

Portland Planning Commission

May 9, 2023

Commissioners Present

Michael Alexander, Wade Lange, Mary-Rain O'Meara, Nikesh Patel, Michael Pouncil, Steph Routh, Eli Spevak, Erica Thompson

City Staff

Patricia Diefenderfer, Sandra Wood, Eben Polk, Quintin Bauer, Jeff Caudill, Daniel Soebbing

[Documents and Presentations for today's meeting](#)

Chair O'Meara called the meeting to order at 12:30 p.m. and provided an overview of the agenda.

Items of Interest from Commissioners

none.

Director's Report

none.

Consent Agenda

- Consideration of minutes from the April 25, 2023 Planning Commission meeting.
- Planning Commission letter to Council for the Parking Compliance Amendments Project.

Commissioner Alexander moved to adopt the Consent Agenda. *Commissioner Thompson* seconded.

Y9 (Alexander, Lange, O'Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The Consent Agenda was adopted.

Garbage & Recycling Rates

Hearing / Recommendation: Eben Polk, Quintin Bauer

[Presentation](#)

Chair O'Meara: Today we have the public hearing for the residential Garbage & Recycling Rates. We will have a short staff presentation followed by testimony, and then the Commission's discussion and recommendation.

Quintin shared responses to questions from commissioners at the April 25 Planning Commission meeting about (1) low-income rate assistance (slide 3) and (2) electric garbage trucks (slide 4).

The rate-setting process for the residential waste program happens annually in the spring to have cost updates in place at the beginning of the fiscal year in July. This is specific to residential rates; commercial haulers are separate. Rate-setting is for financially viable, sustainable collection system. An overview of the full rate review process is on slide 8, with the components that make up the final rate and past years' rates are on slide 9.

For the 2023 review, there are significant and increased costs for overall inflation; Metro disposal fees; recycling processing costs; wages; and the BPS franchise fee. Costs are declining for fuel and vehicle depreciation for this year. We are waiting for the final Metro disposal fee costs, which are in the 8-11.2% range.

We have received [written testimony](#) and have 1 person registered to testify in person today.

Testimony

1. Kari McCulough, Walker Garbage, VP of Portland Haulers' Association, which provides the collection in Portland. All haulers who provide these services are included in the association. The commitment of haulers is especially seen during time of stress. In 2020, we started the Driving Diversity in Portland – 100 local residents (mostly BIPOC and women) have obtained their CDL and are now driving trucks. The association works with City staff and auditors with the projections to ensure reasonable rates both for haulers and the people of Portland. We support this year's rates and ask the Planning Commission to support and forward the rates to City Council for adoption.

Chair O'Meara closed testimony.

Commissioners' Comments

Commissioner Spevak: I'm confirming that the PC's role is to represent trash/recycling customers (akin to the Citizen Utility Board), not BPS. This proposal contains a 60% increase in the franchise fee, which presumably goes to the bureau. How is the bureau proposing to use these additional funds – and what are the rules on what they can or cannot be used for?

- Eben: Franchise fees are restricted to programs and services around sustainability, climate action programs, and solid waste programs. The biggest driver for the cost increase is the expansion of the public collection program, which Council adopted in 2021. Because of increased expectations to implement the Regional Waste Plan and regional- and state-level programs, there has been a large increase in costs and expansion – contracts to collect waste from public receptacles.
- Quintin: We have added about 700 cans over the past 2 years. Prior to 2020, these were in very specific business districts that raised funds. Now the cans are placed strategically throughout the city with public input for where we are expanding into more commercial districts.

Chair O'Meara: I had a question about customer notification of cost changes.

- Eben: We put in motion the cost information now, but it's usually right around July-August of the new fiscal year.

Commissioner Lange: It's hard to hear about this increase after the fact. What happens if we collectively say no to these increases? In terms of compost, what happens to it?

- Eben: City code requires this process and for Council to make rate adjustments before the new fiscal year. Composts goes to various facilities and is for the most part turned into compost product that can be sold, but we don't see any of the revenue – though it likely results in a slightly lower cost to dispose.

