

Portland Planning and Sustainability Commission

Tuesday, August 11, 2015

12:30 p.m.

Meeting Minutes

Commissioners Present: Andre' Baugh, Don Hanson, Mike Houck, Michelle Rudd, Howard Shapiro, Chris Smith, Teresa St Martin, Maggie Tallmadge

Commissioners Absent: Karen Gray, Gary Oxman, Katherine Schultz

City Staff Presenting: Susan Anderson, Eric Engstrom, Sandra Wood, Shannon Buono

Chair Baugh called the meeting to order at 12:35 p.m. and gave an overview of the agenda.

Items of Interest from Commissioners

- *Commissioner Houck* sent an email about the Policymakers Ride, which is this Friday. There are about 200 people participating on this year's ride, so it's a great opportunity to talk about the Comp Plan and the Green Loop in particular.

Information for Commissioners

Thank you to *Commissioner Hanson* at his last meeting as a member of the PSC

Staff and Commissioners shared their thank yous for *Commissioner Hanson's* work on the Commission.

Highlights

You have brought a tremendous sense of calm and reason to the Commission over the 11 years, and we appreciate your technical experience and your skillful facilitation. You are a very even-handed person. You listen and were respectful to all testifiers who came before the Commission. You are able to bring your technical expertise and your awareness of Portlanders and their communities. You exemplify what being a good Commissioner is.

Thank you for your time and diligence on the Commission.

Commissioner Hanson shared his appreciation for Commissioners and staff.

Consent Agenda

- Consideration of Minutes from the July 28, 2015 PSC meeting.

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

The Consent Agenda was approved with an aye vote.

(Y8 – Baugh, Hanson, Houck, Rudd, Shapiro, Smith, St Martin, Tallmadge)

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

Comprehensive Plan Transmittal to Council

Work Session: Eric Engstrom

Staff sent a copy of the draft letter to Commissioners, which was prepared based on the outline we discussed at the last meeting. Today we want to get some general feedback, and then we suggest that PSC members form a small group to further wordsmith the letter and finalize it.

We tried to reflect on some of the bigger themes at the PSC work sessions; there are a number of other topics, but we tried to focus on some of the more substantive debates to forward to Council. It is also based on talking about some of the non-traditional elements in the Plan.

Chair Baugh noted that Commissioners can send comments to staff (Eric and Julie).

Commissioner St Martin noted the non-traditional elements should be a “forward focus” as opposed to “non-traditional”.

Commissioner Smith thought staff did a great job. One point I did want to make is in the section on transportation funding and the need for additional investment. We need to clarify that the constrained list assumes things like the Street Fund have been funded, so we are asking for the next level of funding beyond that.

Commissioner Houck is concerned that environmental issues get short-changed in the letter. I have some language that addresses that issue, but unfortunately there aren't as many metrics association with these. I also question the need or wisdom of including the information about West Hayden Island (WHI) in the letter – I don't think this is the appropriate venue for it. I am happy to share my thoughts with staff and will participate on the small group to finalize the letter.

Commissioner Rudd would like add language explaining the discussion of low versus mid commodity forecast. I think this is distinct from the WHI issue and important.

Commissioner Tallmadge thought the letter captured lots of what the PSC heard and discussed. The inter-sectional areas should be focused on throughout; for example, housing is not just a roof over your head, it involves economic stability and health too. Environmental justice is brought up, but I think it should be raised beyond public involvement. The letter is an opportunity to say there are ways we can invest to restore communities that have been displaced and past injustices.

Commissioner Shapiro wants to make a bold statement that says “this is a landmark event”. There are two places where the intention is to build neighborhood support, but we also want to accommodate and support “pop-up” neighborhood growth. What about language about the CIC and its continuing? We should reference it as well.

Susan noted the letter is currently very factual. It could be good to have a bit more “something” in the first paragraph about why this is such a big deal. We may also want to do a letter to the community, as *Commissioner Shapiro* and *Chair Baugh* have talked about.

Commissioner Shapiro reiterated the idea of the “secret sauce” of Portland. This could be an addendum to the letter, which says why we're doing the Plan... to define the spirit of Portland, for the common good. I'd like to see that in a paragraph, perhaps with a letter to the community, with the “how” of the work being this transmittal letter. I will try to work with the

edit group to present this paragraph.

Commissioner Hanson thinks this is a valuable idea. The challenge is to keep the letter relatively short. In my edits, I noted I would like to see a “sound bite” about how many people we expect to see come to Portland in the next 20 years.

