

Portland Planning and Sustainability Commission

June 23, 2020

4 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak [2 open positions]

City Staff Presenting: Andrea Durbin, Sallie Edmunds, Debbie Bischoff, Jeff Caudill

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 4:00 p.m.

Chair Spevak: 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 this meeting virtually.

- All members of the PSC are attending remotely, and the City has made several avenues available for the public to watch the broadcast of this meeting.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications.
- Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Items of Interest from Commissioners

Commissioner Smith: I have been a member of a group of the PSC around the SW Corridor; we used to be 4, but we are down to 2 now (me and Ben). The work has been tracking the SW Corridor project, recommending to PSC when to take some advocacy with Council. We would get benefit from reactivating the group, and staff concurs. The next work will be about advocacy around investment around naturally-occurring affordable housing in the corridor as the transit project goes online. Short-term every Council budget season is an opportunity. If we are following Council budget calendar, it's about a quarterly commitment Commissioners *Houck, Magnera, and Bachrach* expressed interest.

Director's Report

Andrea Durbin

- Workplan priorities on Council calendar: July 2 is the readoption of the Central City 2035 Plan. Residential Infill Project is next at Council on July 9, with a final vote scheduled July 22. The Expiration Date Extension Project is on July 8.
- Working with other bureau directors on the allocation of CARES Act funding, which is scheduled for July 8 decision at Council. Prioritizing BIPOC first and foremost.

- Council passed the Expanding Opportunities for Affordable Housing package last week. It came with a new directive as well to BPS' work to initiate a future mapping project with community members.
- On today's agenda, and in our July and August meetings, we will bring a report on BPS' internal work and 5-year racial equity plan as well as having Dr Markisha Smith (OEHR) to discuss the Citywide Equity Toolkit and how it is a tool for PSC work. We will also invite leaders from PAALF to come as well as BPS BIPOC staff sharing their ideas to prioritize equity work.

Commissioner Bachrach: At one point, we had recommended several sites that didn't quite fit the package. Is there direction from Council about how we should look at this in the future?

Andrea: Looking at harms to our Black and BIPOC to identify different options and directions and prioritization of what makes sense as a next step.

Consent Agenda

- Consideration of Minutes from the June 9, 2020, PSC meeting

Commissioner Routh moved to approve consent agenda. *Commissioner Bachrach* seconded.

The consent agenda passed unanimously.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

Committing to Racial Justice

Work Session

Andrea noted that since we released the report, we've been sharing it citywide and with partners. Much of this has paused at the moment in light of COVID-19. The workplan we have made on the planning side of BPS is prioritized around the Anti-Displacement work (PSC on July 14), and we now have funding out to our partners and have hired a coordinator for the work with the goal to build a shared, joint table, to look at the different tool the City is using to keep people and businesses in place.

West Portland Town Center, which you heard about at the last meeting, is another place we're working with community and to deliver broad goals that are responsive to local community needs with affordable housing and business opportunities.

We will be starting work around Parkrose and Brentwood-Darlington in terms of community and equity goals.

Commissioner Magnera: What are you doing to be accountable on racial justice work and next steps?

Andrea noted this is where we've had real short-comings in the past. We need to make it clear to center racial justice and equity in all BPS work for all staff, which is a recent change. Moving forward, we're working on holding people accountable and connecting it to their assessments for merit increases, for example, particularly for BPS managers. We have a report coming about the BPS 5-year racial equity plan, and we know we have an enormous amount of work to do and prioritize this to operationalize it.

We need to build time and capacity for the evaluation of our projects, and we see opportunities to work with the Office of Equity and Human Rights (OEHR) on this. As a bureau, we have made some progress but have a lot of work to do. There is strong priority from BPS leadership that we need to be accountable for and deliver on. I appreciate the moment we're at right now because it's unlocked the potential for this conversation to happen than we've seen in the past. In the last few weeks, we've started to identify the changes that we need to put in place, and we know it's on us to follow through.

Commissioner Magnera: What do people find challenging about the documents we read, the time we're in, and the fact that we're a complete white commission? What is hard for us in this moment?

