

Portland Planning and Sustainability Commission

June 14, 2022

12:30 p.m.

Meeting Minutes

PSC Commissioners Present: Johnell Bell, Jeff Bachrach, Jessica Gittemeier, Katie Larsell, Oriana Magnera, Valeria McWilliams, Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson; 1 open position

PSC Commissioners Absent:

City Staff Presenting: Patricia Diefenderfer, Eric Engstrom, Brandon Spencer-Hartle, Joan Frederiksen; Nik Desai, Brian Landoe, Casey Jogerst (PP&R)

Documents and Presentations for today's meeting

Chair Routh called the meeting to order at 12:32 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

- *Commissioner McWilliams:* Middle Housing celebration week. With statewide legislation in full effect on June 30, there will be a week of events including a trivia night, walking/biking tours, etc. See www.middlehousing.org.
- *Commissioner Thompson:* There is a grassroots sustainable design group working on a draft incentive program to advance equity, human health, and architecture (Sustainable Buildings for All). There is a report on the Oregon DEQ website and interesting alignment ideas with certification programs and incentives. See <https://www.oregon.gov/deq/mm/production/Pages/SB4A.aspx>.
- *Chair Routh:* Heat Week is a week of event commemorating those lost in the 2021 heat dome. It kicks off June 26. See www.heatweek.org for the list of events.

Director's Report

Patricia Diefenderfer

- Brandon Spencer-Hartle shared an update about the South Portland Design Guidelines. BPS received a Metro grant that helped fund the work in this small historic district. Because it's already a designated district, it goes directly to HLC, as determined in the Historic Resources project the PSC heard and recommended last year. The South Portland Historic District was established in 1977 with specific design guidelines adopted in 1980. Some development standards are more restrictive than base zoning, so it's been a challenge for development teams.

The new guidelines are more flexible and don't conflict with the discretionary review process. The community advisory group directed staff to bring forward the proposed guidelines. We're in an open comment period until July 11. The PSC is not a necessary stop in the legislative process. There is a Historic Landmarks hearing on July 11, with a Council date in the fall.

- Lower SE Rising Open House, Survey, Public Outreach Events: BPS and PBOT are collaborating with community members to assess and make recommendations on land use and transportation issues for Brentwood-Darlington and portions of the Ardenwald-Johnson Creek, Lents, Mt Scott-Arleta, and Woodstock neighborhoods. This planning effort is called the Lower Southeast Rising Area Plan.

An online open house and related survey were launched in early May. The online open house includes information on four preliminary community development scenarios, potential improvements to streets and conditions for pedestrians and people biking, and possible changes to the bus network. 400 members of the public have already taken the survey, which remains open through the end of this month.

City staff are working with a local Project Advisory Committee, a Technical Advisory Committee, community-based organizations, neighborhood associations, and neighbors for input and engagement to guide the plan's recommendations with an emphasis on anti-displacement and affordable housing strategies.

- Fossil Fuel Zoning Code Amendment Remand Hearing at Council on June 23: The ordinance is largely the same as the one that was re-adopted by Council in 2019 (which was largely the same as one that was adopted in 2016). There have been minor changes to make it consistent with other changes in the Zoning Code. The action before the City Council is to re-adopt the ordinance with additional evidence and findings to respond to the LUBA decision. BPS is proposing an amendment package to clarify the definition of Bulk Fossil Fuel Terminals; the definition of renewable fuels; to make clear additional storage tanks for renewable fuels are allowed, as well as storage needed to comply with the City's Renewable Fuel Standard.

Commissioner Magnera: Are there provisions that address the volatilities of risks of renewable fuels?

Patricia: We will check in with Tom about this. The Renewable Fuels Standard is being worked on in a separate project; this is purely about bulk fossil fuel terminals in a land use regulation.

Commissioner Thompson: For monitoring and enforcement of renewables, is there anything being added to the code about the compliance aspect? Or is that use treated the same as

another non-compliant use?

Patricia: This is also more specific to the RFS provisions and regulations – we can bring this back to staff and offer an update/briefing on this topic a bit more holistically.

Details about the Council meeting including the Ordinance are [posted online](#).

Consent Agenda

- Consideration of Minutes from the May 24, 2022, PSC meeting.

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

The consent agenda passed.

(Y10 – Bachrach, Bell, Gittemeier, Larsell, Magnera, McWilliams, Routh, Sheoships, Spevak, Thompson)

Title 11 Amendments

Work Session / Recommendation: Brian Landoe, Nik Desai, Casey Jogerst (PP&R)

Brian noted the last meeting and that the PSC moved to approve all amendments aside from two, which staff has worked with and talked through with PSC Officers.

Stop Work Order

We made a slight change to the language and provided more context in the [memo shared with the PSC](#).

Current Code

Stop Work Orders. When any work is being conducted in violation of this Title, and public health or safety is threatened, the City Forester or BDS Director may issue a stop work order as stated in the requirements of Section 3.30.080.

Proposed Code

When any work is being conducted in violation of this Title, ~~and public health or safety is threatened,~~ the City Forester or BDS Director may issue a stop work order as stated in the requirements of Section 3.30.080.

The stop work order can be issued when there is a violation. Title 11 points to Title 3, and that is the same process BDS follows. So the changes and the amendment put the Title 11 stop work order now will be in alignment with other City code.

Definition of a Dangerous Tree

We were expanding the definition to include site conditions. The goal is to allow for modification of the site rather than just removing a healthy tree. We looked through other sections of Title 11 that might constrain that modification ability. Practicable is used to provide the limitations, which is the change we made: the language now says, “by making practicable site condition modifications”.

