

## Portland Planning and Sustainability Commission

Tuesday, November 18, 2014

4:00 p.m.

### Meeting Minutes

**Commissioners Present:** Andre' Baugh, Don Hanson, Mike Houck (arrived 4:15 p.m.), Michelle Rudd, Katherine Schultz, Howard Shapiro, Chris Smith, Teresa St Martin

**Commissioners Absent:** Karen Gray, Gary Oxman, Maggie Tallmadge

**BPS Staff Present:** Joe Zehnder, Eric Engstrom

**Other Staff Present:** Kathryn Beaumont, City Attorney Office; Traci Manning, PHB; Courtney Duke, PBOT; Jonna Papaefthimiou, PBEM; Justin Douglas, PDC; Stephanie Beckman, Douglas Hardy, BDS; Jim Hagerman, Marie Walkiewicz, BES

*Chair Baugh* called the meeting to order at 4:01 p.m.

### Items of Interest from Commissioners

*Commissioner Smith:* I attended a [Digital Inclusion Summit](#) this morning. I hope we can reflect some of the themes about broadband policy in the Comp Plan.

### Director's Report

Joe Zehnder

- PSC members received the information about the recommendation from the Blue Ribbon Committee that the City's Solid Waste rate-setting may be coming to PSC. In the next month, staff will join a PSC officer meeting to explain that piece of work. More information to come.  
*Commissioner Shapiro:* I believe that oversight was originally formed by a vote of the people. In moving the oversight around, are we going to be in conformance?  
*Joe:* I will check in and will be sure we are aware of this question. It's likely we would form a sub-group of the PSC to make recommendations to the full Commission for a vote.

### Consent Agenda

- Consideration of Minutes from 10/28/14 and 11/4/14 PSC meetings

*Chair Baugh* asked for any comments for the consent agenda.

*Commissioner Shapiro* moved to approve the Consent Agenda. *Commissioner St Martin* seconded.

The Consent Agenda was approved with an aye vote.  
(Y7 – Baugh, Hanson, Rudd, Schultz, Shapiro, Smith, St Martin)

### Comprehensive Plan

Work Session: Eric Engstrom; Kathryn Beaumont, City Attorney Office; Traci Manning, PHB; Courtney Duke, PBOT; Jonna Papaefthimiou, PBEM; Justin Douglas, PDC; Stephanie Beckman,

Douglas Hardy, BDS; Jim Hagerman, Marie Walkiewicz, BES

**Documents:**

- [Staff Memo](#)
- [Agenda for 11/18/14 Work Session](#)
- [CIC Memo](#)
- [Testimony Compilation Memo](#)
- [Work Session Proposal](#)
- [BDS memo](#)
- [BES memo](#)
- [Office of Community Technology memo](#)
- [OEHR memo](#)
- [PHB memo](#)
- [PP&R memo](#)
- [PBOT memo](#)
- [OMF memo](#)
- [Mixed Use Zones Preliminary Concept](#)
- [Portland Plan Measures At-a-Glance](#)

**Presentation:** <http://efiles.portlandoregon.gov/Record/7062755/File/Document>

Eric introduced today's agenda:

- Citizen Involvement Committee Report
- Bureau Observations
- Work Session Schedule
- PSC Members' Observations

Eric provided an overview of the components of the Comprehensive Plan. In addition to the plan components, there are also background reports and fact documents on which the Comp Plan builds that the PSC recommended in years past.

The 2012 Portland Plan set the strategic framework and higher-level policies. In the Portland Plan we also adopted metrics and goals, which should be referred to in making recommendations about the Comp Plan.

The legacy development pattern in Portland dictates much of what we can change through new development. Growth can influence the direction some.

We want to locate people where there is good access to things that make them successful including jobs and transit. A big question is how we improve parts of the city that are lacking amenities now, and how do we locate people where there are already these services.

The Comp Plan includes 7 key directions. There are also Urban Design terms that describe different pattern areas and types of places and an investment strategy relating to designated Centers and Corridors in 2035. We have limited resources, so we want to invest in places that have infrastructure gaps where growth is expected to happen.

We're in the state Periodic Review process, Task 4 – the Policy Choices. There will be more hearings later for Task 5 – Implementation in later 2015. We have an initial proposal for the Mixed Use Zones project, which PSC members received today.

