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Mailed 7-21-2010



City of Portland Bureau of  
**Planning and Sustainability**

Sam Adams, Mayor | Susan Anderson, Director

City of Portland  
Bureau of Planning & Sustainability  
1900 SW Fourth Avenue, Suite 7100  
Portland, OR 97201-5380 P516  
**Portland Plan - Amendments to Community  
Involvement Program and Periodic Review  
Work Program**

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## Portland Plan - Amendments to Community Involvement Program and Periodic Review Work Program

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Portland City Council Hearing  
Wednesday, August 4, 2010 3:30 p.m.—time certain  
Council Chambers, City Hall  
1221 S.W. Fourth Avenue  
Portland, Oregon

# Portland Plan: Amendments to Community Involvement Program and Periodic Review Work Program

## **Why am I receiving this notice?**

You are receiving this notice because you have expressed interest in being notified of certain Bureau of Planning & Sustainability projects, you are on one of our advisory groups, you testified at the Planning Commission hearing, you are on the Periodic Review participant mailing list, or you are a member of a neighborhood or business association.

## **Background and Proposal**

The Portland Plan will be a guide for the next 25 years to ensure that Portland is a thriving and sustainable city and Portland's residents are prosperous, healthy and educated. The State of Oregon requires larger cities to update their Comprehensive Plans through a process known as Periodic Review. The City's has made its state-mandated Comprehensive Plan updates part of the larger Portland Plan framework.

The first task in the Periodic Review work program is to establish and maintain an effective Community Involvement Program. During the first year of public outreach for the Portland Plan, over 1300 Portlanders have attended public workshops and more than 12,000 people have returned surveys mailed to households.

As required by the Periodic Review work program, a Community Involvement Committee (CIC) was formed in 2009, and has been working to shape and evaluate public outreach for the Portland Plan. The CIC has reviewed elements of the Community Involvement Program for sufficiency and improvement. As a result of that review, the CIC recommends amendments to the Community Involvement Program to increase outreach to groups that were under-represented during the first year.

On July 13<sup>th</sup>, 2010, the Planning Commission held a hearing on and accepted a report and recommendation from the chair of the CIC. The report was on work done so far and proposed improvements. They also held a hearing on and accepted a report and recommendation from the Bureau of Planning and Sustainability. The Bureau's report was on amendments to the Periodic Review work program to resolve differences between the City and State versions of the Periodic Review work program, and clarify task products and submission dates. There is no change to the overall completion date.

The Planning Commission recommends that City Council adopt both reports, and amend the Periodic Review work program and Community Involvement Program as specified in those documents.

## **How can I review this proposal?**

Get a copy of the report. The *Planning Commission Recommendations for Amendments to the Community Involvement and Period Review Work Programs* is available now. You can pick up a copy at our office (1900 SW 4th Ave., 7th Floor). If you call the bureau receptionist at 503-823-7700, a copy will be mailed to you. The document will also be available on the Bureau of Planning and Sustainability website at <http://www.portlandonline.com/bps/index.cfm?c=52133>

([www.pdxplan.com](http://www.pdxplan.com) → About the Portland Plan → Documents → Portland Plan Docs → Planning Commission Documents).

## **How can I comment on this proposal?**

Testify at the City Council hearing. The hearing, on August 4 at 3:30 p.m., will be in Council Chambers at City Hall (1221 SW Fourth Avenue). Metered and pay parking is available in the vicinity. Many buses, the Portland Streetcar, and MAX serve this building; call Tri-Met at 503-238-7433 or go to their web site at <http://www.trimet.org> for routes and times.

Write to City Council. Send written testimony to the Council Clerk at 1221 SW Fourth Avenue, Room 140, Portland, OR 97204, or FAX comments to 503-823-4571.

**Written testimony must be received by the time of the hearing and must include your name and address.**

**For more information,** contact Eric Engstrom, Project Manager, at the Bureau of Planning and Sustainability (503-823-3329 or [Eric.Engstrom@PortlandOregon.gov](mailto:Eric.Engstrom@PortlandOregon.gov)) or visit the packet for this hearing at the Bureau of Planning and Sustainability's website:

<http://www.portlandonline.com/bps/index.cfm?c=52133>

([www.pdxplan.com](http://www.pdxplan.com) → About the Portland Plan → Documents → Portland Plan Docs → Planning Commission Documents).

## ORDINANCE NO.

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 for Approval (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

### General Findings

1. On August 11, 2010, by Ordinance No. \_\_\_\_\_ 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. \_\_\_\_\_ 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.

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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.

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### 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.

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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.

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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.

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18. On July 21, 2010, 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.

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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.

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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, these are: what?

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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. \_\_\_\_\_ 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. \_\_\_\_\_ .
- f. This Ordinance is binding city policy.

Passed by the Council:

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

**LaVonne Griffin-Valade**  
 Auditor of the City of Portland  
 By

Deputy

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**ORDINANCE EXHIBIT A**

**Recommended Revisions to the Community Involvement Work Program**

**Adopted by Council Resolution No. ~~36626~~**  
**August 6, 2008 Ordinance No. \_\_\_\_\_**  
**August 11, 2010**

**Public engagement Community Involvement Work Program**

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**Purpose**

The purpose of ~~public engagement~~ community involvement in the periodic review work program is to provide open and meaningful opportunities for individuals and organizations to effectively influence Comprehensive Plan updates.

Portland has a proud and lengthy tradition of a well-informed, highly involved community committed to making Portland a great place to live, work and play. An extensive network of neighborhood associations and district coalitions, an active business community and a growing network of ethnic, immigrant and historically “hard-to-reach” communities all provide the City of Portland with a wealth of knowledge, commitment and passion from its people. As the City develops and undertakes periodic review, it is renewing its commitment to quality ~~public engagement~~ community involvement by building on the communities’ strengths as well as the City’s recent successes in community visioning and engagement.

**Officially Recognized Citizen Involvement Advisory Committee**

Integral to the ~~public engagement~~ community involvement work program is an official committee to advise the process regarding public engagement. State law gives the City three choices in terms of designating its ~~Citizen Involvement Advisory Committee (CIAC)~~ Community Involvement Committee (CIC):

1. The City Council may serve as its own advisory committee;
2. The City Council may designate the Planning Commission as the advisory committee; or
3. The City may appoint an advisory committee separate from the Planning Commission.

If the City selects the second or third options the members must be “broadly representative of geographic areas and interests related to land use and land-use decisions” and “be selected by an open, well-publicized public process.”

In 2008 The Portland City Council adopted Resolution No. 36626 which accepted the recommendation of the City Planning Commission to use a combination of the second and third approaches listed above - that the Community Involvement Advisory Committee be composed of planning commissioners and at least nine other members of the community. A planning commission and a community member would serve as co-chairs. Community members for the CIAC would be nominated by the Mayor and confirmed by City Council for fixed terms.

On August 11, 2008, the Portland City Council adopted Ordinance No. \_\_\_\_\_  
which recognized that duties assigned to the former City Planning Commission would be



exercised by the new Planning and Sustainability Commission. This same ordinance adopted the committee's charter and bylaws. The name of the committee was changed to "Community Involvement Committee." These changes required update of Portland's public engagement program; now called the "Community Involvement Work Program." Under the updated program the Community Involvement Committee would consist of no more than eighteen (18) members. No more than three (3) of Community Involvement Committee Members would be members of the Planning and Sustainability Commission. The Chair of the Community Involvement Committee would be a member of the Portland Planning and Sustainability Commission. Non-Planning Commission members would be appointed by the Mayor and confirmed by the City Council for fixed terms. The chair and the Planning and Sustainability Commission members would be appointed by the President of the Planning and Sustainability Commission.

Under this updated Community Involvement Program the ~~The committee~~ Community Involvement Committee ~~would~~ will:

1. Review, comment, and recommend changes to this draft ~~public engagement~~ community involvement program.
2. Monitor the ~~public engagement~~ community involvement process throughout the planning process to ensure the ~~engagement~~ involvement program is being properly carried out.
3. The CIC may also schedule ~~quarterly~~ regular work sessions and issue reports. If the CIC discovers through its monitoring and evaluation activities that the approved ~~public engagement~~ community involvement work program could be made more effective, it may recommend that the City Council make changes to the approved program.

The community members should reflect essential constituencies within Portland including, but not limited to, neighborhood association and district coalition networks, business associations, ethnic communities, and other organizations with interests in how Portland develops. The CIC will work on a participatory rather than a representative model. It is the CIC as a whole that reflects Portland as a community; members should not view themselves as the sole representative of a particular constituency or interest.

All CIC meetings will be subject to state open meetings and public records laws. To the CIC will collectively determine how to resolve any procedure issue that might arise during the course of a meeting, whether that be Robert's Rules of Order, consensus, modified consensus or other decision-making structure. The Portland Bureau of Planning and Sustainability would provide staff support for these meetings.

## **Guiding Principles**

The following principles are proposed to be used to guide ~~public engagement~~ community involvement during the preparation of plan updates and as the basis for ongoing monitoring and improvements to the public engagement work program.

The Portland Bureau of Planning and Sustainability will value and record all comments received. All recommendations received will be retained, considered and made available for public review. Every public recommendation made orally or in writing for a ~~Planning Commission~~ Planning and Sustainability Commission or City Council hearing will receive an official city response. The response will explain how the recommendation was considered and accommodated or why accommodation was not possible.

The Portland Bureau of Planning and Sustainability will provide effective tools and information in order to make effective public participation possible.

Information needed to make decisions will be presented in a simplified and understandable form. Assistance will be provided to interpret and effectively use technical information. Copies of technical information will be available on the Internet, at public libraries, at neighborhood coalition offices and at other locations open to the public. Translations of key documents will be available.

Decisions will be open, transparent and accessible. Reports containing the facts and reasons necessary to make particular decisions will be available at least twenty-one days before any ~~Planning Commission~~ Planning and Sustainability Commission or City Council hearing, and these reports will be retained for the life of the plan. All hearings venues will be accessible.

Plans, supporting documents, and plan-implementing measures will be adopted by City Council ordinances and will be retained in City offices easily accessible to the public and made available on the Internet.

## **CHARTER OF THE CIC**

### **Purpose**

The Portland Plan Community Involvement Committee (CIC) is charged with serving as the “eyes and ears” of Portland’s many and diverse communities, ensuring that the perspectives of ALL Portlanders are reflected in the Portland Plan as it evolves.

