

ORDINANCE No.

Adopt new supporting documents for an update of Portland's *Comprehensive Plan* (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland's *Comprehensive Plan* describes how the City can accommodate future growth and development. To do this well the plan must be regularly updated, and these updates must be based on good facts and sound analysis.

The Factual Base for Portland's 1980 *Comprehensive Plan*

2. Portland's *Comprehensive Plan* was adopted by Ordinance No. 150580 on October 16, 1980. This plan had two parts, a set of policies designed to achieve eleven goals and a map depicting the preferred future development pattern of the city. The goals and policies were adopted as Exhibit A of Ordinance No. 150580; the map was adopted as Exhibit B of Ordinance No. 150580. In Ordinance No 150580 the City Council determined that *Comprehensive Plan's* goals and policies met the requirements of Oregon's Statewide Planning Goals for the facts and reasons contained within eleven supporting documents dated September 1980:

- Metropolitan Coordination
- Urban Development
- Neighborhoods
- Housing
- Economic Development
- Transportation
- Energy
- Environment
- Citizen Involvement
- Plan Review and Administration
- Public Facilities

A twelfth document, dated January 1980, provided supporting information for the *Comprehensive Plan* map. These *Comprehensive Plan* supporting documents were subject to an annual review and update process between 1981 and 1987.

3. The Oregon Land Conservation Development Commission (LCDC) found that Portland's *Comprehensive Plan* met the requirements of the Statewide Planning Goals on May 1, 1981, but imposed conditions in its Acknowledgement Order and required the City to make technical corrections in plan implementing measures to more fully carry out the purposes of Statewide Planning Goals 5 and 15. In June and July of 1982 the City Council adopted six ordinances, numbered 153326, 153327, 153328, 153329, 153330 and 15371, making these corrections. LCDC issued a supplemental Acknowledgment Order on July 22, 1982, recognizing that the necessary corrections had been made and the conditions of the 1981 Acknowledgment Order had been met.

The Factual Base for an Expanded *Comprehensive Plan*

4. On April 5, 1989 City Council adopted Ordinance No. 161770, which amended Ordinance No. 150580, to add a third part to the *Comprehensive Plan*. The original parts were the goals and policies document and the land use map. Ordinance No. 161770 added Exhibit C to Ordinance No. 150580, a "List of Significant Public Works Projects." The City deemed the listed projects as necessary to support the future development pattern depicted on the *Comprehensive Plan* map. The project list was derived from the 1989 Public Facilities Plan, which contained the following service elements:

- Water
- Sewage Treatment
- Stormwater Drainage
- Sanitary Sewer
- Combined Stormwater and Sanitary Sewer
- Transportation.

Together, the public facilities plan for each of these service elements replaced the 1980 Public Facilities supporting document.

The Factual Base Updates during Portland's First Periodic Review

5. Between August 28, 1987 and January 25, 2000 the City of Portland was engaged in a state-mandated process called "periodic review." This process required a major *Comprehensive Plan* update. A more detailed description of the City's first periodic review is attached to this ordinance as Attachment 4.
6. *Comprehensive Plan* updates conducted as part of the City's first periodic review were supported by the following documents:
- Parks and Open Space Inventory, 1987
 - Vacant Lands Inventory, Methodology and Report, 1987
 - Economic Opportunities Analysis, 1988
 - Mineral and Aggregate Inventory, 1988 with 1989 addendum.
 - Scenic Views, Sites and Drives Inventories, 1991
 - Natural Resources Inventories for:
 - Smith and Bybee Lakes, 1991
 - Balch Creek Watershed, 1991
 - Johnson Creek Basin, 1991
 - Northwest Hills, 1991
 - Southwest Hills, 1992
 - East Buttes, Terraces and Wetlands, 1993
 - Columbia South Shore, 1993
 - Fanno Creek Watershed, 1994
 - Skyline West, 1994
 - Boring Lava Domes within the Johnson Creek Watershed, 1997

The Factual Base Updates made as part of the Transportation System Plan

7. The City Council adopted Ordinance No. 177028 on October 30, 2002. This ordinance replaced the 1989 transportation service element of the Public Facilities Plan with a Transportation System Plan and replaced the transportation projects on the 1989 List of Significant Projects with a 20-year Major Transportation Improvements List. Ordinance 177028 also adopted most parts of Volume 1, all parts of Volume 2, most parts of Volume 3 of the Transportation System Plan and all of the Transportation System Plan Inventory as *Comprehensive Plan* supporting documents.

Summary of the Existing Factual Base

8. The documents referenced in these findings, updated between 1980 and 2002, and described in Ordinances Nos. 150580 through 177028 contain the facts and reasons supporting Portland's Existing *Comprehensive Plan*. Together they provided an "adequate factual base," "substantial reason," and "substantial evidence" required for a comprehensive plan by Statewide Planning Goal 2.

Status of Portland's Existing *Comprehensive Plan*

9. Portland's *Comprehensive Plan* has been amended more than 85 times since it was first adopted in 1980. Although parts of the plan have benefited from recent updates, the plan has never been completely updated as a whole.
10. Major sections of the *Comprehensive Plan* map were updated through the City's Community Planning Program. These include:
- Central City Plan, 1988, Ordinance No. 160606;
 - Albina Community Plan, 1993 and 1994, Ordinance Nos. 166786 and 167054;
 - Outer Southeast Community Plan, 1996, Ordinance No. 169763;
 - Southwest Community Plan, 2000, Ordinance No. 174667.
11. Smaller sections of the *Comprehensive Plan* map have been updated by neighborhood and special area plans, and by quasi-judicial amendments. The Community Planning Program was terminated before the entire *Comprehensive Plan* map could be updated. Since plan updates are usually made for terms 20-year terms, the newest of these major map updates has a horizon year of 2020.
12. Other programs updated, replaced, or added *Comprehensive Plan* goals and policies for the City as a whole. These include:
- Economic Goal and Policies, Replacement, 1988, Ordinance No. 161000
 - Energy Goal and Policies, Replacement, 1990, Ordinance No. 163530
 - Transportation Goals and Policies, Replacement, 1992, Ordinance No. 165851
 - Urban Design Goals and Policies, Addition, 1994, Ordinance No. 167054
 - Economic Goal and Policies, Second Replacement, 1994, Ordinance No. 168142
 - Housing Goal and Policies, Replacement, 1999, Ordinance No. 172594
 - Transportation Goals and Policies, Second Replacement, 2002, Ordinance No. 177028

