

Portland Planning and Sustainability Commission

November 22, 2022

5:00 p.m.

Meeting Minutes

PSC Commissioners Present: Jeff Bachrach, Johnell Bell, Katie Larsell, Oriana Magnera (left at 6:05 p.m.), Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson; 1 open position

PSC Commissioners Absent: Jessica Gittemeier, Valeria McWilliams

City Staff Presenting: Sallie Edmunds, Jeff Caudill, Patricia Diefenderfer; Megan Beyer (Commissioner Rubio's office)

Documents and Presentations for today's meeting

Chair Routh called the meeting to order at 5:03 p.m.

Chair Routh: 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 hybrid meetings, which provides for both virtual and in-person attendance for Commissioners, staff, and the public.

- Members of the PSC will elect to attend in person or remotely by video and teleconference.
- The public may watch the live stream or attend in person in the Commission room at 1900 SW 4th Ave, Suite 2500.
- Public testimony for projects that have a hearing at the PSC will be taken both in person and by electronic means.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the continued need to limit in-person contact and promote physical distancing when warranted. The pandemic is an emergency that threatens the public's health, safety, and welfare.
- Thank you all for your patience, humor, flexibility, and understanding as we navigate this situation to do the City's business.

In person today are commissioners *Routh, Thompson, and Spevak*. Virtually are *Sheoships, Bachrach, Bell, Larsell, and Magnera*.

Items of Interest from Commissioners

- *Chair Routh* noted the EV Ready Code letter to Council that the PSC has a draft of. PSC members confirmed this letter is ready for presenting to Council.

Director's Report

Patricia Diefenderfer

- No report today. Happy Thanksgiving.

Consent Agenda

- Consideration of Minutes from the November 8, 2022 PSC meeting.

Commissioner Thompson moved to approve the Consent Agenda. *Commissioner Spevak* seconded.

The consent agenda passed.

(Y5 – Bell, Larsell, Routh, Spevak, Thompson; A1 – Bachrach)

Floodplain Resilience Plan

Work Session / Recommendation: Sallie Edmunds, Jeff Caudill

Presentation

Commissioner Bachrach and *Commissioner Bell* recused themselves from this agenda item.

Jeff highlighted the memo from staff and the recommended amendments from the October 25 meeting. Today we are going through these amendments in groups, which we can vote on as a package unless PSC members want to discuss any individually.

The map amendments rectify an error on the river/environmental for the South Reach and a couple properties we are proposing to extend. The zoning code amendments are specifically to provide clarification about requirements on measuring top of bank; dredging; and proposal tree removal standards. These were recommended from BES, and staff worked to finalize the language that is in the package in Attachment A.

No PSC members proposed to pull out specific amendments for discussion.

Commissioner Magnera moved to amend the Floodplain Resilience Plan with amendments A-1 through A-12, as shown in Attachment A. *Commissioner Larsell* seconded.

The amendments package passed.

(Y6 – Larsell, Magnera, Routh, Sheoships, Spevak, Thompson)

Commissioner Spevak moved to recommend the Floodplain Resilience Plan, as amended. *Commissioner Thompson* seconded.

The Floodplains package passed.

(Y6 – Larsell, Magnera, Routh, Sheoships, Spevak, Thompson)

Input on Letter to City Council

Chair Routh: The case that Title 33 and Title 24 amendments should go before City Council at the same time as we heard from in testimony from the public.

Commissioner Thompson: We should also mention the testimony in support of a broader approach to waterways that are not included in this particular package – Johnson Creek, Columbia River portions. We also heard about the need for the Economic Opportunities Analysis (EOA) and move that forward as it relates to other floodplain protections as well.

Commissioner Sheoships: Removing one tree and planting a number of others is still an ecological loss. We should look at planting more climate-tolerable and native species and others that can better withstand human alterations.

Planning Commission Code Amendment Project

Work Session / Recommendation: Patricia Diefenderfer; Megan Beyer

Memo and proposed amendments

Chair Routh noted the memo from *Commissioner Gittemeier*, who is unable to join tonight.

