

ORDINANCE NO. 184047 As Amended

Amend the Community Involvement Work Program; amend the Periodic Review Work Program; and direct the Bureau of Planning and Sustainability to submit these amended Work Programs to the Oregon Department of Land Conservation and Development for Approval (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. On August 11, 2010, by Ordinance No. 184046 the Portland City Council established the Planning and Sustainability Commission and assigned to this commission authorities formerly exercised by the City Planning Commission.
2. This reassignment occurred during the Work Program Completion Phase of Portland's second Periodic Review.
3. Periodic Review is a state-mandated program that requires larger cities to update their comprehensive plans. Portland completed its first Periodic Review 2000, and began its second review in 2008.
4. Community involvement and commission review of proposed comprehensive plan amendments are required components of Periodic Review.
5. On August 6, 2008 the Portland City Council adopted a new Community Involvement Program, Periodic Review Evaluation, and Periodic Review Work Program.
6. The Oregon Department of Land Conservation and Development approved Portland's Periodic Review Evaluation and Periodic Review Work Program, rejected objections to the Community Involvement Program and rejected objections to the composition of the Community Involvement Committee (DLCD Order 001773, September 30, 2009).
7. Because the City's state-approved Community Involvement Program and Periodic Review Work Program make reference to the City Planning Commission rather than the Planning and Sustainability Commission, and because amendments made by Ordinance No. 184046 to Portland's Comprehensive Plan and Title 33 of the Municipal Code are land use decisions, an amended Comprehensive Plan, Municipal Code, Community Involvement Program, and Periodic Review Work Program must be submitted to the Oregon department of Land Conservation and Development for approval.
8. The Community Involvement Committee has recommended beneficial changes to the Community Involvement Program, and on July 13, 2010, the City Planning Commission recommended that the City Council adopt these improvements. These improvements must be submitted to the Oregon Department of Land Conservation and Development for approval.

9. There are discrepancies between the version of the Periodic Review Work Program adopted by the City and the version approved by DLCD Order 001773; and on July 13, 2010, the City Planning Commission recommended that City Council adopt an amended Periodic Review Work Program designed to resolve these discrepancies. These amendments must be submitted to the Oregon Department of Land Conservation and Development for approval.

Findings on Statewide Planning Goals

10. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Because of the limited nature of these amendments only Statewide Planning Goals 1 and 2 apply.
11. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement.
12. On April 27, 2010, the Mayor met with the Planning Commission at a public meeting to discuss the proposed Planning and Sustainability Commission with them. On the same day, he also met with the Sustainable Development Commission at a public meeting to discuss the proposed Planning and Sustainability Commission with them.
13. On May 18 2010, notice of the proposed amendments to the Community Involvement and Periodic Review Work Programs was mailed to more than 500 people and organizations, including all neighborhood associations and coalitions and business associations in the City of Portland. The notice informed them of the proposals, the availability of the proposed amendments on or before July 3, 2010, a briefing before the Planning Commission on June 8, 2010, and a public hearing before the Planning Commission on July 13, 2010.
14. During the week of June 7, 2010, the Mayor's Office sent letters to nearly 900 people, including members of both Commissions, to inform them of the proposed new Commission.
15. On July 1, 2010, the proposed amendments described in the May 18, 2010 notice became available for public review.
16. On July 13, 2010, the Planning Commission held a hearing on the proposed Community Involvement and Periodic Review Work Program amendments. Staff from the Bureau of Planning and Sustainability presented the proposal, and public testimony from two individuals was received. The Commission voted unanimously to forward amendments to the Community Involvement and Periodic Review Work Programs to City Council with a recommendation to approve the amendments and forward them to the Oregon Department of Land Conservation and Development for state approval.
17. On July 21, 2010, notice of the City Council hearing was mailed to persons who had testified at the Planning Commission hearing in person or in writing and to the prior objectors of record for the work program development phase of Portland's second periodic review. The notice informed them of the availability of the recommended changes to the Community Involvement Program and Periodic Review Work Program, and the public hearing before the City Council.
18. On July 21, 2010, the Planning Commission's recommended amendments were published. They were made available to the public, posted on the Bureau's website, and mailed to those who requested copies.

