

Portland Planning Commission

June 10, 2025

12:30 p.m.

Meeting Minutes

Planning Commissioners Present: Wade Lange, Mary-Rain O'Meara, Steph Routh, Eli Spevak, Brian Ames, Erica Thompson, Michael Alexander, [1 open position]

Planning Commissioners Virtual: None

Planning Commissioners Absent: Michael Pouncil

City Staff Presenting: Mieke Keenan (Community and Economic Development Service Area), Tom Armstrong, Brandon Spencer-Hartle, Morgan Tracy, Bureau of Planning and Sustainability (BPS); Daniel Gleason, Portland Permitting and Development (PP&D)

Documents and Presentations

Call to Order

Chair Routh called the meeting to order at 12:33 p.m.

Items of Interest from Commissioners

- Portland-Gresham Urban Service Boundary (USB) Amendment transmittal letter to City Council confirmation

Director's Report

Chief Planner Patricia Diefenderfer gave the Director's Report:

- Recruitment update, CRLU Committee meeting on June 26th
- Social hour scheduled for after the Commission meeting June 24th
- Senate Bill 1537 (state law requiring cities to create a path for adjustments on a temporary basis for housing adjustments). The state denied the City of Portland's exemption for this statute.

Spevak: I appreciate the approach that the City took to this. The state's approach is disappointing. There is a DLCD RFP coming out soon for staff to get technical support to do code projects for housing production strategies. Will the City of Portland be submitting something for that?

Diefenderfer: Yes, we do intend to submit something for one or two additional projects but , but it's still in scoping.

Thompson: What is the time frame for the state bill?

Diefenderfer: The bill goes through 2032.

Thompson: Is the City planning to go back with an updated exemption proposal?

Diefenderfer: No, we do not plan on appealing. We intend to implement this statute directly.

- Head nod approval from all commissioners present for USB transmittal letter.

Consent Agenda

Consideration of Minutes from the April 8, 2025, meeting.

Vice Chair O'Meara made the motion to approve the Consent Agenda. *Commissioner Alexander* seconded the motion.

Y7 – Wade Lange, Mary-Rain O'Meara, Steph Routh, Eli Spevak, Brian Ames, Erica Thompson, Michael Alexander

Code Alignment Project (CAP)

Briefing, Public Comment, and Recommendation

Presentation

Briefing

Mieke Keenan (Community and Economic Development Service Area), Morgan Tracy (BPS), Daniel Gleason (Urban Forestry, PP&D)

Keenan:

The purpose of this proposal is to simplify permitting and support small businesses and small project types by suspending four upgrade requirements until January 1, 2029.

Staff proposes the Planning Commission recommend that City Council:

- Adopts the Code Alignment Project Proposed Draft.
- Amends Title 33, Planning and Zoning, as described in the Code Alignment Project Proposed Draft.

Staff also proposes the Planning Commission provide feedback to the Urban Forestry Commission to:

- Amend Title 11, Trees, as described in the Proposed Draft and as amended by the staff memo dated May 30, 2025.

Keenan gave an overview of the project background including outlining the associated regulatory challenges, the outreach and engagement process, the one-city approach, the scoping for the project and associated amendments, the project's focus on cost thresholds, and the intended outcomes for this work. Keenan gave an overview of the four titles this project proposes to amend—Titles 33 and 11 (for which the commission has purview over) and Titles 17 and 24 (which the commission does not have purview over)—before introducing Tracy to discuss Title 33 and Gleason to discuss Title 11.

Tracy described the existing requirements for nonconforming upgrades (33.258.070.D.2) and provided an example scenario of an interior upgrade to leased vacant space for conversion to a daycare center to illustrate the challenges to business owners related to these existing requirements. Tracy then outlined the proposed change to nonconforming upgrades: to suspend nonconforming upgrade for all projects through January 1, 2029. He also noted that this amendment builds on the flexibility offered for residential projects in the Housing Regulatory Relief package, adopted by Council in early 2024, and that the anticipated impact is approximately 70 sites per year (about 200 total by 2029).

Gleason described the proposed amendments to Title 11, Trees including Amendment B (see staff memo for more details), which would enable the City Administrator to waive tree plan submittal requirements when there is little to no potential impact on site or street trees while applicants would still be required to meet tree protection requirements. Gleason then described Amendment D1 (see staff memo for more details), which suspends street tree planting for additions and alterations through January 1, 2029, while continuing to require street tree planting for new buildings and street tree planting in conjunction with right-of-way improvements. Gleason also acknowledged that the City is planning to plant 10,000 trees annually by 2028 to increase the tree canopy across Portland, which would help offset the loss of tree planting under this amendment. Finally, Gleason described Amendment F1 (see staff memo for more details), which would enable smaller tree planting stock than the code otherwise specifies.