CIC will interact with Bureau of Planning and Sustainability staff, particularly District Liaisons. The CIC will also work with the Office of Neighborhood Involvement’s Public Involvement Best Practices Program, Diversity and Civic Leadership Program, and other initiatives designed to promote inclusive and meaningful public involvement in Portland. The CIC will continue the community’s participation in the Portland Plan, a process that began with visionPDX, which captured and fleshed out our shared values of sustainability, equity, accessibility, community connectedness and distinctiveness.

CIC will receive information and be a checkpoint for a wide representation of community members to review, comment and advise the Bureau of Planning and Sustainability on the Portland Plan as it is developed. It will help guide the Planning and Sustainability Commission and City Council as they consider approval of the plan.

CIC will meet quarterly, or as needed. Subcommittees will be established to work on specific tasks as may be determined and will hold meetings as necessary. CIC will provide regular reports and updates to the Planning and Sustainability Commission.

### **Committee Responsibilities:**

1. Define criteria and principles for engaging Portlanders in a public involvement process for the Portland Plan, identify benchmarks and timelines to measure success, and serve

as “guardians” of the process to make sure that criteria and principles continue to be adhered to throughout the development of the Plan.

2. Advise the Planning and Sustainability Commission on Portlanders’ understanding, awareness and reaction to the Plan as it progresses. Recommend changes for outreach and public support for the plan as appropriate to stay flexible, responsive and transparent.
3. Provide guidance to and a sounding board for staff to test ideas, messages, informational materials and exercises – with special attention to clarity, accessibility, and relevance to issues of concern to the public.
4. Utilize the member’s connection to their respective networks as ambassadors for the involvement process in the community.
5. Document key discussion points and decisions, post notes on the Portland Plan website, and appear before the Planning Commission for interaction and to provide reports.

## **BYLAWS OF THE CIC**

### **1. NAME OF ORGANIZATION:**

The name of the organization shall be the Portland Plan Community Involvement Committee (CIC)

### **2. PURPOSE**

The Portland Plan Community Involvement Committee is charged with serving as the “eyes and ears” of Portland’s many and diverse communities, ensuring that the perspectives of ALL Portlanders are reflected in the Portland Plan as it evolves.

CIC will interact with Bureau of Planning and Sustainability (BPS) staff, particularly District Liaisons. The CIC will also work with the Office of Neighborhood Involvement’s Public Involvement Best Practices Program, Diversity and Civic Leadership Program, and other initiatives designed to promote inclusive and meaningful public involvement in Portland. The CIC will continue the community’s participation in the Portland Plan, a process that began with visionPDX, which captured and fleshed out our shared values of sustainability, equity, accessibility, community connectedness and distinctiveness.

CIC will receive information and be a checkpoint for a wide representation of community members to review, comment and advise the Bureau of Planning and Sustainability on the Portland Plan as it is developed. It will help guide the Planning and Sustainability Commission and City Council as they consider approval of the plan.

CIC will meet quarterly, or as needed. Subcommittees will be established to work on specific tasks as may be determined and will hold meetings as necessary. CIC will provide regular reports and updates to the Planning and Sustainability Commission which has final authority on all matters related to the Portland Plan as it is referred to the City Council for approval.

### **3. COMMITTEE RESPONSIBILITIES**

a. Define criteria and principles for engaging Portlanders in a public involvement process for the Portland Plan, identify benchmarks and timelines to measure success, and serve as

“guardians” of the process to make sure that criteria and principles continue to be adhered to throughout the development of the Plan.

b. Advise the Planning and Sustainability Commission on Portlanders’ understanding, awareness and reaction to the Plan as it progresses. Recommend changes for outreach and public support for the plan as appropriate to stay flexible, responsive and transparent.

c. Provide guidance to and a sounding board for staff to test ideas, messages, informational materials and exercises – with special attention to clarity, accessibility, and relevance to issues of concern to the public.

d. Utilize the member’s connection to their respective networks as ambassadors for the involvement process in the community.

e. Document key discussion points and decisions, post notes on the Portland Plan website, and appear before the Planning and Sustainability Commission for interaction and to provide reports.

#### **4. MEMBERSHIP**

Qualifications: CIC consists of no more than eighteen (18) and no less than fourteen (14) members representing the diverse communities of Portland including racial/ethnic, gender, age, religious, and socio-economic diversity, none of whom may hold public elective office. Three (3) of those members shall be representatives of the Planning and Sustainability Commission as appointed by the President of the Planning and Sustainability Commission. The Chair shall be a member of the Portland Planning and Sustainability Commission.

Terms: CIC members shall serve for a period of three years commencing July 8, 2009 or until such time as the Portland City Council takes final action on the Portland Plan or until such time as may otherwise be determined by CIC. Members of the Committee who wish to resign before completion of the project shall provide a written letter of resignation to the CIC Chair.

Adding New Members: If a CIC member is no longer able to serve on the committee or the Mayor's office or BPS feels that adding a member is crucial to the ongoing viability of the committee, a membership sub-committee will be convened with the sole purpose of evaluating appropriateness of the potential member. Each potential member will be asked to complete an application, identical to the one that all existing members were asked to complete. The sub-committee will interview and make recommendations regarding the potential member(s) to the committee as a whole at the next scheduled meeting and a vote will be taken. A majority of members must vote yes, for the member to be included. The addition of a new member to replace a Planning and Sustainability Commission representative shall be as appointed by the Planning and Sustainability Commission President. An application, interview and vote do not apply to such members.

#### **5. MEMBER RESPONSIBILITIES**

a. Attend and actively participate in Committee meetings, and subcommittee meetings as appropriate.

b. Interact with community members and partners to develop and promote interest and participation in the Portland Plan.

c. Share information with local organizations in which you are involved, and gather, synthesize, and convey information and perspective from those organizations.

d. Review background materials to understand the issues and their relevance to various communities.

e. Provide a sounding board to ensure that a variety of data and viewpoints have been considered.

f. Voice concerns directly, promptly, and constructively.

## **6. STAFF RESPONSIBILITIES**

a. Assist the Chair in preparing and distributing agendas and background materials in advance of meetings. Post agendas and other meeting materials on the website.

b. Manage and facilitate the process for the good of the Committee as a whole.

c. Attend and facilitate meetings as ex officio member.

d. Develop summary notes from meetings and distribute them within seven (7) days of the meeting. These notes should faithfully represent areas of general agreement within the group and areas in which there are diverging viewpoints. Once accepted by the Committee, post notes on the Portland Plan website.

e. Develop draft documents for Committee's review and comment.

f. Provide relevant information to the Committee regarding ongoing City activities relating to the Portland Plan.

g. Provide documentation of its activities and outcomes relating to the public involvement process.

h. Provide verbal response to questions from CIC at meetings and otherwise in writing.

## **7. SUBCOMMITTEES**

The CIC Chair, in consultation with staff, shall create Sub Committees as may be deemed necessary to perform the work of CIC. Subcommittees shall be established as outlined in Addendum "A" with additional Subcommittees to be formed as may be necessary. The CIC Chair, in consultation with staff, shall also appoint Task Groups as required for the purpose of performing particular assignments.

## **8. FINANCIAL SUPPORT**

All members of the Committee serve without pay. BPS shall provide CIC with staff assistance necessary to enable it to discharge its duties.

## **9. OFFICERS**

Chair: The Planning and Sustainability Commission Chair shall appoint a member of the Planning and Sustainability Commission as the chair of the Committee. The chair shall preside at all Committee meetings. The chair shall represent the Committee at the Planning and Sustainability Commission and as requested by the Committee.

Executive Subcommittee: Members of the Executive Subcommittee shall select an alternate chair on a rotating basis from within the Subcommittee every three months. The alternate chair shall perform the duties of the chair in the chair's absence. The alternate chair may represent the position of the full Committee at Planning and Sustainability Commission and City Council meetings and as requested by the full Committee. The Executive Subcommittee shall attend Planning and Sustainability Commission and City Council meetings as a "spokes group" led by the Chair or alternate Chair.

## **10. MEETINGS**

CIC shall meet at least once a month during its initial six months as an operating organization. The frequency of meeting thereafter will be determined according to necessity. Meetings are conducted in accordance with adopted rules of procedure. Special meetings of the Committee may be called by the chair or by majority vote as deemed necessary. Meetings shall begin and end as scheduled.

## **11. AGENDAS**

Staff shall prepare a draft agenda for any meeting ten (10) days before the meeting. Upon approval of the agenda, staff shall publish the final agenda within five (5) days of the meeting.

Distribution of Agenda to Members: Staff shall e-mail the draft agenda to the Chair and members of the Executive Subcommittee for approval. Staff shall forward a final agenda and any materials necessary for the meeting to the full CIC within five (5) days of the meeting. On most occasions, delivery will be by e-mail, unless printed documents are requested by members, or staff deems e-mail inappropriate for the volume of documents.

Agenda Format: Agenda topics generally will include: approval of minutes, announcements, work items, and matters of interest to the Committee. The agenda may include discussion items at which no vote will be taken, or action items on which a vote may be taken. At any time the Committee may take "straw votes" for informal assessment of positions or decline to make a recommendation.

## **12. QUORUM AND DECISION MAKING**

Two thirds of the active members of CIC shall constitute a quorum at a meeting of the full Committee. In the spirit of harmony and goodwill that comprise the common goals of CIC and its members, formal votes will generally not be taken. Decisions will be made via consensus utilizing a "fist to five" [See Addendum "B"] process whereby the sense of the group can be determined.

In the event there is a major issue that significantly divides the members, the Chair may, in his or her discretion, call for a formal vote. A majority of members present must vote affirmatively in order to take action. Individual members may not have more than one vote. In the event there is an issue where it is known in advance that a vote will take place at an upcoming meeting, members may vote by proxy, but such member(s) will not be included for the purpose of determining a quorum. Proxy shall apply only if original language and intent does not change.

## **13. PUBLIC PARTICIPATION**

Any general or special meeting is open to any person who may wish to be heard regarding any item on the agenda. It is up to the discretion of the Chair of CIC when or whether public comments will be received at the meeting or deferred to the Planning and Sustainability Commission for hearing. Only CIC Committee members will be eligible to vote.

## **14. PROCEDURES**

Roberts Rules of Order shall be followed in all areas not covered by the bylaws.

## **15. POWERS**

CIC shall make recommendations on community involvement policies and issues to the Planning and Sustainability Commission. The Committee performs an advisory role to the Planning and Sustainability Commission and fosters communication and leadership on the Portland Plan community involvement issues. Whereas the Planning and Sustainability Commission holds hearings and makes recommendations to City Council on policy matters pursuant to City Code Chapter 33.710.040.D., CIC shall forward any recommendation on a policy matter to the Planning and Sustainability Commission for public hearing.