Commissioner Smith: I've been on the commission for 10 years, and we've basically revamped all our documents to center equity. It was really a wake-up call to see the current moment arrive and see how little impact that's had so far. It's not a question about just erasing language from plans, but there is a tremendous amount of work to dismantle the wrongs. Re: the all-white PSC composition: During the time I've been involved, we've worked hard to have a diverse commission. It's an artifact of the moment that Commissioners have left to lead in other roles.

Commissioner Routh: Recognizing structural barriers that prevent participation on the PSC (time, power, privilege, access) are issues to consider across the board on City advisory bodies. Most planning I've been involved in is community-based. There is an inequity of the plans from community that don't usually intersect with bureau-based plans. What do we prioritize? How do we use an assessment tool to step back before the PSC makes a decision? And how do we prioritize what comes before the PSC? A conversation around how we support BIPOC professionals and leaders in urban planning is also a piece of this.

Commissioner Bortolazzo: A huge lightbulb went off when we looked at the History of Racist Planning and seeing how throughout the history of planning in Portland is so eradicated in exclusionary practices. The definition of planning itself has segregation in it. My main challenge is to reconcile what in the core we're trying to do with all that's going on and making sure this is not just a conversation. I hope it's something more of a seismic change in how we regulate land-use and zoning. Are there ways to do this that are less boundary-based? Reflecting on some of the projects we've done in the past few years, they start to move away from the 2-dimensional zoning to being more outcome-based.

Chair Spevak: Challenges right now – our group is good at listening, but the experts in the field are incredibly busy and overwhelmed right now. Our hands are tied sometimes in that policies in the past were explicitly racially-based. Looking at the Comp Plan, it has good language in equity, but it's not proactive in the way this moment calls for. My hope is that we get some sort of tool for evaluating racial justice elements at a higher level, including what projects we hear.

Commissioner Houck: That's actually not a "softball" question for me. My wheelhouse is overall ecological health and access to nature and parks. My challenge is I believe in the intrinsic value of nature without regard to nature's value. In addition to that, clean air, clean water, and access to nature is important for everyone; the challenge is what that means to equity. In 1994 with CLF, we were very intentional about cross-fertilization, e.g. with affordable housing, Albina Ministerial Alliance, and Urban League. We need to do more of this information exchange. Regarding equity expanding the urban forest canopy is a big picture issue, but there is also a definite equity component (e.g. urban heat island work by Vivek Shandas at PSU). How do we take both a broad picture and drill down to actions that relate to equity in terms of human and ecological health? I read all the documents you recommended

and the single biggest issue that came up repeatedly is building wealth among communities of color is key, and that means home ownership. It's missed too frequently that Native American communities are a huge part of the conversation as well.

Commissioner Larsell: There is something special about organization and advocating in a neighborhood, and I can't get away from that. I want there to be coalitions and connection and working together for common goals. The difficult thing right now is that, while I have a huge respect for what's going on, it's calling for change so fast, that it's hard to do the work. East Portland Action Plan could be helping with this. I liked the SF Planning Commission document – in that they respect and have the thought about racial and social justice equity plans. A huge amount of it should be economic development (e.g. for East Portland).

Commissioner Bachrach: We need to say less and do more. We need to prioritize racial equity as an outcome. As a challenge, how do we plan to achieve certain outcomes? What we do now is think about how we manipulate the zoning code. We spend time fine-tuning code, but I don't think that will get us to the bigger-vision issues. How do we set our priorities? We don't control our destiny when we're told what projects we're working on. We need to restructure if we are going to get to racial equity in our work. We need to know we can't do everything. We need to collectively be more disciplined in our work. Maybe there is a restructuring of our Commission to tackle visionary, big-picture work.