We're heading into a few months of work sessions at the PSC, with a hearing on the TSP on February 24, 2015, hearings on the performance evaluations (scenarios report and EOA) in April and likely a recommendation from the PSC in May 2015.

We are still accepting comments through the Map App, via email and via snail mail. We've recently provided a deeper set of information from the original Map App (Map App Explorer). The Helpline is also still open for questions.

### **Community Involvement Committee Report**

*Commissioner Shapiro* introduced the CIC members. They are reporting on the work the CIC has been doing since the spring. This is a volunteer committee with members who have helped extensively in outreach for the Comp Plan. Thank you for the work and time you've dedicated.

CIC members Stan Penkin, Denise Barrett, Kenneth Doswell and Linda Nettekoven provided an overview of the CIC's and BPS' outreach work since April of this year.

The CIC has had 47 full committee meetings over the past 5 years. The CIC reviews involvement and results, and makes recommendations to the PSC and bureau staff to help meet overall goals of the Public Involvement Work Program.

Thanks to BPS staff who helped guide the process, particularly Marty Stockton, Deborah Stein, Eden Dabbs, and *Commissioner Shapiro*.

CIC members shared recent involvement efforts in the Comp Plan process. They will share an evaluation of the outreach efforts with the PSC in 2015.

BPS has used a range of methods such as community meetings and the Map App to inform the public about the Comp Plan, answer questions and ensure people who want to provide testimony are prepared to do so.

There have been a variety of communications about the Comp Plan: online tools and information; community and cultural newspaper ads; mailings to property owners affected by potential changes; community meetings, open houses and other events; and immigrant and refugee community outreach in conjunction with the Office of Equity and Human Rights is underway. The Comp Plan Helpline received more than 1300 calls in 4 months.

"Good fences make good neighbors": good communication is a benefit to everyone. The voices that we use are critical to the messages we want to deliver.

One of the biggest things we heard is to consider literacy: many areas targeted for future development have a lower literacy rate (aging, vulnerable, new comers to Portland, immigrants). We need to make sure these populations are communicated to in ways they understand.

Consider race and socio-economic background of the people in the neighborhoods (e.g. deep Southeast). People who mirror the community should be the ones delivering the message.

Culture: Development changes the culture in the community. We need to develop policies and decisions for the existing culture and ones that facilitate community buy-in and adaptability.

Design concerns: We want to make sure policy addresses the historical integrity of neighborhoods. We need to design in and with quality.

Fear of loss of access: Think about people who will be impacted if they didn't know their property is in an area targeted for development. How do we ensure we're not getting swallowed up by big-pocketed developers?

It's our responsibility to have policy in place to address issues especially for our fragile populations.

How we move forward into Phase 5 in terms of community involvement. As the Oregon Department of Land Conservation and Development (DLCD) notes, planning doesn't end with the adoption of the Comp Plan, and neither does citizen involvement. We are asking how the PSC would like to see the CIC's participation in the next phase for implementation.

The City established the CIC rather than having the PSC serve in this role as the Planning Commission has done in the past. We need to think about a balance going forward. DLCD suggests possible ways of oversight for community involvement. For example:

- The PSC could be the CIC.
- There could be a hybrid committee – part from PSC members and part from community members.
- Ask PIAC to assume this role.
- Another free-standing CIC as we have now.

The CIC recognizes staff time is another consideration. The oversight role is a large task with a number of requirements, so the PSC needs to start thinking about how we best manage community involvement going forward.

*Commissioner Shapiro:* The make-up of the CIC is diverse. I appreciate the free-standing committee and would suggest that going forward. But are we able to reach out enough to those we need to get to?

- More time is always a question and request from the public. But there are mixed feelings about this because processes and outreach can't go on forever. There has been tremendous amounts of outreach, and there are still many challenges.
- People in the community get swamped with the amount of information that is coming at them that they're expected to respond to.
- Outreach efforts have been phenomenal, but there could be more budget for BPS to expand some of the outreach efforts and have time to reach out to underserved communities.

*Commissioner Shapiro* are we reaching new communities that are moving into the city?

- We have come light years since this process started, but we still have a ways to go.