## **16. ATTENDANCE**

While CIC is composed of a group of volunteers with busy schedules, it is expected that Committee members will notify the Chair or the appropriate staff member if unable to attend a full CIC or subcommittee meeting. Members missing two (2) consecutive full CIC meetings shall

be asked to meet with the Chair and members of the Executive Committee to determine whether the member has sufficient time and interest to continue on the CIC". The chair, in consultation with the Executive Committee, will make a determination based on the best interests of the member and the CIC.

If a member is unable to attend a meeting, he or she may provide, in advance, written comments relevant to the agenda or may participate via teleconferencing. A member participating via teleconferencing will be included in the quorum count.

An alternate may not be appointed as a representative of a member

#### **17. CONFLICT OF INTEREST PROCEDURES**

A member of the Committee may not participate in any action in which the member has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the meeting where the action is scheduled.

#### **18. SUBMISSION OF PROPOSALS**

Any person or group, inside or outside the Committee may propose items for consideration and/or recommendation to the Committee. CIC shall decide when or whether to receive oral comments during the meeting about matters on the agenda or request written comments for continued deliberation.

#### **19. PUBLIC MEETINGS/PUBLIC RECORDS REQUIREMENT**

CIC shall abide by all Oregon statutes relative to public meetings and public records. Official action(s) taken by the Committee shall be on record or included in the minutes of each meeting. The minutes shall include a record of attendance and the results of any vote(s) taken. A summary of views, including dissenting views, shall be transmitted along with any recommendation made by the Committee to the Planning and Sustainability Commission for acceptance at a regular meeting of the Planning and Sustainability Commission. Official records will be kept on file at BPS.

#### **20. COMMUNICATION**

Communication with the media and broader public by the CIC shall be primarily the responsibility of the Chair or other members of CIC as may be designated by the Communications Sub Committee. Members are not to represent the committee in conversations with members of the media, both on and off the record, with regard to matters of policy or substance, to promote an individual agent or to presume to represent the positions of the CIC or its other members. Members may share, verbatim, information provided to the CIC by the Communications Subcommittee, in keeping with Open Meeting and Public Information Law. For example, talking points, presentation materials and other materials as have been provided by the staff of the Bureau of Planning and Sustainability may be quoted.

When speaking from his/her own point of a view, a member must clearly state in advance, and several times during the discussion that "I am stating my own opinions and make no claim that they represent those of the CIC or other members, though they may."

#### **21. NONDISCRIMINATION**

CIC will not discriminate against individuals or groups on the basis of race, religion, gender, marital status, familial status, national origin, age, physical or mental disability not constituting a

bona fide qualification, sexual orientation, gender identity, source of income or Vietnam era veterans' status.

## **22. ADOPTION AND AMENDMENT OF BYLAWS**

All amendments to these bylaws must be proposed in writing and submitted to members at least ten (10) days before a decision on its adoption may proceed. The process for adoption shall comply with the decision process as described in Article 12 above.

## **23. REVIEW**

In order to maintain flexibility and to promote best practices in the ongoing proceedings of the Committee, and to further determine that the heretofore bylaws are working as intended, the Executive Subcommittee shall review the bylaws no later than six months after its adoption. At that time, the Subcommittee may recommend any amendments to the bylaws to the full Committee as may be deemed appropriate.



## **PUBLIC ENGAGEMENT COMMUNITY INVOLVEMENT BEST PRACTICES**

### **BEST PRACTICES**

Portland Plan staff, along with its working partners, agencies, and the Community Involvement Committee (CIC), engaged Portlanders in a **continuum of outreach approaches** that build upon one another (see graphic below).



**Notification – Information – Presentations – Interactive Activities**

Notification is the least intensive approach to public involvement where as interactive activities represent the most intensive. From mailers send to household, to summarized fact sheets on background reports, to ads in community newspapers, to online forums including survey and social media, and to interactive polling workshops and specialized hosted presentations, the continuum of approaches resulted in a collaborative effort that engaged both partners and Portlanders.

To effectively evaluate whether or not Portland Plan staff and its working partners complete successful public engagement and outreach, the CIC established **five measurable goals**:

1. Build on existing relationships
2. Engage broader and more diverse groups with education and information, and provide all interested with enough education so they can meaningfully participate
3. Provide multiple venues and means for community involvement and engagement
4. Involve as many people as possible
5. With feedback and continuous engagement throughout Portland Plan development and implementation, ensure community members are being heard.

These goals are drawn from the best practices listed below.

#### **Use a range of outreach channels:**

- Build upon existing networks and information channels;
- Fund existing community organizations to help them develop their own participation strategies;
- Focused on groups that tend not to participate, or are underrepresented, in larger public meetings.
- Use the Portland Plan is an opportunity to build capacity within community organizations and underrepresented communities.
- Reach out to all generations and communities by having discussions, attending events and meetings and making information available where people live, study and hang out;
- Record comments and ideas at meetings and events, provide timely response to questions and concerns, and make comments accessible to the public;

- Create one central official project mailing list for project communication (include both U.S. mail and e-mail addresses);
- Maximize web-based tools such as the project web page, electronic newsletter and short videos; and
- Design and implement a media strategy, including regular press releases promoting on-going newspaper and radio/TV coverage.
- 

**Use accessible outreach materials:**

- Compose several audience-appropriate materials targeted to and based on input from youth and other under-represented and hard-to-reach communities, groups and individuals;
- Create a standard and graphic style for all written/print materials so that materials are easily identified as part of this project;
- Translate key materials into several languages and use appropriate and effective channels for distribution of information such as in partnership with trusted community-based organizations and cultural groups; and
- Present materials in alternative formats; always have materials available digitally and in standard print formats as well as large-print format on request

## **PHASES OF THE PERIODIC REVIEW WORK PROGRAM**

In addition to general best practices there are phase-specific best practices. The Periodic Review work program is organized around four phases. Public engagement community involvement methods and strategies will be tailored for each phase of the work program. The following summarizes the work and products of the phases:

### **Phase I: Community Involvement**

The involvement program begins with the appointment of the Community Involvement Committee, followed by the drafting of a charter and bylaws, review and possible improvement of the involvement program.

The involvement program is deployed, reviewed and adjusted throughout all phases of the periodic review work program.

### **Phase I II: Develop Work Program Adequate Factual Base**

~~This phase will be used to compile and share baseline information, define the scope of the project and prepare a work program.~~

~~Research will be conducted to build a shared base of facts on which to build the work program. This includes an assessment of existing City plans and programs in light of existing conditions, observable trends, and the values and information identified through the visionPDX project. At a minimum, the project scope must meet the needs of the state comprehensive plan "periodic review" requirements. A more far reaching scope is expected to be needed to respond to the direction of City Council and the aspirations of the community.~~

~~This phase of the work program concludes with the City Council adoption of the work program and public engagement program a buildable lands analysis, housing needs analysis, economic opportunities analysis, and estimates of future housing and employment capacity.~~

### **Phase II III: Alternative Futures**

~~In this phase, additional research will be conducted as needed on issues, constraints, problems, and opportunities facing the city. Through outreach, research and analysis, the City will compile community needs and desires in greater detail. The analysis of conditions, previous plans and community values will be combined with community input to develop draft goals, guiding principles and initial evaluation criteria for the plan. The results of this work will define the shared "Planning Context" context known as the Portland Plan. The City will make summaries of the results available and easily accessible.~~

~~The information contained in the Planning Context document will be further refined into a menu of choices that can be used to define and test alternative courses of action. This refinement will be done in two parts. First, the City will frame basic choices that will be organized as "themes," strategies and objectives, with each theme emphasizing a different mix of community values. Second, through analysis and public input, themes will be combined and developed into "scenarios" for detailed modeling and evaluation. Each scenario will be analyzed based on the community-generated evaluation criteria and state requirements.~~

The initial Portland Plan product will be a broad strategic framework that will inform the development of a more detailed Comprehensive Plan. The refinement and translation of the Portland Plan framework into a Comprehensive Plan will be done in two parts. First, the Portland Plan will describe a menu of choices. These choices will be organized as interdisciplinary strategies and policy objectives, with each choice reflecting a different mix of community values and priorities. These different mixes will be refined and analyzed as Portland Plan themes. Second, Portland Plan themes will be combined and developed into land use and public investment “scenarios” for more detailed modeling and evaluation.

The Mayor will appoint a Portland Plan Advisory Committee to assist the Bureau of Planning and Sustainability and the Planning and Sustainability Commission in the development and analysis of Portland Plan strategies, objectives, themes and scenarios.

The work of the Portland Plan Advisory Group will be primarily focused on technical and policy analysis, and strategy building, while the Community Involvement Committee will advise the Bureau of Planning and Sustainability and the Planning and Sustainability Commission in all matters of community involvement.

The Planning and Sustainability Commission will advise the City Council on all matters related to the Portland Plan. This includes community involvement, technical and policy advice. The Planning and Sustainability Committee will receive advice from the Community Involvement Committee and the Portland Plan Advisory Committee.

Because there is not always a clear demarcation between community involvement, policy and technical advice, the Community Involvement Committee and the Portland Plan Advisory Group will remain in close communication. Communication techniques may include, but are not limited to:

- Joint publication of meeting notices,
- Cross-reporting of meeting outcomes,
- Some membership overlap, and
- Occasional joint meetings or attendance.

Any quorum of the Community Involvement Committee or the Portland Plan Advisory Group will be “meeting” of a “public body” within the meaning Oregon law. All such meetings will be noticed and open to the public, but these committees do not conduct public hearings and do not receive public testimony.

The Planning and Sustainability Commission is authorized by the City Code to conduct public hearings and to receive public testimony.

### **Phase ~~III~~IV: Plan Development**

This phase contains big decisions, or what the state planning requirements call “the ultimate policy choice.” The preliminary decision will be presented in the form of a “Concept Plan” recommended by ~~the Planning Commission~~ Planning and Sustainability Commission and accepted by the City Council. This concept plan will be fleshed out and refined through public outreach.

The approved concept plan will be used as the basis for the final plan, which will include a “physical plan” component. The “physical plan” will be the more detailed basis for revision or replacement of the comprehensive plan map. Since this map serves as the basis for land use regulations, the presentation of the draft “physical plan” may require individual notice to property owners whose development opportunities would be affected by the proposed plan.