Commissioner Houck noted the term “home”. This is different than “housing”, and I think it gets to the spirit of what Howard is talking about. It is more than just about providing housing.

Commissioner Rudd wouldn't want the letter to the community to suggest the Plan is a done deal. There is still an opportunity to participate and change it at City Council hearings.

Chair Baugh wants to make sure the full Commission is comfortable with the addendum idea. I also would like this letter say what our concerns are, and suggestions about what we'd like to see more of (e.g. Council should note housing inequities, need for taking action). I think this Plan is the most diverse plan as we look forward, and it lays out that we are going to be in a more diverse environment all around.

The subcommittee will meet in the next two weeks to finalize the letter. We also need to add an attachment as we've discussed.

Susan: There is enough agreement about the letter that staff can work with Commissioners' comments. At the August 27 PSC officer meeting, we can clean up the letter and have it final for the September 8 full Commission meeting.

Task 5 Projects Overview

Briefing: Eric Engstrom

These are the early implementation projects of the Comprehensive Plan. Eric walked through the [specifics of the projects](#).

We are operating under the state work order, which has 5 tasks. So this group of projects is the last part of the Comprehensive Plan.

These projects are necessary to either address a state mandate or implement a key component of the new Comprehensive Plan. Other future implementation refinement projects will be undertaken as part of the City's ongoing work. For example, we expect the Central City 2035 Plan to be the first refinement project under the new Plan.

There are 8 projects in the Task 5 bundle; Eric shared information about each, all of which will be coming to the PSC in the next 9 months. The PSC will have hearings about each project, but they will all be bundled before sending the full Task 5 project list to Council.

Commissioner Rudd: Eric mentioned proposed environmental regulations that would be applicable to the ability of golf courses to rezone to an industrial designation. Does this have implications for amount industrial acreage we are claiming in the EOA/Comp Plan?

- We are not intending to change the number of acres, but this can be a discussion as part of the project.

The planned effective dates for these projects will be with the Comp Plan in 2017. This comes after the PSC and Council hearings, then Council forwarding the Plan to the state. Our working assumption is that we'll set an effective date around July 2017.

Commissioner Houck asked about golf courses. During the PEG process, we had presentations

from Roberta Jortner about their potential rezoning and opportunities to realize environmental restoration and protection as part of that process. Part of the upside of this would be more environmental protection. There is also a more refined NRI, so outside of the early implementation will there be rezoning for natural resources protection and restoration in the future, based on the refined NRI?

- Yes, the NRI is updated, and the bureau's workplan includes continued work on the Columbia Corridor.

The concept of rezoning industrial, there is some enhancement that can occur on those landscapes.

- Yes, you can see this in the discussion draft. The comment period for this draft is through the end of this month.

There are also dozens of potential code changes that PSC members may have an interest in that aren't proposed yet. In the next year, we'll probably come to the PSC to ask what you want to work on after the Comp Plan projects, which is different from the opportunities in our workplan that we've had recently.

Chair Baugh asked about the Comp Plan Task 4 timeline at Council. At the point of their adopting the Plan, then we have the implementation projects of Task 5.

- Once Council approves the policies and land use map (then the zoning map and code second), none of that goes into effect until the state acknowledges it. During this interim, we are still using the current (1980) Comp Plan.

Commissioner Hanson asked about the community design standards and guidelines. Now that we're anticipating a new mixed-use zone code and centers and corridors codes, does that supplant the process or augment it?

- We'll change some of the base zones, some of which will make us need to update design standards, so the mixed-use code will likely have to have a "clean up" set of work behind it. We'll have to figure out case-by-case if plan districts supersede the new framework, or determine if the new framework accomplishes the same thing.

Zoning Code 101

Briefing: Sandra Wood, Shannon Buono

[Presentation](#)

The main responsibility of the code team is to help project teams translate policies and values into implementation tools that work today and in the future. We are looking to translate our values into regulations.

The Zoning Code is one of 33 Titles in the City structure, and it's not the right tool for every situation. We call our code 90 percent, in part because of the objective standards. Any time we try to vary from a standard, regulations typically have some loopholes to get through. Title 33 includes land use regulations for use and development, as applicable to land and water. There are limited applications for the right-of-way.

The Zoning Code is used as a reference document. The chapters are grouped by like information.

At a minimum, every property in the City has a base zone. Some have additional overlay zones like the a or the b overlays.

The base zone chapters (100s) tell us the uses allowed in each zone and describe the general development standards for each zone.

A use is either residential, commercial, industrial, or institutional. Uses are broken down further within each group. For example, there are 6 types of uses that are commercial including retail sales and service, office and vehicle repair.