Patricia reminded the PSC that they heard a briefing and had a hearing on November 8. As a follow up, we have some amendments to the draft code amendments that were presented. Staff worked with the PSC members who proposed these amendments as noted in the table in the memo. We will discuss the updated language today and expect the PSC will take a vote and make its recommendation tonight.

The substantive amendments are noted in 1 and 2. The revised language around the Purpose has two options (1A and 1B). Each attempts to provide language that replaces the meaning of “stewardship” and the broader role the Commission has.

Amendment 2, relating to Powers and Duties, highlights the discussion around some of the duties were pared back, so this looks to restore some of the elements around significant transportation projects, policies, and issues. There is also an advisory role included on policies that intersect with land use.

Others are about updating language about Conflicts of Interest; coordination with other commissioners; removing special subcommittees from the PC; and adding a directive to the

PCCA Ordinance directing BPS to bring a proposal for creation of a Sustainability/Climate Commission by August 2023.

Megan Beyer: Thank you for your continued work on these code changes. Commissioner Rubio notes that these changes and standing up a Sustainability Commission is a top priority. Even with potential changes in the City, Commissioner Rubio is optimistic that the Mayor will keep BPS in her portfolio. The groundwork has been laid, and we will continue to advocate and community with council offices to get to the Planning Commission and ultimately a Sustainability Commission.

Commissioner Bell noted that some of the language we are directing the new Planning Commission to engage with City Council. Do we need to talk about Council and the Mayor in the new form of government? Should this speak to the future state?

- *Commissioner Spevak*: I assume every appointed committee in the City will go through something with this in the changes forthcoming in two years.
- *Chair Routh*: I think this is part of the conversation around implementation and stewardship... policy-making and execution.
- *Patricia*: It is common that the Planning Commission makes recommendations to City Council. In a new form of government, the Mayor likely is not a voting member of City Council, and typically they are the executive and can veto legislation. So this wouldn't require a change in language because it is still the City Council the future Planning Commission will make recommendations to. This appears to be in Amendments 2, D2. The intention here is that typically when an item comes to the PC for advice, it is coordinated through City staff – though it can be coming from City Council as well.

1A and 1B Purpose

Commissioner Thompson provided background on the discussion with *Commissioner Gittemeier* and emphasized the current language in the code. There is something about what "stewardship" gets at, but we know this might not be the right word choice. If we go with Option A, it is speaking to our responsibility to some documents, not to upholding the Comp Plan, which has real impacts. It's not only a responsibility to the documents. It's not until we get closer to implementation that some things get revealed. So I like the essence of stewardship, but we thought "uphold" would work. We talked about "application, development, and maintenance", but we don't have responsibility for implementing as application suggests. We want to create space for discourse and the public, which is why I like option B.

Commissioner Larsell: I am not fully understanding the problem with "stewardship", so I want to understand what is wrong with it. I like the word "guidance".

Commissioner Magnera: What I heard is that "stewardship" has a certain significance for spiritual and guardianship that may not be appropriate for code. I like the suggestion of "guidance" as *Commissioner Larsell* notes. I also want to say "will assess decisions looking at climate and equity" versus "equity lens", which may be a bit of a buzz-word term.

Friendly amendment: guidance, development, maintenance... and assess through climate and equity.

Patricia: For syntax, I think we phrase it as "for guiding..." for sentence balance and verb agreement.

Commissioner Sheoships: I brought up the question of "stewardship" as it has deep religious overtones in my work in the land. I see the work more as maintaining the implementation. I like "guiding" as well.

Commissioner Thompson moved 1B with the noted use of the word "guidance" and omitting the word "lens" regarding climate and equity. *Commissioner Spevak* seconded.

Commissioner Bell noted we don't want to lose the intent by removing "lens" from the equity statement as the City's Office of Equity and Human Rights has defined. I would support keeping the word "lens".

Commissioner Magnera: If we mean the set equity and anti-racism lens that is used by the City, this makes sense to me. I am supportive of this if that's the intent.

