



CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

Charlie Hales, Mayor
Fred Miller, Chief Administrative Officer
1120 SW Fifth Ave., Suite 1250
Portland, Oregon 97204-1912
(503) 823-5288
FAX (503) 823-5384
TTY (503) 823-6868

MEMORANDUM

Date: November 17, 2014

To: Planning and Sustainability Commission

From: Betsy Ames, Senior Policy Analyst *Betsy Ames*
Susan Hartnett, Spectator Facilities and Development Manager
Erik Olson, Assistant Program Specialist

CC: Eric Engstrom and Michelle Kunec-North, Bureau of Planning and Sustainability

Subject: Office of Management and Finance Testimony on Proposed Draft of Comprehensive Plan

The Policy Team of the Office of Management and Finance (OMF) is pleased to provide testimony in support of the 2035 Comprehensive Plan and Citywide Systems Plan. Members of the Policy Team, in collaboration with a number of other OMF bureaus and divisions, provided feedback and proposed revisions to earlier drafts, and appreciate that many of our suggestions and edits were considered and incorporated by BPS staff in developing the Proposed Draft of the Comprehensive Plan Goals and Policies as well as the Proposed Draft Citywide Systems Plan.

We were pleased to have been involved in the development of the Comprehensive Plan, and applaud the exhaustive, far-reaching and forward-thinking efforts put forth by the Bureau of Planning and Sustainability to bring the document to fruition. The Comp Plan will play an integral role in Portland's future, and will continue to guide the city towards innovative, equitable, and resilient land use practices.

Comprehensive Plan Goals and Policies

We are writing today to support the Goals and Policies of the Comprehensive Plan Update Proposed Draft.

OMF staff provided feedback earlier this year on the internal review draft of the document, focusing on Chapter 1: The Plan and Guiding Principles, Chapter 2: Community Involvement, Chapter 3: Urban Form, and Chapter 8: Public Facilities and Services. We are appreciative that so many of our comments and edits have been incorporated into this recent draft. We would like to support a number of specific changes that were made and offer a few suggestions for additional amendments for consideration by the Planning and Sustainability Commission.

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

Scope and applicability to land use decision-making

We particularly support the changes made to the Public Facilities policies and related policies throughout the document that clearly define the scope and applicability of the goals and policies. These include the following changes (as detailed by Michelle Kunec-North, BPS in a memo dated July 14, 2014):

- Deleting policies to ensure programmatic, operational, and financial decisions were not unintentionally turned into “land use decisions” subject to land use appeal.
- Amending “public facilities” to “public facilities necessary to serve designated land uses” in multiple policies.
- Adding “Provide adequate public facilities to” as clarifying language in several policies to clearly tie them to the provision of public facilities and narrow land use application.
- Added language similar to “... through land use decisions and public facility investments” to tie the policy to decisions subject to the Comprehensive Plan.

From a City management perspective, these changes were important to provide clarity about how these policies will be used in the future – primarily in support of land use decision making and for long term planning for the City’s public facility systems.

BPS staff also made important changes to clarify the applicability of the goals and policies in Chapter 2: Community Involvement. We are supportive of those changes. We also want to assure the Planning and Sustainability Commission and the community that appropriately limiting the scope of the Comprehensive Plan to land use decision-making does not in any way limit the City’s commitment to community involvement and consideration of community impacts in other contexts, nor does it limit the City’s commitment to transparency and accountability.

Recently, OMF has been working with Council offices and bureaus to improve and streamline the “Impact Statement for Requested Council Action”. We are hopeful that this will provide the Council and the community with better and more accessible information about both the financial and budgetary impacts as well as the community impacts of all ordinances, resolutions and reports considered by the City Council.

Bureaus, when implementing capital improvement projects and addressing other infrastructure needs in the community, involve and inform affected neighbors and neighborhoods. Increasingly, more information is being made available online and bureaus are using technology advances to provide more “real-time” information. The City is committed to increasing access for people with disabilities and limited English proficiency. The City Council recently moved the Title II/Title VI ADA and Civil Rights program to the Office of Equity and Human Rights to enhance its ability to advocate for greater accessibility and involvement.

City employees and agencies use multiple strategies to involve and inform the community about potential actions. While Chapter 2 applies to land use decision-making, the City as a whole will learn from and benefit from the data collected, the analysis performed, and the engagement methods and guidance developed in support of these goals and policies.

