

Portland Planning and Sustainability Commission
Tuesday, August 9, 2011
12:30-3:00pm
Meeting Minutes

Commissioners Present: Andre' Baugh, Karen Gray, Don Hanson (arrived 12:45), Gary Oxman, Michelle Rudd, Howard Shapiro, Chris Smith,

Commissioners Absent: Mike Houck, Lai-Lani Ovalles, Jill Sherman, Irma Valdez

BPS Staff Present: Joe Zehnder, Chief Planner; Julie Ocken, PSC Coordinator; Jessica Richman, Senior Planner; Julia Gisler, CPII; Steve Cohen, Sustainable Food Program Manager; Uma Krishnan, Demographer

Other City Staff Present: Tricia Sears, POEM

Chair Baugh called the meeting to order at 12:39pm and provided an overview of the agenda.

Consideration of Minutes

06/28/11 and 07/12/11

Chair Baugh asked for any comments or edits by Commission members.

Commissioner Smith moved to approve both sets of minutes. The motion was seconded by *Commissioner Shapiro* and passed unanimously with an *aye* vote.

(Y5 – Gray, Oxman, Rudd, Shapiro, Smith)

Solar Code Project

Action: Hearing / Recommendation

Jessica Richman

Document:

- Solar Code Project memo

The project looks at two related items:

- Solar regulations to bring Portland's code into compliance with the recent State updates.
- Roof-top mechanical equipment.

Staff presented the proposed changes to the Design Commission and the Historic Landmarks Commission, both of whom had no comments about the update. Staff also brought the new language to the AIA Historic Resources Committee, who also had no comments on the regulations.

There have been some inquiries from the public, but no comments or written testimony received..

Solar

In March 2010, City Council adopted RICAP5, which included regulations for solar energy systems in design, conservation and historic areas. Standards were established for solar panels without land use review in certain circumstances. There was concern from residents in conservation districts that the regulations were overly restrictive. Panels that were only facing the rear lot line could be approved without review, otherwise the resident would have to go through historic or design review, and pay the associated \$1300 fee. Group solar purchases

have reduced the cost of installing solar energy systems to a few hundred dollars or less; adding the \$1300 fee to the total cost meant the systems were not feasible. This group lobbied City Hall as well as the legislature in Salem. The legislature passed House Bill 3516 in response.

Under the provisions of House Bill 3516, solar energy systems must be allowed without review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. There are several exceptions where discretionary review is allowed:

1. Historic Landmarks;
2. Conservation Landmarks;
3. Structures in Historic Districts; and
4. In areas designated as a significant scenic resource, where the material is either not designated as anti-reflective, or is more than 11 percent reflective.

To comply with the State bill, staff recommends keeping the City's current regulations for historic districts and historic and conservation landmarks. In conservation districts and design overlay zones, the City should delete the current standards and add standards to allow solar energy systems without a land use review if the footprint of the structure isn't enlarged, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. If the proposal does not meet the standards, the proposal may be approved through Design Review or Historic Design Review.

Rooftop Mechanical Equipment

In conservation and historic districts and design zones, rooftop mechanical equipment is reviewed as part of a new building's design. However, additional rooftop mechanical equipment may be required for some tenants who move in after the building has been constructed.

The code currently exempts rooftop mechanical equipment from review if it is on a building at least 45 feet tall and if the equipment is set back from the roof perimeter. However, for buildings that are less than 45 feet tall, the installation of mechanical equipment still triggers a design/historic review, which may cause delay and costs for the applicant. Also, The Bureau of Development Services (BDS) reports that 10 to 15 percent of all requests for design/historic design review are for rooftop mechanical equipment.

Based on the work BDS planners have done on the applications, staff from BDS and the Bureau of Planning and Sustainability have developed a set of standards. The recommended standards focus on a few key points, such as setting the mechanical equipment away from roof edges, limiting the total number to eight, and requiring equipment to be painted to match the rooftop color or have a matte finish. These standards will ensure that, even for buildings less than 45 feet tall, the equipment will not be visible from the street, and that it will be less obtrusive viewed from a distance or from above. The recommended standards will also encourage removal of obsolete mechanical equipment.