*Commissioner Houck* seconded Ken's point about "who the messenger is". The Exporando el Slough event was his example of his not being the culturally-appropriate person to share information with the attendees.

*Commissioner Smith* asked about the role of Neighborhood Associations as vehicles of citizen involvement and input. The Comp Plan draft reflects this change from having Neighborhood Associations be the hub. They are a source of citizen input, and they want to be the "official" channel of citizen input, but we want to be able to expand the opportunity for all to provide input.

- Neighborhood Associations and Business Associations are very important because it's where lots of people receive information. The history of the city is much better because of these groups.
- However, it is important for people to find ways to come together in ways that are comfortable for them. The challenge is how to create many portals for people to provide input and get information. Ultimately if it's a place-based issue, people have to come together. Neighborhood Associations have a huge task, and it's all volunteer work.

*Commissioner Hanson* thanked the CIC members for all their hard work. The messenger and

delivery comments really resonate with me: Portlanders would rather have discussions rather than listen to speeches. I'm happy that we're looking forward and looking to implementation, which we'll be considering soon. An ongoing committee has a lot of appeal to help the PSC translate information and to weigh in on issues.

*Chair Baugh* thanked the CIC members for their dedication and time commitment. It's valuable for the CIC in some form to get diverse views and turn over a lots of opinions that may not come through Neighborhood Associations and other established groups, especially as we get into the implementation phase.

### **Bureau Observations**

Kathryn Beaumont, City Attorney Office: This is a complete Comp Plan update from the City's first Comp Plan, which was written when I first started at the City. We appreciate the staff time and thought this draft reflects. It strives to address many policies in the Portland Plan. Two key thoughts:

- The starting point is State Law. The lynchpin of the Comp Plan is a focus on land and the way land is used; it's about land use policies and regulations. There are other tools to implement other policies of the Portland Plan. You can decide how broad or narrow the plan is. The more non-land use things that are included, the greater the risk to implement these policies is based on land use rules.
- Language matters. The words determine whether the function is to guide planning efforts, mandatory requirement or aspiration. This is particularly true in Chapter 1, the Guiding Principles. They need to be clear and unambiguous.
- Also, we need to note how other documents are described and referenced will influence how they are reviewed in the future. Do we need to refer to these other documents? Because if we do so, they could be challenged as land use decisions in the future. Be clear about the intent.

*Commissioner Smith* appreciates the state legal framework is about land use. But this is our opportunity to take Portland Plan policies and adopt them by ordinance for the City. Have you talked with staff about a method of parallel adoption – one for the State and one specifically out of LUBA's jurisdiction?

- We haven't had conversation about an option like this yet.

*Commissioner Houck*: If there is a hypothetical area of the city that we want to zone in a way, I am assuming then we have the right to include additional information such as conditions for development such as mitigation, as long as we're explicit about why we chose to do that. Language matters. I share the concern that there is language in the current draft that is ambiguous, particularly in terms of some of the verb choices such as consider or encourage vs implement or require. This is a major conversation we still need to have.

- Yes. It's your judgment about what you want to include. But the farther from land use decisions we go, the greater the element of risk of them being challenged in the future is.
- There is a function of using some verbs is aspirations, and that can be deliberate.

*Commissioner Shapiro* noted that language is critically important. We need to be cautious about referencing other documents. Is there a way to footnote language we use to emphasize our language?

- We can define the words in the glossary; we can do it though ordinance findings; and we can use other tools to make the point clear.

*Commissioner Rudd* noted language as well. It would be helpful to have the City Attorney's office help with the balancing of language.

Jonna Papaefthimiou, PBEM: Resilience as a key direction is important; it is part of a healthy connected city. Green infrastructure is also a great practice in building resilience, which is well addressed in the plan.

- Reducing density in hazard-prone areas: The draft plan gets this right, for example in Powell Butte and the West Hills. This is the best way to protect the city, and it highlights best practices.
- Seismic safety: We have landslides and fires; we also have earthquakes, but we have not been impacted by them in the recent past. A number of things are concerning with earthquakes: unreinforced masonry structures and unbolted buildings; and much of our industrial land is mostly in areas prone to liquefaction. The proposed draft does not yet address these risks. We should add seismic safety policies to chapter 4 and chapter 5. The plan references seismic safety in relationship to efficiency, but not with safety. Include a goal to include seismic retrofits.
- Chapter 6 could also benefit for description of hazards, particularly about areas of liquefaction concern. For example, Linnton is a key place where the majority of the region's fuel tank farms are.
- Recovery planning: We need to focus on incremental changes over time in the Comp Plan. But in terms of disasters, cities can change overnight. If we consider these possibilities, we could include recovery planning options, and that could drastically change the look and abilities of the city.

