

# Portland Planning Commission

March 26, 2024

## Commissioners Present

Michael Alexander, Wade Lange, Michael Pouncil, Steph Routh, Eli Spevak, Erica Thompson (virtual)

## Commissioners Absent

Mary-Rain O'Meara, Nikesh Patel

## City Staff

Patricia Diefenderfer, Sandra Wood, JP McNeil, Shannon Buono, Morgan Tracy

*Vice Chair Thompson* called the meeting to order at 5:04 p.m. and provided an overview of the agenda.

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

### Items of Interest from Commissioners

*Commissioner Alexander:* On RICAP 10 tonight, I wanted to report that I sit on the Port of Portland Commission, and tonight's discussion includes the Port, though this item will in all likelihood not come to that commission.

*Commissioner Routh:* Last Friday I joined a panel discussion at MHCC co-sponsored by the Urban League, specifically on the Housing Production Strategy that will come to the PC later this year.

### Director's Report

Patricia Diefenderfer, Chief Planner

#### (1) Odor Code:

- I wanted to let you know of a new project that we are initiating. You may have heard in the news that a restaurant in NE Portland closed due to enforcement of rules regarding odor.
- Commissioner Rubio's office is working with the restaurant owner.
- She has directed BDS to put restaurant odor compliance cases, including this one, in abeyance.
- At her request, Director Oliveira has directed my team to begin a Zoning Code amendment project to revise the rules for odor.
- This project is a priority and will be coming before the Planning Commission this year. I'm mentioning this because we just had a conversation at the retreat about your workplan and this wasn't included.

(2) The Lower Southeast Rising Plan goes to Council on April 25; Mary-Rain will present the PC's letter.

(3) Update on upcoming PC meeting schedule:

- No meeting on April 9.
- May 14 will not be a full Commission meeting: we have Tax Increment Financing district trainings, all virtual. Julie will send time slots and Zoom links in a few weeks.
- May 21 is our added meeting – 5 p.m. joint hearing with the Design Commission on the Montgomery Park Plan.
- May 28 is a regular PC meeting.

#### Consent Agenda

- Consideration of minutes from the March 12, 2024, Planning Commission meeting.

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

(Y6 – Alexander, Lange, Pouncil, Routh, Spevak, Thompson)

The Consent Agenda was adopted with an aye vote.

#### RICAP 10

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

#### Presentation

#### Disclosures

- *Commissioner Alexander*: As I noted in the Items of Interest, I am on the Port of Portland Commission.
- *Commissioner Spevak*: I was contacted by Bob Sallinger (Willamette Riverkeeper) with his comments on one of the sites, but that has been addressed by this proposed amendment.

JP reminded the Commission about the RICAP 10 package. Today we will discuss the one outstanding amendment and then take your vote and recommendation on the RICAP 10 project.

This one additional amendment was one the Commission asked staff to look into and do more outreach for at the March 12 meeting. The proposed amendment narrows the applicability of Item #76, which adds an exception to the use restrictions for river frontage sites in the River Industrial overlay zone. The proposed new language is shared in the [memo](#).

*Commissioner Spevak*: Thank you, staff, for this amendment. I am confident in this middle ground.

*Commissioner Spevak* moved to adopt the amendment. *Commissioner Alexander* seconded.

*Commissioner Pouncil* thanked staff for the middle ground with this amendment. I hope there is time for additional dialogue.

*Commissioner Alexander* cosigned on the comments about the creative way to get this amendment. It also piqued my curiosity about what the initial concerns were and what we might be able to avoid by taking it this way.

*Commissioner Lange*: On the other public properties that might be looked out, how would that be done?

- Patricia: There is an Economic Opportunities Analysis project that is underway currently. In the context of the EOA is where we think it is appropriate to be looking more at the River Industrial zone and uses.

*Vice Chair Thompson*: It would be helpful to hear if Willamette Riverkeeper had concerns with the original proposal.

- JP: Their main concern was with the fact that large industrial sites and river uses need to be looked at more broadly. They were supportive of the keeping the question open about how large industrial sites are being used but are supportive of the Port and make modular housing on this site.

*Commissioner Pouncil*: Has there been a request for large sites in this area? I recall one of the reasons was that there should be more deliberation about the other sites due to a history of lack of large sites in the area, so if we are going to be creating non-river-related sites then we'll be in a deficit of large sites.