Ames: Is it limiting at all that we just looked at small projects by small companies? How was that approach determined?

Keenan: We decided to focus on small businesses and small projects because they aren't typically considered, but ultimately, we learned through our analysis that the net effects of these amendments would benefit projects of all sizes including large developments.

Tracy: These apply across the board to all projects, not just small projects.

Ames: Why have an expiration date on these amendments? Why not make some of them permanent. For example, requiring a tree plan for someone who wants to build out their basement seems a bit ridiculous. Is there an opportunity to change these amendments directly?

Diefenderfer: Like the Housing Regulatory Relief Project, this is a near term intervention to allow additional time for research, analysis and outreach.

Ames: Are there more recommendations coming from this group down the road?

Keenan: The proposal is that bureaus will continue to work on this code package before the January 2029 expiration date. If further amendments don't get set before the expiration date, the code would revert to what it is today.

Vice Chair O'Meara: I have a question about pedestrian improvements in front of commercial spaces. What about improvements that are needed for accessibility, such as sidewalks in front of commercial spaces that aren't up to accessibility standards?

Tracy: We differentiate between what happens in the right-of-way and what happens on site. Title 17 addresses the sidewalk improvements and ADA improvements. Regarding the site improvements, we require them for connections from the site to the public right-of-way for certain thresholds such as trip generation. However, under this proposal, if the project is not proposing improvements to the connection between the site and the right-of-way, and if state code does not otherwise require it, those projects would not be required to make ADA improvements.

Spevak: If there is an improvement inside a building, there would not be a need for tree protections. Is that correct?

Gleason: Even if a formal tree review is not required, the tree protections are still required by the code.

Public Testimony

Chair Routh asked commissioners for any disclosures they have related to this project.

Chair Routh disclosed that they had a previous conversation with Chris Smith and with staff at Oregon Walks who submitted written testimony through the MapApp platform.

Lange disclosed that he is on paid staff with BOMA (Building Owners and Managers Association of Oregon), and that he was part of conversations with staff there as it relates to outreach for this project.

Chris Smith spoke to his disappointment in the reduction of bicycle parking requirements. The following is pulled directly from his submitted written testimony, which he shared orally.

While I appreciate the goals of the Code Alignment Project, I was saddened and disappointed to see the drumbeat of reductions in bicycle parking requirements continue. To refresh your memory, we have seen:

- Stark reductions in the Housing Regulatory Relief Project
- Further opportunities for developers to reduce requirements (or provide less useful parking) due to adjustment opportunities created by the State housing bill
- Relaxing of requirements in non-conforming residential development
- And now a similar relaxation in non-conforming commercial development

If we continue to make bike parking the scapegoat for all our development challenges, how will we achieve our mode share objectives? We know that end of trip facilities are a critical piece of the equation for encouraging and supporting cycling as a sustainable mode of transportation with many co-benefits beyond simply reducing auto trips.

I'm attaching testimony from the Housing Regulatory Relief Project as a reminder that even as many advocates, including myself, accepted the need for temporary changes, we also called on you to address a problem that was clearly being created – reverting to a known ineffective standard for in-unit bicycle parking. For two decades we have known that the “hook on the wall” standard did not produce useful, durable, bike parking. The new standard we crafted in 2019 was not the right answer. But permanently repealing that without an effective substitute is not responsible.

I strongly urge you to take up this critical piece of work as part of RICAP 11 and make sure that the required parking provided in dwelling units is effective.

Sarah Radcliffe, Habitat for Humanity: Public improvements are one of the biggest challenges to Habitat for Humanity. There are a lot of street improvements with the middle housing development projects we do, and we'd like to speak specifically about public road financing. We currently have several projects underway that would require the construction of new public roads in southwest, north and east Portland. That requires us to add sidewalks, curb cuts, lighting, street trees, bioswales etc. and sometimes these costs are huge. Sometimes these costs make sense and can be folded into the cost of larger projects but sometimes this one size fits all approach can lead to exorbitant public improvements that don't benefit anyone. For example, Habitat for Humanity has turned down free land twice in the last few years because the organization would be required to build a brand-new public road to develop the land for housing. One project currently underway in Hillsdale requires a public road to be constructed that has added \$1.25 million in costs to complete excavation and retaining wall. We want to highlight this tension between housing production and development of the street grid and we ask for flexibility and tailoring of requirements to the project site (as opposed to a one-size fits all approach).