13. The most recent *Comprehensive Plan* update that extended the term of the comprehensive plan was the Transportation Element adopted by Ordinance 177028. This ordinance extended the *Comprehensive Plan* horizon to the Year 2022, but for transportation purposes only. There are ten years remaining within this horizon, but the *Oregon Highway Plan* requires a minimum 15 year horizon for planning decisions that affect state transportation facilities.
14. The third part of the *Comprehensive Plan*, the “List of Significant Projects” has had one major amendment - the 2002 complete replacement of the 1989 list of transportation projects by the “20-year Major Transportation Improvements List.” Minor amendments have added individual projects to the 2002 transportation list and the 1989 sanitary sewer project list, but minor amendments do not advance the *Comprehensive Plan* horizon.

Factual Base to be updated as part of Portland’s Second Periodic Review

15. After Portland completed its first periodic review in 2000 the Oregon Legislature suspended further reviews until July 1, 2007. During this suspension several *Comprehensive Plan* supporting documents and components became outdated.
16. When the suspension expired, the LCDC scheduled Portland as one of the first five jurisdictions to re-enter periodic review. Portland officially began its second periodic review when it received notice from the LCDC in October, 2007.
17. Periodic review is a two-phased process. Under the first phase the City undertook a self evaluation and determined updates were warranted for all three parts of the *Comprehensive Plan*, the goals and policies, the map and the list of significant projects. The City Council adopted Resolution No. 36626 on August 6, 2008 which forwarded a proposed periodic review work program to the DLCDC. The DLCDC approved the City’s proposal with minor modifications on September 30, 2009.
18. The second phase in periodic review is the completion of the state-approved work program. Portland’s work program is organized into the following five tasks.
 - Task I Community Involvement
 - Task II Inventory and Analysis
 - Task III Consideration of Alternatives
 - Task IV Policy Choices
 - Task V Implementation
19. Task I required appointment of a dedicated Community Involvement Committee (CIC) for periodic review. Members were nominated by the Mayor and confirmed by the City Council. The appointment of the CIC was approved by DLCDC Order 001792 on August 5, 2010. Ordinance 184047 adopted a Community Involvement Program that was approved by DLCDC Order 001798 on January 5, 2011. Under Task I the CIC has a continuing obligation to help, “ensure, meaningful, timely, and sufficient community participation in all phases on plan update.” The CIC will submit a report to the City Council as each periodic review task is proposed for adoption. More detailed information on community involvement is attached to this ordinance as Attachment 5.

Guiding Projects that Preceded Periodic Review

20. The periodic review work program benefited from two important City programs that exceeded state requirements. These programs were the *visionPDX* and the *Portland Plan*.

21. The *visionPDX* was a community-wide effort to create a people's vision for the future of Portland. The *visionPDX* involved over 17,000 Portlanders between the years 2005 to 2007.

The adopted Year 2030 vision has three parts:

Shaped by the Willamette and Columbia Rivers, Portland connects people and nature to create an international model of equity and sustainability.

We are a city of communities. Our distinct neighborhoods and vibrant downtown are safe, energizing civic and cultural spaces.

Our diverse population, innovative businesses and forward-thinking leaders work together to ensure livability for all.

The *visionPDX* also indentified the following community values:

- Sustainability, in four aspects: Environmental, Social, Cultural, and Economic;
- Accountability and Leadership;
- Inclusion and Diversity;
- Innovation and Creativity; and
- Safety

The *visionPDX* is attached to this ordinance as Attachment 3.

22. The City Council adopted the *Portland Plan* on April 25, 2012 by Resolution No. 36918. Unlike the *Comprehensive Plan*, which focuses on land use, infrastructure, conservation of nature, and city-provided services, the *Portland Plan* is a plan about people. It focuses on the success of all households and business, and encompasses all community services, not just those provided by the City.

The *Portland Plan* includes a:

- Framework for Equity

And three Integrated Strategies:

- Thriving Educated Youth,
- Economic Prosperity and Affordability, and
- Healthy Connected City

The *Portland Plan* is attached to this ordinance as Attachment 1.

23. The *Portland Plan* benefited from four phases of extensive community outreach, oversight from the same Community Involvement Committee (CIC) established for periodic review, public hearings before the Planning and Sustainability Commission (PSC) and the preparation of an extensive set of background reports. A list of the *Portland Plan* background reports is attached to this ordinance as Attachment 2. The evidentiary record for this ordinance contains the listed reports.
24. Resolution No. 36918, which adopted the *Portland Plan*, directed that the *Portland Plan* background reports be examined for their suitability as periodic review Task II documents. The PSC found that many of these documents, some in their original form and some with updates, were appropriate for this use.

