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MEMO

Date: June 22, 2010
To: Portland Planning Commission
From: Sandra Wood, Senior Planning Manager
Re: ***Planning and Sustainability Commission: Proposed Draft***

This memo outlines our proposal to create a Planning and Sustainability Commission (PSC). The new commission will replace both the Portland Planning Commission and the Multnomah County/Portland Sustainable Development Commission, combining their functions and continuing the efforts and strong traditions of both commissions.

While Portland has been a leader in creative planning and sustainability programs, the City must address increasingly complex and significant challenges that threaten our quality of life. In response, City Council merged Portland's renowned Bureau of Planning with the innovative Office of Sustainable Development into the new Bureau of Planning and Sustainability in early 2009. The new bureau makes Portland distinct from other cities and helps ensure that sustainability is an integral part of all planning and management of the City.

The newly merged commission will follow suit and reflect the formally integrated structure of planning and sustainability under one bureau. The goal is to more explicitly integrate concepts of sustainability into land use planning and development, as well as in program and policy implementation. In the near-term, the PSC will guide the development and implementation of the Portland Plan, as well as monitor the implementation of the Climate Action Plan.

The creation of the new commission and dissolution of the Planning Commission and the Sustainable Development Commission requires amendments to the Comprehensive Plan and several Titles of the City Code, including Title 3, Administration; Title 17, Public Improvements; and Title 33, Planning and Zoning. These amendments are on the following pages. Most of the proposed amendments simply change the name of the commission. However, there are some substantive changes. Generally, there is staff commentary on such changes. The commentary is boxed and in *Comic Sans* font.

Please let me know if you have any questions or would like more information. I can be contacted at 503-823-7949 or sandra.wood@portlandoregon.gov.

A digital copy of this memo is available at: <http://www.portlandonline.com/bps/index.cfm?c=52999>.

The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

Amendments to the Portland Comprehensive Plan and Portland City Code to Create a Planning and Sustainability Commission

Proposed Draft

June 22, 2010

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A. Amendments to the Comprehensive Plan Text

Amend Comprehensive Plan Policies as shown:

Text to be added is underlined; text to be deleted is shown in ~~striketrough~~

Policy 3.5 Neighborhood Involvement

Provide for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood through the promotion of neighborhood and business associations. Provide information to neighborhood and business associations which allows them to monitor the impact of the Comprehensive Plan and to report their findings annually to the Planning and Sustainability Commission.

Policy 10.6 Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures

The Planning and Sustainability Commission must review and make recommendations to the City Council on all proposed amendments to the Comprehensive Plan Goals and Policies and implementing ordinances.

Policy 10.7 Amendments to the Comprehensive Plan Map

The Planning and Sustainability Commission must review and make recommendations to the City Council on all legislative amendments to the Comprehensive Plan Map. [No other changes.]

Amend Comprehensive Plan Definitions as shown:

Text to be added is underlined; text to be deleted is shown in ~~striketrough~~

Bureau of Planning and Sustainability

The professional staff responsible for providing the Portland Planning and Sustainability Commission with the research and information necessary for the Commission's recommendations to the Portland City Council.

~~Portland City~~ Planning and Sustainability Commission

The Planning and Sustainability Commission is composed of ~~nine~~ eleven ~~citizen~~ community members appointed by the Mayor and approved by City Council. The Commission's role is advisory to the City Council.

B. Amendments to Title 3, Administration

Amend Title 3, Administration, as shown:

Text to be added is underlined; text to be deleted is shown in ~~strikethrough~~

Chapter 3.33 Bureau of Planning and Sustainability

Section 3.33.030 Functions

The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A. Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B. through I. [No change.]
- J. Provides support for:
 - 1. The activities of the Planning and Sustainability Commission;
 - ~~2. The activities of the Sustainable Development Commission; and~~
 - ~~3-2.~~ 2. The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
- K. [No change.]

Commentary: Because the Sustainable Development Commission (SDC) will be replaced by the new Planning and Sustainability Commission, the chapter establishing the SDC and its duties is deleted.

Chapter 3.112 ~~Sustainable Development Commission~~

~~3.112.010 Sustainable Development Commission; Mission.~~

~~(Amended by Ordinance Nos. 168886 and 176207, effective February 15, 2002.) A sustainable community is one in which economic, ecological, and social well being are integrated to ensure all live well, within nature's means. The mission of the Sustainable Development Commission is to develop and advocate for programs, policies, and actions by government, citizens, and businesses leading to sustainable communities in the Portland metropolitan area, including those that:~~

- ~~A. Support a diverse and vibrant economy;~~
- ~~B. Promote an equitable distribution of resources;~~
- ~~C. Protect and restore the integrity of the natural systems that support life, including air, water, and land;~~
- ~~D. Preserve the diversity of plant and animal life; and~~
- ~~E. Reduce human impacts on local and worldwide ecosystems.~~

