

## Ordinance Title

Adopt the Lower Southeast Rising Area Plan amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, and Zoning Code (Amend Code Title 33)

The City of Portland ordains:

### Section 1. The Council finds:

1. The Portland City Council passed Ordinance No. 189519 on May 29, 2019, authorizing application to the Oregon Department of Transportation and Department of Land Conservation and Development of a Transportation and Growth Management (TGM) program grant for the Outer Southeast Rising Area Plan, to support planning to identify needed land use and transportation changes in a historically-underserved part of southeast Portland that lacks commercial centers and lacks adequate transportation infrastructure. On August 22, 2019, the City of Portland was awarded a TGM grant in the amount of \$195,000 for the *Lower Southeast Rising Area Plan*, which was subsequently accepted by the Portland City Council.
2. The City of Portland Bureau of Planning and Sustainability in partnership with the Bureau of Transportation initiated the public process for the *Lower Southeast Rising Area Plan* project in 2021. The focus of the project was on the Brentwood-Darlington Neighborhood and adjacent areas, including portions of the Woodstock, Mt. Scott-Arleta, and Lents neighborhoods. The goal of the project was to develop a land use and transportation plan to organize growth and prioritize investments to make this area a safe, attractive, and affordable place to live and work. The intent of the plan was to include recommendations for updates to the Transportation System Plan and the Comprehensive Plan to ensure these plans reflect the specific needs of this area.
3. The *Lower Southeast Rising Area Plan* was informed by preceding City and community-based planning efforts that addressed housing, economic development, and transportation issues in the plan area, including the *Brentwood-Darlington Neighborhood Plan* (1992), the *Outer Southeast Community Plan* (1996), and the community-led *Brentwood-Darlington 'Say Our Name!' Neighborhood Assessment and Action Plan* (2017).
4. The *Lower Southeast Rising Area Plan* and the plan's amendments and recommended actions were shaped by an inclusive public engagement strategy to ensure the project's community engagement included the area's diverse communities. The project utilized a broad range of public engagement strategies, which included input from a project advisory group, community stakeholder interviews, conversations with residents of apartment complexes and manufactured home parks, online open houses and surveys, tabling at community events, and focused outreach to communities of color. From 2021 through 2022, more than 2,000 community members provided input on issues, priorities, and preferred implementation approaches. This input was used to create *Lower Southeast Rising Area Plan's* vision, objectives, and land use and transportation concepts.
5. Guided by community input, analysis, and City policies, the Bureau of Planning and Sustainability and the Bureau of Transportation, in collaboration with other City bureaus,

developed the *Discussion Draft Lower Southeast Rising Area Plan*, which was released for public review in May 2023.

6. The *Proposed Draft Lower Southeast Rising Area Plan* was released on September 8, 2023, for review by the public and the Portland Planning Commission. The Planning Commission held a public hearing on the *Proposed Draft* on October 10, 2023, followed by a work session on November 14, 2023. The Planning Commission voted during their meeting on November 14, 2023, to forward to City Council their *Recommended Draft Lower Southeast Rising Area Plan*.
7. On August 31, 2023, a notice of the October 10, 2023, Planning Commission public hearing on the *Proposed Draft Lower Southeast Rising Area Plan* was sent to the project's mailing list, individuals and organizations who requested such notice, the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and other interested parties.
8. On September 5, 2023, notice of the *Proposed Draft Lower Southeast Rising Area Plan* was provided to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020.
9. On September 10, 2023, 995 notices of the *Proposed Draft Lower Southeast Rising Area Plan* and the Planning Commission hearing were sent to all property owners potentially affected by proposed zoning map and code changes, as required by ORS 227.186. Property owners received a separate notice for each property potentially affected by the proposal.
10. On April 8, 2024, BPS published the Planning Commission's *Recommended Draft Lower Southeast Rising Area Plan*, attached as Exhibit B. The plan includes the following elements:
  - Part 1, Community Development. This part of the plan includes the community development vision and objectives, land use background information, and the Land Use Growth Concept and Circulation Growth Concept diagrams. Part 1 also includes the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, and Zoning Code amendments that will implement the land use components of the plan.
  - Part 2, Transportation. This part of the plan includes the transportation components of the plan, including background information, transportation project recommendations, bus network recommendations, and recommended changes to the Transportation System Plan (TSP) Street Classifications.
11. A public notice of the April 25, 2024, Portland City Council public hearing on the *Recommended Draft Lower Southeast Rising Area Plan* was sent on April 10, 2024, to the project's mailing list, those who testified to the Planning Commission, individuals and organizations who requested such notice and other interested parties.
12. The Lower Southeast Rising Area Plan Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 *Comprehensive Plan*.