What Task II of periodic Review Requires

25. This ordinance completes Task II of the City's periodic review work program. This "inventory and analysis" task requires the City to adopt "at least the following" work products by ordinance as land use decisions, and submit them to LCDC:
- 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

What this Ordinance Adopts

26. To fulfill these Task II obligations the PSC recommends the City Council adopt the following reports and maps.

Economic Opportunity Analysis (EOA) in five documents:

Economic Opportunities Analysis, Summary – as recommended by the PSC on June 12, 2012 as amended by Council

Economic Opportunities Analysis Task 1: Trends, Opportunities and Market Factors – updated version as recommended by the PSC on June 12, 2012 as amended by Council

Economic Opportunities Analysis Task I, Appendix C, Harbor Lands Report – updated version as recommended by the PSC on June 12, 2012 as amended by Council

Economic Opportunities Analysis Task 2/3: Supply and Demand – updated version as recommended by the PSC on June 12, 2012 as amended by Council

Economic Opportunities Analysis Task 4: Alternative Choices – updated version as recommended by the PSC on June 12, 2012 as amended by Council

Housing Needs Analysis (HNA) in five documents:

Housing and Transportation Cost Study – version as recommended by the PSC in December 2010

Updates on Key Housing Supply and Affordability Trends – version as recommended by the PSC on July 12, 2011

Housing Supply – version as recommended by the PSC on July 12, 2011

Housing Affordability – version as recommended by the PSC on July 12, 2011

Housing Demand and Supply Projections – version as recommended by the PSC on July 12, 2011

Infrastructure Condition and Capacity Analysis (ICC) in one document:

Infrastructure Condition and Capacity – version as recommended by the PSC on July 10, 2012

Natural Resource Inventory Report (NRI) in two documents:

Natural Resource Inventory – version as recommended by the PSC on July 10, 2012

Natural Resource Inventory Update – version as recommended by the PSC on July 10, 2012

Buildable Lands Inventory Report (BLIR) in four documents:

Buildable Lands Inventory Report – Summary of Future Development Capacity – as recommended by the PSC on June 12, 2012 as amended by Council

Buildable Lands Inventory Report, Appendix A, City of Portland Development Capacity Analysis, Development Capacity GIS model, – updated version as recommended by the PSC on June 12, 2012

Buildable Lands Inventory Report, Appendix B, Central City Development Capacity Study, – updated version as recommended by the PSC on June 12, 2012

Buildable Lands Inventory Report, Appendix C, Constraint Maps and Model Assumptions, – updated version as recommended by the PSC on June 12, 2012

Buildable Lands Inventory Maps (BLIM)

Fifty-one (51) maps divided into the categories of “Constraints,” “Hazards,” “Natural Resources” and “Infrastructure” – versions as recommended by the PSC on July 10, 2012.

27. The BLIR estimates Year 2035 needs as 132,000 more houses and 147,000 more jobs. The report concludes the City has a sufficient Year 2035 supply of vacant or redevelopable land for housing, and a sufficient supply for many, but not all, employment needs. Capacity problems were identified in land needed for future hospital, college, industrial, and port uses. The BLIR contains inventory maps of buildable residential and employment land.
28. The BLIM includes the map of *Significant Natural Resources* and hazards required by the periodic review work program.

Statewide Planning Goals that Apply to this Ordinance

29. The periodic review statute focuses on compliance with those Statewide Planning Goals that address economic development, needed housing, transportation, public facilities and services and urbanization; specifically:
- Goal 9 Economic Development
 - Goal 10 Housing
 - Goal 11 Public Facilities and Services
 - Goal 12 Transportation
 - Goal 14 Urbanization
30. Two process goals also apply to this decision, specifically:
- Goal 1 Citizen Involvement
 - Goal 2 Land Use Planning
31. Although not emphasized by the periodic review statute, two other goals apply because of requirements within Goals 9 and 10 to inventory lands that will be “buildable” for residential and employment uses. To understand what land is most buildable, the City must inventory landscape features and regulated areas that could make land less buildable. As a result, two additional goal apply:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
 - Goal 7 Areas Subject to Natural Hazards

Statewide Planning Goals that do not Apply to this Ordinance

32. There are approximately 560 acres of land both within Portland’s municipal boundaries and beyond the regional urban growth boundary that can be classified as rural land. In 1991, as part of Ordinance No. 164517, the City Council took an exception to the agriculture and forestry goals in the manner described and authorized by state law. As a result, the following goals do not apply:
- Goal 3 Agricultural Lands
 - Goal 4 Forest Lands

33. Other Statewide Planning Goals apply only within Oregon's "coastal zone." Since Portland is not in this coastal zone the following goals do not apply to this decision:
- Goal 16 Estuarine Resources
 - Goal 17 Coastal Shorelands
 - Goal 18 Beaches and Dunes
 - Goal 19 Ocean Resources
34. The remaining Statewide Planning Goals do not apply because they are beyond the scope of Task II of the City's state-approved periodic review work program. These goals are:
- Goal 6 Air, Water and Land Resources Quality
 - Goal 8 Recreational Needs
 - Goal 13 Energy Conservation
 - Goal 15 Willamette River Greenway

Statewide Planning Goal 1 Findings

35. Statewide Planning Goal 1, Citizen Involvement, is a process goal that applies to all land use decisions. Goal 1 requires the City to adopt and publicize program for citizen involvement that is appropriate to the scale of the *Comprehensive Plan* update. The goal also requires the appointment of a committee for citizen involvement.
36. The City Council appointed a Community Involvement Committee (CIC). A more detailed description of the establishment and appointment of the CIC is attached to this ordinance as Attachment 5. The appointment of the CIC was approved by DLCD Order 001792 on August 5, 2010.
37. In addition to an appointed committee, Statewide Planning Goal 1 also requires a program for citizen involvement. The City Council adopted Ordinance 184047, which approved a Community Involvement Program. This program was approved by DLCD Order 001798 on January 5, 2011.
38. Under Task I of Portland's periodic review work program, the CIC has a continuing obligation to help, "ensure, meaningful, timely, and sufficient community participation in all phases on plan update." The CIC has monitored and evaluated public process for both the *Portland Plan* and the *Comprehensive plan* update, since these two plans shared much of the same background research and analysis. The approved program provides the CIC an opportunity to report its findings to City Council before a periodic review task is adopted by ordinance or submitted for state approval. The CIC has provided these findings in a series of four "phase" reports. The first three reports are attached to this ordinance as Attachment 13. The PSC has recommended that the Phase 4 participation report be adopted by this ordinance as evidence that the CIC is fulfilling its responsibilities and that the City is following its participation program.
39. Because the City has a properly appointed and active CIC, and because the City is following the provisions of its state-approved involvement program, the City meets all requirements of Statewide Planning Goal 1.