3.112.020 Powers and Duties.

~~(Amended by Ordinance Nos. 168886, 176207 and 179680 effective October 19, 2005.) The Commission is not authorized to modify, limit or alter any permit or regulatory process of any City or County office or bureau. Subject to that limitation, in order to carry out its mission, the Commission is authorized to:~~

- ~~A. Work closely with the Jurisdiction on respective Sustainable Government Initiatives including review and recommendations on Sustainability Plans;~~
- ~~B. Advise the Jurisdictions on the creation, maintenance and marketing of a "Sustainable Community Report Card" to inform residents and businesses about how we are doing as a community related to a specific set of sustainability indicators;~~
- ~~C. Help enhance sustainable economic development through public forums, media outreach and public speaking opportunities;~~
- ~~D. Advise and make recommendations to the Portland City Council and the Multnomah County Board of Commissioners on policies and programs that create sustainable communities;~~
- ~~E. Articulate and promote long range goals and objectives for developing and achieving sustainable communities;~~
- ~~F. Promote sustainable communities among citizens, businesses, governmental agencies and community based organizations;~~
- ~~G. Develop opportunities for all citizens to learn about values, principles, and practices that will bring about sustainable communities;~~
- ~~H. Assist City and County personnel in the coordination of policies and actions creating sustainable communities.~~
- ~~I. Conduct public meetings as necessary;~~
- ~~J. Meet at least six times a year and keep minutes of its proceedings;~~
- ~~K. Provide an annual report to the governing bodies on the Commission's activities, achievements and plans for the coming year; and~~
- ~~L. Adopt rules or bylaws as necessary for its operation and undertake any other activities necessary to the accomplishment of its mission within the terms of this Section.~~

3.112.030 Membership.

~~The Commission shall consist of eleven members as provided in the Intergovernmental Agreement entered into by the City of Portland and Multnomah County. Following recommendation by the Commissioner in Charge of the Director of the Bureau of Planning and Sustainability, six of the commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Five shall be appointed by Multnomah County. All appointments to the Commission shall be for terms of two years. Members shall serve without compensation. However, reasonable expenses for carrying out the work of the Commission may be reimbursed by the City. Absence from four consecutive Commission meetings shall constitute cause for removal.~~

3.112.040 Officers.

~~Two co chairs shall be appointed by the Jurisdictions. One co chair shall be a City appointee, and one shall be a County appointee. All Commission officers shall serve for two years. No officer may be elected for more than two consecutive terms.~~

C. Amendments to Title 17, Public Improvements

Amend Title 3, Administration, as shown:

Text to be added is underlined; text to be deleted is shown in ~~strike through~~

Chapter 17.84 Vacations

Section 17.84.030 Preliminary Consideration of Petition.

Pursuant to ORS 271.080 through 271.100, when a petition for the vacation of a street, public place or plat is presented to the City . . . The Commissioner in charge of the Bureau of Planning and Sustainability shall refer the petition to the Planning and Sustainability Commission for action. The Commissioner in charge of the Bureau of Planning and Sustainability shall prepare a report to Auditor containing the findings and recommendations of the Planning and Sustainability Commission and City Engineer, and shall submit the report and petition to Council for consideration. . . [No other change.]

Chapter 17.93 Renaming City Streets

Section 17.93.040 Review of Application and Public Hearings.

Upon receipt of the applicant's packet, the City shall process the application as follows:

- A. – D.** [No change.]
- E.** The City Engineer shall prepare and submit to the Planning and Sustainability Commission a budget impact statement as to the direct cost of production and installation of new street name signs and related City costs.
- F.** The City Planning and Sustainability Commission shall conduct a public hearing on the matter and make a recommendation to the City Council as to the best interest of the City and the area within six miles of the City limits in accordance with ORS 227.120.
- G. – I.** [No change.]

D. Amendments to Title 33, Planning and Zoning

Amend Title 33, Planning and Zoning, as shown:

Text to be added is underlined; text to be deleted is shown in ~~strikethrough~~

Chapter 33.710, Review Bodies

Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning and Sustainability Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- 33.710.070 Adjustment Committee
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of the Bureau of Development Services
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of 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.

33.710.030 Commissions, Committees, and Boards Generally

Commentary: Current regulations limit Planning Commission members to three 4-year terms. Some years ago the limit was two 4-year terms, but it was increased at a time when some Commission members were about to be "term-limited out" while the City was in the middle of several significant projects. The change back to two terms will give us more opportunity to gain fresh perspectives, as the maximum will be 8 years rather than 12.

- A. 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 the Planning Commission are limited to a maximum of three full terms.~~ Members of other commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms.
- B. Required attendance.** 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.
- C. Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure

must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.

D. Voting. A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.

E. Pay. All members on a commission, committee, or board serve without pay.

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

G. Staff.

1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability must provide the Planning and Sustainability Commission with staff assistance necessary to enable it to discharge its duties.
2. [No change.]

H. Records.

1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning and Sustainability Commission.
2. [No change.]