Commissioner Schultz: What I challenge with this all-white make-up of the PSC is unintended consequences. We have the desire to be equitable and do the right thing, but then it's messy when we might be doing the wrong thing. Going back to historic injustice in our neighborhoods, there are issues in certain areas of the city (e.g. Historic Irvington deeds). People may not understand all the complexities of the work and potential unintended consequences. Does hurting one person mean we don't make a recommendation? Or if it does more benefit for those historically hurt, is it a good project? Looking at *Priced Out* (documentary), there was perhaps the right intention in the change, but it created a place that doesn't work for the community largely. There isn't good guidance; we can justify lots of our recommendations, but we really don't know.

Commissioner Magnera: Thanks for this discussion and for surfacing these big issues. Seismic change, restructuring, etc are big issues. What does this look like? From my perspective, we have our hands tied to a certain extent in terms of City guidelines and State land-use laws. We need to work on acknowledge that the system was designed to have winners (whites) and losers. We really need to restructure if we want to be more relevant to our communities. We need a new state land-use goal focused on racial justice. We need to restructure our mandate and a group to plan for the future. If the PSC's role (or an envisioning the future commission) is an option, then BPS could lead and codify racial justice as a goal to weigh benefits and burdens in our system. What comes before us? Perhaps that is a group dedicated to community work and outreach to see what's important. Dismantling in a way that community can rebuild.

Commissioner Houck: I agree with this, as I agreed to serve on the PSC when it included "sustainability". Someone has to do the work of height and setbacks, and that is us, but we also need to look at our ability outside the confines of our regular meetings and hearings that are more community-based.

Commissioner Routh: How do we give up power and cede that to community? This is a huge question.

Andrea: Thank you for this starting conversation about the work ahead. I agree it's about restructuring the work, breaking down the systems, and looking at how we have our conversations with the right people at the table. To address unintended consequences, I think we have to co-create with community. We're starting this at BPS in a number of projects. We need to bring the people who are most impacted to the table, ensure we don't have barriers of having people engage, and then making the PSC more accessible. Title 3 (BPS' role) is a starting place, and I'm interested in looking at the state level as well. Right now, we can't let the moment past without dismantling and making change for communities in Portland that have been harmed for too long.

River Plan / South Reach

Hearing / Recommendation: Sallie Edmunds, Debbie Bischoff, Jeff Caudill; Marc Jolin (JOHS); Justin Russell (ODSL)

Commissioner Schultz recused herself from this project.

Sallie introduced the team and agenda for today's session.

Homelessness in the South Reach

Debbie: The topic of houselessness in the South Reach has been of interest to planning staff, government bureaus and agencies, the public and this commission. There are humanitarian concerns on the treatment of and services for houseless people, public safety concerns as expressed by trail users along the Springwater Corridor, for example, and environmental concerns about adverse impacts of camping and live-aboard boaters on natural resources.

The South Reach plan looks forward to the ongoing coordination between the City and County through the Joint Office of Homeless Services, and other organizations and the community. It will take bringing everyone together to compassionately address this unfortunate and complex situation.

The PSC asked for a briefing on houselessness in the South Reach, and we thank Seraphie Allen from the Mayor's Office, Marc Jolin, Director, of the City County Joint Office of Homeless Services, and Justin Russell, from the Oregon Department of State Lands, for their willingness to discuss this important topic with you this evening. You have in your packet a memo that contains background information provided by Seraphie, Justin and a news release from the Department of State Lands.

Marc: The memo outlines the highlights of our coordinated response to homelessness. In the South Reach area, it's a specific subset of people experiencing homelessness – unsheltered individuals, mostly single-adult households, with one or more disability. He provided a number of statistics about the homeless population, particularly Native Americans.

Commissioner Magnera: Do we have culturally-specific solutions available, and what could we potentially do as a PSC?

- Marc: In all the areas we do work in the Joint Office, we have an intentional strategy for culturally-specific needs. We've expanded investments lately (e.g. through Urban League, NAYA) to start. For chronically-homeless, that usually looks like very affordable housing with a range of wrap-around services. \$1M was just confirmed today to continue investments, particularly for services that are specific to the needs of the community.

Commissioner Routh: From what you know specific to South Reach, what are opportunities for partnership and cohesion and safety for unhoused communities?

- Marc: In one way, there is nothing unique to this area. It starts with engagement connecting people to supports, and offering a person-centered opportunity for support to transition to a permanent housing situation.