No testimony was offered, and *Chair Baugh* closed the hearing.

Commissioner Shapiro moved to:

- Recommend that City Council adopt this report;
- Recommend that City Council amend Title 33, Planning and Zoning, as shown in this report;
- Recommend that City Council adopt the report and commentary as further findings and legislative intent;
- Recommend that City Council adopt the ordinance; and
- Direct staff to continue to work on the language in this report to further refine and clarify it.

Commissioner Oxman seconded.

(Y6 – Gray, Hanson, Oxman, Rudd, Shapiro, Smith)

Local Energy Assurance Plan Project Update

Action: Briefing

Tricia Sears, POEM

Documents Distributed:

- Portland LEAP Statement - August 2011
- Portland LEAP - Earthquake Scenario

PowerPoint: <http://www.portlandonline.com/bps/index.cfm?c=41664&a=360868>

Today's presentation is an update from when the Local Energy Assurance Plan (LEAP) project team presented to the PSC in December 2010.

Energy Assurance is defined as a confidence that energy will be available when needed.

In 2007, POEM lead and completed the Critical Infrastructure Protection Plan, which identified energy as the most interdependent critical infrastructure. The plan noted energy as the most critical infrastructure in the Portland region.

In April 2010, the U.S. Department of Energy awarded POEM \$276,000 under the American Recovery and Reinvestment Act (ARRA); the funding will help develop and improve existing energy assurance plans. Portland is one of 43 cities and towns in 25 states to receive this money.

LEAP is a plan that addresses our dependency on energy before, during and after an energy disruption.

In Portland, the energy sources arrive through marine delivery, overland transportation, and pipelines, traversing through the Port of Portland and 7 petroleum terminals in the NW Industrial Area. We often refer to the NW Industrial Area as Oregon's Critical Energy Infrastructure Hub (CEI Hub). Tank farms are the primary storage facilities.

The tank farms, pipelines, and distribution areas of Portland's NW Industrial Area are generally located on the liquefiable soils of the Willamette River, adjacent to the river's floodplain, and along the earthquake fault abutting the industrial, business, and residential areas of NW Portland. Fuel is provided to the NW Industrial Area in Portland by the Olympic Pipeline at the rate of 2 billion gallons annually. If the pipeline were disabled, 500 tanker trucks would be needed to deliver fuel and require one truck leaving Seattle for Portland every 2.65 minutes.

The Portland LEAP project has over 60 people on the four committees for the project. Members represent City of Portland bureaus, utility providers and distributors, communications networks, schools, hospitals and clinics, non-profit organizations, business, industry, other agencies etc. The project kicked off officially on November 10, 2010 and will wrap up the project by March 31, 2012.

They are also coordinating with State of Oregon agencies such as ODOE, PUC, and DOGAMI. A member of the PUC sits on our Steering Committee. Staff from ODOE and DOGAMI presented about the State EAP at our June quarterly meeting. We sit on the Salem LEAP committee. We will participate in the Salem LEAP TTX and they are invited to participate in the Portland LEAP TTX. A TTX is an exercise to test a plan by engaging people in role playing in a scenario, in this case, an 8.0 Cascadia Subduction zone earthquake.

Utilities noted that during a disaster, their organizations will need help with access to assess the condition of their structures and to make repairs. Access, transportation and debris removal is critical, and the City of Portland can focus on those needs as priorities.

Roles and responsibilities have been a main focus of the project. Most people think of fire, police and hospitals as the priority response entities in an emergency, which is true. But the City doesn't provide hospital services, just fire, police and transportation services. So for the City, we rely heavily on those bureaus during an emergency. Since PBOT is the main bureau responsible for access, transportation routes and debris removal, POEM has made a point to include PBOT as a priority responder along with fire and police.

Commissioner Smith: You identified PBOT as primary in terms of transportation. Are you directly engaging ODOT?

- Tricia: ODOT will come to the tabletop exercise. They have their own interactions, but we haven't directly linked in ODOT. They are linked into the emergency center though.

LEAP is also researching the use of alternative energy in emergency management and the use of bicycles.

