

Portland Planning and Sustainability Commission

Tuesday, June 26, 2012

6:00-8:00pm

Meeting Minutes

Commissioners Present: Andre' Baugh, Karen Gray, Don Hanson, Mike Houck, Gary Oxman, Michelle Rudd, Howard Shapiro, Chris Smith, Irma Valdez

Commissioners Absent: Lai-Lani Ovalles, [one open position]

BPS Staff Present: Susan Anderson, Director; Eric Engstrom, Principal Planner; Rachael Hoy, Community Outreach Representative; Deborah Stein, Principal Planner; John Cole, Senior City Planner; Julie Ocken, PSC Coordinator

Chair Baugh called the meeting to order at 6:05pm and provided an overview of the agenda.

Items of Interest from Commissioners

- *Commissioner Gray* provided an update about the PDX Community Advisory Committee, which is working on issues relating to the Port and the airport. Sustainability construction projects and long-term planning projects/goals were highlighted at the last committee meeting, as well as the Port strategic and business plan, and the group's public process.
- *Commissioner Valdez* is an attorney and has had calls about the Supreme Court immigration ruling in the past few days. There is going to be a PSU presentation tomorrow at 3pm and at PCC Cascade at 6pm as well to clarify what the ruling means for Portland. Perhaps we should encourage the Mayor's office or OEHR to publish a memo to clarify the ruling and how it relates to Portland.
- *Commissioner Houck* highlighted the *Portland Monthly* feature this month about the Intertwine Alliance.

Director's Report

Susan Anderson

- After the June 12 PSC briefing on the CC2035 Concept Plan, the CC2035 Steering Committee later that evening endorsed the goals, policies and urban design concept for the CC2035 Concept Plan. On July 10, the Steering Committee is expected to endorse the final concept plan.
- The NNEQ Plan and I-5 Broadway-Weidler Facility Plan are also wrapping up their work. The NNEQ Steering Advisory Committee (SAC) voted to support the I-5 Facility Plan on June 7 and will be asked to endorse the NNEQ Plan this Thursday. The Steering Committee final action will occur on August 2 and will be asked to endorse a SAC report on both the NNEQ Plan and the I-5 Facility Plan.
- Historic Resources Code Improvement project - BPS and BDS are kicking off a 10-month planning process related to historic design review. The overall purpose of this project is to reassess when historic design review is necessary and appropriate. Property owners in Historic and Conservation districts are concerned about the fees and time involved for Historic Design Review. Staff will provide a briefing to the PSC at the July 24 meeting.
- The food code and metrics project that came before the PSC on April 24 was approved by Council two weeks ago. Other jurisdictions from around the country have been calling and asking about this project.
- The PSC discussion about the Goal 9 input the PSC will provide to Council will take place at the July 10 PSC meeting. Staff will provide the PSC with background prior to the meeting.

Consent Agenda

- Consideration of [Minutes from 06/12/12 PSC meeting](#)

Chair Baugh asked for any comments for the consent agenda. *Commissioner Shapiro* moved to approve the minutes. *Commissioner Smith* seconded.

The Consent Agenda was approved with an *aye* vote.

(Y9 – Baugh, Gray, Hanson, Houck, Oxman, Rudd, Shapiro, Smith, Valdez)

122nd Ave Rezoning Project

Hearing / Recommendation: John Cole, Deborah Stein

Presentation: <http://efiles.portlandoregon.gov/webdrawer/rec/5020988/view/>

Documents:

- [122nd Ave Study](#)
- [Staff Response Memo](#)
- [Proposed Rezone Map](#)

This project is an implementation effort to carry forward ideas from the SE 122nd Ave pilot project from 2011. The area includes a corridor from Division to Foster on SE 122nd and roughly a quarter mile on either side of 122nd. The area was annexed to the city in 1980s; it lies within the Powellhurst-Gilbert NA and the Midway Business Association.

The nodes at either end currently do have some commercial zoning. In the pilot project, neighbors expressed interest in more neighborhood commercial areas along the 122nd corridor, which currently is mostly R1 and R2 zoned property.

Staff also explored potential changes to home occupation regulations and multi-family zone design and density standards, but those are larger issues that will be looked at with broader city-wide discussion during the Comprehensive Plan update process.