- Patricia: In general we are seeing in the EOA that there is less availability of large sites, yes. As it relates to this proposal, these sites are under common ownership (Port properties), so it is not division of land to different property owners.

(Y6 – Alexander, Lange, Pouncil, Routh, Spevak, Thompson)

The amendment passes.

*Commissioner Lange* moved to forward RICAP 10 to Council to:

- Adopt this report.
- Amend Title 33, Planning and Zoning per the Proposed Draft as amended.
- Amend Policy 2.20 of the 2035 Comprehensive Plan.
- Amend the Zoning Map to remove the Special Street Setbacks and repeal six ordinances related to Special Street Setbacks.

*Commissioner Pouncil* seconded.

(Y6 – Alexander, Lange, Pouncil, Routh, Spevak, Thompson)

The motion passes.

### **Input into the Planning Commission's letter to Council**

*Commissioner Pouncil*: I think it would be important to note our deliberation and some effort to outreach to the sites we discussed about multiple uses when that time comes and try to preserve some of the larger sites.

*Commissioner Routh:* I want us to memorialize the importance of tackling childcare in a future project and conversation.

*Commissioner Spevak:* Home-based businesses as part of this package (as well as some unfinished business) and conditional use processes should be looked at for code larger projects.

*Commissioner Alexander:* The comments about other things should be framed in a way that we sought to move these RICAP amendments forward but that conversations arose about other policy issues that could be looked at in future projects (as noted in others' comments).

Staff will work to draft a letter and will share it with PC officers and commissioners in the upcoming weeks.

## Land Division Code Update

Briefing / Hearing: Morgan Tracy, Sandra Wood

### [Presentation](#)

#### **Disclosures**

None.

Morgan thanked *Commissioner Pouncil* for mentioning land divisions in the previous project as we now move into this project. There are several reasons this project was initiated, including facilitating more housing where infrastructure is in place. Land division unlock the full potential of properties.

Last November, Council introduced this project, which aims to remove barriers to land divisions while increasing housing projection. The project included technical advisor from partner bureaus. We also reached out to many organizations and sent about 5,500 notices to affected properties and 300 legislative notices.

Morgan provided an overview of what land divisions are (slides 7-10).

Middle housing land divisions allow units in structures to be divided onto individual lots. This enables the units to be sold on their own. This project does not affect these (slide 11).

A land division process ensures multiple objectives as noted on slide 12.

There are 3 categories of proposals in this project. Morgan detailed each:

- Update Zoning Code to create clear and objective standards (slide 20).
- Update Landslide Hazard Map (slide 25).
- Recalibrate standards, thresholds, and review procedures (slide 29).

If anyone in the public has questions about their M56 notices, please contact Morgan (contact information on slide 38).

*Commissioner Pouncil:* Can you explain the information about the tree slide (32)?

- Morgan: The tree preservation requirement applies numerical targets and options to preserve a requisite number of trees on a site. Currently this is supplemented by discretionary criteria (e.g. preserve trees with the highest functions provided on the specific site). With the state requirement for a clear and objective path, we had to divorce these standards from the criteria, so an applicant can choose one or the other. The trade-off for this clarity is that we lose the ability to say which trees may be more valuable. To off-set this, we are aiming to bump up the trees preserved number to cast the net a bit wider.

*Commissioner Alexander:* On the historic rate of land division applications over time, 2003-05 looks like the peak. Why? Do we have a sense of anything or where?

- Morgan: It's important to note that 2002 was the first land division code update, which took items from another title and incorporated them into the Zoning Code. So there was a surge of applications leading up to the new code, that is reflected in the downturn of applications immediately after that code went into effect. The number of applications then rebounded to something more normal in 2005. But since then, subdividable land is becoming scarcer, and the lot confirmation process makes other properties eligible for development without going through a land division. These are quicker and less expensive, so there was a drift to find lot confirmations versus seeking dividable sites. And now we have middle housing land divisions, and people are going through that process instead now too.