The project is working to form partnerships and agreements with utilities and American Red Cross regarding damage assessment as well.

Outreach efforts of the project include:

- Web – Portland was the first and only City to have a LEAP website until a few weeks ago... project information and reference materials plus other information and examples are posted online.
- Presentations at and to the Small Business Advisory Council and the Pacific Northwest Economic Region conference. Upcoming presentations include the Oregon Planning Institute and the Oregon/Washington APA conference. Also, Portland State University is putting together a course on the Portland LEAP.
- The project is working with the business groups on a survey. They are making site visits to businesses like Shell Oil, KinderMorgan, Kanto Corp and OHSU to achieve a better understanding of their needs, concerns, resources, and expectations.
- The project will test the draft LEAP plan at a Table Top Exercise in November 2011. Committee members and non-committee people will participate. Non-committee people include staff from the Union Pacific Railroad and a member of the national crisis management team for Shell Oil.

Project snapshot

- POEM is not authorized to enforce or make people comply – this project is to build, link and inspire, and integrate ideas and information into various disciplines.
- Portland LEAP doesn't add, subtract or otherwise change rules.
- LEAP analysis will be used so the region can have informed conversation.
- November 2011 Table Top Exercise
- March 2012 City Council with our LEAP report.

Commissioner Rudd asked for clarification about the break-down in the graphic about sources of energy including natural gas, etc.

- Tricia: Electricity has hydro and coal, light fuel, green, propane, ethanol, heavy fuel, biodiesel. The information shown in this slide is from the BPS Portland Plan Background Report.

Commissioner Smith: if gas is at premium after disaster, people will likely be looking to public transportation. What about Portland Streetcar as well?

- Tricia: TriMet and the Port of Portland sit on the LEAP committee. TriMet says about 60% of their employees could be available after disaster. The streetcar not specifically identified as a member of the Portland LEAP. PBOT sits on the Portland LEAP.

Commissioner Shapiro: It's easy to imagine the catastrophe scenario in real time. In terms of communication, I didn't see anything about "dial 911" or turning the radio to a specific station for the official announcements. How do you get people to listen to the Mayor or other announcements about the situation?

- Tricia: There is a section about information that will be shared with the public "Public Information". HAM radio will likely be working. A Regional Information jurisdiction or JIC will be set up to provide a coordinated message between jurisdictions in the region. We would use radios, Twitter, etc. I don't know how you make people listen. ☺

Commissioner Gray: When the project is finished, what is the final product? And how is the communication and distribution at that point? Also for the Tabletop exercise – who is involved? How would people get from east county to the emergency sites?

- Tricia: We will put the report together and bring it to City Council as a resolution to ask for support and to integrate the plan into other bureaus. We hope to have both the ground level support and implementation as well as from the top, City Council. We hope to have it integrated into each bureau as an important matter, like the Peak Oil work, that should be used in each discipline/bureau. After the project, it will be up to POEM to continue to work with the other bureaus to continue the ideas being put together. The report includes recommendations from LEAP committees. Also hope to have a continuing committee to try to keep the plan updated, follow up on recommendations. Mult County Emergency Management sits on the project committee. PPS is involved. The tabletop exercise for the 60 people on committees plus ~ 70 others. POEM is also relying on other source to pass on information.

Chair Baugh: I didn't see a contractor's association or engineers, etc. Have you talked to those groups? General contractors? They could provide some technical expertise.

- Tricia: At the Small Business Advisory Council, we did connect with several businesses. BOMA has expressed interest in the project, and wants to put info about our project on their web page. So overall, we're trying to connect with those organizations. It is a good idea to connect to these groups.

Chair Baugh: What about diversity in your outreach in terms of how you talk to groups that are non-English speaking?

- Tricia: We have engaged neighborhood coalitions. We also have a "keep in the loop" database of people who receive e-mail updates about the project. We're also relying on Multnomah County in terms of community-based outreach with various organizations.