The project included significant outreach including:

- Project Advisory Group
- Community walks
- Open house and community workshop
- Notifications (mailing list about 2700 people)
- Website updates

The rezoning criteria staff looked at in assessing specific properties included:

- Implement Pilot Study and PAG recommendations
- Complete contiguous commercial nodes
- Consider adjacent street conditions and impact on local traffic
- Minimize impacts on adjoining residential uses
- Minimize non-conforming uses

There are 4 areas on the map detailed in the zoning map proposals.

Map 1 - Powell Blvd: This section was removed from the final staff recommendation due to safety and capacity concerns expressed by ODOT. ODOT staff has offered to work with City staff and can help fund some of the traffic impact assessment at the intersection at Powell and 122nd.

Map 2 - Holgate Blvd: This section expands an existing commercial node and is in response to a massing of recent multi-family residential construction.

Map 3 - Raymond St: Rezoning here will include a new commercial node between Holgate and Harold; a new mixed commercial designation mid-block; and an expanded commercial node at Harold St.

Map 4 - Leach Botanical Garden: This segment will be rezoned as Open Space to reflect the fact that the land is already in public ownership and open space use.. This area is included in this project because it is within the overall study area.

The community has expressed interest in increased mixed-use along the SE 122nd Ave corridor. With a home occupation license, a home business can have 1 employee or 8 customers daily. There may be merit in increasing these numbers, but that becomes a city-wide concern, outside of the scope of this project. This will be addressed as part of the Comp Plan update, as will the question of multi-family residential growth in SE neighborhoods.

This is a good beginning of the conversation around economic development and the HCC strategy from the Portland Plan. As part of the Comp Plan update, we will continue to move forward and identify new projects, and then there will be more implementation projects emerging. The residential issues about design and compatibility are being looked at in the Residential Development and Compatibility PEG, so they will be addressed and taken further.

Testimony

- Mark White, President of Powellhurst-Gilbert NA: This section is only a fraction of a study we're talking about. There have been other pilot studies and PSU reports. Staff time has been minimal, and we need a team of people to review and expand the area to look at rezoning. This project is not addressing equity issues the PSC says they address and advocate for. Powell Blvd is a major problem safety-wise - particularly for our most vulnerable populations, like the elderly, children and people in wheelchairs. A main street configuration could help salvage the neighborhood.
- Ed Wallen: Some people in the community have worked to have this neighborhood in more of a neighborhood-style instead of commercial. The area definitely needs help as a community, but not necessarily to commercialize it. The high density, multi-dwelling units that bring in so many families into the small area is not working well, but big commercial areas won't fix this. We need to go back to the area's residential roots.
- Shelli Romero and Kirsten Pennington, ODOT: Regarding the 122nd and Powell intersection (Map 1), ODOT does not oppose the proposed zoning in this area outright. ODOT's interest is more of a concern about safety, so they are interested in working with the City to ensure whatever proposed zoning is recommended is done so that it doesn't compromise the safety of this intersection. ODOT is working on the Outer Powell Plan with the City as well as a planned project regarding safety along the Powell corridor. This is a \$5.5M project, including review of the 122nd/Powell intersection. Development of the safety project is just being developed, and this area is a high priority.
- Jim Dryden: If we keep building high density units, we're creating more problems in the area. There is so much poverty coming in to the neighborhood and the schools in the neighborhood. Development could be part of the solution, but stores at 122nd and Powell are almost all vacant now, so we should focus on the area south.

Written Testimony Received

- ODOT
- Ted and Grace Jacobson
- Graciela Howard
- Susan and George Raeburn

Chair Baugh closed testimony.

Discussion

Safety along 122nd is a major concern, not just at Powell. But that shouldn't be an impediment in terms of land use and zoning. This intersection needs to be the highest priority.

All zoning changes can go forward with a note that we must address safety issues at Powell and 122nd with ODOT. Part of the work needs to be reviewing the assumptions about zoning and transportation in this location to confirm we have enough capacity to rezone properties in Map 1 to commercial, and any new land uses here don't exacerbate the current safety challenges.

The PSC's recommendation regarding proposed zone changes for Map 1 is independent of ODOT's proposed safety process and evaluation at Powell and Division, so this safety project will move forward as a high priority project no matter what is decided tonight.

