

Portland Planning Commission

February 27, 2024

Commissioners Present

Michael Alexander, Wade Lange, Mary-Rain O'Meara, Nikesh Patel, Michael Pouncil, Steph Routh, Eli Spevak (virtual), Erica Thompson (virtual)

City Staff

Patricia Diefenderfer, Sandra Wood, JP McNeil, Shannon Buono

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

Chair O'Meara called the meeting to order at 5:01 p.m.

Items of Interest from Commissioners

- *Commissioner Alexander:* Albina Vision Trust and PPS just passed a strategy for relocation for the Matthew Profit Education Center, with AVT for first right of refusal to purchase the site.
- *Commissioner Routh:* I serve as the liaison to the EOA Collaborative Working Group. We have decided to continue with at least 2 more meetings for the group. East Portland TIF District Project continues as well.

Director's Report

Patricia Diefenderfer

- Welcome back, everyone, to the first Planning Commission meeting of 2024.
- Housing Regulatory Relief project was approved by Council as recommended by the Planning Commission with just a few amendments. Thank you for your work on that legislation. Effective this Friday, March 1. The changes to Inclusionary Housing program and some code changes and expansion of the tax abatement program was approved by the board of Multnomah County commissioners as well.
- We are confirmed for the March 8 Planning Commission retreat. Details to come via email later this week.
- Sustainability & Climate Commission update. Public review of the incorporating draft is coming out in early March. The proposal to establish the commission is expected to be at Council on April 24, but the commission will not be seated until late in the year or early 2025.

Commissioner Spevak: Regarding IH and the County, is the agreement in perpetuity, or is there a timeline for this level of tax abatement?

- Patricia: We will confirm this, but I believe this is a 5 year period to lift the current caps, which will then be reevaluated.

Consent Agenda

- Consideration of minutes from the December 12, 2023, Planning Commission meeting.

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

(Y8 – Alexander, Lange, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The Consent Agenda was adopted.

2024 Planning Commission Officers

Chair O’Meara opened the floor to comments and interest statements for the Chair and two Vice Chair positions. These are one-year terms, but individuals are able to be selected for more than one year. I would like to express my interest to continue as the Chair.

Commissioner Pouncil offered his interest in continuing as a Vice Chair. This has been a great opportunity to be on the ground floor and learning experience that I’d like to continue on as things move forward.

Commissioner Thompson is also interested and willing to continue serving as a Vice Chair but is willing and happy to step aside if another member is interested in this position.

Commissioner Lange: My reluctance is not because I don’t want to, but I think the three of you did an outstanding job in the first year of this Commission.

Commissioner Alexander: I would also thank you three for your service and, knowing the importance of the time we’re in, the continuity of leadership is welcome.

Commissioner Spevak shared appreciation and moved the slate of *Commissioner O’Meara* as Chair and *Commissioner Thompson* and *Commissioner Pouncil* as Vice Chairs. *Commissioner Routh* enthusiastically seconded.

Chair O’Meara restated the slate of *Commissioner O’Meara* as Chair and *Commissioner Thompson* and *Commissioner Pouncil* as Vice Chairs.

(Y8 – Alexander, Lange, O’Meara, Patel, Pouncil, Routh, Spevak, Thompson)

The 2024 Planning Commission leadership slate was adopted.

RICAP 10

Briefing / Hearing: Sandra Wood, JP McNeil, Shannon Buono

[Presentation](#)

Commission Disclosures

None.

Sandra introduced JP and Shannon. This is the 10th Regulatory Code Amendment Project (RICAP) project, which is like a Zoning Code maintenance program. Sandra provided an overview of the program including the three types and examples of policy changes (major; medium; minor).

Another big change coming is the Single Permitting Authority, which will begin July 1 of this year. We have been working with our partners at BDS as they're working in the development world, with the middle ask (highlighted in yellow on slide 5) is a funding ask for an ongoing code maintenance program. This carries out Policy 10.4 of the Comp Plan to address problems, use clear language, and work on regulatory improvement programs.