*Commissioner Smith* noted earthquake risks. Do we have any inventory of the private structures that are not seismically safe? Can we map this?

- We have an inventory from the 1990s. We know that about 25-30 percent of buildings included are not accurate. There is a proposal to create a new BDS position to update the inventory. There is also a City working group that's looking at what we can do to promote retrofits when we have this information updated.

*Commissioner Houck* noted floodplains and that there was nothing in PBEM's comments that related to floodplains and issues related to the likelihood that floodplains will increase in area as a result of climate change. He was pleased that climate change is referenced as an issue but wondered why floodplain issues were not addressed in the PBEM comments.

- There is a chance for floodplains to increase in intensity. We have FEMA's policy about building in the floodplain. Green infrastructure and natural systems are highlighted in the Plan, which is good.

*Commissioner St Martin*: Liquefaction is a factor in industrial sites. Are we counting on something (land supply) that we shouldn't be in our inventory?

- It's not realistic to rezone all our industrial lands, but it's important for us to recognize the risk. Redevelopment can be done in ways and areas that will be more resilient.

Traci Manning, PHB: PHB works more closely with BPS because it is the most relevant to help solve the unmet housing needs in the city. In thinking about housing 120,000 new households in the next 20 years, many of whom are low-income and larger families, is a daunting task. We are pleased that Chapter 5 – Housing, reflects the joint priorities and the priorities of the Portland Plan:

- Work we're doing around the risk of displacement and possibly getting ahead of it by setting policy and making funding decisions that help to mitigate displacement.
- Opportunity mapping: Your zip code is a big indicator of health... basically things that translate into complete neighborhoods are better places for people to live and for them to be healthier. Mapping and policy that is reflected in the Comp Plan that we're already using today to make policy and funding decisions.
- We are happy with the inclusion of good language around housing access.

*Chair Baugh*: What about stronger language for housing to have a better assurance that we do meet the goals for affordable housing? Is this a question of the strength of language in the Plan?

- We can provide some options and work with staff to think about a plan.

*Commissioner Shapiro* noted that "affordable" needs a clear definition, particularly in the Plan. Partnership with Home Forward and other housing organizations should be a part of what we have going forward.

- Yes, “affordable” is something we can help to define.

Courtney Duke, PBOT: Worked closely with BPS, and the Plan reflects our work together. The PBOT letter lists a number of concerns and suggestions that Courtney highlighted. We’re still working on the transportation hierarchy and parking policies to refine these policies. We want a stronger Vision Zero policy. We would suggest strengthening the public involvement policies in Chapter 2 to state that they do apply to PBOT. The definition of “underserved” is not clear enough, and it should be better defined in the glossary.

*Commissioner Smith* thanked PBOT for the language proposal for a strong policy on eliminating traffic deaths (Vision Zero).

Justin Douglas, PDC: The staff partnership in working on the Comp Plan has been great, as has been the public involvement process. The PSC and PDC Commission joint meeting was a good collaboration as well. PDC appreciates the tailored approach to Portland’s unique neighborhoods. Integrated policies and reinforcement of the “one size does not fit all” approach is now included, which is great. These efforts complement PDC’s role in its economic development objectives: high-growth, traded-sector areas are priorities that we agree with. A challenge is how we make these opportunities available to all. Placemaking and redevelopment with neighborhood plans and action plans to reflect the Comp Plan – there is an importance of investments and the impact on communities, particularly in evolving communities.

*Commissioner Hanson* thanked PDC for their recent work on neighborhood catalytic projects and an emphasis on placemaking.