Justin Russell: The state comes to the South Reach from an ownership perspective. We have rules that limit what is/isn't allowed on property (e.g. live-aboard stationary boats). See the [document](#) we forwarded. The majority of live-aboard vessels in the South Reach are generally around Ross Island, but that is privately owned, so we don't have jurisdiction there. Ross Island Sand and Gravel hasn't been interested in a trespassing law there.

Commissioner Houck: In our recommendation, I've suggested we investigate how the state can reclaim ownership. This is an anomaly, and I hope we can work on it to rectify.

River Recreation

Chair Spevak: This public hearing is about the River Plan/South Reach, which is a long-range plan for the riverfront area that updates the City of Portland's 1987 Willamette Greenway Plan.

The Proposed Draft that this commission has been reviewing, includes a vision for the future, policy guidance and a list of implementation actions, zoning code map and code changes; and Natural Resources and Scenic Resources protection plans.

Four key plan topics are: Watershed Health and Resilience; Recreation; Tribal Engagement and Collaboration; and Riverfront Communities. Tonight, we are focusing on Recreation, and specifically in-river recreation and boating.

The PSC held a February 25 public hearing and 64 people commented on the River Plan/South Reach Proposed Draft. This plan and recent changes made by the commission at work sessions following the hearing, have been shaped by this community input.

We are providing an additional opportunity tonight for folks to share their thoughts with us on river recreation. The South Reach is the hub for a variety of in-river recreation and this plan addresses existing and future issues and opportunities.

Central to the PSC's mission is to ensure that City plans are consistent with and implement the citywide Comprehensive Plan and the Climate Action Plan. This takes thoughtful consideration of many important topics, and can lead to recommendations that balance different goals and objectives. Our job is to make recommendations to City Council. City Council takes final action on plans after holding a public hearing with testimony.

We have already received, and I anticipate we will hear tonight, a lot of testimony on the topic boating rules in the South Reach area. I want to stress to all of you that neither this commission, nor the Portland City Council set boating rules on the Willamette River in Portland. It is the Oregon State Marine Board that has the authority to do so. Given safety issues on this stretch of the river, we are glad that the Marine Board is in a rule making process. We hope you will share your specific comments on boating rules with that board.

Debbie: There are numerous federal, state, and local agencies that have a role in the uses, development and activities associated with the Willamette River. To provide context for today's hearing, I will mention a few agencies that play a significant role in the South Reach area, in regard to in-river recreation.

The Oregon Department of State Lands owns the bed and banks of the Willamette River and manages and issues permits for uses, development and activities. An example is a lease agreement for a dock. The Oregon State Marine Board is responsible for recreational boating safety including rule making, education, licensing and grant funding for boating facilities. The Marine Board is currently considering new boating regulations for the Lower Willamette (including the South Reach area). They have a revised draft proposal currently out for review with comments due on June 29.

The Department of Land Conservation and Development provides policy direction for managing urban growth under its statewide land use planning program. There are 19 statewide planning goals that local governments must be consistent with and implement in their jurisdictional planning. Two noteworthy planning goals for tonight's discussion are Goal 15: Willamette River Greenway and Goal 8: Recreational Needs.

Goal 15 in particular seeks: "to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the river"

Multnomah County and the City of Portland also have roles related to river recreation.

The County Sheriff's Office River Patrol is the primary enforcer of laws associated with river recreation and uses, including speed limits, boater safety and length of stay in one location. The River Patrol works in partnership with Portland Police and Portland Fire and Rescue, among other agencies. Portland Parks and Recreation is responsible for the planning, development, operations and maintenance of public recreation facilities along the river. Examples are Willamette and Sellwood Riverfront parks that have boat docking and launching facilities.

BPS leads the City's long-range planning and sustainability agenda and coordinates with government bureaus and agencies at all levels to ensure consistency with and implementation of planning and climate change policy mandates. The River Plan / South Reach Plan is an example of a community planning effort that addresses policy mandates and guidance.

