

Portland Planning Commission

March 12, 2024

Commissioners Present

Michael Alexander (virtual), Wade Lange, Mary-Rain O’Meara, Nikesh Patel, Michael Pouncil, Steph Routh (virtual), Eli Spevak (virtual), Erica Thompson

City Staff

Patricia Diefenderfer, Sandra Wood, JP McNeil, Shannon Buono

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

Chair O’Meara called the meeting to order at 12:32 p.m.

Items of Interest from Commissioners

none.

Director’s Report

none.

Consent Agenda

- Consideration of minutes from the February 27, 2024, Planning Commission meeting.

Commissioner Lange moved to adopt the Consent Agenda. *Commissioner Pouncil* seconded.

(Y8 – Alexander, Lange, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The Consent Agenda was adopted.

RICAP 10

Work Session / Recommendation: Sandra Wood, JP McNeil, Shannon Buono

[Presentation](#)

JP reminded the commission of the RICAP project and the hearing and discussion from the February 27 meeting. RICAP projects is to make the code easier to understand and implement. These are technical and minor policy changes.

RICAP 10 has 83 zoning code amendments in three major groups: housing; economic development; regulatory reduction.

We are seeking the Planning Commission's recommendation today, then the project will head to Council, with an expected implementation date of October 1, 2024.

Amendment 1 clarifies Item #82 and proposes adding the word "review" in two places: "requires a conditional use" to "requires a conditional use review" – slide 6.

Commissioner Lange moved the amendment to clarify and add the word "review". *Commissioner Thompson* seconded.

(Y8 – Alexander, Lange, O'Meara, Patel, Pouncil, Routh, Spevak, Thompson)

Commissioner Spevak: Question about Amendment 76 in the package and the Port property allowance for river industrial uses. We got a letter in support from the Port, but as written it covers additional properties, which makes me ask if this is still a minor amendment. My hope is we can learn a bit about this and staff can reach out to the Port and we can have an updated, narrower amendment. I'd rather this be edited at the Planning Commission than at City Council.

Commissioner Routh: Appreciative of Commissioner Spevak for bringing this up. I'm on the EOA working group but didn't take appropriate note of this, and I wonder as we talk about this in a different table if this indeed qualified as minor.

Commissioner Lange: Was there written testimony regarding this?

- JP: Yes, there was a written note of support from the Port.

JP: This is to allow non-river dependent uses in the river industrial zone on sites owned by a public agency and on lots within that site that do not have river frontage. This hinges on the definition of "site" (ownership) and "lot" (a portion of the full site). A site is made up of contiguous ownership of lots, and the requirement for river-dependent uses applies to the full site regardless of whether there are underlying lots in the ownership. These lots can be reconfigured through a Property Line Adjustment (PLA) to separate river-frontage lots from upland lots with no river frontage. If the upland lot is then transferred to another entity, it is no longer part of the river frontage "site" and therefore non-river dependent uses are allowed on the upland lot. Under current rules, a private property owner can use that process and then transfer the upland lot to another entity under the property owners' control, thereby maintaining ownership but allowing non-river dependent uses on the upland lot. A public entity, such as the Port, cannot create an LLC to transfer ownership but still maintain control of the site in the same way a private property owner could. This amendment would allow public property owners to do what a private property owner can do to separate off the lots.

The map on slide 11 highlights publicly owned properties in the iZone, Port properties in pink (T2 initiated this item) which already contains a river-dependent use and upland manufacturing use. There are also purple-shown sites that are owned by other public entities.

There were some questions about public notification of this project. Notice of the Proposed Draft was mailed to the legislative mailing list (about 300 people/organizations) as well as the project email list of interested people/organizations. This includes several environmental and land stewardship groups (noted on slide 12).

Patricia: PLA is a Property Line Adjustment. So this is a question of the definitions of the code, site v. lot as well. Again, this amendment would allow for public entities to do what private can already do to more fully use the industrially zoned site. There is nothing that changes other regulations (base zoning, allowed uses, site planning, environmental protections, etc).

Commissioner Pouncil: Thanks for explaining this. My concerns with Item 76 are that there has been a history for requesting more industrial lands. I understand this is in the river industrial zone and that it is looking at dividing for other uses. This is fine if we want to do this for T2. But having this to be done for all public lands makes me feel like we're premature since there are thoughtful deliberations going on in the EOA process.

- Patricia: I want to clarify that even though the sites are noted on the map, it doesn't automatically change property lines. It just creates an opportunity for public property owners to do so. On the matter of the EOA and conversations there, the EOA is taking up a lot of different issues regarding employment lands – the requirement is to look at land availability is to accommodate jobs through 2025. Industrial is the other type of economic use; there is land capacity to accommodate all the uses except industrial. The EOA process is also looking at environmental considerations and resource and floodplain regulations. So there are lots of different constraints on how public and private entities are using the land. This may be an opportunity for a higher use on properties. This is dealing with an immediate issue that has come up and allows public agencies to do something with their land that private owners are already able to as an important priority for the City.