NOW, THEREFORE, the Council directs:

- A. Amend the *2035 Comprehensive Plan* to revise the Urban Design Framework figures 3-1, 3-2, and 3-2, as shown in Part 1, Section 4, pages 72-77, of Exhibit B (*Lower Southeast Rising Area Plan*).
- B. Amend the Comprehensive Plan Map as shown on the map entitled “Recommended Comprehensive Plan Map” in Part 1, Section 4 of Exhibit B (*Lower Southeast Rising Area Plan*).
- C. Amend the official Zoning Map to apply base zones and apply overlay zones as shown on the map entitled “Recommended Zoning Map” in Part 1, Section 4 of Exhibit B (*Lower Southeast Rising Area Plan*).
- D. Amend Title 33, Planning and Zoning, as shown in Part 1, Section 4, pages 80-87, of Exhibit B (*Lower Southeast Rising Area Plan*).
- E. Adopt the Vision and Growth Concepts as shown on pages 45-54 of Exhibit B (*Lower Southeast Rising Area Plan*) as legislative intent.
- F. Adopt Exhibit A (*Lower Southeast Rising Area Plan Findings of Fact Report*), and the Introduction and Land Use Background sections of Exhibit B (*Lower Southeast Rising Area Plan*) as further findings.
- G. Adopt the commentary in the Proposed Amendments section of Part 1, Section 4, Exhibit B (*Lower Southeast Rising Area Plan*) as legislative intent and further findings.
- H. Direct the Bureau of Transportation to consider items from the Transportation Project Recommendations on pages 105-136 and from the Transportation System Plan Street Classification recommendations on pages 156-169 of Exhibit B (*Lower Southeast Rising Area Plan*) with the next update to the *Transportation System Plan*.

**Section 2.** This ordinance shall be in full force and effect on October 1, 2024.

**Section 3.** If any section, subsection, sentence, clause, phrase, diagram, or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid, or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram, and drawing thereof, regardless of if any one or more sections, subsections, sentences, clauses, phrases, diagrams, or drawings contained in this Ordinance, may be found to be deficient, invalid, or unconstitutional.

# Impact Statement

## Purpose of Proposed Legislation and Background Information

The primary purposes of the Lower Southeast Rising (LSER) Area Plan amendments are to allow for more neighborhood businesses in the plan area through expanded commercial/mix-use zoning and to expand the range of housing options and affordability levels in the plan area through broader mapping of multi-dwelling zoning. The Plan's amendments include changes to the Comprehensive Plan's Urban Design Framework, the Comprehensive Plan Map, the Zoning Map, and minor associated amendments to two Zoning Code maps. The Plan also includes recommendations for transportation projects to be included in a future update to the Transportation System Plan. The LSER Area Plan amendments support City policies for creating complete neighborhoods, where residents have local access to services they need for daily life, and is also supportive of policies calling for providing a diversity of housing options close to services and transit, and policies related to community resilience, human health, and economic prosperity.

The LSER Area Plan was initiated in response to advocacy by community organizations that sought to address community needs related to land use and transportation issues in the Brentwood-Darlington Neighborhood and parts of adjacent neighborhoods. The core area of the LSER Area Plan is the Brentwood-Darlington Neighborhood, which was annexed to the City of Portland in 1986. Development up to that time typically did not include sidewalks, creating significant gaps in the area's transportation infrastructure that continues to the current time. The area also has little commercial zoning, so that the area has no substantial neighborhood business district and has few local commercial services, with the majority of the area's zoning (74 percent) being single-dwelling, limiting the diversity of housing options.

## Financial and Budgetary Impacts

This project does not amend the budget, change staffing levels, reclassify staff, or authorize new spending or other financial obligations (IGAs, contracts, etc.) and therefore there are no significant long term financial or budgetary impacts to the City.