Commissioner Thompson: I am still concerned about lack of opportunity for public involvement in this process. How can we broaden access and understand the public's priorities that are driving costs and increase in the fees? Also, for the monthly service options, it seems like the other options used to subsidize this more heavily, and customers on the monthly plan had a few dollars per month saved. But now I'm not sure given the subsidy looking to have been removed.

- Eben: Our collectors have raised concerns about the monthly program because it's logistically much less efficient and off the regular bi-weekly customer service, which has a cost. The monthly service option is about the same volume of the 20-gallon bi-weekly service, so we are basically evening out these costs.

Commissioner Pouncil: When will the program to help low-income customers go into effect?

- Eben: We are just initiating this project, and we hope this will be in effect for the next rate-review process. We would vet this with the future climate and sustainability commission and then City Council.

Commissioner Alexander: Is there precedent for the rate review to be contingent on this? I want this good will to be baked into our recommendation.

- Eben: The commission shares its support with Council in the form of a letter, so we can include this (though I don't know if "contingency" is applicable).
- Patricia: The process is outlined, and the big decisions are made with the franchise agreements are first developed. But the stage we're in right now is systematic and outlined in City ordinance to retain a standard and level of service. It's totally in the purview of the Commission to add this commentary and raise this for Council consideration, but based on where we are with the timing, we might use the word "predicated" in the recommendation.

Chair O'Meara: Communication about the rates and an increased notice and participation would be additions to our letter as well.

Commissioner Routh: In the past, we've had incremental increases and have discussed them, but it was always forwarded as a recommendation. This year is a very big change, and I'm curious if there has been community conversation around the 5-8% increase? If we were to stick with the 5% and look to the City discretionary funding further increases this year as a public benefit, that would be an option.

- Eben: Not outside of the regular budget process and this here. Council would then need to make a very difficult decision about the public collection system in the form it exists today... which would be better to be had.
- Patricia: Council as a legislative body could also decide differently.
- *Commissioner Spevak*: It makes sense to charge a franchise fee to cover the cost of administrating the franchise program. And I'm pretty sure I'd be supportive of the City's public collection program, given more details on it. But I'm less clear on whether it's appropriate to use the franchise fee to pay for this city-wide program – rather than general funds or some other source. This is particularly a question for me because I suspect franchise fees are somewhat regressive – since they're relatively flat across residents with a wide range of incomes. It's great that the city has a plan to offer lower rates for lower-income residents, which would make this fee more progressive, but this is still a year out from happening. There may be reasons to increase the franchise somewhat – to 6%? But we don't have enough information to make that determination for today's vote. By recommending that the franchise fee remain at 5%, we can encourage City Council to be conscious about whether it's appropriate to make residents in the franchise program pay for public collection by increasing franchise fees versus paying for it by other (potentially more progressive) funding mechanisms.

Vote

Commissioner Spevak moved to support the adoption of the residential garbage, recycling, and composting collection rates for FY 2023-24, as presented **but** only at the 5% franchise fee (not at 8%). *Commissioner Routh* seconded.

Eben: The Solid Waste Management Fund is in decline, largely because of expanded programs due to Council direction, and we're paying for public collection using these funds. So maintaining the 5% will mean the solid waste fund, which covers about 20 FTE for BPS programs/staff that supports public work and the Regional Waste Plan, will be depleted. Staff feels confident in the cost drivers and the need for the fees, but we know we need to be good stewards of these public funds.

Y6 (Alexander, Patel, Pouncil, Routh, Spevak, Thompson)
N2 (Lange, O'Meara)

Specific points to highlight in the letter to Council:

- *Commissioner Routh*: Noting that we are in this tense, messy middle without a current low-income program in place. Solid waste is a big issue in the city that we need to address citywide, and now during the budget conversation is a good time to discuss this.
- *Commissioner Thompson*: Highlight the community engagement.
- *Commissioner Alexander*: Low-income program.
- *Chair O'Meara*: Request for staff update to this commission before next year's rate process.

