

Appeal to the Land Conservation and Development Commission of the “Center” Designation to Multnomah Village in the City of Portland Comprehensive Plan Update

Filed: December 26, 2017

This is an appeal to the Land Conservation and Development Commission (LCDC) under OAR 660-025-0150(6) of the Department of Land Conservation and Development’s (DLCD) formal review and rejection of all the objection issues we submitted on Tasks 4 and 5 of Portland’s Periodic Review. This appeal is made on behalf of the Multnomah Neighborhood Association (MNA).

This Appeal is the second of three separate appeals to the LCDC.

- Part 1: Appeal of Middle Housing Policy 5.6 (Task 4)
- **Part 2: Appeal of the Designation of the Multnomah Neighborhood as a “Neighborhood Center” (Task 4)**
- Part 3: Appeal of the Adoption of CM2 Zoning in Multnomah Village (Task 5)

The original Objection has already been determined to be valid, as required by OAR 660-025-0150(6)(a). The standing of the appellant, the Multnomah Neighborhood Association, has already been established per OAR 660-025-0150(6)(d)(A) in the original Objection under the heading “Party of Record,” and therefore is not repeated here. The DLCD has rejected all the valid objections that were filed with the Department.

Part 2: Appeal of “Center” Designation to Multnomah Village

The Multnomah Neighborhood Association (MNA) has requested that the City of Portland (City) designate the Multnomah Village as a “Neighborhood Corridor,” rather than as a “Neighborhood Center.” This request has been made on many occasions throughout the Periodic Review process and has been amplified by supporting testimony from hundreds of neighborhood residents.

In this appeal, we show that the City failed to comply with State, regional, and local regulations guiding Periodic Review and land use planning. The City failed to adequately consider the weight of evidence and public testimony in making its designation, thus failing to comply with Statewide Planning Goal 1 (Citizen Involvement) of the Land Use Planning System. The City failed to provide adequate and timely public information about the meaning and implications of the *center* designation and failed to provide adequate mapping of center boundaries in violation of both Statewide Goal 1 and Goal 2 (Land Use Planning), as well as in violation of the City’s adopted Community Involvement Work Program. During the Periodic Review process the City repeatedly provided inaccurate and misleading information about the ultimate boundaries of proposed centers and the inclusion of single-family neighborhoods. In designating Multnomah Village as a *neighborhood center*, the City also failed to comply with prior regional planning, including the Metro Code and the Metro 2040 Growth Concept Map.

The appeal issues are organized based on the appeal part number (2) and alphabetically by specific appeal issue, as follows:

- Appeal Issue 2.A. Inadequate Response to Weight of Public Testimony
- Appeal Issue 2.B. Confusing and Uncoordinated Policies
- Appeal Issue 2.C. Inadequate Mapping of Centers
- Appeal Issue 2.D. Compliance with Metro Code

Appeal Issue 2.A. Inadequate Response to Weight of Public Testimony

On January 14, 2015 the Portland Bureau of Planning and Sustainability (BPS) recommended in a staff report to the Planning and Sustainability Commission (PSC) entitled "Centers and Corridors Growth Strategy, January 27 PSC Work Session," that the City's proposed Multnomah Neighborhood Center designation be retained in spite of neighborhood testimony in opposition.¹ This is addressed in a single row in a table on page 9 of the 93-page report. This staff report was one of five memos considered at the January 27, 2014 PSC work session.²

The BPS staff report stated only that the Neighborhood's request was to remove the *center* designation and did not accurately characterize or explain the basis for the MNA's request. The BPS did not provide adequate rationale or basis for rejecting the request. The BPS failed to give sufficient weight to the testimony of the MNA and Southwest Neighborhood Inc. (SWNI), which both endeavor to provide informed and representative engagement in land use planning on behalf of the many residents they represent.

In written comments on the record to the PSC by James Peterson, MNA Land Use Chair, on behalf of the neighborhood association in a letter dated October 28, 2014, he states:

The Multnomah Neighborhood Association requests that the Planning and Sustainability Commission change the designation of Multnomah Village from a Neighborhood Center to a Neighborhood Corridor in the Draft of the Comprehensive Plan. Multnomah Village is classified as Mainstreet in the current Comprehensive Plan. The regional planners have described Multnomah as the model Mainstreet. The village is more linear in nature and thus the characteristics are better defined by the Neighborhood Corridor designation. Since Multnomah Boulevard is designated a Neighborhood Corridor the change would make the business district of the Village contained within the Neighborhood Corridor designations of the intersection of Multnomah Boulevard and Capital Highway. The Neighborhood Center designation with the ½ mile radius defined in the Comprehensive Plan would overlap with the 1 mile radiuses of the two adjacent town centers leaving little room for the existing

¹ Note that the *Centers and Corridors Growth Strategy* memo is mislabeled as being written in 2014 rather than 2015.