Curtis Rystadt spoke to his perspective as a Portland developer of affordable housing and his frustrations around increased costs due to permit delays. He proposed implementing plan review deadlines and eliminating FAR restriction for affordable housing projects.

Chair Routh formally closed written and oral testimony for this project.

Discussion

Spevak: Can you discuss the written testimony suggestion around written testimony from Amy Peterson regarding site with existing nonconforming upgrade covenants?

Tracy: I referred to this comment in my testimony as the “option 2” related to these covenants. This involves an applicant coming in getting a covenant or contract with the city to complete all the upgrade requirements over a longer period of time (2-5 years) instead of being required to complete specific upgrades at the time of the project’s development. What to do with the permits that are currently in flight? In the housing regulatory relief project, City Council amended that project to allow for some backlooking for permits that had been submitted but hadn’t been finalized. We are expecting a similar process at council with this project, but the details have not been finalized.

Spevak: In response to Habitat’s testimony. I recognize that we’re not the recommending body on Title 17, but can they provide testimony for another body, and can you share that information with them?

Diefenderfer: There will an opportunity for testimony at the CRLU Committee meeting coming up.

Tracy: Title 17 amendment will be incorporated in the next draft with PBOT, but the objective of that amendment will address the two types of requirements that apply. One is for trip generation (which will continue to apply regardless of the content of this proposal) and the other is when there is more than 35% of the assessed value of the improvements on the site is being spent on the project. The proposal would suspend the second type for everything except institutional uses such as schools and hospitals.

Lange: On that trigger, are mechanical improvements exempt on that?

Tracy: I’m not sure. There are a number of exclusions baked into that, but I’m not sure if mechanical improvements are part of those exclusions. However, we are not touching anything related to exclusions for this amendment package.

Vice Chair Thompson: I am supportive of this project in general. I think its important that we reduce barriers to housing production and development in general. Why is it called the Code Alignment Project? Why doesn’t the project webpage reflect the amendments?

Tracy: We’re a bit at the mercy of the evolution of time. Had we known the data at the beginning of the project, we might have renamed it. We’re trying to offer short term relief while we come up with longer-term Code Alignment amendments. We updated the website as well.

Keenan: We appreciated the comment on the website, and we need further updates. We are working with the communications team right now to update this project website. Also, Title 17 code amendments will offer public comment on the code amendments and admin rules.

Vice Chair Thompson: We’ve had a number of these types of projects come up recently, but this one feels a bit piecemeal. I wish we had a more comprehensive approach.

Tracy: This project is beta testing a new way of bureaus working together in the new form of government. One of the things we’re learning about now is the challenge of doing this cross-bureau work, and we’ll have more substantive changes forthcoming.

Diefenderfer: We're also limited by resources.

Vice Chair Thompson: It is difficult to tract results when they're piecemeal as opposed to comprehensive.

Spevak: It feels like each of these regulatory relief projects are coming for updates right now and I'm wondering, are these the big plays we should have City Staff working on right now? They are slight improvements but don't feel like big plays. In terms of applying staff resources, where do we get the biggest bang for our staff buck?

Chair Routh: Regarding the Port of Portland testimony...can you help clarify their testimony?

Tracy: It is a definitional issue. In Title 33, we define a site as contiguous ownership. So it's not limited to a tax lot, for example, so larger owners with multiple properties may be making changes in one place, but the definition of site means that the whole site has to be assessed. In asking that question—what's in conformance—someone has to do the analysis for the whole site which can be vexing for large property owners, like the Port of Portland.

Chair Routh: My concern is around loss avoidance. We could be creating a barrier to getting more bike parking with this amendment. Are there use cases that are exterior that could preempt future tree creation or pedestrian throughways that we should be mindful of?

Tracy: If I can translate, you're saying: What is the opportunity cost in the mid to long term future, and the same conversation came up with the Urban Forestry Commission recently, so Dan Gleason can speak to that too. In terms of the long-term outlook, some form of the upgrade requirements will come back on in 2029. There is a moment of loss in these few years but in the long-term...It's about balance. If we want to provide for economic relief now, there will be a tradeoff in the short-term for some improvements.