The River Plan / South Reach that the PSC is currently reviewing, furthers and implements statewide planning goals, the recently adopted citywide 2035 Comprehensive Plan, and other local plans, policies and programs. An example of a local plan is the Willamette Park Phasing and Redevelopment Plan (2012).

Debbie shared the objectives and action items (slides 8-15) and a summary of the written public testimony received. As of 5 p.m., we receive 890 submissions of testimony, nearly all about boating regulations, but there isn't a recommendation for a slow-wake zone in the plan. 68% support a slow/no-wake zone. Others cited the river should be for all users without a proposed slow/no-wake zone.

Written Testimony Received

Testimony

1. Judy Todd: No where in the plan is climate change mentioned, nor a note about protecting the river for all creatures over the long haul. Get gas-powered boats off the river.
2. Mo Dindral: Concern about the greenway review and the expense. We need someone to advocate for individual property owners.
3. Matt Radich: Concern about procedures that have gone into place. As a business in the area, we'll be affected by the letter the PSC sent to the Marine Board. I want more outreach to the different user groups before decisions are made.
4. Ryan Whitney: Avid seasoned boater. Motorized boats and non should be able to share the river. We also pay a lot of money to keep our boats in the area. Many of the facilities that everyone uses wouldn't be there without motorized boating input.
5. Trevor Graves: Advocate about not having a no-wake zone in the area. Keep the waterway open to boating in the future.
6. Raj Savara: Lives on the river with a variety of boats, south of the South Reach area, but I go through it all the time. Where is the alleged service station going to be? Is there going to be the same type of public input to the OSMB as there is here?
7. John Clinton: Echo not supporting the no-wake zone. We are big river users, both motorized and not. I like the South Reach plan, but I think it would be beneficial to see some river user access points (for non-motorized users).
8. Jennifer McElravey: Following in alignment with the previous testimony about not having a no-wake zone in this area. Advocate for safety for all users and for Multnomah County to enforce current rules.
9. Martina Highwolf: I misunderstood the document about the wake/no-wake zone. I want to advocate for the riparian areas. I'm Native American and feel like when we're talking about everyone, we're just talking about white people. Recreation on this river is pretty much a white experience, so let's think about that as well.
10. Robin Cody: I've also misunderstood and thought the conversation was about a slow/no-wake zone between the Sellwood and Hawthorne bridges. I write about the river. I'd like to have a piece of the river where I can hear birdsong. We need to address climate change – electric boats are possible now. This area needs to be slow/no-wake on both sides of the river.
11. John Hall: Echo comments about access for non-motorized is important.
12. Lori Silverman: Observe the traffic on the river, with enormous waves from motorized craft. Please consider a no-wake zone.
13. Travis Williams, Willamette Riverkeeper: Thanks for sending the letter to the OSMB recommending a no-wake zone. We're not talking about all power boats – just those specifically designed to create large, 3-to-4-foot wake.