Commissioner Spevak: We have similar language in the electrical code with the stop work order too. Thank you for the work staff did on this. I recommend these two updated amendments and language. *Commissioner McWilliams* seconded.

(Y10 – Bachrach, Bell, Gittemeier, Larsell, Magnera, McWilliams, Routh, Sheoships, Spevak, Thompson)

The motion passes.

West Portland Town Center Plan

Work Session / Recommendation: Eric Engstrom, Joan Frederiksen

Presentation

Eric reminded the PSC about the work in the project and its history at the PSC including briefings, hearing, and work sessions. Today we are sharing the background and revised as-amended WPTC Plan. We will also ask for PSC input about your ideas for the transmittal letter to Council.

Joan reminded the PSC of the process both at the PSC and the Design Commission. Thank you for your interest in this work and the care taken to understand the community's perspective. We also thank those who have testified as well as our non-profit partners who are invested in this work and are really interested to create a diverse and resilient town center in West Portland.

Joan highlighted the approved amendments (Slide 4). We are happy we were able to work with you all on these provisions and include them in the plan.

The actions staff requests the PSC to consider are noted on Slide 5:

- Recommend Portland City Council:
 - Adopt the West Portland Town Center Plan as amended.
 - Amend Title 33 as show in the Amended Proposed Draft.
 - Amend the Zoning Map and Comp Plan Map as shown in Vol 2 Section 8.
 - Amend the Community Design Guidelines to add the Design Commission revised WPTC Character Statement and the “a guide to the document” section.
 - Adopt the WPTC Plan Report as further findings and legislative intent.
- Direct staff to revise the staff report and code commentary to clarify proposals and findings as necessary.

Commissioner Larsell moved the recommendations as noted on Slide 5. *Commissioner McWilliams* seconded.

Commissioner Bachrach: There is lots to like about this plan, particularly in terms of design and the ideas for how this area could develop. Staff and community did a great job. The strong community input can be a template for doing community plans in the future. But I can't get over a few fundamental problems in how this plan uses Zoning Code to try and achieve policy outcomes. Not every good idea or desirable outcome can be achieved through zoning regulations. Our zoning code is littered with regulations that started as someone's good idea that proved to be ineffective or counterproductive to accomplishing the intended outcome. Inclusionary Housing is an example of a good idea that proved to be counter-productivity. What this plan does to try and preserve affordable housing – the spot zoning of apartment

buildings where the owners are providing more affordable rents – is in an inequitable use of the Zoning Code, and I think will prove to be counter-productive to the goal of more housing and more affordable housing in this area.

Commissioner Bell: Thank you to staff and the community for the work in this plan. I do agree with some of what *Commissioner Bachrach* is concerned about, but we are in the middle of a housing shortage. There is no perfect policy, and there will be lessons learned as this is implemented.

Commissioner Gittemeier: Thank you to staff and the community.

Commissioner Magnera: I'm grateful for the community and their input in the process and for being the liaison for this project.

Commissioner McWilliams; Commissioner Sheoships: Echoes these sentiments.

Commissioner Spevak: I am excited about the community involvement. I do understand the question of spot zoning, but the community was informed and participated. The most compelling thing the City can do is to provide access and funding to keep some of this housing permanently affordable.

(Y9 – Bell, Gittemeier, Larsell, Magnera, McWilliams, Routh, Sheoships, Spevak, Thompson; N1 – Bachrach)

The motion passes.

Input to the transmittal letter to City Council (slide 6)

- Community voice in plan development and outreach and ongoing role.
- Importance of health and racial equity and climate resilience as foundational considerations.
- Need for new anti-displacements tools; intent and elements of Subdistrict provisions.
- Importance of next steps on infrastructure planning and coordination including funding of new BPS infrastructure coordination staff.
- Need to continue to implement and fund the SW Equitable Housing Strategy.

Commissioner Magnera: Thank you to staff for putting this list together. A sub-bullet to the anti-displacement topic should be about breaking down silos at the City level to make sure our tools are all working together. If we can communicate to council that it's not just that we need new tools but new tools that cross City government and lead to really good coordination which then leads to maximal success.

Commissioner Larsell: I am interested in highlighting for Council that this plan wasn't initiated by them and get across the fact that a lot of community hopes and dreams go along with a plan like this. In putting this plan together, new people participated, we created leaders in the process, and this is an opportunity for Council to back something that provides lots of dividends for the city overall. It is also important to underscore for them that implementation means funding and to state this very explicitly.

Commissioner Gittemeier: I'm supportive of these stated points. I'm interested in connecting bullets 1 and 3 and making sure we're connecting anti-displacement tools with community voice, particularly those that are typically left out of anti-displacement and development concerns.

Commissioner Spevak: I want to be sure we note the value of having an acquisition fund – a bridge acquisition fund – which fits with the third item in the list. This type of funding is needed so a non-profit can be quick to acquire property that becomes available knowing that it's going to take a few years to bring in subsidy from the state or feds to make them permanently affordable.

Eric: Staff will bring a draft to the PSC Officers soon. We will release the Recommended Draft to the public and then move toward Council hearings in the fall, likely in October for the first Council date. Thank you again to staff, particularly Joan in community engagement; Ryan Curren on the housing strategy work; and partners at PHB, TriMet, Metro, and Prosper.

Adjourn

Chair Routh adjourned the meeting at 1:30 p.m.

Submitted by Julie Ocken