Patricia: We don't have a lens per se. This is part of City values, and we have an equity tool that direct us to look at issues through these lenses. But we don't have a set "City lens". We are saying climate and equity are key considerations the Commission will apply in the issues that come before it.

Commissioner Magnera: Perhaps it's something like "assessing decisions with considerations for climate and using the equity toolkit and considerations." I am happy to work with staff to reference appropriately.

Patricia: We have some trepidation about tying to a specific document. These are tools, and they change. These have similar applications and ends and speak to the commitment to address and consider equity and climate, but I am concerned about tying it to a specific document instead of a value system we are considering in our recommendations.

Chair Routh: I am hearing that we do have something to which the Planning Commission is accountable. I would advocate for looking at incorporating the Citywide toolkit in this accountability.

Commissioner Magnera: What about – considers climate and equity in its decisions and uses City references and tools to this end.

Commissioner Bell: I appreciate this approach, but I think it's important to call out the lens. And tying it to the OEHR racial equity toolkit lens is key. I want to operationalize it here. We need to be clear what we mean by equity and equity lens.

Commissioner Spevak: I am trying to figure out how we move forward here. One idea would be to move forward with 1B and don't make changes to the language but suggest commissioners could share language but not word-smith right now.

Commissioner Magnera: I can pull the concern and support the language as is shared in 1B. If the discussion is around the OEHR reference, I hear staff's concerns about including that.

Commissioner Bell: The suggestion to work through language changes is fine with me to move forward tonight. We do want to lead through an equity lens, and what more of a powerful way to do that than include it in the purpose?

Patricia: What's being suggested is that we work through language, which is fine. Another option, based on *Commissioner Magnera's* point, is that we have a possibility to be more specific and explicit in the Bylaws, which threads the needle behind the codified intent in this Purpose statement in a place where we define and have more ways to update language (via Bylaws) without going to Council.

Chair Routh: We can let this sit and discuss at the end of the evening tonight.

2 Powers & Duties

Commissioner Spevak: This is a combination of ideas that came out of the working group, and I am supportive of this amendment. This adds in significant transportation projects. I appreciate staff being open to adding this back in, particularly as this relates to TSP lists and projects. This language also includes opportunity for the PC to have a role as a sounding board for City Council or staff for feedback (D.2.). And we also maintain a forum for community members to learn and be educated and the PC's service to the City.

Commissioner Spevak: I move this amendment as noted in the memo. *Commissioner Bell* seconded.

Commissioner Bell: Noted his request to add "or the Mayor" to Amendment 2, D.2.

Commissioner Spevak confirmed this friendly amendment.

Discussion about where the direction about how the PC can be a sounding board and also propose topics for review and input and agenda items for the Commission.

Chair Routh: Would a phrase "or consensus of PC officers" be fitting to get at this?

Commissioner Thompson: An alternative, which might be simpler, would be to remove the added language so we eliminate the last clause in D.2.

The amendment passed (removing the proposed language of "as requested by City staff or City Council" in D.2.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

3 Gender-neutral Wording

Chair Routh: This is specifically to update language to be gender-neutral that includes the spectrum of gender.

Commissioner Thompson moved Amendment 3. *Commissioner Larsell* seconded.

The amendment passed.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

4 Meeting with DC and HLC

Commissioner Spevak moved to adopt Amendment 4, which allows for some more flexibility on these coordination meetings. *Commissioner Larsell* seconded.

Commissioner Thompson confirmed the added flexibility in this statement is good.

The amendment passed.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

5 Special Subcommittees

Commissioner Spevak noted this is not substantive, but I will note that we have not had a subcommittee like this in my time on the PSC. We have work groups that make recommendation to the full Commission, but they have not make decisions or recommendations on behalf of the Commission.

I move to adopt Amendment 5 as noted in the memo. *Commissioner Larsell* seconded.

Chair Routh: I like to remove things we don't use. I think bringing all the work back to the full Commission is important.