Statewide Planning Goal 2 Findings

40. Goal 2, Land Use Planning, requires all land use plans to include “identification of issues and problems, inventories and other factual information for each applicable statewide planning goal.” Together these are called an “Adequate Factual Base.” Like Goal 1, Goal 2 is a process goal that applies to all land use decisions.
41. It is the purpose of this ordinance is to adopt a new buildable lands inventory, economic opportunities analysis, determinations of housing and employment needs, and other facts and reasons necessary to support a *Comprehensive Plan* update, as required by Task II of the City’s periodic review work program, and to comply with Goal 2’s adequate factual base requirement.
42. Statewide Planning Goal 2 also requires comprehensive plans to be coordinated with the plans of neighboring jurisdictions and with the programs of government agencies. The City has met the Goal 2 coordination requirements by notifying the public and various agencies of planning progress, soliciting their views and accommodating to advice and suggestions. The evidentiary record for this ordinance contains notices of PSC hearings and minutes of PSC meetings demonstrating that these coordination requirements have been met.
43. The City’s periodic review work program established a Periodic Review Assistance Team to facilitate coordination with state agencies. To date, the City has been able to accommodate the advice and suggestions received from team partners. Examples include following the advice of DLCDD and the Oregon Division of State Lands on how to update the City’s wetlands inventory, and following the advice of the Oregon Aviation Department on how the flight access to the Portland Heliport might affect allowed downtown building heights. During their October 28, 2010 meeting the periodic review assistance team supported the analytical methods and assumptions of the BLIR. Since the City has responded to state agency concerns, the Task II products are “coordinated” within the meaning of Statewide Planning Goal 2.
44. The City has received no comments or suggestions on the proposed Task II products from federal agencies, cities, or counties. Two special districts have participated in the City’s periodic review, the Multnomah County Drainage District, and the Metropolitan Service district (Metro).
45. Task II is coordinated with the Multnomah County Drainage District because the City provided the drainage district the courtesy of co-authoring of the final chapter of the ICC.
46. Coordination with Metro is demonstrated in the findings below and the December 10, 2010 letter from Metro to Portland that is attached to this ordinance as Attachment 6.
47. Because the Task II products provide an adequate factual base for a *Comprehensive Plan* update, and because these products are coordinated with other governments and agencies, the City meets all requirements of Statewide Planning Goal 2.

Statewide Planning Goal 5 Findings

48. Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces, is one of the goals implicated by, but not the focus of, the state law governing periodic review. Because Goal 5 is not a focus of periodic review, Task II only requires partial completion of Goal 5.
49. As land is set aside for conservation of Goal 5 resources it often becomes less available for jobs and housing. Periodic review requires that the Goal 5 process be completed only to the extent necessary to estimate the amounts of otherwise vacant or redevelopable buildable land that might not be available for jobs or housing.
50. The full Goal 5 process requires the following steps:
 - Identify resources
 - Determine the location, quantity, and quality of each identified resource
 - Determine whether an identified resource is significant
 - Identify uses that would conflict with resource protection
 - Examine the economic, social, environmental and energy consequences of both protecting the resources and allowing the conflicting uses
 - Decide whether significant resources should be protected, and if so, to what degree
 - If a protection decision is made, adopt land use regulations to limit or prohibit conflicting uses.
51. For the purpose of periodic review Task II, work necessary for periodic review ends at the third step, inventories of significant resources. The City may meet its Goal 5 periodic review obligations by employing its existing inventories or creating new ones. Using existing inventories requires revalidation, while development of new or updated inventories requires the completion of the first three Goal 5 steps.
52. While the PSC and City Council received some testimony concerning the advantage of completely replacing all existing inventories, neither body received any evidence that an existing resource designation had been made in error, a particular inventoried resource no longer existed, or an existing resource been degraded to the extent that it was no longer significant. In the absence of evidence to the contrary, the City Council concludes that inventories of most Goal 5 features are still valid, and these inventories, with updates, are valid for a Year 2035 planning horizon, at least for the limited purpose of establishing the buildable lands inventories required by Statewide Planning Goals 9 and 10.

53. Goal 5 does not require the adoption of historic inventories, but does require the designation of all “historic resources of statewide significance.” These resources include all sites, properties, structures, and districts included on the United States Secretary of the Interior’s National Register. The buildable lands inventories required by Statewide Planning Goals 9 and 10 are calculated, in part, from the City’s historic designation map. This ordinance updates the historic designation map to include Irvington, a recently established National Register historic district. As for earlier designations, in the absence of any contrary testimony, (no notices of delisting from the National Register have been entered in the hearings record), the City Council concludes that no existing designations should be removed from the map.
54. The resources on the existing scenic resources map are rather permanent features – mountains, rivers, bridges, skylines, etc. In the absence of any contrary testimony the Council concludes these features are still significant, at least for the limited purpose of constructing the buildable lands inventories required by Statewide Planning Goals 9 and 10. This ordinance re-adopts the existing scenic resources map with minor changes. All changes are to reference points rather than the resources themselves. Examples are buildings or streets names that have changed.
55. The City, with the invaluable assistance of Native American sovereign nations exercising treaty rights and interests within the metropolitan area (the Tribes), has compiled an inventory of significant cultural sites. This inventory was used to prepare a more generalized map depicting the parts of the City where an archeological survey and consultation with the Tribes is required before ground disturbing activities may begin. This map is adopted by this ordinance in Exhibit B as an official inventory of cultural resources.
56. The City’s existing open space map was derived only from the Open Space *Comprehensive Plan* Map designations. The Open Space map adopted by this ordinance updates this map by adding privately held open space. This updated Open Space map is adopted by this ordinance in Exhibit B, and was used to help calculate buildable lands inventories required by Statewide Planning Goals 9 and 10.
57. The “Significant Natural Resources” map and the other BLIM natural resource component maps depicting resource features, functions, and values adopted by this ordinance are new maps rather than updates of existing inventory maps. The adoption of new maps was part of the City’s preferred way to comply with Title 13 of Metro’s *Urban Growth Management Functional Plan*, “Nature in Neighborhoods.” The Metro Nature in Neighborhoods Ordinance and Exhibits are attached to this ordinance as Attachment 8.
58. The City’s methods for determining the location, extent and relative quality of natural resources, and for determining their significance, are based on the methods Metro used to develop the Title 13 inventory. The City’s methods also benefited from higher resolution aerial photography and Light Detection and Ranging (LiDAR) data that were not available when Metro developed Title 13. The City used these newer images and data to more