Comprehensive plan updates must also be coordinated with plans of other affected governments. State law requires the City to provide notice of the proposed adoption of a new plan to affected governments, and to consider and respond to their comments. Portland is quite likely to receive comments from Multnomah County, the school districts, Metro, the Port of Portland, Tri-Met, adjoining cities, and several state agencies. Based on the probable effects of adoption and expected feedback from affected and interested persons and governments, the physical plan could be revised.

The products of this phase are plan updates recommended by the Planning Commission, adopted by City Council, and submitted to the state as a final decision.

#### **Phase IV V: Implementation**

This phase is about selecting necessary and sufficient means to carry out the comprehensive plan. State law provides that, “plans shall be the basis for specific implementation measures,” and requires that “these measures shall be consistent with and adequate to carry out the plans.” In other words, plans are not supposed to contain “orphaned” policies. Every provision of a plan is supposed to be carried out some time during the life of the plan, certainly within 20 years of adoption.

Implementation measures for the existing comprehensive plan include the zoning map and code, urban renewal districts, written agreements with other governments and development partners, lists of capital projects needed to support the physical plan and tax abatement programs. Each of these measures might need to be changed or replaced.

The products of this phase are new or revised implementing measures recommended by the Planning Commission, adopted by City Council ordinance and submitted to the state as a final decision.

### **PHASE-SPECIFIC BEST PRACTICES**

#### **Phase I II: Develop Work Program Adequate Factual Base ~~November 2007 to August 2008~~**

The purpose of ~~public engagement~~ community involvement in Phase I of the project is to inform people about the project, identify additional issues, needs and desires that the community wants addressed in the plan and provide people with an opportunity to review and comment upon the draft assessments and preliminary work program.

#### **1. ~~Public engagement~~ community involvement may include, but is not limited to:**

- a. Go where the people are; attend neighborhood and other community and civic meetings to introduce the plan update process; and
- b. Host a series of community meetings to educate folks about the planning process and to get feedback on the draft assessments of comprehensive plan and Central City Plan and draft work program.
- c. ~~Two Planning Commission~~ Planning and Sustainability Commission hearings.
- d. One City Council hearing.
- e. Report on public comments received at public hearings.

## **Phase II ~~III~~: Develop Alternative Futures for Portland Spring 2008 to Spring 2009**

### **Establish the Portland Context**

The purpose of ~~public engagement~~ community involvement at this step of Phase II is to inform the community about the project; identify issues and generate ideas for addressing issues and opportunities; and identify/discuss preliminary goals and principals that will be used to shape and evaluate alternative strategies/scenarios for accommodating projected growth, addressing issues and realizing opportunities.

#### **2. ~~Public engagement~~ community involvement may include, but is not limited to:**

- a. Host citywide Summits to engage, inform and inspire Portlanders with big picture possibilities and generate ideas that will help shape the plan;
- b. Go to where the people are; attend neighborhood and other community and civic meetings;
- c. Use web-based input tools: surveys and comment forms to inform and solicit ideas;
- d. Use opinion surveys, interviews and feedback forms to solicit information to help inform the planning effort; and
- e. Conduct outreach at summer events: be present to provide information, answer questions and take in feedback at other community events and forums such as cultural activities, clean-up days, farmers markets, etc.

### **Develop Initial Choices and Themes**

The purpose of ~~public engagement~~ community involvement at this step of Phase II is to continue soliciting community input, building upon the previously gathered information, to develop and refine potential alternative futures for Portland, and identify preferences.

#### **3. ~~Public engagement~~ community involvement may include, but is not limited to:**

- a. Community workshops and forums showcasing alternative choices and asking for direction in narrowing choices;
- b. Focus groups, task forces and special committees as needed;
- c. Self-directed community discussion groups and study circles; and
- d. First phase of selecting, training and building relationships with a corps of volunteers to participate as community discussion leaders.

### **Narrow and Refine Scenarios and Choices**

The purpose of ~~public engagement~~ community involvement at this step of Phase II is to pull together information from the public regarding the preliminary scenarios and goal/policy choices,

identify common themes and preferences and merge similar components to form a limited number of alternative choices.

**4. ~~Public engagement~~ community involvement may include, but is not limited to:**

- a. Community workshops and forums (Two rounds: The first round would involve reviewing broad brush, alternative scenarios for the future and big picture policy choices, generating other ideas, and identifying preferences. The second round would involve reviewing and refining three or four scenarios and major policy choices derived from the first round of workshops).
- b. Focus groups, task forces and special committees as needed;
- c. Citywide events;
- d. Self-directed community discussion groups, study circles;
- e. Continued development of a corps of volunteers as leaders in facilitation of community discussions;
- f. Web-based education and feedback tools: on-line questionnaires, videos, discussion guidelines, etc;
- g. ~~Planning Commission~~ Planning and Sustainability Commission hearing;
- h. City Council hearing; and
- i. Report on comments received at public hearings

**Phase III-IV: Plan Development  
~~Summer 2009 to Spring 2010~~**

**Develop the Concept Plan**

The purpose of the ~~public engagement~~ community involvement in Phase III is to flesh out and refine the scenario and big picture goals and polices preferred by the City Council in partnership with the people of Portland.

**5. ~~Public engagement~~ community involvement (may include, but is not limited to):**

The ~~public engagement~~ community involvement shifts at this point. The City will no longer need public input to define and refine concepts and goals, but to instead to refine a draft concept plan. In this phase of the project, community education about the draft concept plan is critically important.

- a. Corps of volunteers takes a leadership role in public education about preliminary draft of new and revised Comprehensive and Central Portland Plans;
- b. Community meetings and forums continue to review and refine the draft plan;
- c. Focus groups, task forces and special committees as needed;
- d. Outreach at summer events: be present to provide information, answer questions and take in feedback at other community events and forums such as cultural activities, clean-up days, farmers markets, etc;
- e. Interviews and feedback forms; and
- f. Web-based education and feedback tools: online questionnaires, videos, discussion guidelines, etc.

**Refine and Adopt the Plan Updates**

The purpose of ~~public engagement~~ community involvement at this step in Phase III is to collect comments and input that assist the staff and the ~~Planning Commission~~ Planning and Sustainability Commission in amending and refining the concept plan.

**6. ~~Public engagement~~ community involvement (may include, but is not limited to):**

- a. Web-based education and feedback tools: online questionnaires, videos, and discussion guidelines, etc.;
- b. Community workshops and forums;
- c. Focus groups, task forces and special committees as needed;
- d. Corps of volunteers takes a leadership role in public education and further refinement of draft plan;
- e. ~~Planning Commission~~ Planning and Sustainability Commission hearing;
- f. City Council hearing(s); and
- g. Report on comments received at public hearings.



# **ORDINANCE EXHIBIT B**

**Recommended Amendments to Portland's Periodic Review Work Program**

## **Recommended Amendments to Portland's Periodic Review Work Program**

### **TASK I – Community Involvement**

#### **Task I Overview**

Ensure meaningful, timely, and sufficient community participation in all phases of plan update.

#### *Subtask A – ~~Appoint Community Involvement Committee~~ Appointment*

The Community Involvement Committee will consist of no more than three members of the City Planning and Sustainability Commission and at least nine others members nominated by the Mayor and confirmed by the Portland City Council.

#### *Subtask B – ~~Establish Standards and Practices~~*

The Community Involvement Committee will review the Public Engagement Community Involvement Program (Exhibit B of the Resolution) to ensure it contains sufficient and appropriate standards and practices. Needed improvements will be identified by the Community Involvement Committee and recommended to City Council by the Planning and Sustainability Commission ~~as possible amendments to the periodic review work program.~~

#### *Subtask C – Monitoring and Evaluation*

The Community Involvement Committee will meet at least quarterly and advise the Planning Bureau of Planning and Sustainability and the Planning and Sustainability Commission on the proper application of standards and practices. Needed improvements will be identified by the Community Involvement Committee and recommended to City Council by the Planning and Sustainability Commission.

#### *Subtask D – Plan and Code Recommendations*

The Community Involvement committee should review Goal 9 (Citizen Involvement) and Goal 10 (Administration) of the Portland Comprehensive Plan, and the “Legislative Procedures” Chapter of the City Zoning Code (Title 33) and provide recommendations to the Planning and Sustainability Commission for beneficial changes.

#### **Task I Products**

Report to Council containing list of confirmed appointments to the Community Involvement Committee.

Ordinance in Council adopting improvements to the Community Involvement Program, including standards and practices.

Regular evaluation of the Community Involvement Program.

Ordinance in Council adjusting the community involvement provisions in the City Code and Comprehensive Plan.

**Task I Submission Dates**

Appointments to the Community Involvement Committee will be submitted before May 1, 2010.

The first set of improvements to the Community Involvement Program, City Code, and Comprehensive Plan will be submitted before September 30, 2010. Any additional improvements will be submitted within 30 days of their adoption by Ordinance of the Portland City Council.

An evaluation of community involvement leading up the adoption of each Task II, III, IV, and V product will be included with the submission of that product.

## TASK II – Inventory and Analysis

### ***Task II Overview***

Research and analysis necessary to provide a solid factual base for plan updates

#### *Subtask A – Characterization of Existing Land Supply*

An inventory will be constructed in three parts: constrained, highly constrained, and unconstrained.

##### 1. Constrained Lands

Development is allowed on constrained lands, but with added scrutiny. The Constrained Lands inventory will be constructed from the best available, parcel specific information on the following:

- Infrastructure Limitations – Areas where an existing transportation, water, sewer, or drainage feature may be insufficient to support current plan designations
- Airport Conflicts – Areas where building use and height must be limited near Portland International Airport because of aircraft approaches or departures, aircraft noise, or safety concerns.
- Heliport Conflicts – Areas where building height must be limited near the Portland Heliport.
- Significant Natural Resources – Streams, lakes, riparian areas, forests, fish and wildlife habitats, scenic views, sites and corridors, groundwater recharge areas, designated open space, and three delineated wellhead protection areas - Columbia South Shore, Vivian, and Gilbert.
- Significant Cultural Resources – Historic districts, buildings, and sites; archeological sites; and areas subject to consultation with Native American tribal governments
- Landslide Hazards – Areas of historic failures; areas of unstable, old and recent landslides; and all slopes over 25%. Hazards will be identified from the best available topographic maps, and the following information from the Oregon Department of Geology and Mineral Industries, should this information become available at a parcel-specific scale: Statewide Digital Landslide Database (SLIDO), and Rapidly Moving Landslide Hazard Zones (IMS-22).
- Earthquake Hazards – Fault lines, areas subject to liquefaction, and areas subject to moderate or severe damage from earthquakes should Department of Geology and Mineral Industries databases IMS-1 and IMS-16 information become available at a parcel-specific scale.
- Floodplains and other Areas Subject to Flooding – Areas identified from Federal Emergency Management Agency 100-year flood maps, 1996 actual flooding, areas with impervious soils or other drainage problems, and areas with shallow ground water.