Gleason: One of the factors that we've been looking at is the street tree element. We are shifting the culture of responsibility of how we get street trees in the ground. Classically, we didn't have a lot of resources for this but now, we are increasing the City's capacity to create tree canopy. What that means is that we can't lose the planting opportunities through how the street frontages are designed. We would still require trees be planted on projects where the street is being improved (through a PBOT permit) so that we don't lose that opportunity during development.

Vice Chair Thompson: When would the conformance be triggered? If you're adding square footage or footprint, do the requirements apply only to that area or how does that work?

Tracy: Under the proposal, these upgrade requirements would not apply to additions or alterations.

Vice Chair Thompson: The examples you have given are for small projects. I'm trying to get a sense of what the maximum version of what could happen with this amendment. What's the most that could happen? What about the bigger projects, especially in the public right-of-way?

Tracy: If we're talking about a major remodel. Imagine there is a large hospital on the hill and they are adding a new building. We'd look at the whole campus to identify if there are substandard aspects in, for example, street trees or bike parking. What we're missing out on in this period of time is whatever level of upgrade would be required based on the project value. On the street improvement side, stepping into Title 17 for a minute, if that addition was increasing the trips on the site, there would still be requirements to improve the frontage on that project. With this proposal we are continuing to apply those updates regardless of trip generation changes for the additional reason that this is an institutional use which has heightened needs for pedestrian safety.

Diefenderfer: Slide 14 elaborates on the types of onsite improvements that could be impacted including pedestrian connections, screening, gravel parking lots, landscaping improvements etc. And all of these are for on-site upgrades, not off-site upgrades. Ultimately what we're foregoing should be modest in comparison to what we could gain.

Tracy: One more fine point, it is probably less than 70 permits per year that would be affected by these amendments.

Lange: I recognize and appreciate that this is business focused in a time in Portland when we're seeing businesses leaving Portland and when we're seeing office buildings being sold for less than they were built for 40 years ago. These kinds of things can certainly help building owners without surprising costs and delays that they are fighting through to get tenants back in their buildings. I applaud this and think it's great.

Ames: The 10,000 trees a year...can we hit this mark? What mechanisms are we using to hit this target? What if the City had developers receive street trees for free for developers to put in during their construction phases? It would help. Just a comment but I wanted to share.

Gleason: Great comment. Putting forward ideas about how to bridge the gap between development and long-term canopy is really important.

Chair Routh: Where can we put bike parking? The cumulative impacts are a lot of the last number of years and it needs to have a home.

Diefenderfer: The suggestion from testimony is that we include it in RICAP 11...the discussion draft is almost ready to publish, so that may not be a possible option. Spring 2027 we'll start an evaluation to include recommendations, such as bike parking, but it's not going to be in RICAP 11.

Spevak: Based on HB37 it is impossible to require more than one per 25 units, so it wouldn't make a difference in RICAP 11. There are some ideas around changing definitions that I look forward to hearing about that could be an amendment for RICAP 11.

Recommendation

Commissioner Thompson made a motion to recommend that City Council:

- Adopts the Code Alignment Project Proposed Draft.
- Amends Title 33, Planning and Zoning, as described in the Code Alignment Project Proposed Draft.

And further advises the Urban Forestry Commission to:

- Amend Title 11, Trees, as described in the Proposed Draft and as amended by the staff memo dated May 30, 2025.

Commissioner Ames seconded the motion.

Y7 – Wade Lange, Mary-Rain O'Meara, Steph Routh, Eli Spevak, Brian Ames, Erica Thompson, Michael Alexander

Commentary for feedback to Urban Forestry and for the Transmittal Letter to City Council:

Thompson: We advocate for additional ongoing, robust funding for this program.

Vice Chair O'Meara: While these are small changes, it shows we are open to conversations. There is more conversation to be had. Seismic concerns are a big issue/cost for housing production and should be part of ongoing conversations. There are lots of commercial property

owners, particularly office to housing conversion, that need to be brought into this conversation around barriers to development. We are supportive of this project, but we want to see more.

Chair Routh: We recognize the cumulative impact of these regulatory relief packages, such as bike parking and street improvements. When can we look at the impacts to pedestrian improvements and bike parking?

Ames: Can we include the idea of offering free trees to developers to help reach the 10,000 trees a year goal? The trees are already being paid for by PCEF. This could be a good way to increase tree canopy and could send a signal.

Revised Housing Forecast Briefing

Tom Armstrong and Ariel Kane (BPS)

Presentation

Staff provided a briefing on revised housing production targets based on Metro's 2024 Urban Growth Report and the Oregon Housing Needs Analysis (OHNA) production targets. See the presentation linked above for more details.