accurately determine the location and extent of natural resource features. The City's methods also benefited from additional scientific studies, updated fish and wildlife species lists, refined feature data, better special habitat area identifications, targeted field visits, and refined Geographic Information System (GIS) spatial analyses. These City methods are fully described in two NRI reports, which are adopted by this ordinance in Exhibit B. A summary of these methods is also attached to this ordinance as Attachment 9. The two NRI reports and 17 BLIM natural resource maps adopted by this ordinance in Exhibit B comply with the first three Goal 5 steps listed above, and were used to help calculate the buildable lands inventories required by Statewide Planning Goals 9 and 10.

59. For the reasons stated in the findings above, the inventories of natural, scenic, historic, cultural, and open space resources contained in the BLIM and adopted by this ordinance in Exhibit B comply with Goal 5 and are sufficient for calculating the buildable lands inventories required by Statewide Planning Goals 9 and 10.

Statewide Planning Goal 7 Findings

60. Statewide Planning Goal 7 - Natural Hazards is the second of two goals implicated by, but not the focus of, the state law governing periodic review. Because Goal 7 is not a focus of periodic review, Task II only requires partial completion of Goal 7.
61. Goal 7 is a two-stepped process that requires cities to: adopt inventories of natural hazards, and use these inventories to reduce risks to persons and property by adopting appropriate safeguards.
62. For the purpose of Task II of periodic review, completing of the first step of Goal 7 is sufficient. The City, in consultation with local, state, and federal agencies has updated and revised all hazard inventories. This ordinance adopts the BLIM, which contains these new hazard inventories.
63. For the reasons stated above, the hazard maps contained in the BLIM adopted by this ordinance in Exhibit B comply with Statewide Planning Goal 7 and are sufficient for calculating the buildable lands inventories required by Statewide Planning Goals 9 and 10.

Statewide Planning Goal 9 Findings

64. As required by Task II of the City's periodic review work program this ordinance adopts a new Economic Opportunities Analysis (EOA) containing the following components required by Statewide Planning 9, Economic Development:
- Review of National, State, Regional, County and Local Trends
 - Identification of Required Site Types
 - Inventory of Industrial and Other Employment Lands
 - Assessment of Community Economic Development Potential

65. In addition to the four requirements listed above, Statewide Planning Goal 9 strongly encourages cities to assess community economic development potential through a visioning process. The City's EOA was preceded and effectively influenced by the *visionPDX* and *Portland Plan* programs that identified prosperity as a key community value, and more jobs – particularly jobs that reduce economic disparities and jobs that produce traded sector goods and services- as desired outcomes.
66. The EOA and BLIR adopted by this ordinance, which anticipate a Metro allocation of 147,000 new jobs between the years 2010 and 2035, concludes that the City has an expected Year 2035 aggregated employment land need of 3,250 acres, but an expected Year 2035 aggregated employment land supply of only 3,198 acres.
67. The aggregated land need and supply numbers are assembled from the nine different “employment geographies,” which are categories of employment land described in the EOA. Four of these geographies have expected employment land surplus, three have expected small deficits, and two have expected significant deficits. The two geographies with significant deficits are “Columbia Harbor Industrial” with an expected deficit of 635 acres, and “Institutions” with an expected deficit of 74 acres. Of the 635 acre industrial deficit, 356 acres are needed for harbor access land.
68. Council considered the oral and written testimony received at and following the September 5, 2012 public hearing. In response to this testimony, Council amended the EOA to clarify the approach reflected in specific assumptions and the analysis concerning Harbor Access Lands. With these clarifications and amendments, the Council is persuaded and finds the EOA is a reasonable, credible analysis that meets the requirements of Statewide Planning Goal 9 and the Goal 9 rule.
69. These categorical surpluses and deficits are calculated from Portland's existing *Comprehensive Plan* map and goals and policies. These calculations assume that no zone or policy changes will be made between now and the Year 2035 (this is called the “default” case). This is a sufficient analysis under Statewide Planning Goal 9 for Task II of Portland's periodic review work program. Task III requires the consideration of Year 2035 alternatives to the default case, and Task IV may well require *Comprehensive Plan* map and policy adjustments needed to meet employment land needs.
70. For the reasons stated in the findings above this ordinance meets all requirements of Statewide Planning Goal 9 that apply to Task II of the City's periodic review work program.