Commission Bylaws

Work Session: Sandra Wood

Presentation (document)

Today is our first discussion about our Bylaws. Staff shared the draft with the sections we'll be discussing over a few meetings before we as a Commission adopt them. Remind Commissioners that this is just our first discussion, and it's not a rush to complete these edits today. We will continue to work on the Bylaws and other guiding work over the next months.

Sandra: We are using the Bylaws from the Planning and Sustainability Commission as a basis, and we have 5 points of discussion identified, plus an additional one *Commissioner Routh* offered. For reference, items in the Zoning Code in the Bylaws are shown in italics (adopted by City Council); regular font is what the Planning Commission can change by itself.

We might have a need for another, informal document for guiding how the commission works together, e.g. how the commission can be more inclusive and welcoming; where public hearings are held; how commissioners address each other; etc.

Discussion point #5: Planning Commission meetings – All meetings are public, what attendance and quorum rules are, and the schedule of meetings generally being 2nd Tuesdays mid-day and 4th Tuesdays evening. The practice has been to put briefings on the daytime meetings and have hearings in the evening. Question: Does this meeting schedule work for commissioners and the public?

Chair O'Meara: I like the staggered time as it currently stands. All at one time would exclude some members of the public, so I support this schedule.

Commissioner Patel: I agree and support the staggered meeting schedule.

Commissioner Lange: I agree. Has there been any public feedback on this issue?

- Sandra: No, the public has not commented either way. And with Zoom, we definitely have increased access to the public.

Commissioner Routh: If staggered time is to provide more community input, why would we only have hearings in the evening?

- Sandra: We usually notice one meeting as the hearing for each project – so if you're interested in the project, we provide time to do so.

Commissioner Thompson: Are there best practices or evidence-backed knowledge we could tap into? Otherwise I am fine with this current schedule.

- Sandra: Meetings and how they are conducted have changed so much in the past few years, so I don't know if this is quite trackable. Many City commissioners are during the day (e.g. Landmarks and Design). We can look at other City commissions and their schedules. But the question is if we have a problem we're trying to solve? And we do always have flexibility in the

Planning Commission's schedule if we know the outreach meets that and it would be a better service to the public.

Commissioner Pouncil: I don't have a problem with the current time but want to be sure this works for the general public.

Sandra: Another consideration is that people are often doing their errands during the day when places are open – so that makes evenings more available to people.

Commissioners are in favor of the current schedule but request additional data about timing of other commission meetings. Flexibility in the schedule is also important on the assumption of noticing requirements are met.

Discussion point #4: Subgroups of the Commission – Do we need to provide greater clarity on how the Planning Commission appoints representatives to other bodies (e.g. DRAC, City work groups, etc)?

Potential clarifying language: When other groups have a need for Planning Commission representation, the Planning Commission votes for the Commissioner to represent the Commission (and, as applicable, forwards their recommendation to the Mayor or body making the appointment).

Patricia: There may be different situations – some commissions need the Mayor's nomination with Council's approval. Some of the less formal work groups are ad hoc.

Commissioner Thompson likes the clarifying language to ensure all Planning Commissioners have a say and understand the potential work group opportunities.

Chair O'Meara: I agree... so the Commission deliberates together.

Commissioner Spevak: I also agree. I think it would be helpful to get reminders from staff about the other work groups and such. And a prompt for those of us serving on other groups (e.g. I'm on DRAC) would be helpful so we are sharing information.

Process would be: an indication of interest, discussion, agreement, and then a vote to confirm the commissioner who's being recommended to the other groups.

Discussion point #3: Do we need/want to add language that the Chair can delegate presiding over a project to another (non-Vice Chair) Commissioner?

Typically the Chair presides, and if not available for an upcoming meeting, in the Officer Meeting we would confirm which Vice Chair would preside. The spirit here is if a commissioner is, for example, and expert in a topic or has been serving on an advisory committee, this would be an opportunity.