Motion

Commissioner Smith moved to forward a recommendation to City Council to adopt an ordinance amending the Portland Comprehensive Plan Map and Zoning Map as shown on Maps 1, 2, 3 and 4 of the June 2012 staff report; with a condition that City and ODOT staff continue to work on a complete traffic impact analysis at Powell Blvd prior to Map 1 being recommended at City Council. *Commissioner Shapiro* amended the recommendation to include that if there are issues any changes to the proposal for zoning changes in Map 1 that result from the transportation analysis that staff return to the PSC prior to this moving forward to City Council. *Commissioner Smith* restated the motion to include the amendment. *Commissioner Houck* seconded.

Chair Baugh restated the motion, and the motion passed.

(Y9 – Baugh, Gray, Hanson, Houck, Oxman, Rudd, Shapiro, Smith, Valdez)

West Hayden Island - Health Assessment

Briefing: Eric Engstrom, Rachael Hoy

Presentation: <http://efiles.portlandoregon.gov/webdrawer/rec/5020989/view/>

Documents:

- [Briefing packet](#)

Commissioner Rudd recused herself from this project.

Planning process timeline:

- June 26: Today's PSC Briefing
- June 27: Advisory Committee Meeting
- July 17: 2nd Open House
- July 20: Advisory Committee Meeting
- July 27: Target date for next draft of plan
- August 14: PSC Briefing
- September: PSC Hearings
- October: City Council Hearings

The goals of today's briefing are to review contents of the health packet; identify gaps in research that has already been done; discuss current efforts to collect baseline data; and review next steps to complete a health Impact Assessment (HIA).

Proposed land uses in the industrial zoning on a portion of WHI include a bulk facility, auto terminal and grain facility.

People living closest to the proposed rail facility terminal are to the right of the BNSF rail. These are predominantly manufactured home developments. Also across the slough is a floating home community.

Health status is determined by: genetics (20-30%); health care (10%); and social, environmental conditions, and behavior (60-70%). (*J Health Affairs, 2002*)

An HIA addresses determinants of health. Slide 10 in the [staff presentation](#) identifies this.

An HIA is not used to make a case for a policy or program; it is intended to inform the policy discussion, as is being discussed in this project. It is a framework that translates data into well-informed policies. The HIA is related to the ESEE in that some of the topics overlap, especially the social aspects.

An HIA helps forge effective collaborations among health experts and other agencies and officials as highlighted in the Portland Plan. It is a framework, so we can scope an HIA to focus on a specific project. It is about outcomes, trade-offs and benefits.

We understand some of what the community is concerned about and have a database of public comment regarding health issues people have raised. The 2010 Community Working Group requested a report on local impacts from industrial development. The BPS Local Impacts report researched BMPS at Ports worldwide and local efforts to mitigate industrial impacts in April 2010.

In July 2010, City Council requested that City staff expanded upon local impacts work looking at noise, light, air quality and traffic. An EcoNorthwest Cost/Benefit analysis was done in April 2012; an ESEE reviewed human health information in relation to the management of natural resources on WHI; and the PBOT traffic analysis examined traffic impact, including modeling distribution and street system congestion - testing whether the system works after introducing the change. These was not a quantifying analysis of the impact of more traffic and crash potential done.

Staff provided an overview of the [documents](#) provided to PSC members. The packet was also sent to Multnomah County Health Department and it is being reviewed and evaluated by MCHD staff, who will provide input by July 20.

The questions to MCHD included:

- What recommendations might be appropriate in conjunction with City annexation of the property?
- Information gaps?
- What additional information could BPS collect over the next few months to support additional annexation-related recommendations?
- Do you have any guidance on how to develop a more refined scope of work to evaluate the specific development proposal when it emerges?
- The project is likely to be the subject of a Federal EIS. Would an HIA be a reasonable means to organize health information in the context of that process?

BPS has also been in conversation with Oregon Public Health Institute (OPHI) and other non-profit health agencies about the information already compiled, also asking them the question about what's missing.

Known gaps include baseline data on noise and air quality; research and quantified cumulative impacts and potential future impacts; and the current health of the community (specifically in the neighborhoods around the proposed Port site including medical risk).

“Cumulative impacts” here include: the potential of the CRC; lottery row; development at Jantzen Beach; WHI being in the flight path for PDX; the current rail line; and then current the WHI project added to these impacts.