RICAP is different because they are used to ease regulatory burdens to make the code easier to understand and implement. Details are shared on slide 6. The types of amendments and examples are on slide 7. There is a selection process for how amendments are chosen for each RICAP packet, as noted on slides 8 and 9. There are still many items in the database that are not included in this RICAP process. This work has been vetted – researched by staff, reviewed by BDS, City Attorneys and other bureaus, publicized, presented to stakeholder groups, and refined and republished as the Proposed Draft before you today. A summary of public involved is noted on slide 11.

JP and Shannon provided background about the specifics of RICAP 10. There are 83 zoning code amendments in in this packet, the largest RICAP we've ever done. There are three major groupings of projects: housing; economic development; regulatory reduction. While categorized like this, these are not large policy shifts – we are aiming to look at small policy changes and technical fixes to make the code more understandable and easier to implement.

(JP) Housing items include:

- Ground floor
- Design Overlay Zone
- Historic resources

(1, 4, 8, 11, 24, 30 were items from commissioners to review)

(Shannon) Economic development items include:

- Central City
- Home occupation
- Temporary construction activities

(33, 40, 44, 47, 48, 50, 51 were items from commissioners to review)

(JP) Regulatory reduction items include:

- State law / compliance
- Land use review process
- Miscellaneous regulatory

(66, 77, 82 were items from commissioners to review)

Ultimately, staff asks and proposed that the Planning Commission recommend City Council to act on this RICAP 10 packet as noted on slide 22.

Written Testimony

Oral Testimony

1. Ted Labbe, Depave: Provided comments for the previous period (discussion draft) as well. I did attempt to submit comments through the housing regulatory relief packages last year. What I'm interested in most is the crisis in childcare for those facilities. The challenge has provoked state-level action (HB 2727), and Portland was held up as the problem child. *see written testimony.*

Chair O'Meara closed the oral and written record.

Commissioner Alexander: On the item triggering conditional use, I want to better understand the filter. I understand the intent of RICAP is to clarify code, but when I see there are areas where some things are being exempt, that is a broader touch of what may be changed from my perspective. So where is the appropriate venue to discuss and look at this e.g. childcare services and the acute need for housing.

- Sandra: To clarify, the testifier's noted amendment is not in the workplan or what we're bringing forward. We know the conditional use chapter does need to be reviewed. So we think uses and thresholds should be looked at, think about how old conditional uses that have already been approved play into the new requirement that we don't have parking requirements. Because of all the complexities, we didn't take that on as part of RICAP. It might warrant a more holistic project or quasi-judicial review of specific sites.

Commissioner Alexander: That explanation makes sense; but a lack of change also makes impacts.

Commissioner Spevak: To follow up on that, it would be nice to see a RICAP for medium-sized projects. These projects seem to get lost, so I wonder if we can bundle a few medium-sized projects together in one scope. It would be possible to do a small targeted change within the conditional use chapter regarding this... but since a project is unknown, we (the commission) are more motivated to try to slot it into a RICAP.

- Patricia: We have identified provisions of conditional use that we know need attention. It's the type of project that needs to be looked at holistically. We are trying to prioritize projects, and one addressing the conditional use issues is on our minds to be something we do sooner rather than later. When we do a RICAP, there is an array of topics, so it's difficult to figure out who all we need to do outreach to. I encourage the commission to allow for the time that will be needed to reflect on the changes.

Commissioner Thompson: General questions about this topic as it relates to opportunities for the public to shape the workplan in a broader sense. There are more ways we could go further and be transparent about what the selection process is. Some sorts of individuals and groups are savvier to know how to make their voices heard (particularly developers). Other groups are under-resourced that may be impacted, so how do we acknowledge that and what do we do with great ideas that come up to create a space for them and understand broader community interest?

Chair O'Meara: Is there any coordination between the City and County regarding the Preschool for All bond?