Douglas Hardy, Stephanie Beckman, BDS: Douglas commended BPS on the Comp Plan work so far and collaboration with all the bureaus. They focused on issues of concern as described in the bureau memo, particularly on how areas of the Plan will be implemented. We need to be clear and use consistent terms throughout the Plan, which will especially be helpful for those making findings against it in the future. They highlighted four topic areas, which are more described in the BDS memo:

- Community involvement procedures for land use applications and reviews.
- Criteria for quasi-judicial Comp Plan Map Amendments.
- Criteria for Zoning Map Amendments.
- Land use designations and corresponding zones.

*Commissioner Hanson* appreciates the “reality check” from the implementation side. When you do a zone change to make a place into compliance, does it still go to Council for final approval?

- No – this is only reviewed at the Hearings Office. When you’re amending it, that does go to Council.

*Chair Baugh* asked about the comments on Policy 10.2.C: Are you saying you don’t want us to say what neighborhood involvement should be and leave that in the Zoning Code?

- We want to clarify what neighborhood process are included in legislative versus land use processes and decisions. In terms of approval criteria, these should remain in the Zoning Code; the Comp Plan approval criteria are not the same as the Zoning Code, and we need to be clear what is required.

Jim Hagerman, Marie Walkiewicz, BES: Thanked BPS on their work on the draft Comp Plan. They highlighted information as shared in the bureau’s memo. Stormwater management, health of rivers, watershed health, green infrastructure, Centers and Corridor growth, and the balance of economic and environmental policies are important in the Comp Plan.

*Commissioner Houck* noted the language changes BES has recommended. We have heard about many of these, and I appreciate that you have been specific on giving recommendations about language. From our role, can we assume some significant percentage, say 80-90% of requests

from other bureaus will simply be adopted by BPS and then be on our consent agenda? And that we would likely see about 10-20 percent of the language edits that there may not be bureau-to-bureau agreement on? It's very helpful to hear other bureau's perspectives and we appreciate the effort BPS has made to solicit other bureau perspectives.

- Yes, we will review all the written comments in detail. There are some issues to be resolved between bureaus, and we'll bring forward to the PSC the ones we can't get to a final statement about.

*Commissioner Houck:* Regarding language about green infrastructure and integrating this, aspirations are great, but reality makes it difficult to incorporate, for example, how do we achieve more urban canopy and vegetative cover in the Central City if buildings are built lot-line to lot-line, leaving no room for vegetation? If you have specific suggestions on how to do this, that would be helpful too.

*Chair Baugh* asked about looking at East Portland. It's resource deficient, but we've targeted it for lots of development. There is a balance of how we would look at the balance so that area achieves that level of service in terms of green infrastructure and also meets the housing needs of the community.

- One of the strengths of the Comp Plan is that it recognizes the different areas and needs in different parts of the city. Even within East Portland, we have different needs within the subarea, so working with, for example, PBOT about different types of street designs is good. There are some places where we're more challenged.

*Commissioner Schultz* noted she's struggling with balancing some of the efforts of green infrastructure — it is more expensive, e.g. to build green roofs. How do we balance this appropriately with our equity and affordability goals?

- *Commissioner Houck:* Information about long-term maintenance, not just up-front costs, would be helpful information.
- It's about fitting the right tool in the right situation.
- *Commissioner Houck* noted that on December 9, BES staff and some private developers will be providing an overview for the PSC. Staff involved in that session could provide some of the information about ROI and costs of green infrastructure.

*Chair Baugh:* Does the Comp Plan supersede the area and neighborhood plans?

- At the start of the process, we reviewed the area plans to bring concepts and ideas from them that have citywide application into the Comp Plan. Some of what's in the area plans are community development action plans. We've tried to build this in where appropriate.

*Commissioner Houck* and *Chair Baugh* thanked bureaus for their time in coming to tonight's meeting. It's been incredibly helpful.

### **Upcoming Work Session Agendas**

Eric reviewed the proposed work session agendas for the January through March PSC Comp Plan sessions. These are what we believe are some of the meatier issues we heard testimony about and we heard in the PSC members' comments. We do have limited time for the work sessions, so we don't want the PSC to discuss everything we've heard. There will be a staff report within each work session topic, which will also include consent lists within the topics.

Out of each work session, we are trying to get general direction and consent from the PSC. We also will have two "miscellaneous" consent lists for things that don't fit into a category. These consent items will be to give staff direction. We will get to a strike-through and underline version, and our current goal would be to release this version the first week of April. There will be a final opportunity to get into the detailed word-smithing at the final work session before the vote.