² See: <http://www.portlandoregon.gov/bps/article/515430>

single family zoning. The Mainstreet designation had a prescribed depth of 180 ft which is more consistent with the definition of a Neighborhood Corridor. The Bureau of Planning and Sustainability has projected the capacity with their proposed changes to Mixed Use zoning in Multnomah Neighborhood to increase 28%, thus there is no need for the Neighborhood Center designation. Neighborhood Corridor designation better fits the design and character of the village.

Mr. Peterson subsequently submitted written comments into the record in a letter to the City of January 27, 2015 stating that the above reference letter was:

... endorsed in a letter from SWNI which is a coalition of Neighborhood Associations that comprises twenty percent of all Neighborhood Associations in the city of Portland.

As stated by the Multnomah Neighborhood Association Chair, Carol McCarthy, in her City Council Testimony of Nov. 19, 2015:

"The sentiment that [Multnomah] Village needs protection was expressed by people from all over Portland and the US, in fact, from around the world, in the almost 700 written comments submitted as part of the attached online petition that was signed by over 1,800 people."

As stated by the MNA in written testimony to Mayor Hales and City Commissioners regarding "City Council Amendment P#45 to the Draft 2035 Comprehensive Plan," dated April 14, 2016:

Hundreds of Multnomah Village residents and taxpayers, the Multnomah Neighborhood Association and Southwest Neighborhoods, Inc. have all considered and specifically requested that the Portland City Council change the proposed designation of Multnomah Village from a Neighborhood Center to a Neighborhood Corridor in the 2035 Comprehensive Plan.

... The Neighborhood Corridor designation better fits with the extant design and character of Multnomah Village and is more in keeping with the prevalent semi-rural character of the neighborhood that we currently live in and enjoy.

As can be seen from the 2035 Comprehensive Plan, the description and policy statement for "neighborhood corridors" cited below is perfectly compatible with Multnomah Village:

Neighborhood Corridors [page GP3-17]

Neighborhood Corridors are narrower main streets that connect neighborhoods with each other and to other parts of the city. They have transportation, land use, and design functions that are important at a neighborhood or district level. They support neighborhood business districts and provide housing opportunities close to local services, amenities, and transit lines. They are streets that include a mix of commercial and higher-density housing development. This policy is intended to balance the important transportation functions of Neighborhood Corridors with their roles in supporting the viability of business districts and residential livability.

Policy 3.52 Neighborhood Corridors. Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.

The BPS placed the issue of designating Multnomah Village as a “neighborhood center” before the City Council in its Comprehensive Plan Council Work Session Agenda for February 2, 2016.³ However, once again the BPS failed to describe the weight of public testimony received, failed to describe, characterize, or qualify the basis for the MNA’s opposition to the *center* designation, failed to mention or present to the Council the MNA’s desired alternative *corridor* designation, failed to provide a neutral, objective, and balanced analysis of the issue, and presented only the Bureau’s strident advocacy position favoring centers.

An analysis by the MNA of the Task 4 Record Index on the topic of designating Multnomah Village as a “center” shows that 364 comments were received on this topic. Of these comments, 360 were in opposition and only 4 were in support. This constitutes an overwhelming rejection of the City’s proposal by the public.

The DLCD response to this issue states, “Goal 1 requires a program for consideration of citizen input and a fair process – it does not dictate a particular result.” While we generally agree with this statement, given the overwhelming weight of public testimony, the City’s consideration of citizen input and the fairness of the process must be called into question. It seems that the City had a predetermined outcome in its “centers” designations and extensive public input had no influence on this outcome.

³ See page three of the agenda at <http://www.portlandoregon.gov/bps/article/563068>

Goal 1 states:

A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

Goal 2 states:

**Sufficient time should be allotted for:
(3) incorporation of citizen needs and desires and development of broad citizen support.**

The adopted Community Involvement Work Program, under "Purpose" states:

The purpose of 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.

The City of Portland Code and Charter states under Section 3.96.050, Responsibility of City Agencies:

B. City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.

Over a period of more than two years, the MNA and its members have diligently and repeatedly testified in opposition to the *center* designation and in favor of the *corridor* designation. The failure of the City to adequately respond to such clear and extensive public input and input from its official neighborhood associations indicates a failure to comply with Statewide Planning Goal 1, Statewide Planning Goal 2, the City's adopted Community Involvement Work Program, and the City of Portland Code and Charter.