Statewide Planning Goal 10 Findings

71. As required by Task II of the City's periodic review work program this ordinance adopts a new Housing Needs Analysis (HNA), as described in Statewide Planning Goal 10, Housing

72. Goal 10 contains the following requirements:
- Identify future housing needs by amount, type, and tenure.
 - Maintain a Residential Buildable Land inventory with sufficient land to meet identified needs
 - Meet minimum density and housing mix requirements.
 - Adopt plan policy to accommodate needed housing
 - Adopt clear and objective standards for needed housing.
73. Only the first two steps of Goal 10 apply to the adoption of a housing needs analysis. The remaining steps are beyond the scope of Task II of City's periodic review work program.
74. Housing needs were derived from an anticipated Metro Year 2035 allocation of 132,000 new housing units and eight household types described in the HNA. These eight types varied by the number, age, and income of household members.
75. Year 2035 housing land supply is calculated in the BLIR. The BLIR discounts the availability of some housing lands based on the constraints identified in the BLIM. There are five levels of constraint, none, mild, medium, severe, and complete.
76. Based on the existing *Comprehensive Plan* map and goals and policies (the "default" case), an anticipated Metro Year 2035 allocation of 132,000 new housing units, and the HNA, BLIR, and BLIM calculations, the Council concludes the City:
- Has a Year 2035 capacity of 233,635 new housing units
 - Can locate all locate 233,635 units on residential land with no, mild, or mid-level constraints.
 - Can locate the Metro expected allocation of 132,000 units on residential land with no or only mild constraints.
 - Can meet or exceed the Goal 10 average density standard for new housing starts average of 10 units per net buildable residential acre.
 - Can meet or exceed the Goal 10 standard that half of all new units be multifamily units or attached single-family units.
77. The default case for the residential buildable lands inventory shows a significant Year 2035 surplus.
78. Some land appears on both the residential and employment buildable lands inventories. This is because all of Portland's commercial zones are actually mixed-use zones, which allow both housing and employment. A significant amount of housing is being built within these mixed use zones. The BLIR examined several mixed use areas and, based on historic utilization, established a residential/employment ratio for each of mixed use typology. Because BLIR employs these ratios, no mixed-use land was double-counted as both all commercial and all residential.
79. For the reasons stated in the findings above, the HNA, BLIR and BLIM adopted by this ordinance meets all requirements of Statewide Planning Goal 10 applicable to Task II of Portland's periodic review work program.

Statewide Planning Goal 11 Findings

80. Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.
81. Goal 11 requires several components for a public facilities plan, but only one component is required by Task II of the City's periodic review work program, an "inventory and general assessment of the condition of exiting public facility systems needed to support at least the existing land uses designated in the acknowledged comprehensive plan."
82. This ordinance adopts both a new Infrastructure and Capacity Analysis (ICC) and new infrastructure constraint maps as part of the BLIM.
83. Estimated housing or employment capacities were reduced according to the assumptions and methods described in the BLIR for lands that did not meet current service levels or were more difficult to serve.
84. Together, the ICC, BLIM and BLIR contain all information necessary to calculate the employment and residential Buildable Lands Inventories required by Goals 9 and 10.
85. For the reasons stated in the findings above, the ICC and BLIM constrain maps adopted by this ordinance meets all requirements of Statewide Planning Goal 11 applicable to Task II of Portland's periodic review work program.

Statewide Planning Goal 12 Findings

86. Statewide Planning Goal 12, Transportation, requires Portland to adopt a *Transportation System Plan* (TSP) that supports a pattern of travel that will avoid air pollution, traffic and livability problems. All cities are required to provide safe and convenient motor vehicular pedestrian and bicycle travel on a well-connected network of streets. Larger cities are required to provide for transit service and to promote more efficient performance of existing transportation facilities through transportation system management and demand management measures. Goal 12 requires larger cities within metropolitan statistical areas to adopt plans that reduce reliance on single occupant automobile use, particularly during peak periods; increase alternative modes of transportation; increase street connectivity; and encourages land use patterns that make it more convenient for people to walk, bicycle, use transit, make use automobile travel more efficient, and allow people to drive less to meet their daily needs.
87. Goal 12 also requires the City's TSP to be coordinated with the *Oregon Highway Plan* (OHP) and Metro's *Regional Transportation Plan* (RTP). Parts, but not all of the City's TSP, have to be adopted as part of the *Comprehensive Plan*.

88. Almost all of these Goal 12 requirements apply to policy adoption and selection of implementation measures, which are not required until Tasks IV and V of periodic review. This ordinance addresses only Task II, which is limited inventory and analysis work.
89. This ordinance adopts the ICC and the BLIM. The transportation section of the ICC adequately describes the status and condition of the City's transportation system. Infrastructure maps within the BLIM depict mobility deficiencies by mode. The BLIM also contains maps of past year and expected future year air quality. A special report on the Portland Heliport and how helicopter travel might limit future building heights in Portland's downtown is attached to this ordinance as Attachment 10.
90. The above findings demonstrate that this ordinance adopts an inventory and analysis of transportation facilities and networks sufficient to comply with the small part of Goal 12 encompassed by Task II of the City's periodic review work program.
91. The City will improve the Goal 12 analysis as part of the TSP update under Task IV of the periodic review work program. These improvements will describe future travel patterns by mode, but are awaiting Metro's publication of the 2011 Regional Household Travel Survey. A description of this survey is attached to this ordinance as Attachment 11. Metro has received the latest travel information, but has not published any findings or shared the data with local governments. The City is committed to using this information when Metro makes it available.
92. Because the City's transportation inventory and analysis is sufficient under Goal 12, and because the City's periodic review work program does not require the City to duplicate or complete work that Goal 12 assigns to Metro, this ordinance complies with all applicable parts of Goal 12 assigned to the City by Task II of the periodic review work program.

Statewide Planning Goal 14 Findings

93. Statewide Planning Goal 14, Urbanization, has several purposes; these include:
 - Providing orderly and efficient transitions from rural to urban land uses.
 - Accommodating urban population and urban employment inside urban growth boundaries.
 - Ensuring efficient use of land.
 - Providing for livable communities
94. Goal 14 and its administrative rule assign most of these functions to Metro rather than the City. The City's role is limited to accepting the share of regional household and employment growth allocated by Metro, and demonstrating that this growth can be accommodated in an orderly and efficient manner that preserves and enhances livability. The template for this desired development pattern is the "Region 2040 Growth Concept," which is carried out by Metro's *Urban Growth Management Functional Plan*. The growth concept emphasizes development within designated centers and corridors.