There are a couple of references in Chapter 2 that could be further clarified to avoid confusion about the applicability of these policies and goals in the future. These include Goals 2E and 2F

which still refer to a broad set of decision-making processes (and could be modified to include “related to land use decisions”) as well as references in Policies 2.14, 2.31, and 2.32 to “individual land use and infrastructure decisions” or “land use and infrastructure projects” which could inadvertently be implied to apply to individual decisions related to the City’s infrastructure that would not otherwise be subject to land use requirements. For example, public involvement in the development and adoption of the Public Facilities Plan and capital improvement plans for the City’s sewer and stormwater infrastructure is necessary and appropriate. Specific decisions regarding repair, replacement, and enhancement of sewer and stormwater facilities should be made by technical experts consistent with the broader plans and adopted budgets.

As written in 2.14, the language seems to require additional review by the Community Involvement Committee “before, during, and at the conclusion of” processes related to individual decisions implementing these plans, as well as other infrastructure decisions including repair and maintenance activities. Language in 2.31 and 2.32 could imply that these same projects also be subject to land use notification and participation requirements. While public notification and involvement may be appropriate, these projects and processes should not be subject to land use regulations and requirements. Minor clarifications to the language of these policies could prevent confusion in the future.

Surplus Real Property

The Facilities Division of OMF’s Bureau of Internal Business Services has been working with the City Attorney’s office and the City’s property owning bureaus to develop a new, consolidated Administrative Rule regarding the disposition of Surplus Real Property. There are Oregon Revised Statutes, City Charter provisions, and some bureau and accounting policies that currently govern sale and disposal of surplus real property. Bureaus have agreed that a comprehensive Administrative Rule, applicable to all City bureaus, is appropriate to provide guidance to bureaus and a commonly understood process for interested parties.

This Administrative Rule will include, among other requirements, how a real property is deemed “surplus” or “excess” by the bureau wishing to explore the disposition of real property, requirements and timelines for offering the real property to other City bureaus for consideration, notification and posting requirements to alert neighbors and community organizations, and procedures for City Council consideration of disposition at a public hearing, with four votes required to declare the property to be surplus and authorized for sale. These are procedures and processes that are appropriately governed as administrative, not land use, actions.

There is one reference to “acquisition of surplus properties” in the Proposed Draft Comprehensive Plan – Policy 8.74. Policies 8.72 and 8.73 provide the criteria by which Portland Parks and Recreation (PP&R) evaluates opportunities to acquire and develop parkland and recreational facilities, consistent with the purpose of the Comprehensive Plan and state land use requirements. We would recommend removing “Policy 8.74 Acquisition of surplus properties” from the Comprehensive Plan to be clear that PP&R’s future decisions to acquire or not to acquire surplus real properties are not subject to land use requirements and therefore not subject to potential land use appeals.

Citywide Systems Plan – Other Essential Facilities and Systems

OMF worked closely with Bureau of Planning and Sustainability staff to draft the “Other Essential Facilities & Systems” chapter of the Citywide Systems Plan. While not a required component under state law, including Civic Facilities & Assets, Technology Systems, and Emergency Response in the Citywide Systems Plan provides a more complete picture of the City’s public assets and reflects the significant investments in facilities and systems that support the delivery of urban services in Portland.

The Portland Police Bureau, Portland Fire and Rescue, OMF-Bureau of Internal Business Services’ Facilities and City Fleet divisions, Portland Bureau of Emergency Management, OMF-Chief Administrative Officer’s Office Public Safety Systems Revitalization Project and Spectator Facilities programs, and OMF-Bureau of Technology Services were all included in the development of this chapter, providing a comprehensive overview of these facilities and systems.

We request one small change to this chapter: Please include, as with Chapter 9. Portland Parks & Recreation, a notation in the page footer that this chapter is “*Not required by ORS 197*”.

In closing

Thank you for the opportunity to provide both content to and feedback on the Proposed Draft Comprehensive Plan and Citywide Systems Plan. These documents present an exciting opportunity to shape future development, address historical inequity, and ensure that Portland remains a prosperous, educated, healthy, equitable, and resilient city.

The City’s commitment to accountability, transparency, community involvement and sustainability remains strong. We appreciate your consideration of our suggested changes to the Comprehensive Plan Goals and Policies and the Citywide Systems Plan. From the perspective of City managers, charged with implementing multiple goals, policies and objectives on behalf of the City Council and Portland residents, businesses and taxpayers, ensuring that the scope and applicability of the Comprehensive Plan goals and policies is focused on land use decisions and not ancillary City decisions, especially those related to financing, budgeting, operations and maintenance, is essential.