Adoption of the LSER Area Plan's amendments will result in minimal short-term impacts to City revenues or staff work. A growth analysis undertaken as part of the LSER project estimates that the LSER Area Plan's zoning amendments will result in approximately 76 additional housing units and 31 additional jobs in the plan area by 2045. Development permits associated with this small amount of additional development will not have a significant impact on staff work, including the processing of development applications by Bureau of Development Services staff. The LSER Area Plan amendments do not change any Zoning Code regulations or review processes. Therefore, no staff training will be needed to administer the LSER Area Plan amendments.

## Community Impacts and Community Involvement

The LSER Area Plan amendments primarily affect future development in the Brentwood-Darlington neighborhood and small portions of the Mt. Scott-Arleta, Woodstock, Creston-Kenilworth, Reed, and Ardenwald-Johnson Creek neighborhoods. The plan area includes 3,011 acres, of which 201 acres (6.7 percent of total plan area) are proposed for Comprehensive Plan Map and Zoning Map amendments. Approximately 36,000 residents live in the LSER plan area, and the population has a higher portion of people of color than Portland as a whole (32 percent in the plan area versus 29 percent for Portland),

especially in areas around SE 82<sup>nd</sup> Avenue. The Plan's amendments primarily involve Comprehensive Plan Map and Zoning Map amendments, expanding where commercial and multi-dwelling development is allowed. These amendments do not affect the continuation of existing development, but allow more options for the types of land uses and new development that can take place on properties where commercial/mixed use or multi-dwelling zoning is being applied.

The LSER Area Plan project considered potential impacts on disadvantaged communities, and the Plan's implementation approaches were designed to minimize negative impacts, such as residential displacement, while expanding opportunities for lower-cost housing so that a broader range of households can afford to live in the plan area. Analysis undertaken as part of the LSER project's Economic Analysis Background Report found that there is minimal risk of displacement associated with the Plan's amendments due to the high rate of home ownership in the area and the strategic and targeted nature of the proposed zone changes, which avoid locations with existing unregulated low-cost housing. The analysis also found that the Plan's zone changes are not likely to increase overall redevelopment and residential displacement, as the Plan's predominant rezoning involves expansion of low-rise multi-dwelling zones (RM1 and RM2), which will not increase the likelihood of redevelopment beyond what is already economically feasible in the existing single-dwelling zones; but will create the opportunity for more needed housing by allowing more units on a site when redevelopment does occur. The LSER Area Plan also works to provide for housing stability for low-income households in the long-term and increase the supply of affordable housing by expanding where inclusionary housing regulations apply through broader mapping of multi-dwelling and mixed-use zoning; and addresses residential stability in the near term by avoiding zone changes to locations with existing low-cost apartments and manufactured home parks in order to avoid adding to redevelopment pressures. The Plan's expansion of commercial zoning will provide more opportunities for the establishment of businesses in an area that has lacked a neighborhood business district, providing opportunities for businesses owners, as well as benefiting area residents by allowing for more local commercial services within walking distance.

The Lower Southeast Rising Area Plan project was informed and shaped by extensive community engagement. A project advisory committee, composed of plan area residents and business representatives, met from May 2021 through July 2023, and played a key role in informing the work of project staff, discussing options, and helping to refine proposals. The Plan's community engagement included:

- Phase 1 – Issue identification. In Summer 2021, over 15,000 mailers were sent to all addresses in the plan area to announce the plan and seek input via a survey, completed by over 1,500 community members. Staff undertook community stakeholder interviews and canvassed affordable housing apartments and mobile home parks to learn about issues in the area. Staff also partnered with Latino Network to hear from Latino families about needs and issues, tabled at the Lents Farmers Market, met with neighborhood and business associations, and held a bike ride through the project area. In Winter 2021 staff created a "Pin It Portland" online mapping tool, for people to identify issues and their locations, and received over 600 responses.
- Phase 2 – Implementation Alternatives. In Summer 2022, staff held an online open house and survey (provided in five languages) that presented and sought feedback on alternative land use scenarios and land use and transportation priorities. Over 500 responses were received, which were supplemented with input from Latino Network focus group discussions, meetings with community groups, and neighborhood walks and bike rides. This input shaped the refinement of the Plan's

proposals, which were released as the Discussion Draft Plan after months of discussion with the project advisory group and refinement.

