

Portland Planning and Sustainability Commission

November 8, 2022

12:30 p.m.

Meeting Minutes

PSC Commissioners Present: Jessica Gittemeier, Katie Larsell, Oriana Magnera, Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson; 1 open position

PSC Commissioners Absent: Jeff Bachrach, Johnell Bell, Valeria McWilliams

City Staff Presenting: Megan Beyer (Commissioner Rubio's staff); Patricia Diefenderfer, Sandra Wood, Shannon Buono, JP McNeil

Documents and Presentations for today's meeting

Chair Routh called the meeting to order at 12:38 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 hybrid meetings, which provides for both virtual and in-person attendance for Commissioners, staff, and the public.

- Members of the PSC will elect to attend in person or remotely by video and teleconference.
- The public may watch the live stream or attend in person in the Commission room at 1900 SW 4th Ave, Suite 2500.
- Public testimony for projects that have a hearing at the PSC will be taken both in person and by electronic means.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the continued need to limit in-person contact and promote physical distancing when warranted. The pandemic is an emergency that threatens the public's health, safety, and welfare.
- Thank you all for your patience, humor, flexibility and understanding as we navigate this situation to do the City's business.

In person today are commissioners *Thompson* and *Spevak*. Virtually are *Sheoships*, *Gittemeier*, *Routh*, *Larsell*, and *Magnera*.

Items of Interest from Commissioners

- *Chair Routh* noted is the S2HC Part 2 is today. A piece of testimony that PSC members have been made aware of is from SWNI but this was not noted earlier – thank you for this testimony.
- *Commissioner Thompson* shared an update on the Inclusionary Housing Calibration Study. The first meeting was last week, and I am the PSC liaison. There are 10 participants in the workgroup. High-level scope: resident experience surveys; assessment of 15-19 until projects; comparative analysis from other cities; prototype analysis. These are monthly meetings through April 2023. Themes that came up included the scope of the study itself. More to come on this as the workgroup progresses.

Director's Report

- No report today.

Consent Agenda

- Consideration of Minutes from the October 25, 2022 PSC meeting.

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

The consent agenda passed.

(Y7 – Gittemeier, Larsell, Magnera, Routh, Sheoships, Spevak, Thompson)

Shelter to Housing Continuum Part 2

Work Session / Recommendation: JP McNeil

Presentation

JP provided an overview reminder of the project. This is a follow-up from the October 11 hearing on the project, which follows up on the first S2HC project that was adopted in April 2021. This cleans up some of the implementation items from that first project in response to issues from BDS and shelter providers.

As a reminder, On October 11, I was before you with a briefing and a hearing on this project. There were no testifiers at that hearing and there were only two pieces of testimony submitted on the matter. There have been no amendments proposed to this project from members of the PSC.

This second iteration is a response to some permitting challenges that arose for new shelters trying to be permitted under the S2HC rules and aims to address some of those issues. The

proposed changes are fairly technical amendments to the Zoning Code to clarify or clean things up a bit.

There are four proposals. The first proposal is an amendment to rules for shelters found in Chapter 33.285, Short Term, Mass, and Outdoor Shelters and clarifies how big of a Industrial site an outdoor shelter can occupy. The second category are amendments to exempt shelters from base zone, overlay zone, and plan district development standards and create a set of standards specific to outdoor shelters. The next group are amendments to clarify how shelter operations are regulated under the Temporary Activities chapter. Finally, we are drafting amendments to exempt outdoor shelters from CU review in most cases.

Staff requests that the PSC recommend that City Council:

- Adopt the Proposed Draft.
- Amend the Zoning Code as shown in the Proposed Draft.

Commissioner Spevak moved to recommend the draft and zoning code amendments.
Commissioner Gittemeier seconded.

(Y6 – Gittemeier, Larsell, Routh, Sheoships, Spevak, Thompson)

Planning Commission Code Amendment Project

Briefing / Hearing: Megan Beyer; Patricia Diefenderfer, Sandra Wood, Shannon Buono

Presentation

Patricia welcomed Megan Beyer from Commissioner Rubio's office.

Megan Beyer: Good afternoon and thank you for providing me the opportunity to say a few words about the proposed amendments. On behalf of the Commission, I want to thank each one of you for your service on this Commission and to this city. Your work upholding the City's core values and the Comprehensive Plan is integral for achieving our goals of equity, livability and sustainability for all.