Sandra: Bringing it back to RICAP 10, the amendment applies to the properties on slide 12, but in actuality we think the amendment itself will only affect the southern-most property where pre-fab housing is currently being manufactured. This doesn't have greater implications for the other properties, so no amendment would be needed. If necessary, you could direct staff to come back with a more targeted approach.

Commissioner Spevak: I didn't know public agencies were challenged by site-based work. I think there is a solution here that can come from staff talking to the Port and Willamette Riverkeeper in the next week to bring back for a vote at our next meeting. I think we could sort this out ahead of our recommendation to City Council.

Commissioner Routh: I appreciate the context from staff. What I'm hearing is that the site requirements are the same for public and private – but that private can currently sell off the parcel to another LLC, which public entities cannot currently. I'm hearing this is really for T2 that could also impact other sites, but this is really for T2. So what is the timeline for the need of T2? Is there a way to scope this as a site-specific idea/option? Is there an opportunity to advance the rest of the package today and take this out as an amendment to work and confirm next?

- Patricia: Timing is of the essence for this use. Of course we can take another meeting to bring back something that's more refined, this is something we do have to move along to Council.
- Sandra: We are committed to an October 1 effective date, so coming back to the next meeting for keeping the full package together wouldn't harm this.

Commissioner Thompson: What is the single-site, single-owner definition in the first place being the requirement?

- Shannon: I don't know the full history behind this definition. It's been in the code since 1991 at least. The term "site" is used throughout the code primarily to ensure the whole site is taken into consideration when we're looking at FAR, set-backs, etc. The North Reach has been preserved since 1997 for harbor-dependent uses.
- Patricia: It's used in many other contexts in the code as well. Changing definitions at all would change other uses/definitions in the code.

Commissioner Thompson: It seems like if there was an environmental drawback this would have escaped review from environmental groups. I am curious if people have an awareness of if this is on the radar of groups at all. Testimony is already closed, so I'm grappling with this since we don't have testimony from environmental groups.

- Patricia: I have not heard feedback from environmental groups other than the current conversation today. We haven't seen this.

Commissioner Pouncil: There has been an ongoing stand with environmental groups about concerns in the industrial area. But obviously we didn't get comments about this in testimony. I do have reservations about moving into this quickly. I'd be supportive to make this T2-specific.

Chair O'Meara: On the EOA scope, I am reflecting on why greater flexibility of land use would not lead to more economic opportunity and job creation.

- Patricia: This is what I want us to keep focus on. This does not change the underlying uses or zoning or conversations in the EOA discussions. This does in fact create more opportunity for a range of uses.

Commissioner Routh: As the liaison to the EOA working group, I want to add on to Patricia's comments. Folks around that table are also labor, developers, environmental, agencies because our industrial lands are largely important both for environmental and industrial uses. I feel this conversation is substantive and related to the EOA.

Chair O'Meara: There is a request to staff to do some additional outreach to potentially impacted groups in the next two weeks and return on March 26 with a summary of that outreach. I haven't heard an amendment but more a request for information and outreach.

- *Commissioner Spevak:* Yes. And I would be happy to hear an amendment from staff after consulting with those groups.

Commissioner Patel: With recent state legislation on housing and flexibility of land uses, I think there was a senate bill that passed to allow housing on publicly owned lands.

- Sandra: There were a number of bills passed. In this case, we're talking about housing, but that's not what is going on here – this is manufacturing housing to be moved elsewhere. This doesn't affect that.

Commissioner Pouncil: I would like more deliberation about carve out for this particular site to move forward then have the EOA group deliberate on the broader impact of other sites and moving forward with those.

Chair O'Meara: When would the next opportunity be? If we are looking at the EOA to take this forward, when should this come back to the Planning Commission.

- Patricia: What I'm hearing is direction to staff for a bit more investigation and come back with an amendment that's narrower. We can do that and bring this back on March 26. It's important to move and keep the full RICAP 10 package together. The broader EOA issues will have their process and will come to the Planning Commission later. When we bring the full EOA, there will be another chance to review river-dependent uses that will be included in that package.

Commissioner Lange: Staff did outreach, and I don't recall any negative testimony. When you go back out, will you talk specifically about individual sites or more generally around publicly owned property. So you could come back to us with exactly what is proposed now.

- Sandra: Correct. I'm hearing that we will go out to verify the staff proposal and bring this back to the Planning Commission. Staff will draft an amendment or suggestion in advance of the next meeting.

Chair O'Meara: We will continue this item to the March 26, 2024, meeting.

Adjourn

Chair O'Meara adjourned the meeting at 1:46 p.m.

Submitted by Julie Ocken