Chair O'Meara: I like this option to appoint another Commission member to preside as it builds opportunity and flexibility.

Patricia: Are there any other parameters you want to include? Or just that the Chair can delegate for a specific project?

Chair O'Meara: The Chair should be able to delegate to any other member of the Commission.

Commissioner Alexander: I think this should be a discussion and in alignment with Vice Chairs as well.

- Yes, this is a good amendment.

Sandra: Whoever is going to be presiding over any portion of the meeting should be at the preceding Officer Meeting to make sure the meeting goes smoothly. So we'd have to think of this ahead of time for sure.

Chair O'Meara: This would be a discussion at an officer meeting with input from commissioners ahead of time. If officers agree, then we could announce it at the next Commission meeting who is presiding.

Discussion point #2: Purpose of the Rules – Do we need to provide greater clarity on what “efficient, effective, and fair manner” means in the context of the work of the Planning Commission?

Sandra: Are these the right adjectives? Or are there others that better describe?

Commissioner Spevak: I'd like to add “inclusive”. The intent is that we want to proactively listen to lots of perspectives – everyone can participate and propose ideas.

- *Chair O'Meara:* This is a good addition.

Commissioner Lange: Thorough – sometimes efficient lacks this. So this is an addition.

Commissioner Patel: Orderly... but efficient or thorough can fit here. This is a purpose statement, so we don't need to define the adjectives, but we could add in better context and descriptions perhaps.

Commissioner Alexander: I might substitute “equitable” for “fair”. Fair is subjective, and equitable has ownership on the individual and the body, which is much more assertive and intentional.

- Patricia: M-W says “equitable” is dealing fairly and equally with all concerned. So fair is at the heart of equitable. “Thorough” might imply lots of iterations over and over... versus “efficient” might move things along.

Commissioner Pouncil: On equitable, I think of this as image of the three folks and the crates looking over a fence. This is where equitable trumps fair to me. *Commissioner Thompson* agreed and elaborated on meeting where people are.

The adjectives will influence our operating guidelines (the potential new document) as well.

“These rules establish procedures that ensure the Planning Commission conducts its business and performs its responsibilities in an inclusive, effective, effective, and equitable manner.”

We will have further discussion of the Bylaws, particularly point 1 and the Youth Commission position, at the June 13 Planning Commission meeting.

Commissioner Routh: We have had a Youth Commissioner position on the PSC to develop new leaders, and for the fact that youth have to live with these recommendations. The mentorship has been multi-lateral, and since we have one vacancy on the Planning Commission, I'd like to consider this. It has been a 2-year commitment as opposed to our regular 4-year terms.

Training

Briefing: Jeff Caudill, Daniel Soebbing

Presentation

Jeff introduced himself and Daniel, both environmental planners at BPS. Today's topics include:

- Chapter 7: Environmental and Watershed Health
- Supporting document: NRI
- Past Projects

Jeff provided an overview of State Goal 15, which applies to the Willamette River and adjacent lands. We established the formal extent of the Greenway as a part of the City's Willamette Greenway Plan in 1987.

As is demonstrated by the description of the goal's purpose, this goal more specifically recognizes the varied role of the Willamette River in Oregon, including specifically calling out economic, recreational, and agricultural uses. As such, Goal 15 is much more focused on finding a balance between these different needs while also ensuring natural resource protection. Key considerations in the Willamette River Greenway include river-dependent/river-related development, the Greenway trail, and directing development "away from the river to the greatest possible degree".

In addition to the broader policies, the Comp Plan also includes a variety of policies that address the unique character of each of watershed, including the Columbia River and slough, Willamette River, Johnson Creek, and Fanno and Tryon creeks.

Goal 5 applies to natural resources outside of the Willamette River Greenway. It requires that a variety of resources be inventoried and then evaluated to determine the level of development that will be allowed within those resources.

In this process, the Economic, Social, Environmental, and Energy consequences of the action must be evaluated prior to determining the final level of protection. This ESEE analysis must be conducted for proposals that would change protections of natural resources.