The base zones chapters also contain the general development standards for each zone. The base zone development standards are the basic building blocks that determine the form and bulk of development on a site. They include standards for height, setbacks, building coverage, and other development such as fences and garages. Development standard vary by zone and exceptions to a development standard are sometimes allowed through a land use review called an adjustment. Unless the standard states that an adjustment is prohibited, the standard can be adjusted.

Several Task 5 projects will amend use regulations and development standards in the base zones:

- The Employment Zoning project will amend allowed uses and development standard in the employment and industrial zones;
- The Mixed-Use Zones project will replace the existing commercial base zones with new zones and regulations;
- The Campus Institutional Zones project will create a whole new set of base zones with development standards for institutions.

The 200s series of chapters contain regulations for specific uses and development that apply across many base zones. For example, the 200s contain the regulations for accessory dwelling units, landscaping and screening, and parking.

The regulations for nonconforming situations also live in the 200s. There are three types of nonconforming situations:

- Non-conforming uses (like a grocery or convenience store in a residential zone).
- Non-conforming residential density (too many or too few dwelling units on a site).
- Non-conforming development (parking lot landscaping that is not in conformance with current code, or a building sits on a property line when the code requires a setback).

Non-conforming implies that the situation is legal.

Sometimes the changes we make to zoning and development regulations end up creating non-conforming situations. This is often inevitable when we are planning for the future in an area where development already exists. Nonconforming situations can generally continue, but sometimes, when additional development is occurring on a site, we require that nonconforming development be brought into conformance with current code.

The 400s are the overlay zones. Overlay zones address specific subjects that apply in a variety of places in the city regardless of the base zoning. Subject such as environmental resource protection, design considerations, and scenic resource protection.

The regulations in overlay zones apply in conjunction with the base zone, and sometimes modify the regulations of the base zone. In some cases the regulations in an overlay zone allow flexibility that the base zone regulations do not. For example, the environmental overlay zone regulations allow applicants to reduce front setbacks to zero in order to push development toward the street and away from resource areas. The reduction is allowed without an adjustment.

The 500s are Plan District chapters. Just like overlay zones, plan districts are applied in conjunction with the base zone, and the regulations can be in addition to, or modify, base zone regulations.

None of the Task 5 projects will create new plan districts, however the mixed use and campus institutions projects will amend regulations within existing plan districts, to make them consistent with those new zones.

The 600s are Land Divisions and Planned Developments. Land Division regulations govern proposals for the division of land into parcels or lots. Planned Development regulations allow flexibility in lot size, housing type, and development standards for innovative and creative development.

700s cover Code Administration and Procedures. These include rules for implementing the code; descriptions of the different procedure types; and details about application requirements, staff-level processing, review bodies, public hearings and appeals.

The land use review are called design review, or an environmental review, or adjustment review. We have many kinds of land use reviews in the zoning code. Every land use review is assigned a procedure type. A procedure type is the process through which a specific land use review is decided. The procedure types are called Type I, II, III, etc.

Generally, the higher the procedure number, the more complexity there is in the process, which translates to higher cost and more time. Based on state law, some decisions are made administratively by staff while others are made by the Hearings Officer or City Council.

The approval criteria for most land use review approval criteria can be found in the 800's with two main exceptions; environmental review approval criteria are in the 400's, and design review guidelines are kept in separate documents (for example, the Central City Fundamental Design Guidelines).

Approval criteria set the bounds for the issues that must be addressed in a review. If all the approval criteria are met, the review will be approved; the burden is on the applicant to show they have met the criteria.

The 900s are general terms and reference for the Zoning Code. They include definitions; use categories; and measurements.

BPS writes the code and sets the policy; BDS implements the code based on what's written.

Chair Baugh noted that we may be affecting the other commissions through this next process.

- Staff is working with the other commissions (Design, Landmarks, Adjustment Committee) as we develop discussion drafts for each project on a case-by-case process.

Commissioner Houck commented on development versus implementation of the code. Are there differences of opinion between BPS and BDS and who has final say, given BPS developed the language?

- We work closely as we are developing code. As certainly as BDS is implementing the code, we can adjust things (e.g. via the RICAP process).
- Many BPS staff have worked at and/or continue to work at the counter for BDS.

For the reviews, is this a judgement call on the part of staff?

- It is not a judgement call. It's codified what type of review and use are included in each type of review.

Commissioner Houck noted that this is information that I'm least sure of and weakest in, so thank you for the presentation.

Adjourn

Chair Baugh adjourned the meeting 2:37 p.m.

Submitted by Julie Ocken