- Contaminated Areas – Areas identified by the Oregon Department of Environmental Quality from the following sources: Environmental Cleanup Sites I (ECSI), Confirmed Release Sites (CRL) and Underground Storage Tank Cleanup Sites (UST), should this information become available on a parcel-specific basis.

### 2. Highly Constrained Lands

Urban level development is rarely allowed on highly constrained lands, but provisions are often made to transfer development opportunity to less constrained sites. The highly constrained lands inventory will be composed of the following.

- Publicly Owned Land – Those publicly owned or controlled lands that do not provide for employment or residential uses. Examples include parks, rights-of-way, and the beds and banks of navigable waterways.
- Floodways – Areas mapped as floodways by the Federal Emergency Management Agency.
- Conserved Land – designated environmental protection areas; and land benefiting from farm, forest, or open space tax deferral programs.
- Rural lands – Lands that are both not within the regional urban growth boundary and not designated as urban reserves by Metro.

### 3. Unconstrained Lands

These are lands not falling within the previous two categories. This is the “Buildable Lands” inventory within the meaning of Statewide Planning Goal 9 (Economy) and Goal 10. The City will not employ this term because it engenders too much confusion, particularly the assumption that land not so inventoried is not buildable; thus the synonym “Unconstrained Lands” inventory.

#### *Subtask B – Estimate of Remaining Development Potential*

Remaining development potentials for housing and employment will be calculated from the existing Comprehensive Plan Map. This will involve the establishment of a standard set of justifiable assumptions for different categories of urban land, particularly for areas where infill development or redevelopment is likely. The spatial distribution of existing and potential development will inform a “base case” for an alternatives analysis.

#### *Subtask C – Coordination of Population and Employment Forecast*

Portland will begin periodic review without a current regional population forecast, or identified 20-year housing and employment needs. The beginning assumption is that Portland needs to accommodate at least its 2002 Metro allocation of jobs and housing, plus an added increment. Portland will work with Metro during periodic review and will recognize the new regional forecasts and allocations when they become available. An important part of this effort will be working with Metro to refine modeling assumptions to better estimate Portland’s remaining development potential.

#### *Subtask D – Identification of Employment Needs*

Future needs and opportunities will be examined and compared to existing conditions.

1. A new Economic Opportunities Analysis will be prepared. This analysis will describe international, national, state and local economic trends related to the types of business likely to locate or expand in Portland.
2. The City will also reexamine the adequacy of its existing industrial land base, identify “prime” industrial land, and characterize long-term and short-term supplies of industrial land suitable for different employment types in the City’s various employment districts.
3. Portland will also assess the adequacy of its land base for non-industrial employment. Land supply and demand analyses will consider urban centers, main streets and corridors, commercially underserved neighborhoods, and institutional land needs (e.g., schools, hospitals and universities).
4. The amounts of employment land of the constrained and unconstrained inventories will be identified.

#### *Subtask E – Identification of Housing Needs*

Existing and expected housing stock will be characterized by type and affordability.

1. Portland will recognize Metro’s new population forecast, housing urban growth report, and allocation of regional housing potential.
2. Portland will perform a “needed housing” examination, profiling existing and expected residents and the amount of housing affordable for different brackets of household income. Expected surpluses and deficiencies in different housing types and affordability ranges will be identified. The residentially zoned part of the unconstrained inventory will be checked to determine whether it contains the potential of 10-units per acre, and whether half the remaining potential is for multi-dwelling and attached single dwelling structures.
3. The City will also examine its total housing potential lost or gained since the last periodic review, particularly the supply of more affordable housing. Amounts of housing land on the constrained and unconstrained inventories will be identified.
4. The City will identify any provisions in its zoning and other codes that might serve as barriers to the provision of identified forms of needed housing. An example of one such form might be courtyard housing designed for families with young and school-aged children.

## **Task II Products**

Ordinance of City Council adopting at least the following as Comprehensive Plan background documents:

- Inventory Map of Buildable Residential Lands
- Inventory Map of Buildable Employment Lands
- Inventory Map of Significant Natural Resources
- Inventory Map of Hazards
- Housing Needs Analysis
- Economic Opportunities Analysis
- Estimate of Remaining Housing Capacity
- Estimate of Remaining Employment Capacity

## **Task II Submission Date**

All Task II products will be submitted before December 31, 2010.

## **Task III – Consideration of Alternatives**

### ***Task III Overview***

The City will identify the consequences of alternative patterns of development. Development patterns will be depicted by use, intensity, and form.

#### *Subtask A – Develop Evaluation Criteria*

Evaluation criteria will include the state requirements for the examination of the economic, social, environmental, and energy consequences of different choices. Examples of measured consequences would include trip generation potential by mode and potential changes in housing costs. Additional evaluation criteria will be derived from community values identified through the visionPDX project.

#### *Subtask B – Thematic Alternatives*

Simplified consequence analysis will be applied to different patterns of urban development. Alternatives will be designed to emphasize particular community values. There will be several of these.

#### *Subtask C- Detailed Alternatives*

Detailed consequence analysis will be applied to a base case derived from a probable build-out of the existing comprehensive plan, and at least three other alternatives - each trying to achieve an optimum mix of community values.

### **Task III Products**

Ordinance of City Council adopting an analysis of the social, economic, energy and environmental consequences of at least three alternative spatial deployments of the housing and employment needs as a Comprehensive Plan background document

### **Task III Submission Date**

The Task III alternative analysis will be submitted before June 30, 2011.



## Task IV – Policy Choices

### ***Task IV Overview***

Policy choices are decisions informed by the alternatives analyses. They must be recommended by the Planning and Sustainability Commission and adopted by City Council ordinance. This task description is fairly general because it attempts to describe only plausible decisions. The actual decisions must be based on the yet-to-be-completed preliminary work described in Tasks II and III above.

### ***Subtask A – Physical Plan (New Comprehensive Plan Map)***

A new plan for the physical development of the City will replace the existing Comprehensive Plan map. This plan might be form-based, use-based, or employ a combination of both approaches. All other periodic review policy choices should be derived from or supportive of the future development pattern depicted on the physical plan.

### ***Subtask B – ~~Economy~~ The Economic Element***

1. The City will adopt long-term policies and shorter-term strategies for economic development.
2. Different types of employment districts may be established.
3. Sufficient vacant, partially developed, and re-developable land will be identified to meet expected employment needs.
4. Coordination with Metro to ensure sufficient capacity for job growth within Portland is recognized by the regional *Urban Growth Management Plan*. This allocation will be derived from the point forecast of total regional employment needs for the Year 2030.

### ***Subtask C – The Housing Element***

1. The City will adopt long-term policies and shorter-term strategies for meeting identified housing needs.
2. The City may revisit its “no net loss” housing policy or adopt alternative housing conservation policies, particularly policies aimed at preserving the existing stock of affordable housing.
3. Sufficient vacant, partially developed, and re-developable land will be identified to meet expected employment needs.
5. Coordination with Metro to ensure sufficient capacity of housing growth within Portland is recognized by the regional *Urban Growth Management Plan*. This allocation will be derived from the point forecast of total regional population growth for the Year 2030 divided by forecasted future average household size..

### ***Subtask D – The Public Facilities Element***

1. New facilities plans will be developed to meet service requirements of the physical plan. These plans may provide for future updates through post-acknowledgement plan amendment processes to take account of better forecasting and modeling procedures expected to become available within the next five years.
2. Transportation, sewer, drainage, and water projects necessary to support future development will be identified and adopted as part of the plan.
3. The existing Portland International Airport, and any proposed airport expansion areas, will be depicted as public facilities in the plan.
4. A decision will be made to either continue or discontinue operation of the Portland Heliport. If continued the heliport would be depicted in the plan.
5. Should one or more school districts complete facility planning during the course of periodic review, and should the City be requested by a school district, the City could depict the general location of desired future school sites in the plan.

*Subtask D E – The Transportation Element*

1. Conforming amendments to the City Transportation System Plan will be made for updates to the Regional Transportation Plan.
2. If authorized by the Regional Transportation Plan the City might adopt alternatives to the “Level of Service” standard for characterizing the adequacy of existing and proposed transportation facilities. These alternatives might apply citywide or only within designated areas. In the absence of further state guidance the City might also adopt standard methods for examining the transportation effects for proposed intensifications or urban development.
3. The City might also consider a system of modal preferences or desired mode splits as part of its street classification scheme.

**Task IV Products**

Ordinance of City Council adopting at least the following amendments to the Portland Comprehensive Plan:

- Land Use Map depicting property-specific locations and intensity of needed housing and employment
- Economic Element, including coordination with Metro
- Housing Element, including coordination with Metro
- Transportation Element, conforming to Regional Transportation Plan

**Task IV Submission Dates**

All Task IV products will be submitted before June 30, 2012.

## **Task V - Implementation**

### ***Task V Overview***

Whatever policy decisions are made, they must be carried out by sufficiently robust implementation measures. It is important to emphasize that not all these measures are regulatory. Funding an identified public works project is an example of plan implementation, as are programs carried out by government-to-government or public private partnerships. Because policy decisions have yet to be made, the illustrative implementation measures are necessarily vague. Possible new implementation measures might include:

1. Retention measures for prime industrial land and affordable housing stock,
2. Remediation programs for brownfields,
3. Adjustments to minimum residential density requirements, or application of minimum density requirements to mixed use development or residential development in non-residential zones,
4. Form-based design standards,
5. Construction of additional streetcar lines,
6. Interagency agreements with special districts,
7. Establishment of new urban renewal areas,
8. A standard method for estimating traffic generation potential of proposed plan amendments,
9. New community involvement and outreach programs,
10. Inter-bureau strategies to carry out plan objectives, or
11. Adjustment of height, noise, and use limitations around airport.

### **Task V Products**

Ordinance of City Council adopting regulations, projects, and agreements sufficient to carry out the amended Comprehensive Plan.

### **Task V Submission Dates**

All products will be submitted before September 30, 2012.

