



# City of Portland, Oregon

## Design Commission Bylaws

*Language in italics is from Portland City Title 33, Planning and Zoning. In instances of conflict, current zoning code language supersedes the Bylaws.*

### Part I Authority, Powers, and Duties

#### A. Authority

*The commissions, committees, boards and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council. (33.710.020). The Design Commission is authorized under Section 33.710.050.*

#### B. Purpose

*The Design Commission provides leadership and expertise on urban design and architecture and maintains and advances the purpose of the Design overlay zone. (33.710.050.A)*

#### C. Powers and Duties (33.710.050.D)

*The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:*

1. *Reviewing major developments within Design overlay zones except those projects involving or located within the following:*
  - a. *Historic Districts;*
  - b. *Conservation Districts;*
  - c. *Historic Landmarks; and*
  - d. *Conservation Landmarks.*
2. *Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning and Sustainability Commission;*
3. *Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;*
4. *Reviewing other land use requests assigned to the Design Commission; and*
5. *Providing advice on design matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, City Council, and other City Bureaus or public agencies when necessary or requested.*

#### **Land Use Reviews**

*The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:*

1. *Design review, except as provided for in 33.720.020.D.2;*
2. *Adjustments in a Design zone, except historic districts and historic landmarks;*
3. *Adjustments associated with a design review required by City Council outside of a Design zone;*
4. *Reviews in the Central City plan district for height and FAR bonuses and transfers;*
5. *South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district;*
6. *Planned developments in the commercial/mixed use zones using the Planned Development*

- Bonus provisions of 33.130.212.E; and  
7. Central City Master Plan reviews.

### **Design Reviews**

*Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. Design Review offers opportunities for increased flexibility over the design standards within Chapter 33.420. (33.825.010)*

*The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:*

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;*
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and*
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy. (33.420.010)*

*Design guidelines are the approval criteria used to review new development and alterations to existing development. They ensure They ensure that the development builds on the context of the area, contributes to the public realm and promotes quality and long-term resilience within the Design overlay zone. (33.825.065(A))*

### **Legislative Reviews**

*Design guidelines require a recommendation from the Design Commission before being submitted to the City Council for adoption. In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020. (33.720.030)*

### **Goal, Policy, and Regulation Amendments**

*The Design Commission may initiate amendments concerning design guidelines. Requests for amendments to design guidelines in Design overlay zones are made to the Design Commission. Design guidelines must be found to both maintain and enhance the characteristics that distinguish the Design overlay zone or design district and be consistent with the reasons for establishing the Design overlay zone of design district. (33.835.020)*

## Part II Rules of Procedure

### A. Purpose of Rules

*The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title. (33.710.030.C.)*

These Rules establish procedures that ensure the Portland Design Commission performs its responsibilities in an efficient, effective, and fair manner. They clarify the Commission's role and orient new members. The Rules incorporate by reference the provisions of the Oregon Public Meetings law and Chapter 33.710 of the Portland zoning code that apply to the Commission.

### B. Membership

#### 1. Membership

*The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include a representative of the Regional Arts and Culture Council, one person representing the public at-large, which must not be employed in one of the areas of expertise, and five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise. The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council. (33.710.050.B.)*

#### 2. Length of terms

*Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4-year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms. (33.710.030.A.)*

#### 3. Pay

*All members on a commission, committee, or board serve without pay. (33.710.030.E.)*

#### 4. Conflict of interest

*A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled. (33.710.030.I.)*

## C. Officers

### 1. Chair

The Commission annually elects one of its members as Chair, to serve a one-year term. The Chair has the following powers and duties:

- a. Preside over all Commission meetings, including deciding all points of order and procedure, subject to these Rules;
- b. Preserve order and decorum;
- c. Establish time limits on testimony by members of the public, as needed;
- d. Appoint special subcommittees necessary to investigate any matters before the Commission;
- e. Assign Commission members to special subcommittees;
- f. Sign documents on behalf of the Commission, or delegate another member to do so; and
- g. Present the Commission's recommendations and decisions to City Council or delegate another member to do so.

### 2. Vice-Chair

The Commission annually elects one member as Vice-Chair. The Vice-Chair serves as Acting Chair if the Chair is absent or the office of Chair becomes vacant. During such times, the Acting Chair has the same powers and duties as the Chair.

### 3. Other Officers

The Commission may elect other officers it deems necessary to conduct Commission business, including electing a Commissioner to temporarily act as Chair when both the Chair and Vice-Chair are absent. Such officers are elected by a majority of the Commission members. Election of a temporary Chair shall be done at the beginning of a hearing. The Commission specifies the officer's charge and the duration of the appointment, if any.