Goal 7 is about natural hazards and applies to climate resilience: to protect people and property from natural hazards.

We have 5 environmental goals in Comp Plan Chapter 7. There are also two general categories of policies included in Chapter 7. The first group includes overarching policies, and the second group is specifically about watersheds.

Commissioner Pouncil: On Goal 7, specifically in North Portland, how is the superfund site recognized in the floodplain? How would it be included in planning?

- Jeff: The North Reach work is here – and the Columbia Corridor – as part of the Economic Opportunity Analysis, which would inform future planning in that area. We implement the City regulations on this site, but there are State and other requirements and goals here too.

Commissioner Thompson: Natural hazards – is extreme weather (heat/cold) addressed in the Comp Plan?

- Jeff: At the time the Comp Plan was written, it was more addressed in the Climate Action Plan, which has been moved more the Climate Emergency Workplan now.
- Patricia: This is an evolving body of work.

BPS looks at long-term goals and the framework and collaborates with other bureaus (e.g. Parks) that implements the concepts. We are working and strategizing together and in conversation.

Daniel shared information about the Natural Resource Inventory (NRI). The NRI is a document that is central to all of the work that we do in the River and Environment Planning Team. The NRI consists of multiple elements: the NRI report, which details the methods and techniques that are used to map natural resources. Another part of the NRI is a digital database of natural resource features, including streams, wetlands, vegetation, steep slopes, riverbanks, and waterbodies.

The NRI was adopted by City Council in its current format in 2012 as factual background material for the Comp Plan. It is also the main tool that we use to map environmental zones and demonstrate compliance with State Land Use Planning Goal 5.

Portland has been doing natural resource protection for more than 30 years. The earliest plan was adopted in the Columbia Corridor in the late eighties, and over the 20 years that followed, 13 different area specific natural resource protection plans were adopted, each of which covered a different part of the city. All the early plans created new resource inventories for their respective project areas.

Prior to the adoption of the NRI, there was a great deal of variability in how natural resources were inventoried. Early plans typically had manually produced, hand drawn maps. But starting in the early 2000's, the approach to natural resource mapping became more standardized with the introduction of digital terrain mapping and aerial imagery. The Middle Columbia and Airport Futures Plan of 2010 was the first plan to fully embrace the new technology and the new approach.

The result of all of those past natural resource protection plans has been the creation of a variety of different types of environmental overlay zones. The conservation and protection zones are the most widely applied throughout the city. Whenever we update the mapping of environmental overlay zones,

we use the NRI as a primary tool to determine where the overlays should be applied. There is a process defined in State law about natural resource protection process (slide 26).

Daniel shared how the NRI works and how we use it to update environmental overlay mapping (slides 27-31).

Current / recently completed projects:

- Environmental Overlay Zone Map Correction Project (2021)
- Columbia Corridor and Industrial Lands Ezone Project (to look at areas not included in the E-zone project in conjunction with the EOA and Goal 9 priorities)
- Willamette River Planning (early 2000s)
- Floodplain Resilience Plan (current, in conjunction with the EOA work)
- Floodplain Management Updates (current/ongoing/upcoming schedule slide 44)

Commissioner Thompson: The EOA package has a few distinct things – EOA informs other pieces?

- Patricia: Because of the interrelatedness of these considerations, the EOA will probably encompass all the considerations as a policy perspective.

Commissioner Pouncil: On the overlay zones, are they strictly in Portland's jurisdiction?

- Jeff: This is just in Portland, but we apply them in unincorporated areas in Multnomah and Washington counties because we have land use authority with these areas. Every time we make changes, though, we have to show the changes are consistent with the State goals.
- Patricia: Zoning is local regulation – the State does not weigh in our Zoning Code. Because we have Statewide goals, nothing can be in conflict with those or not advancing those goals.

Adjourn

Chair O'Meara adjourned the meeting at 3:12 p.m.

Submitted by Julie Ocken