### **FINAL WORK PROGRAM COMPLETION DATE**

All periodic review tasks must be completed by October 1, 2012.

## DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

### ORDER AND REPORT ON RESPONSE TO OBJECTORS

(Mark Bartlett, Lynn Schore,  
Linnton Neighborhood Association)

DLCD Order 001773

September 30, 2009

#### I. DECISION

Pursuant to Oregon Administrative Rules chapter 660, division 25, and based on the analysis and conclusions contained in this report, the Director rejects the objections of Mark Bartlett, Lynn Schore, and the Linnton Neighborhood Association to the City of Portland's Periodic Review Evaluation and Work Program, and approves the city's Periodic Review Evaluation and Work Program.

#### II. BACKGROUND – Summary of Timeline, Decisions, City's Submittal and Context

The City of Portland (City) received notice from the Department of Land Conservation and Development (DLCD) to initiate periodic review on November 13, 2007. Pursuant to OAR 660-025-0090(3), the City requested, and the director granted, a 90 day extension to its original completion date of May 12, 2008, in order to complete its evaluation and work program. On August 11, 2008, the City submitted to DLCD both the "Locally-Adopted Periodic Review Evaluation" and the "Locally-Adopted Periodic Review Work Program," that the City Council approved on August 6, 2008. Also, the Bureau of Planning (BOP) staff appeared before the State Citizen Involvement Advisory Committee (CIAC) at its August 21, 2008 meeting. Pursuant to ORS 197.160, the CIAC reviewed the City's proposed Committee for Citizen Involvement (CCI) and Citizen Involvement Program (CIP), Task I of its "Locally-Adopted Periodic Review Work Program." The CIAC provided recommendations for improvements to the work program for consistency with Goal 1.

The 21-day period for filing objections ended September 2, 2008. The Department received objections filed by three parties: Mark Bartlett, Lynn Schore, and the Linnton Neighborhood Association. The Department submitted its comments on the evaluation and work program to the City on September 9, 2008. On December 31, 2008, the City submitted a revised evaluation and work program and a revised CIP that conformed to the suggestions of the CIAC.

The City's periodic review process is not an isolated planning process; it is rooted in the larger context of the Portland Plan. The Portland Plan is a complete rewrite of the 1980 Comprehensive Plan and the 1988 Central City Plan. It combines elements of urban design, sustainability, and economically viable long-range planning. With a 30-year planning horizon, the Portland Plan is intended to guide the physical, economic, social, cultural, and environmental development of Portland.

ORS 197.628 and OAR 660-025-0010 describe the purposes of periodic review and establish the scope of the department's review. Both the statute and the rule specify that the purpose of periodic review is for comprehensive plans and land use regulations to remain in compliance with the statewide planning goals and to adequately provide for economic development, needed housing, transportation, public facilities and services, and urbanization. ORS 197.628(2) further specifies that the Land Conservation and Development Commission (LCDC) shall concentrate periodic review assistance on the statewide planning goals that pertain to economic development, needed housing, transportation, public facilities and services, and urbanization.

### III. OBJECTIONS

#### A. The objectors are:

- a) Mark Bartlett,
  - 4 objections
- b) Lynn Schore,
  - 1 objection
- c) Linnton Neighborhood Association,
  - 1 objection

#### B. Criteria for valid objections:

Only persons who participated at the local level, orally or in writing, during the local process leading to the evaluation and work program or decision that no work program is necessary, may object to the City's decision. To be valid, an objection must:

“(a) Be in writing and filed with the department no later than 21 days from the date the notice was mailed by the local government;

“(b) Clearly identify an alleged deficiency in the evaluation, work program, or decision that no work program is necessary;

“(c) Suggest a specific work task that would resolve the deficiency;

“(d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.”

OAR 660-025-0100(2).

### III. DLCD REVIEW

#### A. Mark Bartlett – Four Objections

**Objection 1:** No written Citizen Involvement Plan (CIP).

Summary: The Department understands Mr. Bartlett's first objection to be that the City does not have an adequate CIP, or that, to the extent there is a CIP, it was not shared with the public; that the City did not engage in a public involvement process prior to entering into Periodic Review, which fails to satisfy OAR 660-025-0080(2), which requires that there be an adequate process

for citizen involvement in “all phases” of the periodic review process; that involvement only started during the evaluation and work program phase (roughly November 2007 through August 2008); and that responses to his concerns by the City were inconsistent or deficient.

**Objector’s Suggested Remedy:** Before continuing the periodic review process, construct a written citizen involvement plan that is functional and understandable and provide that plan to the public.

**Does the Objection Meet the Criteria for a Valid Objection:** Yes; in part.

**DLCD Response:**

The City has an “acknowledged or otherwise approved” CIP.<sup>1</sup> For the purpose of periodic review, the City’s Public Engagement Strategy and the proposed Citizen Involvement Committee (CIC) will be the CIP as contemplated in Statewide Planning Goal 1. To the extent that the City previously had an inadequate CIP, Mr. Bartlett has not established that the City’s proposed Public Engagement Work Program submittal is inadequate and therefore has provided no basis for DLCD to sustain this aspect of his objection.

Mr. Bartlett is correct that there must be an adequate process for citizen involvement in all phases of the periodic review process, including the evaluation and work plan development phase. However, the objection does not establish how using the City’s existing CIP during that phase is inconsistent with OAR 660-025-0080(1). The objection does not establish that the CIP does not provide for citizen participation consistent with the minimum citizen involvement opportunities required by the periodic review rule. OAR 660-025-0080(2) requires that a local government review its CIP to assure that it is adequate for the periodic review process. Although that rule requires a local government to afford interested persons an opportunity to comment during the periodic review evaluation, the rule, read in its context, does not imply that the local government must conduct this review prior to entering into the evaluation and work program phase of periodic review. Therefore, the City acted consistently with both Goal 9 of its comprehensive plan and the rule by undertaking an evaluation of the CIP during the evaluation and work program development phase. The City states, and DLCD agrees, that it used its acknowledged CIP during the evaluation and work program phase.

As described by the City, at the outset of periodic review process, the City worked to design a new CIP specifically for plan updates. In January 2008, the public process for community involvement accelerated, when the City hired staff dedicated to the periodic review process. BOP staff constructed a Public Engagement Strategy with the help of other bureaus, the

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<sup>1</sup> OAR 660-025-0080(1) requires in part that a local government use its “acknowledged or otherwise approved citizens’ involvement program to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review.” In its Evaluation, the City stated:

“Portland is required to use its existing state-approved citizen involvement program when beginning periodic review. This program is Goal 9 (Citizen Involvement) of our Comprehensive Plan. This goal is carried out, in part, by the ‘Legislative Procedures’ chapter of our zoning code. These provisions incorporate state public record and open meeting requirements, provide minimum 30-day notice of public hearings, and minimum 10-day availability of documents before a hearing. This 10-day document availability period falls short of a 21-day requirement for some stages described in the state periodic review rule (OAR 660-25).” Evaluation at 6.

Mayor's Office, and three public involvement consultants. The overall approach also included a strategic marketing communications program that built upon the 2007 visionPDX effort. Portland's Public Engagement Team developed a matrix of goals, outcomes, processes, and products for a series of eight community meetings, or "Listening Points," in May. These efforts culminated in the Portland Plan Leadership Summit, held June 6, 2008, and two Community Summits (designed to be more accessible to the public by being held on the weekend and designed as a grass roots effort), held Saturday, June 14. All told, nearly a hundred staff in eight bureaus<sup>2</sup> and more than six hundred members of the community came to these engagement activities to produce the Public Engagement Strategy.

With regard to the component of Mr. Bartlett's first objection that the City's responses to him were inconsistent or deficient, the suggested remedy does not address this alleged deficiency with a specific work program task. Therefore, the objection provides no basis for DLCD to find the City's submittal to be inadequate.

**DLCD Conclusion:** The valid portion of the first objection of Mr. Bartlett is rejected; the first objection of Mr. Bartlett in part does not comply with OAR 660-025-0100(2)(b) and is therefore not valid and as to that part, the Department must reject the objection pursuant to OAR 660-025-0100(3).

**Objection 2:** Failure of the BOP to include citizens in the process.

**Summary:** DLCD understands Mr. Bartlett's second objection to allege a violation of the participation requirement of Goal 2.<sup>3</sup> The objection details that Mr. Bartlett petitioned the BOP to participate as early as autumn 2007, but was informed that he could not participate in or attend the policy and technical meetings of the BOP and that he requested minutes pursuant to ORS chapter 192 (Records; Reports and Meetings)<sup>4</sup> but was told that none existed. The objection concludes that, "while the BOP may have met the very bare minimum according to the statutory requirements, these efforts were superficial, not meaningful."

**Objector's Suggested Remedy:** Considering that the written CIP is not yet ready to provide the public with a definition of their role in participating, extend the time for developing the work program.

**Does the Objection Meet the Criteria for a Valid Objection:** No

OAR 660-025-0100 provides that the remedy for resolving an alleged deficiency in the work program is a specific work task. OAR chapter 660, division 25 defines "work task" as "an activity, that

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<sup>2</sup> Bureau of Development Services, Bureau of Environmental Services, Bureau of Housing and Community Development, Bureau of Planning, Office of Sustainable Development, Portland Development Commission, and Portland Department of Transportation.

<sup>3</sup> Goal 2 provides in part:

"Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances."

<sup>4</sup> The Public Meetings Law requires that "[t]he governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings (emphasis added)." ORS 192.650. Because the Department determines that the second objection is not valid, it does not need to determine whether ORS 192.650, which applies to "the governing body", would be applicable to the BOP in the circumstance described in the second objection.



is included on an approved work program and that generally results in an adopted amendment to a comprehensive plan or land use regulation.” OAR 660-025-0020(8). The suggested remedy proposes additional time for the whole process of developing the work program. It is incongruous that the evaluation and development of a work program, which is comprised of work tasks, could be a discrete work task under the rule.

In addition, the proposed remedy is premised on the erroneous assertion that no CIP has existed throughout this process. As described under Mr. Bartlett’s first objection, the City relied on its acknowledged CIP during the evaluation and work program development. The role for public participation was clearly defined during this phase and is clearly defined going forward under Task I of the work program. Therefore, the suggested remedy would not resolve the alleged deficiency.

**DLCD Conclusion:** The second objection of Mr. Bartlett does not comply with OAR 660-025-0100(2)(c) and is therefore not valid and the Department must reject the objection pursuant to OAR 660-025-0100(3).