### 4. Elections

*The election of officers takes place at the first meeting of each calendar year. (33.710.05.C.1).*

If the seats of the Chair and Vice-Chair become vacant before the end of their terms, the Commission immediately holds a special election to fill the vacant seats for the remainder of the current term.

When conducting elections, the sitting Chair first requests nominations from Commission members. If only one member is nominated, the election may be confirmed by unanimous consent. If more than one member is nominated, the Chair announces the names of all members nominated, then conducts a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of Commission members present is necessary to elect a member as Chair or Vice-Chair.

## D. Committees

### 1. Special Subcommittees

*The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members. (33.710.050.C.2.)*

- a. Members of such subcommittees are appointed by the Chair. The Commission specifies each subcommittee's charge, reporting schedule, and its date of termination. The Chair may also appoint a Subcommittee Chair.

- b. The Design Commission may divide its members into subcommittees authorized to act on behalf of the Commission.

## **E. Meetings for Land Use & Legislative Reviews**

*Meetings are conducted in accordance with adopted rules of procedure. (33.710.040.C.1.)*

### **1. Public meetings**

*All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law. (33.710.030.F.)*

### **2. Attendance**

Commission members are responsible for attending all regular Commission meetings in-person or by telephone, video or other electronic or virtual means. Commission members who expect to be absent from a meeting must notify the Bureau of Development Services within 48 hours of the meeting.

*If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant. (33.710.030.B.)*

### **3. Quorum**

*Four members constitute a quorum at a meeting (33.710.050.C).*

- a. A four-member quorum must be present for the Commission to meet to conduct any business, except that a subcommittee of the Design Commission may meet to conduct business as provided in E.3.b below.
- b. As discussed in D.1 above, the Commission is permitted to divide its membership into special subcommittees authorized to act on behalf of the Commission for an assigned purpose. If such a subcommittee is designated, three or more members of the Commission constitute a quorum and must be present to meet for the assigned purpose.

### **4. Schedule**

- a. Regular Meetings. The Commission will hold meetings on the first and third Thursdays of the month at 1:30. Meeting times may be changed by the Bureau of Development Services. Any schedule updates or changes are published at least seven calendar days before the meeting date, when possible.
- b. Special Meetings. The Bureau of Development Services may call a special meeting of the Commission at any time and place. Special meetings are subject to the same notification and public meeting requirements as regular meetings.

### **5. Land Use Review Public Notice**

- a. *Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. (33.730.030.E)*
- b. *Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080.*

### **6. Agenda**

The Bureau of Development Services prepares the Commission agenda. The agenda is regularly updated and available online to the Design Commission and the public.

**7. Minutes**

*The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission. (33.710.030.H)*

**F. Meetings for Design Advice Requests (33.730.050.B)**

**1. Purpose**

*Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, BDS staff, the public, and the representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request.*

**2. Requirements**

*Forms for design advice requests are available from the Director of BDS. A fee is required and must be paid at the time of the submittal for the design advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.*

**3. Notification**

*The following notification will be provided prior to the design advice request meeting:*

- a. Mailed notice. At least 20 days before the scheduled meeting, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the BDS staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.*
- b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the BDS staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.*

**4. Meeting**

*The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.*

**5. Design advice request recommendations**

*BDS staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.*

**G. Decisions and Recommendations**

Decisions and recommendations by the Commission are made by a vote. This section (G) does not apply to Design Advice Requests.

**1. Commission recommendation (legislative and other)**

For legislative and non-case projects, the Commission will provide a recommendation to City Council, City Bureaus, other City review bodies, and/or other government agencies. The Commission shall vote on its recommendation.

**2. BDS Staff Recommendation (Type III cases)**

*For Type III quasi-judicial cases, the Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site. (33.730.030.F)*

**3. Appeals to Commission (Type II and IIx cases)**

*For Type II and IIx quasi-judicial cases, the Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing. (33.730.020.J.4; 33.730.025.J.4)*

**4. Voting**

Land Use Reviews on the Agenda are decided by vote. Votes are generally taken by roll call ("ayes" and "nays"). *A majority of the members present must vote affirmatively in order to take action (33.710.030.D).* The Commission's decision on a Type II or IIx review is final. The Commission's decision on a Type III review is final, unless appealed to City Council within 14 days of the decision mail date. If the Type III final decision is not appealed, it is recorded with the Multnomah County Recorder.

**a. Motion**

A Commission action is adopted by vote only after:

- A Commission member makes a proper motion for action;
- Another Commission member seconds the motion;
- The Chair restates the motion (including making any clarifications);
- All Commission members have an opportunity to discuss the motion;
- The Chair restates the motion again and asks for a vote. This step may be eliminated if no discussion has taken place;
- A majority of the members present vote in favor of the motion; and
- The Chair announces the result of the vote (including the vote count).