Urban Food Zoning Code Update

Action: Briefing

Julia Gisler, Steve Cohen

Documents Distributed:

- Urban Food Zoning Code Update Concept Report
- Urban Food Zoning Code Supplement: Health, Environmental, and Economic Considerations

PowerPoint: <http://www.portlandonline.com/bps/index.cfm?c=41664&a=360869>

Today's presentation is a mid-project update. Staff is also working with Amy Gilroy from Oregon Public Health Institute. The project is funded by Communities Putting Prevention to Work funds – a fed grant through Multnomah County Health Department.

The main goals are to support growing, selling, producing healthful food throughout Portland. The project looks at 5 areas: community gardens; animals and bees; backyard gardens; farmers' markets; and food membership distribution sites.

The project is currently at end of the public review period on the Concept Report and a supplement report that includes negative and positive impacts regarding health, environment and economics.

In the Concept Report, at the end of each topic area section, there is a Project Direction statement – how we're leaning on how to regulate the specific section. There are also discussion questions and a survey to have people give feedback. The Concept Report includes current zoning regulations as well as what other cities are doing in terms of regulations (e.g. Baltimore, Minneapolis, Kansas City) to see if what other places are doing provide a good fit for Portland.

Staff just completed 3 community meetings in locations throughout the city. Postcards went to the mailing list and there was a media release about the sessions. The project has advertised itself; people want to talk about food. Staff also worked with District Liaisons to share information and have offered to meet with smaller groups through the CPPW partners – health and equity groups, non-geographic groups, etc.

Commissioner Smith: Do you have a list to reach out to all the CSAs in town? Organizationally they will have a focus.

- Steve: We have 44 CSAs listed, delivering specifically to the Portland area, who have been engaged.

Market gardens – where produce is being grown for selling.

Problems:

- Existing zoning code rules address industrial farming instead of small-scale growing operations
- Unclear policies around growing/selling food in residential and institutional areas

Project direction:

- Allow market gardens in more locations, including institutional sites (schools, religious organizations, medical centers)
- Ensure compatibility with residential areas by limiting the size allowed by right to 5,000 square feet
- Explore if it is appropriate to selling produce from sites where it is grown in residential areas

Chair Baugh: Is size in consideration by what can be done by hand? Or by tractor? Can they spray?

- Julia: We have not yet addressed this.

Chair Baugh: Are you distinguishing what you grow from what you purchase and grow?

- Julia: We're looking at this – it is definitely difficult to regulate.

Chair Baugh: Have you talked to police about what response to vandalism, etc would be?

- Steve: There was a community garden that was vandalized in SE, but we have not seen much of this. We need to further address this issue.

Community Gardens – produce grown for personal consumption or donation

Problems:

- The Zoning Code does not currently define community gardens
- New rules should consider the many types of community gardens

- Portland Parks and Recreation have their own rules for the community gardens run/owned by the City

Project direction:

- Continue to allow community gardens in all zones, but explore appropriate regulations that address the various types and sizes
- Ensure gardens are well-integrated and beneficial to the neighborhood

Commissioner Shapiro: There is a connection to the Portland Plan in terms of the 20-minute neighborhood concept.

- Julia: Yes, a big focus of this project is to provide neighborhood amenities and promote community gathering places.
- Steve: People are very aware of the 20-minute neighborhood concept and have discussed it at our meetings.

Commissioner Smith: Where does the Portland Yardshare program fit?

- Steve: Most of these fit under community gardens, since they are not organized as a market garden activity.

Commissioner Rudd: Have you had any feedback from grocers?

[None]

Farmers' Markets

Problems:

- The Zoning Code does not currently define them, and they could fit into various sections of code
- Farmers markets on churches/schools properties (conditional use) are not clearly addressed by current rules

Project direction:

- Create definition(s) and new regulations that allow farmers markets to be sited throughout the city
- Traffic, noise, characteristics of the market (size, duration, customer base) must be considered in new rules

Chair Baugh: What about markets using space in current commercial use (e.g. in a Whole Foods lot)?

- Steve: This is mutually beneficial for the grocery. Markets in these areas operate under the commercial zoning rules.

Chair Baugh: Is there a restriction to differentiate local versus a major distributor at farmers' markets?