**Objection 3:** Failure to enumerate and disclose all projects to be incorporated under the Portland Plan.

**Summary:** In the third objection, Mr. Bartlett requests of the City “an enumeration of all work considered for inclusion under that comprehensive effort that comes to Council for a single vote called the Portland Plan.” He asserts that “these efforts are not inclusive of the public at this time in the way that the Goal and Statutes recommend or require.” DLCD understands the third objection to allege a deficiency in the evaluation and work program that results in a violation of the participation requirement of Goal 2.

**Objector’s Suggested Remedy:** The BOP must be directed to “define all projects underway that will impact or be incorporated into the final ‘plan’ being brought before Council for approval [and] [p]rovide publicly the names of staff and participants, meeting schedules, locations etc...so the public can actually participate in or follow intelligently these as they develop.”

**Does the Objection Meet the Criteria for a Valid Objection:** Yes.

**DLCD Response:**

The City submitted its “Locally-Adopted Periodic Review Work Program” that calls out five detailed work tasks. As noted, the periodic review work program is a subset of the work plan for the Portland Plan. Mr. Bartlett does not establish that all of the projects involved in the Portland Plan are or would be subject to the periodic review jurisdiction of the Department. The original and revised work programs (August 11, 2008 and December 31, 2008) contain all the required elements required by the periodic review statute.<sup>5</sup>

Any changes that the City makes to elements of the Portland Comprehensive Plan outside the scope of periodic review would need to be adopted as post-acknowledgement plan amendments rather than as periodic review work tasks. These amendments must comply with statewide planning goals and are subject to review for such compliance, including Goals 1 and 2. Also, the City indicates in its revised work plan that the new CIC may oversee the public

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<sup>5</sup> ORS 197.628(2) directs LCDC to “concentrate periodic review assistance to local governments on achieving compliance with those statewide land use planning laws and goals that address economic development, needed housing, transportation, public facilities and services and urbanization.”



involvement process for other Portland Plan components and, thus, be equally inclusive of the public as the periodic review amendments.

***DLCD Conclusion:*** The third objection of Mr. Bartlett is valid, but it fails to demonstrate any violation of a statewide planning goal or rule. As a result, the Department rejects the objection.

***Objection 4:*** Lack of public representation in the evaluation and work plan development and request for substitution of CIC members.

***Summary:*** In the fourth objection, Mr. Bartlett asserts that the Portland Planning Commission has acted as the Goal 1 required Citizen Involvement Committee (CIC) since August of 2007 without authorization of DLCD or LCDC. He then objects to the new hybrid CIC, proposed in both the original and revised adopted work program, comprised of participants from the Planning Commission and the public.<sup>6</sup> He asserts that this is “not truly representative of the OAR Goal [1].”

***Objector’s Suggested Remedy:*** Portland instead should choose a representative citizen group to work with the BOP staff to construct a CIP that defines the participatory responsibilities for both the BOP and citizens. Then this group should formulate the selection criteria for a CIC committee and then select the committee members. Portland should allow this CIC to review the periodic review evaluation and work plan and to act independently of, rather than subordinate to, the BOP.

***Does the Objection Meet the Criteria for a Valid Objection:*** Yes.

***DLCD Response:***

Goal 1 clearly provides that a local government may assign to the planning commission the duties and responsibilities of developing, adopting, and implementing a CIP, which would otherwise be the responsibility of the Citizen Involvement Committee. However, it must submit its reasoning for doing so to LCDC and the CIAC. Mr. Bartlett has asserted that the City previously did not comply with all of the requirements before utilizing the planning commission as a committee for citizen involvement. Regardless, because a valid objection to an evaluation and work program must clearly identify an alleged deficiency in the evaluation or work program, as opposed to past practices of a local government, the department only considers the fourth objection as it relates to the adequacy of the future participation of members of the planning commission in the CIC. The objection fails to connect that historic circumstance with any deficiency in the proposed work plan submittal under review. To the extent the objection can be understood to contend that citizen involvement in development of the work program was thereby flawed, the objection does not establish how the work program fell short of the requirements for citizen involvement in OAR 660-025-0080(2)(a).<sup>7</sup> To the extent the objection can be understood

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<sup>6</sup> The proposed CIC will consist of three members of the City Planning Commission and at least nine others members nominated by the Mayor and confirmed by the Portland City Council.

<sup>7</sup> OAR 660-025-0080(2) provides in part:

“Each local government must review its citizen involvement program and assure that there is an adequate process for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities must, at a minimum, include:

to contend that in the future the CIC will be dominated by the planning commission members, the department does not see any adequate basis to predict that outcome. The fourth objection does not establish how the City's proposed "Public Engagement Work Program" submittal, as amended to address the CIAC recommendations for improvements to the work program for consistency with Goal 1, is not consistent with the applicable goal and rule requirements.

***DLCD Conclusion:*** The fourth objection of Mr. Bartlett is **valid, but it fails to demonstrate any violation of a statewide planning goal or rule. As a result, the Department rejects the objection**

## **B. Lynn Schore, et al.<sup>8</sup> – One Objection**

***Objection:*** Ms. Schore objects that the City is not enforcing the zoning code against the Portland Public Schools (PPS) for violations that she alleges result in segregation, concentration of poverty, and lack of equal access to education in the City; that the public is being denied the right to speak on this issue; and that the City plans to make changes to the zoning code, without public input, that will retroactively legalize PPS's actions.

***Objector's Suggested Remedy:*** Objector Schore lists eleven recommendations.

1. Make no changes to the Zoning Code now or in the near future, to allow for public discussion of the issues raised by the violations.
2. Do not hold any more private meetings regarding the PPS zoning violations and prepare public notes of all previous and future meetings on the subject.
3. That the City Attorney, the City Auditor, and the Oregon Attorney General conduct a full review of the Zoning Code violations.
4. Make public the list of school sites where PPS violated the Zoning Code developed between the PPS and BDS.
5. Make public the actual number of complainants, without identifying the complainants, and the specific complaints at each PPS school.
6. That the City Attorney, the City Auditor, and the Oregon Attorney General conduct a full review of the PPS violations of the City School Policy over the course of twenty school closures.
7. Establish web links to the following three documents on the City's website, the City Auditor's website, and the City Archives' website and make the same documents available at the BOP offices:

- City School Policy: City of Portland, Oregon. Adopted as Policy 11-63 of Exhibit A of Ordinance 150580
- February 2000 City Schools Agenda: Priority Strategies of Mutual Interest to the City of Portland and Portland School Districts
- 1957 Land for Schools Report

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"(a) Interested persons must have the opportunity to comment in writing in advance of or at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on the periodic review evaluation. Citizens and other interested persons must have the opportunity to propose periodic review work tasks prior to or at one or more hearings. The local government must provide a response to comments at or following the hearing on the evaluation."

<sup>8</sup> Lynn Schore's objection was co-signed by Steve Linder, Shei'Meka Newmann, Dixie Johnston, Maryann Schwab, Nancy Smith, Anne Trudeau, Annie Graves, and Andrea Linder.

8. Work with interested parties to develop a set of “search terms” that will link citizens with the above documents.
9. Convene a Citizen Summit, sanctioned by the City and on City property to discuss the above issues (this recommendation was presented to the City by SEPL in a letter dated 8/6/08).
10. In the long term, make a change to the Zoning Code to require a Conditional Land Use Review at all public schools in the City whenever a grade level change is made to a school.
11. In the long term, make a change to the Zoning Code to require a Conditional Land Use Review anytime a public school is changed from a neighborhood school to a magnet school, focus option school, or charter school.

***Does the Objection Meet the Criteria for a Valid Objection:*** No.

The Department determines that the objection fails to satisfy the rule criterion: “Clearly identify an alleged deficiency in the evaluation, work program or decision that no work program is necessary.” OAR 660-025-0100(2)(b). The subject matter of this objection is outside of the scope of periodic review. Although the public facilities element of the Portland Comprehensive Plan includes goals and policies related to the enhancement of educational opportunities, and periodic review must include an update the public facilities element of the plan, this objection does not identify a deficiency in the evaluation or the work program. Rather, it asserts a problem with enforcement of the acknowledged zoning code.

The City has recognized the concerns of Ms. Schore and is addressing these concerns on an ongoing basis both as part of the Portland Plan development, and on a more immediate code enforcement basis.

***DLCD Conclusion:*** This objection is not valid and the Department must reject the objection pursuant to OAR 660-025-0100(3).

**C. Linnton Neighborhood Association (LNA), Pat Wagner**

***Objection:*** DLCD understands LNA to be alleging violations of Goals 1 and 2.

***Summary:*** In violation of Goal 1, LNA alleges that the residents were denied a seat on the River Committee and that the River Committee meetings were held at inconvenient times for residents; that the documentation of public outreach in the draft River Plan is inaccurate and, in some instances, untrue; that notifications of meetings are only posted on the City’s website and are not sufficiently labeled or conspicuous to allow the layperson easy access to the information; that it is a conflict of interest for the chairperson of the River Committee to also be the chairperson of the Planning Commission; and that the Planning Commission was instructed to ignore public testimony. In violation of Goal 2, LNA alleges that the River Plan North Reach excludes involvement by a cross section of the affected citizens from the planning process, that there was less than thirty days notice for public hearings on the draft of the River Plan, and, while public comment was extended, no more oral testimony was taken.

***Objector’s Suggested Remedy:*** LNA does not assert any specific work tasks to resolve these alleged deficiencies.

***Does the Ojection Meet the Criteria for a Valid Objection:*** No.

The LNA has not satisfied the criteria for a valid objection. Ms. Wagner has not established that she, or the LNA, participated at the local level, orally or in writing, during the

local process leading to the City's evaluation and work program. The objection that the LNA asserts is in regard to the River Plan North Reach which is a planning process that is outside the scope of periodic review. Therefore, the objection fails to clearly identify a deficiency in the adopted evaluation or work program. Also, even if the objection addressed the periodic review evaluation and work program, it does not suggest any specific work tasks to be included in the Work Program that may resolve these deficiencies.

***DLCD Conclusion:*** This objection is not valid and the Department must reject the objection pursuant to OAR 660-025-0100(3).

Dated this \_\_\_ day of September, 2009.

Notice: Pursuant to ORS 197.633(3) and OAR 660-025-0110(4), this decision is final and may not be appealed.