- Phase 3 – Discussion Draft. Staff released the Discussion Draft for public review in May 2023 and received feedback from over 300 community members through a variety of means. This included an online open house and survey, an online Map App tool showing zone change proposals for specific properties, tabling at community events and gathering places – where staff talked to over 150 people, neighborhood and business association meetings, focus group discussions with the area’s Spanish-, Vietnamese-, and Chinese-language communities, and an online virtual event held on May 24. Staff also sent out 6,000 mailers to owners of properties being considered for zone changes and to nearby residents.
- Phase 4 – Proposed Draft. The Proposed Draft Plan was released for public review and the Map App was opened for testimony to the PSC on September 8, 2023. The legally required Measure 56 notices of the proposed zone changes were mailed to property owners at the same time, preceded by Legislative notices that were sent on August 31, 2023. Staff also announced the Proposed Draft and the October 10 Planning Commission public hearing through the project notification list (with over 1,100 subscribers), emails to community stakeholders, and via social media. To provide accessible information about the Proposed Draft and how to provide input to the Planning Commission, the BPS website project page was updated with information that highlighted the key elements of the Plan and links to all related Plan documents. Besides opportunities to provide written testimony via the Map App or by mail, the public was provided opportunities to comment and suggest amendments in front of the Planning Commission. The Planning Commission considered public testimony in making their recommendation to City Council.

The Planning Commission voted on November 14, 2023, to forward to City Council their Recommended Draft Lower Southeast Rising Area Plan, which incorporated changes informed by feedback received during the hearings process.

Testimony to City Council on the Recommended Draft is expected to include a mix of perspectives. It is likely to include testimony supportive of amendments expanding opportunities for neighborhood businesses and housing, as part of supporting the area’s become a more complete neighborhood with more local services . There will likely also be testimony supportive of the Plan’s recommended transportation projects, with some likely raising concerns that improvements should happen as soon as possible due to current safety issues. Other testimony will likely come from homeowners concerned about rezoning established residential areas from single dwelling to multi dwelling and concerns about impacts on neighborhood stability.

### 100% Renewable Goal

If applicable, discuss how this action contributes to the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

This ordinance does not directly affect the City’s 100% Renewable Goal, but LSER Area Plan amendments that allow higher-density development in mixed-use centers and corridors in the plan area will contribute to compact development that is more energy efficient and will allow more people to live within walking distance of commercial and community services and to transit, helping to reduce dependence on private automobiles and the use of fossil fuels.

Does this action change appropriations?

No

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount
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## Other required information filing information

### Ordinance Short Title

Adopt the Lower Southeast Rising Area Plan amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, and Zoning Code

### Requested Council Date

April 25, 2024

### Requested Council Type (choose 1)

- Time Certain (2:00 PM 2 hrs)\*\*

### Documents and Exhibits

- Ordinance
- Exhibit A: Findings of Fact Report
- Exhibit B: Lower Southeast Rising Area Plan Recommended Draft

### Zoom invite requests

- Bill Cunningham Co-project Manager, [bill.cunningham@portlandoregon.gov](mailto:bill.cunningham@portlandoregon.gov)
- Shane Valle Co-project Manager, [shane.valle@portlandoregon.gov](mailto:shane.valle@portlandoregon.gov)
- Rachael Hoy Supervising Planner, [rachael.hoy@portlandoregon.gov](mailto:rachael.hoy@portlandoregon.gov)
- Patricia Diefenderfer Chief Planner, [patricia.diefenderfer@portlandoregon.gov](mailto:patricia.diefenderfer@portlandoregon.gov)
- Planning Commission Chair – Mary-Rain O’Meara, [Mary-Rain.O'Meara@portlandoregon.gov](mailto:Mary-Rain.O'Meara@portlandoregon.gov)

\*\*Time Certain: When we have projects we’re requesting to be Time Certain, I can enter them as a blank placeholder before we have final documents to file. Commissioner Rubio’s office must sign off on Time Certain requests.