- Steve: There are rules at each market about what is allowed to be sold there. This is policed well.
- Julia: What we think about farmers' markets has morphed into a variety of different things like farmers table stands.
- Jessica: In terms of someone trucking up produce to sell here (e.g. from California), when you look at costs and the volume you can actually sell at a farmer's market, it doesn't make sense to bring produce from far away. Also, most vendors display information about where they are from, so there would be a "built-in dislike" for those coming from far away. As Steve noted, there is significant internal farmer-to-farmer policing.

Chair Baugh: What about pop-up "stands" along the road, that are clearly not local?

- Steve: We're not sure that they would be addressed in this update as the activity falls under local or State transportation departments.

Food Membership Distribution Points – CSAs and Food Buying Clubs

Problems:

- These are not currently addressed in the Zoning Code
- Increased neighborhood traffic causes the most concern with central pick-up/distribution points

Project direction:

- Allow in commercial zones and where light industry exists
- Consider allowing sites with fewer members to operate in residential areas with appropriate regulations that protect the livability of the surrounding area

Commissioner Smith: Lots of CSAs utilize locations that are under institutional zoning (conditional use). Are we looking at everything we can do under industrial, institutional, conditional use areas.

- Julia: We are leaning towards allowing this.
- Steve: It is a great way for neighbors to get together to share and talk about food. It is becoming popular with various distributors.

Chair Baugh: In terms of commercial and light-industrial areas, are you looking at transit routes? Have you talked to these owners? A concern would be that you have people in the area for a different use.

- Julia: In talking about “light industrial” we’re looking at employment zones, not the industrial sanctuary areas.

Animals and Bees

Problems:

- Animal regulations should be clarified
- Neighbor approval for beekeeping may be too stringent (need sign-off from neighbors within 150’ unanimously)

Project direction:

- Clarify and resolve minor problems with existing rules
- Modify the neighbor “sign-off” requirement for beekeeping
- Increase the number of animals allowed from three to four

Multnomah County enforces regulations around animal keeping. Three animals (chickens, goats) are allowed without a special permit. They are also working with the County’s Vector Control Advisory Committee.

Chair Baugh: In terms of vector control – isn’t there a relationship with a larger animal population and coyote, rats, etc control? The County bears the cost of control – has a fee be discussed?

- Steve: Generally people have coops to keep out coyotes, so other animals may be more of a problem. The County works with animal owners, and no new fees have yet been discussed. The enforcement IGA is from 1968, and there has been talk that maybe this should be turned back over to the City. They haven’t yet acted on it, but the County is looking at true costs of enforcement.

Julia: Most conversation has been around the bee regulation needing unanimous sign-off from neighbors within 150 feet of the keeper’s property. This may be too restrictive, so we’re looking at the actual impacts of bee-keeping.

Project Next Steps

- Complete the public review of the Concept Report and publish a summary end of August

- Develop proposed code language (working with Project Advisory Group and technical advisors) this fall
- Publish proposed code language and provide opportunities for community to review and comment
- Publish Report to the Planning and Sustainability Commission and hold public hearing in early 2012

Commissioner Oxman: The report says there are no regulations for these various aspects. Is that bad? What dangers are we trying to overcome, and have we had enough experience to lock into a set of regulations? We need policy clarity for effective regulation instead of glomming on to ideas that may not be true. Do we want to experiment with implementation first? We're trying to create a permissive atmosphere.

Commissioner Hanson: Are there enough complaints to need regulations?

- Joe: Remember that the origins of the project are about removing barriers and to provide clarity to let practices happen.
- Jessica: We're trying to get ahead of possible flood of complaints. As things become more common, they will generate more traffic in residential neighborhood, so we're trying to get step ahead. We're not locking in regulations since we're almost constantly revisiting and updating the zoning code, so we'll have opportunities to revisit any updates we do.
- Julia: In addition to this work on the code update, some policy discussions that take place could help guide the Comprehensive Plan update.

Census 2010 Update

Action: Briefing

Uma Krishnan

PowerPoint: <http://www.portlandonline.com/bps/index.cfm?c=41664&a=360870>

Briefing on Race, Ethnicity, Mobility, Income, & Poverty in Portland – giving a sense of population characteristics by race and ethnicity for Portland.