The amendment passed.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

6 Directive to Create Sustainability Commission

Commissioner Thompson: This amendment is proposed to create some accountability and urgency to stand up the Sustainability Commission. This was a concern and uncertainty about where the sustainability piece will end up, so including this is important, particularly with all the potential changes and realignment at the City level.

Chair Routh noted *Commissioner Gittermeier's* thought as this being a most important part of today's vote since we are removing lots of sustainability language from our purview.

Commissioner Thompson moved to adopt Amendment 6. *Commissioner Bell* seconded.

Patricia: This says by December 2023 is a proposal is presented to Council. There is a process that is involved, and it certainly could happen before this timeline, but this ensures the intention of what the charge and purpose of the new commission is. We can capture this in the commentary in the Recommended Draft.

Commissioner Bachrach: I am voting against this because I think it's inappropriate for the PSC to be directing City Council on an action like this.

Patricia: This amendment would be a provision in the ordinance to direct that Council directs BPS... not the PSC directing Council to do this. I just wanted to clarify this.

Commissioner Thompson: If Council were not to agree with this amendment, they can opt to do that. This statement just puts the intent in the ordinance, which I think is advisable given the potential changes we may see.

The amendment passed.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

Return to Amendment 1

Commissioner Bell noted that he was keen on keeping "equity lens", but if *Commissioner Magnera* has confirmed she is ok with keeping this language, I am comfortable with this.

Patricia: The other thing we were grappling with is the words that would replace stewardship. "Guidance" has a slightly different meaning, so let's see if this is what we want:

"The Commission has specific responsibility in guiding the development, maintenance, and update of the Comp Plan..." is not what we hear the intent being. The word "oversight" is coming up; "uphold" could also work.

Commissioner Thompson: "for guidance, development, maintenance, and update of the Comp Plan" works for me if that works for others and maintains the intent. We could use gerunds as well (guiding, developing, maintaining, updating).

Commissioner Thompson confirmed the friendly amendments and moved Amendment 1B with tonight's noted language changes. *Commissioner Spevak* seconded.

The amendment passed.

(Y6 – Bell, Larsell, Routh, Sheoships, Spevak, Thompson; N1 – Bachrach)

Commissioner Bachrach: When we did the major overhaul of design review a while back, we noted subject matter expertise in the codified composition of the members.

Chair Routh: The PC is advisory to City Council and makes recommendations; the other commission makes decisions, so the composition is more applicable.

Patricia noted the codified language about PC membership, which is in state law. We also discussed this but decided not to be any more prescriptive than what is in law.

Commissioner Spevak moved to recommend that City Council:

- Adopt the Proposed Draft, as amended.
- Amend Title 33, Planning and Zoning as reflected in the Proposed Draft, as amended.

Commissioner Bell seconded.

The full package of Planning Commission Code Amendments, as noted and amended tonight, passed.

(Y7 – Bachrach, Bell, Larsell, Routh, Sheoships, Spevak, Thompson)

Input on Letter to City Council

Chair Routh: I wonder if we want to mention anything about the upcoming changes to charter and we might be missing or needing to update some of the language in the future.

Commissioner Bell: I would agree with that in terms of the time we are in in Portland's history, which we know is changing.

Commissioner Thompson: I usually think of the letter as a way to amplify things we heard in testimony. But in this case, we didn't really have lots of testimony. Many opinions and thoughts of the Commission are really baked into the content of the language.

Commit to work on things like "climate" and "equity" to be sure we are accountable to City frameworks.

Commissioner Spevak: I also want to thank staff for all their work on this project.

Commissioner Thompson: Appreciation for this whole process and what's gone into it over less than a year – really just since April 2022. It's part of a healthy process to look at how our commissions work and are responsive to community.

Chair Routh: Appreciation for Commissioner Rubio when she took over the bureau and took the full look at how the full commission is functioning and moving forward with clarity. We know

that climate and sustainability need a full commission to ensure the work is successful and advances City policy and goals.

Adjourn

Chair Routh adjourned the meeting at 7:05 p.m.

Submitted by Julie Ocken