Commissioner's Questions

Alexander: The forecast is inclusive of affordable and market rate apartments. I was struck by the fact that the growth rate at the higher end was much higher. Is that credit for work that we're already doing or something else?

Armstrong: It is being redistributed to maintain the income diversity in the city. This target reflects where we are at today trying to maintain that existing income diversity. Over the last 20 years we've seen more higher income housing being built, which has shifted the city's demographics. So this is trying to maintain and hold onto the income diversity that we have.

Vice Chair Thompson: When we were looking at the housing needs assessment a while back, I remember we were producing about as many units as we thought we needed each year. How do we keep ending up with this gap in what we're making vs. what are need is? What do we do with this new information?

Armstrong: We do have some graphs that show that our housing production was tracking with the old forecast, but what we see with this new methodology is that those forecasts were not accounting for housing the houseless and some of the historic underproduction. So, there was a bit of lag that was contributing to the affordability crisis. This methodology is trying to account for that. We're building in some make up into these numbers, which you see here. We're trying to avoid folks using the state forecast to take our "feet off the gas pedal" on housing production. We think these new numbers are a good middle ground. We check in with the state every three years now and we have to update and monitor this every six years.

Chair Routh: In looking at the demographic change, I think income is one component and accessibility is another big one, especially as our population ages. How is our housing production strategy targeting that need for accessibility?

Armstrong: The Housing Production Strategy (HPS) has more detailed breakdown of that need in terms of accessible housing units and housing for larger households. Its just that the state allocations don't go that deep—just high level. The HPS has a more refined analysis that will continue to develop over time.

Kane: The HPS includes accessibility issues in housing and we're working on those now.

Historic Resources Work Program Updates Briefing

Brandon Spencer-Hartle (BPS)

Presentation

Brandon Spencer-Hartle provided a briefing on recent and upcoming activities within the bureau's historic resources program. Among other topics, the briefing will address the Legacy Business Preservation Study, identification and protection of underrepresented historic sites, and multi-bureau efforts to better coordinate citywide compliance with cultural resource laws. See the presentation linked above for more details.

Commissioner's Questions

Lange: Are there any that are just land or is it just the built environment?

Brandon: There are some that are open space, such as the Halprin Sequence (PP&R facility) or Laurelhurst Park, but mostly they are built environment.

Vice Chair Thompson: Are there any business owners who feel burdened by potential obligations associated with this legacy business designation?

Brandon: Not yet, not really.

Vice Chair O'Meara: Thank you for featuring the Golden West Hotel in your presentation! I did not know that you are a team of one! Thanks! Where is the best place to advocate for the state level historic tax credit for commercial properties.

Brandon: This past year our Historic Landmarks Commission has gotten more serious about advocating for this. It has been identified in the City and State legislatures as a topic with renewed energy.

Spevak: Great job on following up on the four tasks in the Historic Resources Code Project (HRCP). What about the height issue in historic districts as a future work priority? I want to bring this back to our attention.

Brandon: We think a lot about the balance between preservation, compatibility and opening up opportunities for development. Senate Bill 49 this year included this idea but has since been amended to exclude the height issue. Objective design standards and criteria are also at front of mind for us, and we recently received some consultant feedback on this topic but no decisions on this yet.

Diefenderfer: Are you also thinking about historic districts in central city?

Spevak: The north side of Broadway is the south end of the Irvington Historic district. Broadway has seen almost no development and maybe because of the required discretionary review. Also middle housing production has been pretty low in those areas. Developers like clear and objective standards, so they look elsewhere to avoid discretionary reviews.

Diefenderfer: Our upcoming Central City Code Amendments Project will look at some discreet areas adjacent to historic districts in the central city.

Brandon: The general discussion that we're having here is about whether there is a discrepancy between the approval criteria in historic areas and what the zoning map allows for height and FAR. For the Central City project, we tried to narrow that discrepancy. Another example is in the South Downtown historic district under the tram.

Chair Routh: We are the only state with the owner consent law...can you speak more to this conversation as it relates to the legislature and city policies?

Brandon: Yes, but that may be changing soon with Washington. Here, owners have a rare veto power to determine if their properties are historic or not, which is very uncommon across the state. We have to balance that veto power with a robust preservation program.

Adjournment

Chair Routh adjourned the meeting at 3:33 pm.

Submitted by Autumn Buckridge