As you know, the amendments before you today are the first step toward creating two commissions — each empowered to address specific issues of our times. The oversight responsibilities related to both land use planning and sustainability in Portland have become more than one commission can undertake effectively. An evaluation report commissioned in late 2021 found that the current broad scope of the PSC threatens its efficacy. The establishment of two separate commissions will ensure that both areas of policy and decision making can be addressed with the focus, time, and attention each is warranted.

The Commissioner wants to reiterate her commitment to creating the new Climate and Sustainability Commission. BPS is currently recruiting for a Chief Sustainability Officer who will

lead the process for establishing the Climate and Sustainability Commission and a coordinator who will help facilitate the process. We want to ask current PSC members to

In the interim, I want to invite and encourage all of you to apply for the new Planning Commission and ask you to share your interest with BPS staff as soon as possible. Your experience and knowledge will provide valuable continuity going forward.

Patricia thanked the subgroup of PSC members who have worked with staff to inform these amendments. The proposal will dissolve the Planning and Sustainability Commission and create the Planning Commission. The new Planning Commission will focus on long-range land use planning, while continuing to advance the policies in Portland's Comprehensive Plan, including those related to sustainability.

Patricia reminded the Commission of the history and evolution of the PSC and noted the community involvement including the report in 2021 that informed the proposal being put forward today (slide 3).

The amendments affect 3 policies in the Comprehensive Plan and the zoning code chapter that addresses review bodies including the PSC. Key amendments in this proposal address the following:

- The scope of the Planning Commission as described in the purpose statement and powers and duties. The amendments modify the scope of the Planning Commission to focus on land use planning.
- The amendments also reduce the number of commissioners from 11 to 9. The number of commissioners was increased from 9 to 11 in 2010 when the PSC was created. Since then, it has been difficult to keep all the positions filled. To have more opportunities for the Commission to function at full capacity, and to reduce the amount of time staff spends recruiting and filling vacant positions, staff proposed to reduce the membership back to 9.

There are several other amendments in this proposal that we'd like to call to your attention:

- Updates to the code related to conflicts of interest to bring it into alignment with state law and to modernize the language.
- Deletion of the code related to comments on appeals of quasi-judicial land use decisions. This subsection is being deleted because neither the Planning and Sustainability Commission nor the previous Planning Commission have submitted testimony on a quasi-judicial appeal to the best of our knowledge. In addition, the Planning Commission is not briefed on quasi-judicial land use reviews or appeals of quasi-judicial reviews and would not have the background necessary to provide relevant comments.
- And finally, the name of the commission is being changed throughout the remainder of chapter 33.710. The name of the commission will be changed automatically in other title of the City Code.

The proposal includes:

- Adopt the Proposed Draft
- Amend the Comprehensive Plan, as shown in the Proposed Draft.
- Amend the Zoning Code, as show in the Proposed Draft.

Work group members' topics for potential discussion – for discussion later in today's session:

- Purpose – The removal of the word "stewardship" (and what stewardship means). (Gittemeier)
- Powers and Duties (Gittemeier)
- Powers and Duties - significant transportation projects (Spevak)
- Communication on appeals (Gittemeier)
- Special subcommittees – consider dropping (Spevak)
- Commission Coordination – consider revising communication expectations with Design Commission and Historic Landmark Commission leadership (Spevak)

Written Testimony received

Testimony

1. Al Burns: Submitted written testimony and support staff proposal. Two suggestions: (1) name of the commission – add "City" to the title (City Planning Commission) to show this is a Citywide commission; (2) Powers and Duties amendments of the Comp Plan – not including the word "update" is a serious omission.

Commissioner Gittemeier: In terms of changing to "City Planning Commission" to highlight this is an advisory body to the full City. So far we know that when something amends Title 33, we know that work comes to us. What other projects and work? The City does lots in reference to the Comp Plan, but what does the Planning Commission doing specifically or if we want to update the plan?

Al: This goes back many, many years. American planning has been putting the cart before the horse, with zoning as a principal mission instead of planning with purpose and intention. Title 33 is just one implementing measure; investment decisions, taxing deferral decisions, and a variety of plans and programs are used to carry out the Comp Plan. As far as codes, you have Title 33 and Title 11 – land use regulations, which are particularly important for saying what you can't do. Codes are not so good for "can", which is why we need a variety of tools. There is a role as the public works projects get updated; tax increment financing districts; and other areas that the Commission has purview over.

Chair Routh closed oral testimony at 1:21 p.m. The written record will remain open until 5 p.m. on Thursday, November 10.

Sandra: We can now review the potential amendments and discussion points raised by PSC members on the workgroup, which we can discuss today.