*Commissioner Schultz:* What about a discussion about glossary terms? *Commissioner Rudd:* And



what the State thinks it means based on their definitions of terms.

- This would increase the time demand for the first work session, but it's important.

*Commissioner Houck* noted he will be out of the country on January 27. Depending on staff availability, I would ask if we could flip work session 2 and 3.

- This is okay from a staff point of view.
- \*\*We will switch what's currently listed as Work Session 3 to January 27, and Session 2 will be February 10.
- Staff will still release the first consent list prior to the January 27 meeting.

*Chair Baugh* requested staff to come back with a Farm and Forest strategy for West Hayden Island with a policy statement that would direct a future Council and Commission about what they would have to do if they were to change it to Industrial.

- *Commissioner Smith* asked about an option for permanent protection for WHI, and for an option that attempts to memorialize the mitigation and other criteria the PSC recommended during the WHI process.
- *Commissioner Houck* asked about if it's zoned Farm and Forest: does that automatically mean it's taken out of the Industrial Lands equation? [Yes.] That would affect the Goal 9 discussion in light of this alternative option. We are due for that conversation, and it will be good to have a range of options to discuss.

We have an ambitious work schedule to get through the Comp Plan, and we've included a schedule check-in at the end of Work Session 3.

*Commissioner Rudd*: Do the consent lists relate to the topics of the work session?

- Each staff report will have consent items. There are also two "miscellaneous" consent lists.

*Commissioner Smith*: Can the Institutional Zones topic be included in the Mixed Use Zones work session? I'm also interested in the area and neighborhood plans questions. Also, at the first hearing, we had testimony about broadband and open data. I intend to propose direction about these, and I think open data goes into the Community Involvement conversation.

- Area and neighborhood plans fit well with the Community Involvement discussion.
- Institutional zones – we made a judgment call to not include this as a topic in a work session in part because in this Task 4. The decision in the Comp Plan is about designating; what you do with it is more of a Task 5 item. This could be a topic for the last work session, as could open data and broadband.

*Chair Baugh* asked about 82<sup>nd</sup> Ave and its development. Is that part of Centers and Corridors?

- It actually fits into three areas: non-conforming, centers and corridors, and employment.

*Commissioner Houck*: What about sound/noise and light and people's experience with the natural landscape? This is a health issue too. I wanted to sit down with staff to have a conversation about this if it's possible to get at least a general statement in the Plan.

- Remember the City Attorney's advice about what's in the Comp Plan. But we do have a "what's next for BPS projects after the Comp Plan" list going, and what we can do in long-range planning to address these issues, and these topics could be included.
- *Commissioner Schultz*: Food security is part of health, too.
- *Commissioner Smith*: What about air quality as part of this health work?
- *Commissioner Houck*: I became a PSC member with the understanding that aside from zoning and code work, the PSC is to be proactive and advocates. Given our collective knowledge, we could do some interesting things around these issues.

*Chair Baugh* asked about the school district conversation, which is currently focused on David

Douglas. Can we look at the whole subject of how school districts are included in the decision-making process about development and how that would work?

- With the policy in place, BDS would have to implement a system of having service provider letters from the school districts showing the capacity of the district as a whole. This could be a blanket letter from each district, but the challenge would be in David Douglas.

For the housing discussion, *Commissioner Tallmadge* offered some items via an email that she'd like to have included, specifically about affordability and gentrification.

At the end of Work Session 4, we will finalize the agenda for Work Session 6. We've noted topics from PSC members tonight, and staff will show what else we could include in that work session a few weeks ahead of that time.

Work sessions are likely to be about 4 hours long. The way we have the schedule now, we alternate afternoons and evenings. This could be reconsidered to accommodate the longer meetings too.

There is a typo on the work session list: The May 14 date is supposed to be May 12.

The hearing will be continued at this location on February 24, 2015, which will be a hearing specifically about the Transportation System Plan (TSP) project list.

The written record will be open through March 13, 2015.

## **Adjourn**

*Chair Baugh* adjourned the meeting 7:14 p.m.

Submitted by Julie Ocken