**b. Tentative decisions**

If revised findings are needed to address new evidence or modification or reversal of the BDS staff decision or recommendation, the Commission will take a tentative vote and direct that staff return with revised findings at a subsequent public meeting.

**c. Abstentions**

Each Commission member has a duty to vote on a motion. An abstention from voting is counted as a "no" vote.

**d. A Commissioner who has a conflict of interest on a specific item does not participate as a member of the Commission for that specific item. Therefore, the Commissioner's presence does not count for purposes of creating a quorum or as a member who is present for voting purposes.**

**e. Record of vote**

The minutes include the results of all votes.

**f. Order of voting**

In all roll call votes, the Chair votes last. The roll call for Commissioners' votes, aside

from the Chair's, are in alphabetical order by last name.

**5. Decision**

The final notice of decision will be mailed within 17 days of the close of the record for Type II and III decisions (33.730.020.J.6.a; 33.730.030.F.4) and within 14 days for Type IIx decisions (33.730.025.J.6.a).

**6. Commission Action Required**

The Commission must dispose of the item it is considering before it may consider another agenda item. The Commission disposes of an agenda item by taking some action on the item, which may be final or advisory.

**7. Continued Hearing**

- a. If any participant requests a continuance or to hold the record open prior to the conclusion of the first Commission meeting during which evidence is taken, the Commission will leave the record open, unless the Commission votes to continue the hearing instead. When the record is held open, the Chair will state the following procedure as required by ORS 197.763(6):
- Within the first 7 days - new evidence or argument may be submitted by an applicant or any interested party;
  - Within the second 7 days- responses to new evidence may be submitted by an applicant or any interested party;
  - Within the last 7 days- applicant may submit a final rebuttal in support of the application. The last 7 days may be waived by the applicant, which must be stated at the initial evidentiary hearing.

The Chair will announce the date and time certain of the 7-7-7 and the future hearing date and time certain. During the hearing following the 7-7-7 the record will be closed and no new evidence may be submitted or discussed.

- b. When an applicant requests to continue a hearing to revise their application materials, the Commission may grant a continuance by vote. If a continuance is allowed, the Chair will state the future hearing date and that the record will remain open.

**H. Communications and Coordination**

**1. Public Speaking**

When a Commission member speaks in other venues, such as with the media or before City Council, the member must:

- Be clear whether the member is speaking on the member's own behalf or for the Commission;
- Speak for the Commission only when its position is clear, the member is in agreement with the Commission's position, and the member is authorized by the Commission to speak on its behalf; and,
- When speaking for the Commission, support the Commission's position. The member may describe the Commission's debate, but may not challenge the legitimacy of the decision.
- When speaking for the Commission, a member may not promote or oppose measures or candidates as proscribed by ORS 260.432.
- When contacted by the media, the Commission member shall contact the City Staff Liaison or Supervising Planner before providing a response.

**2. Annual Report**

*The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April of the following year. The Director of BDS may combine the report with annual reports*



*of other bodies for transmission to City Council. (33.710.050.E.)*

**3. Coordination with other Commissions**

*The chairs, or their delegates, of the Planning and Sustainability Commission, Design Commission, and Historic Landmarks Commission meet quarterly to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective Commissions. (33.710.030.J)*

**4. General Communication**

Members are requested to copy both the City Staff Liaison and Supervising Planner on all communication related to Commission business. However, communications must be limited to issues that would not constitute ex-parte contact.

**5. Public Records**

All records of the Commission, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications among members related to the subject matter of the Commission are not confidential and may be subject to public records requests. "Communications" refers to all statements and votes made during meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal, private notes of individual members taken at public meetings may be considered public records to the extent they "relate to the conduct of the public's business," (ORS 192.410(4)).

**I. Orientation and Training**

Staff of the Bureau of Development Services meets with new Commission members immediately following their appointment to prepare them to effectively serve on the Commission. Bureau staff provides each new member a copy of this Charter and all applicable Design Guidelines. Each new member also receives a general orientation regarding the relationship between the Commission and staff, duties and responsibilities, procedural rules, and the legal constraints under which the Commission operates.

**J. Other Procedural Questions**

To resolve procedural questions not addressed by these Rules, the Commission refers to the current edition of Robert's Rules of Order.

**K. Amendments**

These bylaws may be amended by a majority vote of the Commission members present, except that portions of the bylaws that are also in the zoning code (indicated in *italics*) may only be amended if Council amends the provision in the zoning code.

If the portions of the zoning code that are also in these bylaws are amended through the legislative process, the amendment will automatically be reflected in this charter.

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*Adopted by the Portland Design Commission on November 30, 2017 (date approved)*  
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