Discussion of additional issues raised by PSC members

Commissioner Gittemeier: Lots of the discussions have been about what the role of the PC is in terms of other bureaus and outside of Title 33. There is a lot more in the Comp Plan that we can do, but the language as proposed is the narrowest (removing "stewardship", focus on T33, etc). There is lots that happens in the City that we could weigh in on, and I want to make sure we're not eliminating things in the code update.

- *Commissioner Larsell:* When I was going over the changes, I wanted to name that I'm feeling a sadness in this whole process. Our PSC was very powerful and doing very good work when I started. Intellectually I understand why we're doing this and think there is good reason for two separate commissions. But I want to name the feeling of loss here. I am concerned about the narrowing of the purview. I want to be sure the PC looks at more than just BPS work. Long-term planning is lots more than just zoning.
- *Commissioner Magnera:* I want to appreciate those who have worked through this and have dug into this. Change is difficult, and I appreciate *Commissioner Larsell* and *Al Burns'* comments. In the charge part of the language, there are two omissions that are concerning for me: (1) equity is removed in the top of [2] and (2) in [4] I wonder if we can continue to keep in some of the language, just removing "sustainable practices and development."
- *Commissioner Gittemeier:* We have had this discussion in the workgroup and our concerns, looking at those both in the code and in the bylaws outside code language. We were concerned about listing and prioritizing things, but talking about focusing on equitable work going forward is important.
- *Commissioner Magnera:* It is concerning to hear equity as something in a list – it's more a value than a list item. This holds much meaning and has a deep need for communities, so I don't want it to show just as a "thing" in a list of what the PC does or reviews.

Patricia noted the workgroup discussions about Powers and Duties. As we're talking, some things that stand out are the words "stewardship", "long range planning". Maybe there is an omission there, and the word "update" that Al noted today. As we do an update of a Comp Plan from a procedural standpoint, we are adopting amendments. So this isn't to narrow the duties related to land use – it's more in the vein of providing clarity about duties. The question of equity – the beauty and complexity of the Comp Plan is that it touches on so many values that we were struggling where to draw the line on what to list. But the Comp Plan policies are an embodiment of all these values, so we didn't think to list them. In terms of transportation, no one disputes the interrelatedness of land use and transportation, which is where the TSP comes in. By updating and adopting the Comp Plan, that's the commission's opportunity to set the stage of the City's priorities. We also want PSC members to understand that the code is just the high-level charge; the bylaws will help flesh out some of the other topics – so it's very common for the code to be the umbrella and not super detailed whereas other documents will highlight more of the specifics.

Commissioner Thompson: I am appreciating the ideas from other PSC members about this who haven't participated in the workgroup. Staff have knowledge about where different pieces of

policy live, and it's been a bit of a catch-up process for me. Often we had open-ended conversations, and we did spend lots of time on topics such as equity. On the equity point, at the end of the report we received, there was a recommendation to define the roles and purview of the PC, which includes equity at the forefront. I want to be sure we're not losing this.

Commissioner Spevak: Thank you for bringing this together so cleanly. I like the word "stewardship" to include responsibility, ownership, and care. In terms of Powers and Duties, I agree this is a narrowing project, but this might have gone a bit too far. I don't want the list to include just things we have public hearings and recommendations about. There should be a list of items we can/should provide advice and have briefings about for topics that don't require a full legislative process to get there.

Commissioner Sheoships: Similarly, I am pretty new and haven't had the time to engage with more planning-related workgroups. It feels like this came pretty fast to us but the City should have equity front and center and all the work. In terms of "stewardship", I hear this word thrown around a lot. It actually has more religious roots, which probably isn't appropriate and inclusive for City language. "Tending" or "restoring" landscapes is how we've historically used it.

Chair Routh: What I am hearing is that we look at the Purpose to elevate equity and justice into this language.

Sandra: I want to remind us that we have Purpose as well as Powers and Duties. Purpose is the "elevator speech" and high level and the big umbrella. As far as equity, we describe it in the commentary for this section – it wasn't just equity that was important to the workgroup... it was also anti-racism. But the core values of the City includes both these, which is why we landed where we did with this language. I hear several commissions want the word "stewardship" in terms of caring for the Comp Plan. Is this problematic for this context?

- *Commissioner Sheoships:* I think there are different words we could use to describe the work, particularly in this very overarching section.
- *Chair Routh:* We want to have the spirit of this but use more inclusive language other than "stewardship" given this detail.

Patricia: Through the Purpose, there is the notion of advising. But we also could note in the bylaws there are different ways for the commission to have input. Something we talked about was the recent example of the Interstate Bridge Replacement project, which has been on the books for many, many years.