14. David Yasnoff: No-wake zones already exist in the area. Public safety officials don't support the no-wake zone, and who would enforce the measure? Jet ski should require license. Boats are jobs. We oppose the expansion of the existing no-wake area.
15. Mindy Pesicek: Thank you for your time. I wanted to remind you all to think about all stakeholders. Climate change is an important aspect of your recommendation on the plan.
16. Kaspar Murer: The problem is that wake issues have been growing on our minds the past few years.
17. Lindsay McQuaid, Rose City Rowing Club: Promote and protect athletes who participate in our sport. So wake injuries are a big concern. Be creative in finding a solution for all users.
18. Daniel Rohlf: I appreciate the jurisdictional challenges here. I would emphasize that the City needs to find strong partnership with the OSMB.
19. Daniel Hobson: River user. Inhabits the cove on Ross Island. We respect the property. It helps for us to be here. I keep boats that are operational. Try to get more in line with what people want.
20. Cindy Hickman, Wasabi Paddling Club: Steering alongside a wake is dangerous and terrifying. They should be assigned to a different part of this long river. Please consider the no-wake zone.
21. Lawrence Gleeson: Thank you for your time and work. I'm both a motorized and non boater. I understand that much of this should go to the OSMB. Keep in mind we're already a victim of our own success in terms of people on the river and the usage.
22. Willie Levenson, Human Access Project: Black Lives Matter. We want all people to have an opportunity and feel safe at the river – for all river uses. Uses cannot be shared though. Water sports should be from Steel Bridge to the north.
23. Miel Corbett: Rowing club member. Protect the many qualities of the river, including recreation. Safety is important. Making a no-wake decision ensures access for all.
24. Thomas Orth: Rowing club member. Power boats immediately take priority when on the river, and it becomes a different place. This river could be accessible for all.
25. Paige Stoyer: There isn't a misunderstanding about why people are commenting on the wake – it's because of the letter the PSC sent to the OSMB. The biggest issue is that the plan left out many key stakeholders. Going to create a number of safety issues and increase user conflict.
26. H Palmer Kellum, Jr: Lived on the banks of the Willamette River for over 50 years. OSMB member. Wrote to the Mayor today that during the March 10, 2020 meeting, *Chair Spevak* noted the South Reach plan would prioritize paddlers over motorized boats. He poisoned the tree. Please scrap the current plan with usage and stakeholders at the table.
27. Renee Morgan: 4000 voices of Calm Water Coalition who have been working together to find a solution to the issues on the river. The plan's content came from input from the public. The

slow/no-wake zone aligns with many of the river objectives.

28. Robert Sallinger, Portland Audubon: Thank you for the work and today's hearing as well as the letter to the OSMB. Support the no-wake zone. This effort and outreach has been good for the project.
29. Jordan Bice, National Marine Manufactures Assn: Oppose the expansion of a no-wake zone.
30. Norberto Gliozzi: Member of Station L Rowing Club. Support no-wake zone.
31. Peggy Hennessy: Would like to see wake and wave action reduced and the zone extended to the Waverley Golf Course, south of the current area. Partner with local and state jurisdictions to protect the area.
32. Jenny Haase: Coach for Tilikum Dragon Boat team. Support the no-wake zone. We are often in a defensive position with motorized boats in the area. Please share with the OSMB.
33. Graham Taylor: Rowing has been around for 150 years, with the more motorized feature boats later. We have a need for safety (elimination of high-energy wakes), but not necessarily a full no-wake zone.

Debbie: In the action plan, there is not a location identified for a pump-out or fueling station. PP&R would be the lead to identify an appropriate location, but this is a need.

For the OSMB, they are accepting comments on boating rule concepts until June 29. They will meet July 22-23 to continue their discussion on rule-making in the lower Willamette.

PSC does not set rules for recreational use of the Willamette, nor does City Council. The PSC will forward the boating testimony received to the OSMB.

Discussion

Commissioner Smith: We see no analysis of the demographics of the different boating communities here. I want to see that as a factor for OSMB's decision.

Commissioner Magnera: I want to echo the comment about considering racial justice in this context. We should also be considering the Climate Action Plan in this work.

Commissioner Houck: I do have an amendment I'd like you to consider. I tried to narrow the focus of my amendment to address the issues raised but in the highest conflict area in downtown. On page 359, Page 359, Part 2 of Volume 1: Policies, Objectives and Recommendations, I propose a new Action Item, R11D, to be ongoing:

Amendment: R11D: Ongoing, the City of Portland, to address river recreational safety and ecological health of the river, will petition the Oregon State Marine Board to establish a Slow/No Wake Zone between the Hawthorne and Sellwood Bridges and at Powers Marine Park and Elk Rock Island.

I also have several things I would want us to address in our transmittal letter to Council.

Commissioner Larsell seconded.

Commissioner Bortolazzo: There were comments about new, high-energy wave-generating boats. Is that specifically what we're talking about?

Commissioner Houck: It's a much broader issue. The combination of speed and new boats that are designed to produce huge wakes at very slow speeds. There is an exception for safety boats. When we worked on Holgate Channel wake issue one testifier recounted how a boat towing a water skier sliced through an outrigger canoe, as one of many instances where speed is a huge safety issue around Ross Island.