19. On August 4, 2010, City Council held a hearing on the Planning Commission recommendation for a new Planning and Sustainability Commission. Staff from the Bureau of Planning and Sustainability presented the proposal, and public testimony was received.
20. On August 11, 2010 City Council voted to adopt this Ordinance to amend the Community Involvement and Periodic Review Work Programs.
21. The amended Community Involvement and Periodic Review Work Programs meet the requirements of Statewide Planning Goal 1 because they improve existing programs already determined to comply. The un-amended Work Programs met the requirements of Statewide Planning Goal 1 as documented in the response to objections section of DLCD Order 001773, which is attached as Exhibit C and made part of this Ordinance by this reference. The amended Work Programs exceed the requirements of Statewide Planning Goal 1 by adding greater clarity and detail, and by resolving technical discrepancies between city and state versions on the same programs. These improvements include a charter and bylaws for the Community Involvement Committee, more explicit lists of expected Periodic Review products, and a more realistic schedule of expected product submission dates. No Periodic Review tasks have been added or deleted by these amendments, and the final completion date for all Periodic Review tasks remains the same.
22. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amended Periodic Review Work Program continues to observe the following required content and sequence of Statewide Planning Goal 2:
 - a. Establishment of an adequate factual base for planning decisions, included new housing needs and economic opportunity analyses, buildable lands inventory, jobs and housing capacity estimates, and coordinated jobs and population growth estimates;
 - b. Examination of alternative courses of action; including economic, social, environmental, and energy consequence analyses;
 - c. Adoption of a new or revised Comprehensive Plan Map and new or revised Comprehensive Plan policy; and
 - d. Adoption of sufficient and effective measures to carry out the new or revised map and policies.

Findings on Portland's Comprehensive Plan Goals

23. Because of the limited nature of the amendments only two Comprehensive Plan provisions apply.

24. Policy 1.4, **Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, which is assigned regional coordination authority for these amendments by Oregon Revised Statutes, Chapter 195.
25. Goal 9, **Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.

NOW, THEREFORE, the Council directs:

- a. Adopt the amended Community Involvement Program, which is attached as Exhibit A and made part of this Ordinance by this reference.
- b. Adopt the amended Periodic Review Work Program, which is attached as Exhibit B and made part of this Ordinance by this reference.
- c. Submit re-formatted, adopted-text versions of Exhibits A and B to the Oregon Department of Land Conservation and Development as locally-adopted periodic products and request state approval of these products.
- d. Submit adopted-text versions of the amendments made by Ordinance No. 184046 to Portland's *Comprehensive Plan* and to Title 33 of the *Municipal Code* to the Oregon Department of Land Conservation and Development as locally-adopted periodic products and request state approval of these products.
- e. Transfer all Period Review hearings records presently before the City Planning Commission to the Planning and Sustainability Commission on the effective date of Ordinance No. 184046 .
- f. This Ordinance is binding city policy.

Passed by the Council: AUG 11 2010

Mayor Adams
Prepared by: A. Burns
Date Prepared: July 14, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Agenda No. **ORDINANCE NO. 184047** As Amended
Title

Amend the Community Involvement Work Program; amend the Periodic Review Work Program; and direct the Bureau of Planning and Sustainability to submit these amended work programs to the Oregon Department of Land Conservation and Development (DLCD) for State Approval (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Adams	CLERK USE: DATE FILED <u>JUL 30 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration <i>Adams</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>LaVonne</i></u> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: <i>Susan Anderson</i>	ACTION TAKEN: As Amended AUG 04 2010 PASSED TO SECOND READING AUG 11 2010 9:30 A.M.
Prepared by: A. Burns Date Prepared: July 14, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date August 4, 2010	
City Attorney Approval <i>KS Beaumont</i>	

PPD

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> <i>2 of 2</i> Start time: 3:30 P.M. Total amount of time needed: 30 minutes Second of two ordinances sharing time certain.
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	