Chair Routh: We could consider the Purpose to include the City PC to advise City Council... with a placeholder for language around planning through a climate and justice lens.

Commissioner Gittemeier: Plenty of other words than "stewardship" could definitely be fine. Implementation about the Comp Plan is important. We haven't talked much about interactions with other bureaus and long-range planning outside BPS.

Commissioner Spevak: It feels like the Powers and Duties delineate more, and it narrows the scope too much for me. I realize hearings are important, but I want to have the advisory role as well (outside a full hearing project).

Commissioner Gittemeier: I think we can use our time in meetings to have a more educational aspect as well.

Commissioner Spevak: To the major transportation project work, I looked at examples from the TSP project list. I found the smaller the project, the more detail. I understand why these are so simple when they go on the list, but there isn't much to work from then. The amount of information we don't know on big projects is massive, which is ok since it will be looked at again someday. It seems like there is real planning oversight that would be beneficial for these projects that is key. Since we don't have the details on major projects initially, it feels like they should come back to the PC when the projects become more real.

Chair Routh: I also believe we should be including some flavor of what "significant" means.

Commissioner Thompson: I agree that for transportation projects it depends on implementation, not just approving the List of Projects. There needs to be some sort of process or continuity from the high level to details and factors that can be understood.

Patricia: The Commission is one component of the Citywide decision-making process. We will certainly consider this point more carefully in our final recommended language.

Commissioner Magnera: I was thinking about the statement about land use + transportation as it's becoming more intertwined. It touches on climate and parking and transportation, so I want to think about how we grapple with this in the Powers and Duties. In terms of original principles around equity and climate, can we somehow think to include language about how the Comp Plan intersects with climate and equity and transportation that the PC engages in. Can we include intersections with other bureaus' work to highlight this as well? I know we can't list everything, but key values and elements should be clear and explicit in the Purpose and/or Powers and Duties.

Chair Routh: There isn't a commission that looks at significant projects in the city, and I want to be sure the PC holds some of this in the work with more clarity.

Commissioner Gittemeier had noted another topic of interest for her was the communication on appeals.

Sandra: We looked to see the legislative intent on this, which was added in 1986... but there wasn't background. To the conversations in the workgroup about PC being tenders of the Comp Plan, we thought about projects that may be appealed to City Council. Projects that get appealed to Council aren't invoking the Comp Plan. The list is: Type III Design Reviews, Historic

Resource Reviews, Conditional Uses, land divisions/EN reviews. The PC or PSC has never have done this.

Patricia: To that point, many of the projects the question isn't about the Comp Plan as the projects are generally consistent. It's some detail that elevates the review that needs a forum for a hearing.

Commissioner Spevak: I think this is something we can strike from the PC. We don't see this body learning about a project and then recommending to make a discretionary decision – it's in the weeds and about specific projects. I don't want to see us getting into individual projects... our role is to create the rules, and we should (and currently do) let others implement that.

Commissioner Spevak: Special subcommittees have not been used in my time on the PSC. It allows the Commission to designate a subset of the commission to make decisions for the full commission – which is something we typically delegate to a workgroup that makes a recommendation to the full Commission. On Coordination with other commissions (Design and Historic Landmarks) I think it's good to do, but it seems like the frequency of quarterly meetings is a lot. We should encourage coordinating and having meetings together when it makes sense, but all the commissions have lots of time commitments. I would support some language around meeting but not so specific about quarterly.

Commissioners Thompson: On the coordination requirement, I think it elevates these three bodies, which I don't know if that is totally appropriate. We might need closer coordination with other bodies at different times. Given there are amendments to the general commission code sections, has that been shared with the other commissions? Direct feedback from those other commissions is important.

- Patricia: We have shared the amendments with staff who manage the other commissions, and the changes are fairly nominal for the other commissions. There was general agreement to modernize the language in the code without it being really substantive.
- Sandra: All the code changes are nominal. This coordination one is a bit bigger because before there was a PSC, the Planning Commission had a member on each of the other two commissions – these are the legislative bodies for the City.

Commissioners Thompson: Gender-neutral language updates as we're looking at this overall is also important (e.g. the family language).

Commissioners should please share any comments and amendments with staff by November 15 so we can share proposed amendments with the full PSC prior to the November 22 work session and recommendation.

Chair Routh continued the project to the November 22 PSC meeting.

Adjourn

Chair Routh adjourned the meeting at 2:41 p.m.

Submitted by Julie Ocken