnera* provided thanks as well. This period of the commission feels colored by your leadership that strongly backs the work of community. This has been a period of growing pains, and I know that's not easy being a leader. You are a leader and a human, and I want to honor that and your grace and courage.

Director's Report

Andrea Durbin

- Thank you for the kind words. It has been a challenging few years. I am grateful to all of you for your commitment and effort and time that you give to the City and the work we do. This is a critical Commission. Thank you to BPS staff who work tirelessly and care. Through one of the historically most difficult times in the city, we continue to deliver critical work and finding ways to work through this.
- Reminder that we have Ezones (April 13 hearing on amendments) and then RIP2 on April 21.
- You received the Chief Planner hire announcement, and we are working on her onboarding plans. You will meet her as she comes to Portland and starts at BPS on April 27.

Consent Agenda

- Consideration of Minutes from the March 8, 2022, PSC meeting.

Commissioner McWilliams moved to approve the Consent Agenda. *Commissioner Thompson* seconded.

The consent agenda passed.

(Y7 – Bachrach, Magnera, McWilliams, Routh, Sheoships, Spevak, Thompson)

Title 11 Amendments

Briefing: Nik Desai, Brian Landoe (PP&R)

Presentation

Nik and Brian are co-leading this project to update Title 11.

Last year Council directed Urban Forestry to create a scope of work for updating, which includes three phases over the next 5 years (phases noted on slide 2).

Our update process begins with 46 updates and amendments. We have narrowed this list to 37, with 13 that are required to be reviewed by the PSC. Over the course of hearings and work sessions, we are looking for your input for those within the PSC purview specifically.

Nik and Brian shared a handful of the examples of these technical and minor amendments (slides 4-10).

Title 33 is not being amended, but several amendments are looking at where we aren't consistent in Title 11 to be updated to be consistent with Title 33.

We had a briefing with the Urban Forestry Commission (UFC) last week. We will have hearings at the UFC and then with PSC in May. We expect to be at City Council in mid-July.

Commissioner McWilliams: I was wondering with the session with the UFC if anything specific came up in terms of themes we should be aware of.

- Brian: The UFC did have discussion about heritage trees, which receive a higher level of protection in Portland right now. They are looking to expand the authority to remove, for example, sick or dead heritage trees.
- Nik: The definition of a Dangerous Tree was flagged, which is one of the amendments in the PSC's purview. The proposed language expands the definition but doesn't relay what conditions may cause harm, so we are looking to add and specify that language in.

Commissioner Magnera: The Dangerous Tree definition and fire – how are you thinking about this context? And the way forest management happens in areas outside of urban areas?

- Nik: In your packet there is a list of the amendments in the PSC purview that includes and discuss aligning current code practice with fire wise recommendations of creating defensible space at the interface. In the Ezone process we know there was some concern here, so we are looking to address those concerns.

Commissioner Bachrach: I have 4 provisions that I'm seeing as being more substantive than technical amendments:

- 30.030.b. The change is calling for separate applications for each component, which I think creates an unnecessary burden on the applicant.

Brian: To clarify, these are some minor policy changes as well as technical amendments. For the separate application question, this is really the practice we have now.

- The current applicant appeal timeline is 14 days, but you want to cut that to 10 days. To an applicant, this could make a big difference and an unnecessary restriction on the applicant.

Brian: We have heard that feedback, and we are planning to maintain the 14-day timeline for this one.

- When an applicant gets a negative decision from the City Forester and wants to appeal to the board, you want to create a new restriction on the appeal that the applicant cannot add new evidence. But this is contrary to how the land use policy generally works. In an intracity appeal, you can always present new evidence.

Brian: The intention is that they are welcome to submit new information when the appeal is submitted; but at the actual appeal hearing we don't want to have the new information coming in without having the information beforehand for review.

- 11.40.050 for private tree permits Type A. "technical determinations based on facts of a particular request". You have 3 criteria that are all objective, which makes sense for me. But

adding the fourth one is totally subjective in my mind, which is my concern.

Brian: This is also a conversation we're having. Part of this is to avoid the potential damage of removing a tree through a Type A process. We are trying to get ahead of unintended consequences.

Nik: An example is a tree in a grove. Removing it might expose other trees to edge effects, which can increase chances of failure. This is just clarifying there are some situations that what might seem like a Type A permit should really be submitted as a Type B permit.

Commissioner Bachrach: The introduction of a new enforcement mechanism for the Urban Forester: do all bureaus have their own ways of enforcement? Or why does Urban Forestry need special enforcement mechanisms?

- Brian: The City Attorney noted we need this in Title 11 to clearly give this authority to the City Forester. I'm not sure about other bureaus and enforcement authority.

Commissioner McWilliams: How does this change the review timeline of some of the processes that are already in place?

- Nik: There are a couple of proposed amendments, but this shouldn't add to staff work. In updating the definition of multi-dwelling housing, it incorporates the definition in Title 33. We are still working on the language (multi-dwelling would be 5 residential units of more), changing the tree density requirements.