Today's presentation is largely based on 2005-09 data from the American Community Survey (ACS), which has replaced the Census long-form. ACS samples 1 in 48 households every month. This data serves as a longitudinal dataset for jurisdictions to get a view of what is happening in their community.

Racial profile

1960-1990: as far back as 1960, Portland's population was 94% white. Census surveys changed racial grouping in 2000, adding "some other race" and "two or more races", which comprised a total of 9% of Portland's population in the 2010 Census.

The current distribution is 76% white, so we have come far even from 1990. Every racial group saw gains 2000-10. In the African American community, we gained a small amount, but in other groups there was significant growth.

Communities of color are undercounted in census... this is a reminder from, especially the American Indian community, that we should be cognizant of this undercount phenomenon when reviewing statistics.

Portland's capture rate compared to the region and state: all are getting increasingly diverse. Washington County has had significant growth in Hispanic community in 2000-10. This could be a matter of choice, displacement or affordability issues – it's not necessarily clear why people move. The Asian population also clustered toward east county and outer city areas.

Ethnic Profile

Hispanic can be of any race. Portland added close to 19,000 people who identified as Hispanics in 2000-10. This is significant, and we need to be planning and thinking about growth in this community (also a nationwide phenomenon). Similar to various racial minorities noted above, there is not a significant Hispanic population in the inner city.

Geographic Mobility

This statistic asks “did you stay in the same house as last year or did you move to/from other areas?” In the 2005-09 timeframe, overall mobility rates of racial groups and Hispanics in Portland were fairly comparable, hovering around 20%. Within Multnomah County, mobility between groups varies, with 80% of African Americans moving within the county in this time period greater than any other racial or ethnic group. The Asian community appears to have moved the least.

Income Profile

Looking at Median Household Incomes (MHI), the African American community has a much lower income base than the city as a whole, and the MHI for this group dropped between 2000 and 2009. Other groups are doing better, and while Hispanic household income is also low, the differential is not as much. The income profile highlights the income inequality problem in the city as a whole. The MHI comparisons are between the Census and ACS dataset and the shortcomings of doing so must be kept in mind.

Similarly, looking at the share of aggregate income by quintile 2005-09, the highest quintile in the city holds 51% share of the aggregate income.

Poverty Characteristics

Looking at overall City poverty rate alone doesn't tell the whole story. The differentials between racial groups are high. Similar to the income profile, African American, American Indian and Latinos have a much higher rate of poverty compared to the city population as a whole.

Concluding Thoughts:

The city is getting increasingly diverse, and we also need to keep in mind the Census and ACS surveys are ones where people self-identify for Race and Ethnicity.

Commissioner Gray: I would like to get a copy of the information. It is a great partner piece to the Communities of Color report, corroborating the evidence that shows income disparity and an issue of disproportionality of incidents in schools, drop out rates, etc. In terms of displaced versus dispersed populations, what is causing what for people to live (or not) in certain areas?

- Uma: Because of historic reasons, African Americans especially were tied to specific geographies. When things changed, many may have moved on to home opportunities elsewhere, but there has been involuntary displacement as well. We have been adding African American population, but they are just not centralized into one geography. Until we can understand things better, we need to say there is displacement and dispersal.
- Joe: Evidence shows the pattern of people moving to outer areas, so we know there is certainly displacement taking place, but we're just not able to pin-point how much is displacement versus people having opportunities to move.

Chair Baugh: Thank you for the data, and we look forward to next layer. It substantiates what we know, and if we know about it, we can start to think about what we can do about it.

Director's Report

Joe Zehnder

- Reminder there is no PSC meeting at the end of August
- PSC retreat will be 09/08, 9am-2pm in 7A. Staff will send the agenda to Commissioners the week prior. The focus will be on the first year of the PSC, Portland Plan hearings and next year's work program.
- Portland Plan update – we're moving ahead with publication of the draft, which should be ready by August 29. We're currently responding to a few review comments (objectives) to build a more complete brief, to strengthen review of the Plan.

Chair Baugh adjourned the meeting at 2:38pm.