95. As explained in the findings for Statewide Planning Goals 9 and 10 above, this ordinance accepts a Year 2035 allocation to Portland of at least 132,000 new housing units and 147,000 new jobs.
96. The report, *20-minute Neighborhood Analysis: Background Report and Analysis Area Summaries*, which is attached to this ordinance as Attachment 12, demonstrates how a Year 2035 allocation of 132,000 new housing units could be accommodated in a centers and corridors pattern of development, without changing existing *Comprehensive Plan* map, or goals and policies. The “default allocation” described in this report is not proposed for adoption, but is designed to serve as a beginning place for the City’s Task III, periodic review work. Task III is an alternative analysis that will consider the effects of various map and policy changes designed to make more livable communities. Task IV is the selection of preferred pattern of growth as a new *Comprehensive Plan* map.
97. Because this ordinance accepts an anticipated Year 2035 allocation from Metro of at least 132,000 new housing units and at least 147,000 new jobs it meets all requirements of Goal 14 assigned to the City under Task II of the periodic review work program. Should the Metro Council adopt a higher final allocation the City will recognize the final allocation by ordinance.

The Willamette River Greenway

98. This ordinance does not amend the Willamette River Greenway Boundary and Task II of the City’s periodic review work program does not require the City to address Goal 15, Willamette River Greenway. It should be noted, however, that some of the inventory requirements of Goal 15 are the same as the inventory requirements for natural resources under Goal 5, and for hazards under Goal 7. Whenever a resource or hazard was identified and determined significant it was depicted in the BLIM, even when the resource or hazard occurred within the Willamette River Greenway Boundary. The BLIM is adopted to meet the requirements of Goals 5 and 7, not Goal 15. While the Goal 5 and 7 inventories of resources and hazards may be sufficient under Goal 15 as well, the City Council makes no such Goal 15 determination as part of this ordinance.

Statutory Findings

99. In addition to the requirements of the Statewide Planning Goals and the LCDC’s administrative rules state law imposes additional planning requirements.
100. *Oregon Revised Statutes* (ORS) 197.303 to 197.307 defines “needed housing” and prohibits local governments from adopting plans and regulations that limit housing choices. Most of these requirements will apply to Tasks IV and V of Portland’s periodic review. To the extent that they apply to Task II inventory and analysis work, the requirements are the same as for Statewide Planning Goal 10 and are met for the reasons stated in the findings for Goal 10 above.

101. ORS 197.712 requires cities to adopt comprehensive plans that:
- Include an analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends.
 - Contain policies concerning the economic development opportunities in the community.
 - Provide for at least an adequate supply of sites of suitable sizes, types, locations and service levels for industrial and commercial uses consistent with plan policies.
 - Provide for compatible uses on or near sites zoned for specific industrial and commercial uses.
 - Are supported by a public facility plan that contains rough cost estimates for needed sewer, water and transportation projects.
102. Most of the ORS 197.712 requirements will apply to Tasks IV and V of Portland's periodic review. To the extent that they apply to Task II inventory and analysis work, the requirement for analysis of the community's economic patterns, potentialities, strengths and deficiencies as they relate to state and national trends are the same as for Statewide Planning Goal 9 and are met for the reasons stated in the findings for Goal 9 above. Adopting a new project list, with cost estimates, is not a Task II requirement. Any determination of what projects might be needed must be preceded by an assessment of existing infrastructure conditions and capacities. This assessment is a Task II requirement and has been met for the reasons stated in the findings for Statewide Planning Goal 11 above.

Metro Coordination Findings

103. Within the Portland Metropolitan area, Metro has the authority and obligation under ORS 195.036 to coordinate the comprehensive plans of the City, 25 other incorporated municipalities, and the unincorporated urban portions of three counties with one another. Metro accomplishes this in three ways:
- Adopting a 20- year population forecast for the entire metropolitan region
 - Allocating 20-year housing and job need numbers to each of the 29 jurisdictions
 - Requiring each city and county comprehensive plan to meet the allocated 20-year housing and job need numbers.
104. When all 29 governments change their comprehensive plans to meet their Metro allocations, the 29 plans will be sufficiently coordinated with one another within the meaning of ORS 195.036 and Statewide Planning Goal 2.
105. The Metro Council has adopted a new regional forecast, has repealed its allocations based of prior forecasts, but has not yet allocated the new forecast to the 29 jurisdictions. A description of Metro's past forecasting and allocation decisions is attached to this ordinance as Attachment 7.

106. With this ordinance the City of Portland accepts an anticipated allocation of at least 132,000 new households and 147,000 new jobs by the year 2035. This allocation is based on the latest adopted Metro Council forecast and latest Metro Council adopted determination of the housing and jobs capacity of the existing urban growth boundary. The City has coordinated its estimates of future development potential with Metro staff as evidenced by the December 10, 2010 letter from Metro to Portland, which is attached to this ordinance. This letter states that the City's BLIR is consistent with Metro's regional capacity assessments. Metro staff has provided the City an anticipated apportionment of the new regional forecast in a document called the "Gamma Forecast." The City Council recognizes that, should the Metro Council adopt a jobs or housing allocation higher than that described in the Metro Staff's Gamma Forecast, the City will recognize this final allocation by ordinance.
107. Task II of the City's periodic review work program does not require the City to duplicate or complete the work assigned to Metro by ORS 195.036. Because this ordinance adopts the latest allocated forecast provided by the Metro Staff the City has satisfied its coordination obligations.