I. Conflict of interest. [No change.]

Commentary: The current code requires that one member of the Planning Commission must sit on the Design Commission, and another member must sit on the Historic Landmarks Commission. Changes to language on the following pages remove these requirements. While it is desirable to have a Planning and Sustainability Commissioner seated on both commissions, the time commitment required to serve on both commissions is too great for one individual. The coordination and communication provided by such "double-seating" is addressed, to some extent, by the new provision for quarterly meetings among the leadership of the Planning and Sustainability Commission, the Design Commission, and the Historic Landmarks Commission. This is proposed in J.

J. Commission coordination. 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.

33.710.040 Planning and Sustainability Commission

A. Purpose. ~~The Planning Commission is a body that makes recommendations on land use plans and policies to the City Council. The Commission provides a stewardship role regarding the Comprehensive Plan, and fosters public communication and leadership on related land use issues. These issues include land use development, transportation, housing, economic development, zoning, and the environment.~~

Commentary: The purpose statement is recast to reflect the integration of both planning and sustainability in the Commission's role.

A. Purpose. The Planning and Sustainability Commission advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. In making recommendations and decisions, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for the development and administration of the City's Comprehensive Plan, Climate Action Plan, and zoning code. The Commission is committed to effective public involvement and leadership in its work and in the decisions it considers.

B. Membership. The Planning and Sustainability Commission consists of ~~nine~~ eleven members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning and Sustainability Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning and Sustainability Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.

C. Meetings, officers, and subcommittees.

1. The Planning and Sustainability Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. ~~Five~~ Six members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
2. The Planning and Sustainability 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.

Commentary: The changes to the powers and duties of the Commission recognize the addition of sustainability issues to the Commission's responsibilities. The reference to the subdivision and partitioning code is deleted as those regulations are now part of the zoning code.

D. Powers and duties. The Planning and Sustainability Commission has all of the powers and duties which are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's ~~must~~ power and duties include:

1. Holding ~~hold~~ hearings and ~~make~~ making recommendations on all policy matters related to the Comprehensive Plan; the Climate Action Plan, the zoning code; significant

transportation and sustainable development policies, projects, and issues; ~~and the subdivision and partitioning code; street vacations; sign regulations, and renaming city streets;~~

2. ~~The Planning Commission also advises~~ Advising the City Council on ~~land use~~ plans and policies regarding such issues as land use, zoning, housing, energy, transportation, urban renewal ~~plans~~, urban design, equity, economic development, public buildings, ~~land use goals~~, climate change, sustainable development, environmental protection, resource conservation, and other ~~land use~~ policies of City-wide interest;
3. Articulating and guiding the City's long-range goals, policies, and programs for developing and achieving sustainable communities; and
4. Developing opportunities for community members to learn about principles, policies, and programs that promote sustainable practices and development.

E. Communications on appeals. The Planning and Sustainability Commission may submit written responses or appear in person on appeals of quasi-judicial land use decisions to the City Council.

F. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

A. Purpose. The Design Commission provides leadership and expertise on urban design and architecture and on maintaining and enhancing Portland's historical and architectural heritage.

Commentary: The change to B removes the requirement that a member of the Planning Commission also serve on the Design Commission. While it is desirable to have someone seated on both commissions, the time commitment required to serve on both commissions is too great for one individual. The coordination and communication provided by such "double-seating" is addressed, to some extent, by the new provision for quarterly meetings among the leadership of the Planning and Sustainability Commission, the Design Commission, and the Historic Landmarks Commission. See the proposed language in 33.710.030.J.

B. Membership. The Design Commission consists of eight members, none of whom may hold public elective office. The Commission must include ~~a member of the Planning Commission~~, a representative of the Regional Arts and Culture Council, one person representing the public at-large, and five members experienced in either design, engineering, financing, construction or management of buildings, and land development. No more than two members may be appointed from any one of these areas of expertise. ~~The Planning Commission member is chosen by the Planning Commission chair.~~ 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.

C. Meetings, officers, and subcommittees. [No change.]

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

Commentary: The change to D.1 corrects an error. Historic Districts and Conservation Districts are no longer also design districts, so the deleted language is no longer necessary.

1. Recommending the establishment, amendment, or removal of a design district to the Planning and Sustainability Commission and City Council, ~~except Historic Districts and Conservation Districts~~;
2. – 4. [No change.]
- . Providing advice on design matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.

- E. Annual report.** [No change.]

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic design districts.

Commentary: The change to B is similar to the change proposed to 33.710.050.B for the Design Commission. See the commentary for that change.

- B. Membership.** The Historic Landmarks Commission consists of eight members, none of whom may hold public elective office. The Commission must include a ~~member of the Planning Commission~~; a historian with knowledge of local history; . . . ~~The Planning Commission member is chosen by the Planning Commission chair.~~ The other members are appointed by the Mayor and confirmed by the City Council.

- C. Meetings, officers, and subcommittees.** [No change.]

- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission's powers and duties include:

1. – 2. [No change.]
3. Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission and the City Council;
4. – 6. [No change.]
7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning and Sustainability Commission, Portland Development Commission, other City commissions and committees, and City Council; and
8. [No change.]

- E. Annual report.** [No change.]