Commissioner Houck also shared a number of suggestions for the PSC's letter to Council.

Commissioner Magnera: I'd like to recommend we also talk about consultation with Laura John or tribes, particularly about restoration and maintenance of salmon habitat. Also, about houselessness, I want to be conscious of people living on boats don't get displaced.

Commissioner Houck: This is fitting as a friendly amendment, and I'd like to see this in our transmittal letter.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

Enforcement

Jeff noted two Watershed Health and Resilience items (slide 17).

The first is the continuation of a discussion we initially had on May 12 related to code compliance improvements for tree and vegetation removals, mitigation and during River Review.

The second is a minor code update to the standards for removal or pruning of vegetation. In discussing proposals associated with dead, dying and dangerous trees with Commissioner Houck the error in this portion of the code was identified. It should read "Except for dead, dying or dangerous trees...", not "Except for dead, dying and dangerous trees..." This change will avoid confusion during implementation by BPS.

Additionally, the commentary will be updated to make it clear that only dead, dying or dangerous trees that pose an immediate danger can be removed (per the stipulation in the previous subsection of the code 33.475.440.K.4).

PSC members are supportive of these amendments.

Code Compliance

As described in Replacement Memo A-10, Part 2, staff first recommends extending the terms for providing confirmation of compliance from 1 year to 3 years in the standards for removal or pruning of vegetation when 5 trees are more are required to be planted. Three years of compliance will not be required if only nuisance tree species or dead, dying or dangerous trees are to be removed. In these cases, proof of compliance at the end of one year will still be required.

Second, staff recommends requiring 3 years of documented compliance as a part of the mitigation standards and option 2 for correcting violations to the River Environmental overlay zone when the required mitigation or planting area, respectively, is at least 1,000 square feet. Smaller mitigation or planting areas will be required to provide proof of compliance after one year.

These two recommendations will reduce the fees required to be paid when project impacts are limited or when an applicant is simply looking to remove a nuisance tree or remove a tree that poses an immediate danger. For reference, area ratios: mitigation standards: 1.5:1; Option 2: 2:1

New Macadam Design Code Amendment

Debbie noted that we need to make a few additional minor zoning code changes are needed to fulfill the PSC supported Macadam design recommendations that repeal the special design guidelines to be replaced by the DOZA Citywide Design Guidelines and a Macadam Character Statement.

Commissioner Smith moved to amend Volume 1 of the Proposed Draft per the following:

1. The three recommendations in Replacement Memo A-10, Part 2.
2. Update 33.475.440.K.5 "Except for dead, dying or dangerous trees, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31."
3. Remove Zoning Code Map 420-2, renumber the 420 maps, and update references to renumbered 420 maps in 33.420.051 and 33.825.065.B.

Commissioner Houck seconded. Thank you to staff on so much arduous work on this.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

Motion

Commissioner Routh moved to amend River Plan / South Reach to be consistent with:

- The memo titled Amended River Plan / South Reach Code for PSC Vote on June 23, 2020.
- The amendment from *Commissioner Houck* today.
- The straw polls taken today on code compliance improvements and Macadam Design District map amendments.
- Direct staff to update the rest of the plan to be consistent with these code changes and any text related PSC straw poll votes.

Commissioner Houck seconded.

Commissioner Magnera: I'd like to add a direction to staff to consult with the office of tribal relations.

Commissioner Routh confirmed this as a friendly amendment. Staff will continue to work with Laura John as we've done through the project.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Smith, Spevak)

Commissioners and Andrea thanked staff. This is Debbie's last work with the PSC and BPS, as she will be retiring at the end of the month. Thank you!

Transmittal Letter

Commissioner Houck would like to add comments about enforcement, staffing, and budget.

Commissioner Routh noted the City's aspirational goal of 20% COBID-certified contractor firms. I'd love to highlight the importance of exceeding that when looking at culturally-significant resources.

Chair Spevak: How much Portlanders love this letter should be a headline.

Adjourn

Chair Spevak adjourned the meeting at 7:23 p.m.

Submitted by Julie Ocken