- Sandra: There is a City-County work group. We are tracking and involved in the conversations to see where they go. Reflecting on what *Commissioner Thompson* was referring to is about sorting. For the minor items, there is an appendix that shows the ranking of each item so people can see the tracking methodology.

Commissioner Spevak: I have other items that weren't directly addressed in tonight's session, so perhaps I can ask those to staff between now and the next meeting.

- Sandra: Yes, that's great. We covered items tonight that we thought were of most interest to the full commission.

Commissioner Routh: HB 2727 and County – is that a separate process after RICAP? Should we hold space for this to be in compliance?

- Sandra: The nice thing about the RICAP program is it is ongoing. So we wouldn't propose adding to this package, but we can address these new items in the next RICAP project or another fitting project.
- Patricia: SB 1537 is another we are tracking. So we are definitely keeping tabs on different levels of government that we will have to catch. RICAP 11 would likely include some of these items, and we have some potential other code projects in which we may bundle items to balance all these priorities.

Chair O'Meara: In terms of follow-up questions, an option we have is if we want to proceed to a vote tonight or keep with work session we have scheduled for March 12. I assume we will want to keep the work session then for further time for commissioners to discuss specific items with staff.

Commissioner Lange: We have heard about preschool and daycare – are they interchangeable?

- Sandra: Daycare is about a facility. Home childcare is different from this. This is separate from the home occupation rules, which is the clarification being made.

Commissioner Pouncil: On the river environmental overlay improvements in the public ROW being exempt, can you please elaborate on that?

- Shannon: This is an existing exemption. Currently if you have a public right-of-way and there is a partial improvement in it, you can improve the street and sidewalk, which is exempt for river-environmental review. We are proposing that public ROW to be added as well to allow under-developed ROW to be developed without further review. The greenway trail is not part of this.

Chair O'Meara: Regarding the RV parking requirements and limitations between the building and lot line – I was reading this that if someone creates a parking pad or driveway to accommodate, that would be disallowed. Is that correct?

- JP: We are removing the verbiage because we now don't have required parking... so this was just a miss that should have been removed in the parking code project.

Commissioner Patel: On item 61 (extension of approved land use reviews), is it an approval by right? Or will there be criteria? As state laws on housing continue to change, I expect that it will be fluid moving forward into the summer – is the City expecting a RICAP 11 later this calendar year?

- Sandra: As of today, land use reviews are valid for 3 years; in HRR, we extended that to 5 years, effective this March 1. This is automatic.
- JP: Expiring after 5 years, someone can apply for a 2-year extension. There aren't a lot of criteria, but basically it is that there are no major changes in the review. And the previously approved land use review can't be revised. It is a pretty light-lift process (1x), a staff-level approval by BDS.
- Sandra: RICAP 11 is starting to be scoped, somewhat contingent on the state updates for housing.

Commissioner Spevak: On item 76, it seems like this isn't that minor (Port of Portland to develop a housing manufacturing campus). Have other groups had a chance to see this proposal?

- JP: When we released the Discussion Draft, Willamette Riverkeepers was alerted. This wasn't flagged for them, so beyond that we haven't done any direct outreach specifically.

Commissioner Lange: On the land use issue, we passed the HRR package, which had some 5-year holds on certain development items. In a scenario that a developer went through land use with a design, but they now want to apply for an extension, does that have to go back through land use review?

- Sandra: In HRR, we incorporated some of the provisions (16 standards) were listed that said if they are in the pipeline can take advantage of these standards (e.g. bike parking).

Chair O'Meara: This item will continue to the March 12 Planning Commission meeting. If commissioners have questions or amendments, please connect with staff ahead of that meeting.

Sandra: We would want to plan on March 12 being the last meeting – amendments and your vote. And we want to publish any amendments by March 8. So please send your comments by March 5 (of course sooner is better), that would give staff time to do this and have a complete work session and vote at the next Planning Commission meeting.

Adjourn

Chair O'Meara adjourned the meeting at 6:40 p.m.