Commissioner Spevak: Will the code language be updated before our hearing?

- Nik: The code language is available now.
- Brian: We will issue updated language at least 30 days before the public hearing.

Thank you for your review and considerations. We will be back for the hearing and work sessions with you in a couple months.

BPS Equity & Engagement Update

Briefing: Nikoyia Phillips, Harmonee Dashiell

Presentation

Andrea noted that we're bringing this to the PSC to share information about the structural changes at BPS and give you a line of sight into our work. In past sessions we've heard requests to hear about how we engage community in our work.

Nikoyia introduced herself and her background in equity and engagement work over the years.

Harmonee introduced herself and her background in working for the City and serving the community.

We have an Equity & Engagement Team at BPS, which is relatively new. There have been equity champions and outreach specialists on staff for years, but there is a whole field of study in this work. Staff wanted a hub in the bureau of staff who do this work that we can ask for help on, so the creation of the team was based on staff requests and asks.

The work areas are internal with staff, external with community, and other internal functions.

When we are talking about engagement and outreach, who does that touch, and what does that mean? Depending on the project, historically it has been homeowners, people who speak English, and other groups. We are now looking at who we are missing at the table and making sure we are prioritizing voices that have not been heard. We are looking more holistically and how broadly we look at the work we do, who it's impacting, and do the outreach and engagement appropriately.

Harmonee share an example of the Parkrose Community Plan. It's still in development, but the work was initiated by community to address topics important to the community, such as safe streets, affordable housing and displacement, access to jobs, small businesses, community spaces, and emergency preparedness. It's been a great collaboration and continued check in for this partnership.

Nikoyia noted the Community Involvement Committee is a volunteer advisory body as part of BPS' work. They are focused on the community engagement process for land use projects and advising project managers in the work.

Commissioner McWilliams noted that the CIC has been a work in progress, trying to navigate how we provide feedback, what's useful, and at what stage of the project. It's been a team effort with staff and has evolved a lot. We are just getting to a point where we feel like there is more consistency in when projects come to us and how we can serve better as a resource.

The Equity Toolkit has been part of BPS for years. It's a suite of tools to help project managers think about how to operationalize equity in their project work. We want to empower staff and give them resources to use on their own, knowing our E&E Team is here as well.

Commissioner Spevak: Thanks for your work and sharing tonight. We obviously want to infuse projects with community voices, and I think it would be helpful to have "sub-buckets" of community-led and community-initiated work. The PSC interacts with these in different ways, and I'm not sure always what the process is and what role the PSC should/n't have for the work to clarify the role the City has, etc.

- Nikoyia: A categorization of projects and descriptions is what you're thinking about?

Commissioner Sheoships: Thanks for the presentation and information, which is long overdue. It's a great piece to our cultural competency and how we can be taking on this work. Community-led projects are clearly important with so many examples that we need to do better on. How many active or ongoing projects are you aware of or working with?

- Nikoyia: I don't have a full list of the projects, but there are quite a few. As part of the suggestion from *Commissioner Spevak*, we would add a list of project and why they may or may not have come to the PSC.

Commissioner McWilliams: How many people are on the team? This is a lot of work and the scope of work slide shows this. It is such important work. What is the process to standardize a baseline for public engagement?

- Harmonee: There are 4 of us, and we each bring different skill sets. We are working to share our learnings and knowledge together. We are looking systematically at where the needs are and creating SOPs based on what we're getting requests about, etc.

Commissioner Thompson: Do you have thoughts on the scalability on the thinking and the resources you've developed beyond City projects? I'm thinking about how some of the topics Harmonee described have informed processes around neighborhood meetings for individual projects (e.g. DOZA) so more people can have input. What are next steps for projects that have a responsibility to share and get feedback from the community? And thinking about the ripple effect opportunities about how people may want to incorporate that into their projects voluntarily?

- *Nikoyia:* When we started our own partnership model, we talked about how to leverage the funds. One of the things was for those we're providing sponsorships to is how they are making things more accessible in their work and outreach. The District Planning program and giving trainings to the community is a vehicle to do this. The Equity Toolkit can be used in any discipline, but we like to have the conversation about using the tools as well. We definitely know there is more opportunity to do the work more and better.

Commissioner Spevak: To circle back, some of the community-led projects have an independent body to lead and bring the work to us. One thing we've had some practice with is when we are the official group teams need to go through (e.g. for land use projects). So maybe part of the conversation is about what and when a group is part of the PSC discussions.

Chair Routh: Thank you for this presentation and this work. The word that keeps coming up for me is 'trust' and how we ensure we are building trust in communities. I want to be sure we know our responsibility of a body to ensure the work is supported, fundable, and implementable while advancing that sense of trust.

Nikoyia: Thank you. Please continue to think about where those opportunities are coming up from you. And we will continue to have the conversation now we know some of your thoughts. Thank you for your time.

Adjourn

Chair Routh adjourned the meeting at 6:51 p.m.

Submitted by Julie Ocken