## Written Testimony

### Testimony

1. David Patterson: *see written comments*, which were read into the record (properties in St Johns).
2. Sandra Williams, Michael Selker: Home built in 1902, and the little portion of slide area on the map is minuscule and forward on our lot that would be in any setback. Is there a percentage of slide risk that would have to make us go through a geotechnical assessment? That's just my question for tonight. We also own the property next door and are looking at doing a division, but that property isn't affected by the slide area.

Yes, please contact Morgan about questions on individual sites.

3. Kyle Weichert: Plaza 205 shopping center is going under development for a new grocery tenant. Now that I've listened to the presentation, this sounds great, and we will follow up with Mr Tracy if we have further questions.

4. Katelyn Weakley: Pastor of 7th Day Adventist Church in Mt Tabor neighborhood, and here for information. Thanks for the information and presentation.

*Vice Chair Thompson:* We will now close the oral for the Land Division Code Update Project.

Sandra: We recommend that we also close the written record since we had very few members of the public today, and those who did generally have site-specific questions that Morgan can help address.

*Vice Chair Thompson:* We will also close the written record for the Land Division Code Update Project today.

### **Commissioners' Comments**

*Commissioner Lange:* The lions share of testimony is around the landslide issues. This was last addressed in 2022 [sic 2002]. What caused some to be added and some to be removed? I'm concerned about insurance costs and reviews at a national level, so it would seem that any opportunity for an insurance company to deny or increase costs is huge.

- Morgan: The last map was the result of storm events in 1996. We understood the importance of paying attention to this, but at the time we didn't have, for example, LiDAR. So properties received a hazard designation just from being over a 20% slope. The new maps include more detailed slope information, and incorporate soil characteristics, risk assessment, to assign data points to inform the overall map. So the science and tools have changed, and this is the consequence of the state updating their data in 2018. This is a similar question we had about wildfire hazard maps. The City's maps are different from insurance companies and state maps. The adoption of the landslide hazard map specific to land divisions is very specific to dividing property – so information here is for a very specific use and circumstances. This is not a new map, so the risk of the insurance angle, the maps already exist – we're just using the state's map data and adapting them for this work.

*Commissioner Spevak:* On the illustration with the hazard on one corner, it seems like the hazard would cover the whole property. Does this proposed code change anything?

- Morgan: The underlying criteria remain the same. The geotech report is to show the areas safest and what types of mitigation might be necessary.

*Commissioner Spevak:* It might be helpful to have some guidance about some concerns on the map – we can't control where insurance agencies look to. But there are some areas where people won't think their properties are in danger.

- Morgan: We do have additional slides for the work session.

*Commissioner Spevak:* In Cully, it seems like the cottage cluster has usurped land divisions. I'm curious if cottage clusters are a new way things are getting done. And how far do we go with the clear and objective path?

- Morgan: We are seeing lots of cottage clusters, and the re-platting process to consolidate lots (land divisions in reverse) is happening. In terms of the thresholds for where standards apply, it fluctuates depending on the specific land division regulation topic.

*Vice Chair Thompson:* This is more changing when in the process someone would need to obtain a geotech report, but it's not a new requirement more generally.

- Morgan: The requirement for getting the geotechnical report for a land division is the same. However, the changes to the map do affect which properties are subject to this requirement. A Geotech report may still be required for other types of development activity, but those requirements are not associated with this land division regulatory map.

*Commissioner Routh:* Are the maps new, or are they new to landowners?

- Patricia: This is pinpointing to a greater degree since we have better technology.

*Commissioner Routh:* Why is David Douglas SD called out?

- Sandra: They have an adopted Facilities Plan approved by the state and acknowledged by the City, so this is the only district presently where this is required.

Sandra, Morgan: BDS has a few clarifications we will bring forward as technical amendments. Reminder to PC members, please finish reading testimony and send comments to staff by April 9. We will discuss with officers on April 11 then prepare for the work session on April 23.

*Commissioner Spevak:* Does this project affect any triggers such as street requirements for PBOT?

- Morgan: Not by site size, but there is a proposed clear and objective threshold included. Existing criteria are generally left intact, and we've just translated those to clear and objective standards.
- Sandra: The goals here is to create standards, not increase requirements except for the tree preservation standard which Morgan presented.

*Vice Chair Thompson:* We will continue this item to the April 23, 2024, meeting.

Adjourn

*Vice Chair Thompson* adjourned the meeting at 6:43 p.m.

Submitted by Julie Ocken