# City of Portland

APPROVED

## PERIODIC REVIEW WORK PROGRAM SUMMARY

DLCD Periodic Review Team Leader:	Darren Nichols	Phone: 503.373-0050 x255 Fax: 971.673-0911
City Planning Director:	Susan Anderson	Phone: 503.823-7700 Fax: 503.823-7800
City Project Manager	Steve Dotterter	Phone: 503.823-7700
Multnomah County Planning Director:	Karen Schilling	Phone: 503.988-3389 Ex. 29635
Clackamas County Planning Manager:	Mike McCallister	Phone: 503-742-4522
Washington County Planning Manager:	Brent Curtis Phone:	Phone: 503-846-3519
Date Work Program Approved by DLCD:	<b>September 30, 2009</b>	<b>Order 001773</b>
Final Work Program Completion Date:	<b>October 01, 2012</b>	<b>Order 001773</b>

**Work Program Task Completion Summarized:**

T#, approved, date, order 0017xx, description

**Major Work Tasks Subject to Public Notice and DLCD Review  
(See OAR 660-25-130 - submission of completed work task)**

Task #	Work Program Reference	Task Summaries and Product Descriptions	Submittal Date (s)
1	<b>CITIZEN INVOLVEMENT PROGRAM</b>	<p><i>Implement: Citizen Participation Strategy consistent with Goal 1, and Committee for Citizen Involvement</i></p> <p><i><u>Subtask A: Establish Community Involvement Committee</u></i></p> <p><i><u>Subtask B: Review elements of the staff's citizen involvement program for sufficiency and possible improvements</u></i></p> <p><i><u>Subtask C: Consultation and Recommendations to City Commission</u></i></p> <p><b>Products:</b>  <i>1) A Community Involvement Program consistent with the requirements of Goal 1, and approved by the Committee for Citizen Involvement</i>  <i>2) Appoint Community Involvement Committee</i></p>	<p>09/30/2009</p> <p>10/31/2009</p> <p>Ongoing</p> <p>10/31/2009</p>

Task #	Work Program Reference	Task Summaries and Product Descriptions	Submittal Date (s)
2	LAND USE INVENTORY AND ANALYSIS	<p><u>Research and Analysis to establish a solid factual basis for comprehensive plan updates in the periodic review process consistent with the requirements of Goal 2.</u></p> <p><b>Subtask A:</b> <u>Establish the amount of existing land supply for residential and non-residential uses by developing an inventory of constrained, highly constrained and unconstrained lands on a parcel specific basis.</u></p> <p><b>Subtask B:</b> <u>Evaluate the above to determine development potentials for housing and employment, including appropriate assumptions for infill and redevelopment. .</u></p> <p><b>Subtask C: Identify Employment Needs:</b>  A new Economic Opportunities Analysis will be prepared in accordance with requirements for same found in OAR 660, Division 9. Reexamine the adequacy of its existing industrial land base, identify "prime" industrial land, and characterize long-term and short-term supplies of industrial land suitable for different employment types. Assess the adequacy of its land base for non-industrial employment considering urban centers, institutional land needs (e.g., schools, hospitals and universities). Estimate amount of brownfields land that can be remediated and returned to short term supply.</p> <p><b>Subtask D: Identify Housing Needs.</b> Recognizing Metro's 20-year population forecast, residential urban growth report, and allocation of regional housing potential pursuant to ORS for the amount of housing affordable for different brackets of household income. Expected surpluses and deficiencies in different housing types and affordability ranges will be identified. Check the residential inventory for zoning potential of 10-units per acre, and whether half the remaining potential is for multi-dwelling or attached single dwelling structures under the provisions of OAR Chapter 660, Divisions 7 and 8.</p> <p><b>Products:</b>  1) <u>Inventory and Analysis of Housing and Employment Needs:</u>  2) <u>Estimates of Jobs and Housing Capacity:</u>  <u>Final Report on Determination of development potential</u></p>	03/31/2009
3	ALTERNATIVE PATTERNS OF DEVELOPMENT	<p><u>Develop and evaluate alternative patterns of development as depicted by use, intensity, and urban form.</u></p> <p><b>Subtask A – Develop Evaluation Criteria and ESEE Measures</b>  Including state requirements for the examination of the economic, social, environmental, and energy consequences of different choices. Additional evaluation criteria will be derived from community values identified through the visionPDX project.</p> <p><b>Subtask B –Develop Alternatives</b>  Simplified analysis will be applied to different patterns of urban development. Several alternatives will be designed to emphasize particular community values.</p>	



Task #	Work Program Reference	Task Summaries and Product Descriptions	Submittal Date (s)
3	ALTERNATIVE PATTERNS OF DEVELOPMENT (continued)	<p><i>Subtask C- <u>Detailed Alternative Analysis</u></i>  <i>Detailed consequence analysis will be applied to a base case derived from a probable build-out of the existing comprehensive plan, and at least three other alternatives - each trying to achieve an optimum mix of community value.</i></p> <p><b>Products:</b>  <i>Consequence analyses of alternative distribution patterns of needed housing and employment</i></p>	04-2010
4	POLICY CHOICES	<p>Updates to Traditional Comprehensive Plan Elements, <b>including COORDINATION with Metro, the regional government</b></p> <p><b>Subtask A- <u>Physical Plan (New Comprehensive Plan Map)</u></b>  <i>A Physical Plan map to replace the existing Comprehensive Plan map. Other periodic review policy choices will be derived from the future development pattern depicted on the map.</i></p> <p><b>Subtask B- <u>The Economic Element</u></b>  <i>Complete and utilize the EOA to adopt long-term policies and shorter-term strategies for economic development. Establish employment districts. Identify sufficient vacant, partially developed, and re-developable land to meet expected employment needs.</i></p> <p><b>Subtask C- <u>Housing Element</u></b>  <i>Adopt long-term policies and shorter-term strategies for meeting identified housing needs. Consider alternative housing conservation policies, particularly policies aimed at preserving the existing stock of affordable housing. Identify sufficient vacant, partially developed, and re-developable land will be identified to meet expected employment needs.</i></p> <p><b>Subtask D <u>Public Facilities Element</u></b>  <i>New facilities plans* will be developed to meet service requirements of the physical plan. Updates to the new public facility plans are likely through post-acknowledgement plan amendment processes to take account of future, better forecasting and modeling within the next four years. Undertake School facility planning pursuant to 195.110 School facility plan for large school districts</i>  <i>*Sewer, drainage, and water projects, Portland International Airport; whether to continue or discontinue operation of the Portland Heliport.</i></p>	

Task #	Work Program Reference	Task Summaries and Product Descriptions	Submittal Date (s)
4	POLICY CHOICES (continued)	<p><b>Subtask E- Transportation Element</b>  <i>Amend the city's Transportation System Plan after updates to the Regional Transportation Plan is complete As authorized by the Regional Transportation Plan, adopt alternatives to the "Level of Service" standard for characterizing the adequacy of existing and proposed transportation facilities. These alternatives might apply citywide or only within designated areas. In the absence of further state guidance the City might also adopt standard methods for examining the transportation effects for proposed intensifications or urban development. Consider a system of modal preferences or desired mode splits as part of its street classification scheme.</i></p> <p><b>Subtask F- Population and Coordination with Metro Element</b>  <i>As a final subtask, and in conjunction with the finalization of the Economic and Housing elements, the city will coordinate with Metro to the extent necessary to obtain an allocation of both projected new jobs and dwelling units that are expected to be accommodated within the city limits. Once available, both twenty-year forecasts for employment and residential uses shall be "point" forecasts, that is, an absolute number as contrasted with a range forecast.</i></p> <p><b>Products:</b>  <i>Revised Comprehensive Plan Policies and Revised Comprehensive Plan Map</i></p>	<p>12-2011</p> <p>12-2011</p>
5	IMPLEMENTATION	<p><i>Using a combination of regulatory, government-to-government, private/public partnerships, by May, 2012 develop an array of implementation measures, including but not limited to:</i></p> <ul style="list-style-type: none"> <li>• Retention measures for prime industrial land and affordable housing stock,</li> <li>• Remediation programs for brownfields</li> <li>• Application of minimum density requirements to mixed use development or residential development in non-residential zones,</li> <li>• Form-based design standards,</li> <li>• Construction of additional streetcar lines,</li> <li>• Interagency agreements with special districts,</li> <li>• Establishment of new urban renewal areas,</li> <li>• A standard method for estimating traffic generation potential of proposed plan amendments,</li> <li>• Inter-bureau strategies to carry out plan objectives,</li> <li>• Adjustment of height, noise, and use limitations around airport.</li> </ul> <p><b>Products</b>  <i>Revised land use regulations and zone maps:</i></p>	<p>July 2012</p>



Additional Comments:

The dates above are established for the city to submit completed work tasks to DLCD. Interested persons or agencies are advised to contact Al Burns, City Planner, (503) 823-7700, if you are uncertain as to how you will be notified and involved at the local level. The city will provide you with notice of public hearings of those work tasks affecting your agency. However, agencies and other interested persons are advised to monitor subtasks related to that work task, particularly the adoption of needed amendments to the city's comprehensive plan and land use regulations. LCDC rules require that an objecting party participate at the local level orally or in writing during the local review process.

Federal and State Agencies, Special Districts, Affected Local Governments and Interest Groups Participating in Review:

<u>Agency/Interested Groups</u>	<u>Contact</u>
Dept. of Fish and Wildlife (ODFW)	Patty Snow
Division of State Lands (DSL)	Peter Ryan
Economic and Community Development. (ECD)	Paul Grove
Dept. of Transportation (ODOT), Region 1	Lainie Smith
State Historic Preservation Office (SHPO)	Stephen Poyser
Dept. of Water Resources (WRD)	Bill Fujii
Dept. of Environmental Quality (DEQ)	Greg Aldrich
Parks and Recreation Department (OPRD)	Jan Houck
Housing and Community Services (HCS)	Rick Crager
Dept. of Aviation (DOA)	Christopher Cummings
Dept. of Human Services (DHS)	Tom Pattee
Economic Revitalization Team (ERT)	Mark Ellsworth

**NOTE:** Enclosed for city's information and use are:

- 1) a copy of the current periodic review rule;
- 2) a sample "completed work task" notice to be sent by the local government to persons (if any) who participated at the local level or who requested notice;
- 3) copies (yellow) of Notice of Periodic Work Task, forms to be sent by local government to DLCD with each completed work task; and
- 4) list of the State Periodic Review Assistance Team Members.

Please contact Larry French at (503) 373-0050, extension 283 if you have questions or need additional forms.