Metro Urban Growth Management Functional Plan Findings

108. Under ORS 268.380 and its Charter Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with regional plan. Metro adopted its *Urban Growth Management Functional Plan* under this authority.
109. In its June 2011 update to its 2010 compliance report Metro found, "The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods. It is Metro's understanding that the City is continuing to work on a number of fronts to come into compliance with Title 13 and that Metro and City staff need to assess the existing natural resource protection programs and develop a new schedule and plan for meeting compliance."
110. Because this ordinance does not adopt plan policy or land use regulations, the City will remain in compliance with functional plan requirements.
111. Because this ordinance adopts only inventories and analyses, only two functional plan Titles apply, Titles 8 and 13.
112. Title 8, Compliance Procedures, requires the City to notify Metro of pending land use decisions by providing Metro a copy of the 35-Day notice required by the DLCD for proposed completion of a periodic review task. This notice was provided to Metro. All applicable requirements of Title 8 have been met.

113. Title 13, Nature in Neighborhoods, has the following purposes, to: “(1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.”
114. This ordinance adopts an inventory map of Significant Natural Resources as part of the BLIM. This adoption aligns the City map with Metro’s Regionally Significant Fish and Wildlife Habitat Map. The adoption of the City map contributes to compliance with Title 13 for the reasons stated in the findings for Statewide Planning Goal 5 above. Any additional work that might be needed to comply with Title 13 is beyond the scope of Task II of Portland’s periodic review work program.
115. This ordinance meets all *Urban Growth Management Functional Plan* requirements applicable to Task II of Portland’s periodic review work program.

Portland Comprehensive Plan Findings

116. Goal 1 of Portland’s *Comprehensive Plan*, Metropolitan Coordination, contains policies requiring the city to participate in intergovernmental, coordinated planning within the metropolitan region and update Portland’s *Comprehensive Plan* to comply with Metro’s *Urban Growth Management Functional Plan*.
117. This ordinance meets the requirements of Portland *Comprehensive Plan* Goal 1 for the reasons stated in the findings above for Statewide Planning Goal 2, for Metro’s ORS 195.036 coordination authority, and for compliance with the *Urban Growth Management Functional Plan*.
118. Goal 9 of the *Comprehensive Plan*, Citizen Involvement, contains policies that require citizen involvement and intergovernmental cooperation in the review and update of Portland’s *Comprehensive Plan*.
119. This ordinance meets the requirements of *Comprehensive Plan*, Goal 9 for the reasons stated in the findings above for the Statewide Planning Goals 1 and 2 and for ORS 195.036.
120. Goal 10 of Portland’s *Comprehensive Plan*, Plan Review and Administration, requires that Portland’s *Comprehensive Plan* be periodically reviewed and updated as required by state law. All other *Comprehensive Plan* Goal 10 requirements address updates to *Comprehensive Plan* goals and policies or updates to the *Comprehensive Plan* map. Map and policy updates are not required Tasks by Task II of the City’s periodic review work program. This ordinance the single applicable *Comprehensive Plan* Goal 10 by following the City’s state-approved periodic review work program.

Portland City Code

121. Under Chapter 33.740 of the City code, the update of the *Comprehensive Plan*'s factual base is a legislative project assigned to the PSC for a recommendation and to the City Council for a decision. These city code requirements have been met as demonstrated by the public meeting notices, agendas, testimony and minutes. While these materials are not attached to this ordinance, they were filed with the Council Clerk and became part of the record before the City Council when this ordinance was adopted.

Conclusion

122. For the reasons stated in the findings above this ordinance fulfills all requirements of Task II of the City's state-mandated periodic review order.

NOW, THEREFORE, the Council directs:

- a. The documents and maps contained within Exhibit A are adopted as part of the City's *Comprehensive Plan*.
- b. The documents and maps contained within Exhibit B are adopted as *Comprehensive Plan* supporting documents.
- c. The documents and maps listed in Exhibit C are no longer part of the *Comprehensive Plan* and are no longer considered *Comprehensive Plan* supporting documents.
- d. Notwithstanding directive "c" above, the City may rely upon the documents and maps listed in Exhibit D for quasi-judicial land use reviews, or to check for the presence of environmental or scenic resources on a site plan submitted for development review.
- e. The *Portland Plan Public Participation Phase 4 Progress Report, July 10, 2012*, in Exhibit E is adopted in fulfillment of the City's continuing responsibilities under Task I of the periodic review work program.
- f. The Bureau of Planning and Sustainability shall submit the documents, maps and report referenced in directives "a," "b" and "e" above as completed periodic review work products.
- g. The Bureau of Planning and Sustainability shall proceed to Task III and IV of periodic review by examining plan and map alternatives that can reasonably accommodate at least 132,000 new households and 147,000 new jobs within Portland's urban services boundary by the year 2035. Should the Metro Council adopt higher allocations for Portland, the Bureau is directed to report this to council and, with the advice of the PSC, recommend any necessary adjustments to this ordinance.

- h. The documents and maps referenced by directives "a" and "b" above become effective on the date they are acknowledged by order of either the Director of the DLCDC or the LCDC; all other directives of this ordinance become effective 30 days after passage.
- i. Directives "f" and "g" of this ordinance are binding City policy.

Section 2. Severability

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

Passed by the Council: **OCT 03 2012**

Commissioner Mayor Adams
Prepared by: Al Burns
Date Prepared: August 22, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

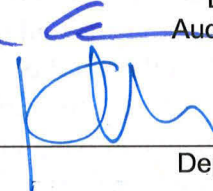

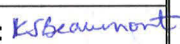
~~5-1098~~ = 1110

SUBSTITUTE
185657

Agenda No.
ORDINANCE NO.

Title

Adopt new supporting documents for an update of Portland's Comprehensive Plan (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Adams	CLERK USE: DATE FILED <u>SEP 24 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Planning and Sustainability Bureau Head: Susan Anderson 	SEP 26 2012 SUBSTITUTE PASSED TO SECOND READING OCT 03 2012 9:30 A.M.
Prepared by: Date Prepared: 9/26/12	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date 9/26/12	
City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 45 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	_____	_____
Adams	Adams	_____	_____