Council will consider a legislative package that contains:

- Plan District
- Comprehensive Plan Designations - mapping the island
- Draft Ordinance for Annexation
- Draft Intergovernmental Agreement
- Technical Studies/Memos

Possible mitigation concepts being considered include:

- Transportation system upgrades- based on thresholds: NHID reconstruction, buffer treatments
- Recreation master planning process, trail and trail head facilities
- Funding strategy (City, Port, State, Region, Federal)
- On site BMPs
- Security services
- Community Grant Program
- Noise and air quality baseline study
- Forested buffer between residential/industrial
- Ongoing Good Neighbor Committee/AC

Another mitigation opportunity could include Port buying the land under the manufactured home community and putting into a land trust.

The IGA notes a variety of grants and foundations for funding, but this is may not be realistic when it comes to a strategy. There is a legal framework to agreeing to an IGA - which includes that the current Council can't force a future Council to vote or fund something.

Next steps for the project are divided into two stages:

Stage 1 - prior to annexation

- Existing information delivered for review.
- Started work on noise and air quality baseline.
- Hoping to have more evolved scope of work for moving forward at the end of July. Based on the scope, recommendations relative to annexation would be in August/September.
- The PSC is currently scheduled to have its hearings and to make its recommendation in September.

Stage 2 - post annexation but pre Federal permit. There will be a FEIS since this is Federal property relating to wetlands. Additional work would be done in 2013-16.

We are operating under a resolution that brings the project to Council under a short timeline, so staff is trying to figure out the best way to make information meaningful. The preliminary information and some of the gaps still won't be known in the next few months - this is a longer process to compile and analyze. If we are looking at benefits and burdens, it will be difficult to know them in this time frame.

The Commission asked if annexation was a "done deal" and were informed that it is not. If the PSC feels strongly, it is in a position to vote against annexation if the human health and environmental issues have not been resolved to the Commission's satisfaction. *Commissioner Smith* noted he would prefer that the Commission not vote on annexation until the health assessment is completed.

Commissioners noted there would be discomfort in making a recommendation without all of the final information from the HIA. There was discomfort with the Draft IGA and lack of certainty regarding the future of the proposed 500-acre Open Space and a variety of other issues.

The Commission expressed interest in a two-way communication with staff regarding the major issues, answering questions received from the Audubon and others prior to today's meeting, continuing through the staff briefing on August 14.

We know we would need a couple of years to make a complete decision. We also know we can't take that long, since that wasn't the charge given by Council. The PSC could make a decision that it isn't enough time, but that wasn't the charge originally given to the PSC.

The 2-stage process recognizes we have made statements in the Portland Plan about benefits of looking at health impacts, but we haven't had an experience in doing this yet. We never know the exact built outcomes ahead of time, regardless of what the zoning changes are. This will test the boundaries of what the minimum threshold of a health analysis is to make a decision/recommendation.

If annexation is approved, we will have much more detailed studies - including the FEIS - before any development happens.

Some stakeholder committee members feel short-changed on time to absorb all the information and documents. In response, several changes have been made in the project schedule, giving the summer to work through some issues and adding another advisory committee meeting. We are currently just at the beginning of the advisory committee's discussions of the draft.

The preliminary draft is available online at <http://www.portlandonline.com/bps/index.cfm?c=49816&a=401491>.

We know burdens will fall on those living in proximity - on the island and into other parts of North Portland. Not many jobs will go to this community. Do we have the ability to analyze who will get the jobs, where they live, to weigh into the equity question? This would be noted in the health report.

We do know some about employees at marine terminals - 31% of employees live in the city of Portland; 12% in other areas of Multnomah County. Given the wage benefit projections for the whole terminal, there is a potential of \$2M, but it is not clear how many jobs will be for local residents. So, mitigation efforts will be a key component to make this equitable. The benefits are much dispersed, but the impacts are very concentrated locally - both for residents and the environment.

July 17 is an open house input scheduled for 5-9pm at the Oxford Suites Hotel on Hayden Island.

The August 14 PSC briefing on the updated project draft will be a review from staff and the advisory committee. Staff will also respond to questions/input received before today's meeting.

- *Chair Baugh* asked commissioners to think about what the incomplete items of concern are that staff needs to review prior to feeling settled on being able to make a recommendation. What other information do we need on some of the gaps? Staff can send PSC members the key health issues. PSC members can also send their questions to Julie O to share with staff for review.

Adjourn

Chair Baugh adjourned the meeting at 8:50pm.