Appeal Issue 2.B. Confusing and Uncoordinated Policies

Public concerns about the boundaries for *centers* and the designation of Multnomah Village as a *center* were compounded by the last-minute introduction of "amendment P45," which became Comprehensive Plan Policy 5.6 (Middle Housing Policy). Our specific objections to Middle Housing Policy 5.6 are

reported in a separate objection filed with the DLCD and are incorporated by reference herein as an integral part of this objection.

The nature of the *center* designation was described in general and broad terms in the Comprehensive Plan update with Policy 5.5 in the final June 2016 version of the **2035 Comprehensive Plan**, Page GP5-6:

Policy 5.5 Housing in centers. Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

While Policy 5.5 indicates that areas in and around centers will be targeted to support a diversity of housing options, it does not indicate which specific areas, nor does it identify what specific changes would be proposed. Thus, it is a generalized policy statement typical of comprehensive plans.

The late introduction of amendment P45 on March 18, 2016,⁴ which became Policy 5.6, adds specific language that, taken together with Policy 5.5, would create a large-scale up-designation, and eventual up-zoning, of the residential areas in and around neighborhoods designated as *centers*.

For reference, the middle housing policy is provided below from the adopted June 2016 2035 Comprehensive Plan, page GP5-6:

Policy 5.6 Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of **designated centers**, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

Policy 5.6 compounds the impact of a *center* designation by specifically allowing increased densities in the residential areas in and around a center. The language

⁴ Late in the comprehensive planning process on March 18, 2016, the BPS introduced a new policy along with a large group of proposed amendments that included 109 policy amendments and new policies along with many other amendments in a 112-page document. Initially referred to as "amendment P45," this became the new Middle Housing Policy, Policy 5.6.

“within a quarter mile of designated centers” has been interpreted by the City to not refer to ¼ mile from a single point at the midpoint of a center, but rather ¼ mile from the center boundaries – a much larger area. Furthermore, Policy 5.6 adds the area within ¼ mile of corridors with frequent service transit and high capacity transit stations to the up-designation of centers, creating a larger, overlapping area.

A third policy related to housing in centers – which is inexplicably located in *Chapter 3: Urban Form* of the Comp Plan, rather than *Chapter 5: Housing* – further expands the *centers* designation by implicitly allowing up-designation and up-zoning of residential areas within one-half mile of centers.

Policy 3.15 Housing in centers. Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.

This policy uses a different metric than the other related policies, measuring its influence as one-half mile from the “center core.” It also seems to have a stated purpose of increasing population to support commercial services, which doesn’t seem related to either “Urban Form” or “Housing” chapters of the Comprehensive Plan, yet clearly has a significant potential influence on both.

The result of combining two disparate policies in different chapters of the Comp Plan (Policy 3.15 and Policy 5.5) with a new policy (Policy 5.6) introduced late in the Periodic Review process, is a major policy change to a large, overlapping area affecting a large portion of the single-family residential land in the City of Portland. Such a sweeping overhaul of residential areas, impacting so many people, could not be reasonably anticipated by an astute person closely following the Periodic Review process.

The DLCD response to this issue states, in part:

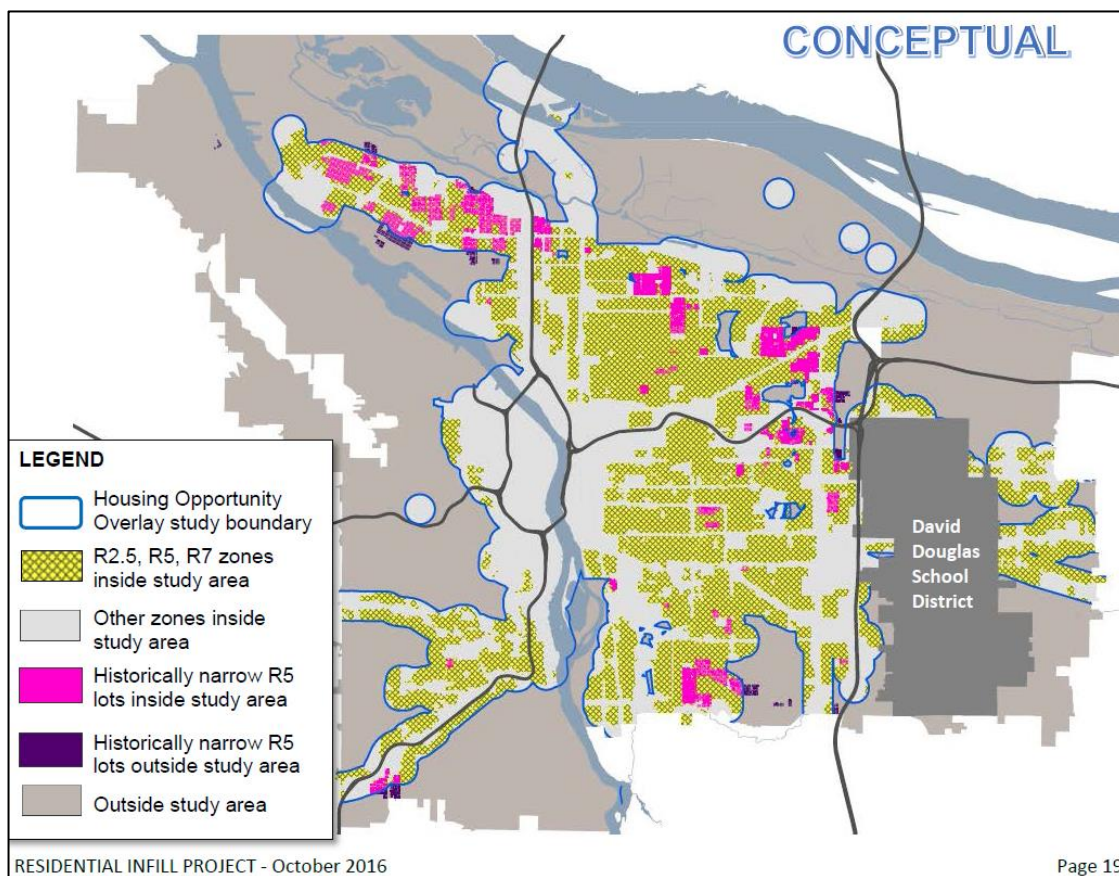
As discussed above, the policies do not accomplish what the objection claims they do. They do not rezone large areas of the city that are currently zoned for single-family detached residential development. These policies commit the city to a process of studying whether the specified areas should be rezoned.

The Department states that a policy does not implement zoning. This is obvious, as the policies developed in Task 4 are intended to guide implementation in Task

5. Instead, this objection issue makes the case that the policies guide and authorize the rezoning, which is actually taking place.

We now know that these three policies, when combined, include an area so large that it includes 58% of all single-family-zoned lots within the City of Portland. This area has been termed the “Housing Opportunity Overlay” area by the BPS and includes almost 87,000 single-family-zone properties (see Figure 1). Note that the City has stated that the *Figure 1* map is not technically part of the Task 4 Record. However, the figure is provided only for contextual hindsight to illustrate how these policies are being implemented. This makes it clear that information about the potential consequences and implications of these policies was not made available to citizens and did not become apparent to the public until after the Comprehensive Plan was adopted by the City Council on June 15, 2016.

Figure 1: Residential Infill Project, Concept Report to City Council



It is clear from the record of correspondence with the City that the MNA has done its due diligence in both requesting and gathering information, and in informing the City Council and BPS staff about the preferences of the

Neighborhood for a “neighborhood corridor” designation and not a “neighborhood center” designation.

Unfortunately, this considerable effort by the MNA and its members went unheeded by the City. Instead, the BPS pursued an abstract, idealistic, and dogmatic version of reality that had its own vision of centers placed conveniently around the city like a “checkerboard.” The citizens who actually live in these areas and know them best were given short shrift because of a myopic view by BPS regarding what is best for the greater good of the City. This is a heavy-handed, top-down style of planning that fails to respect and honor Portland’s established, cherished, stable, and high-functioning neighborhoods. In short, the BPS would destroy much of what is best about Portland in order to pursue their vision of urban centers and so-called “complete neighborhoods.”

The designation of the Multnomah Village as a “center” rather than a “corridor” has a profound difference in meaning in the 2035 Comprehensive Plan. This is because the “center” designation triggers two additional Plan policies related to centers. The City failed to provide information making it possible for citizens to understand how these policies would work together to create a large-scale up-designation and effective rezoning of the single-family residential areas around Multnomah Village.

Goal 1 states:

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

The Community Involvement Work Program, under “Guiding Principles” states:

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 or City Council hearing, and these reports will be retained for the life of the plan. All hearings venues will be accessible.

Goal 2 states:

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

Goal 2 also states:

Techniques to carry out the goals and plans should be considered during the preparation of the plan.

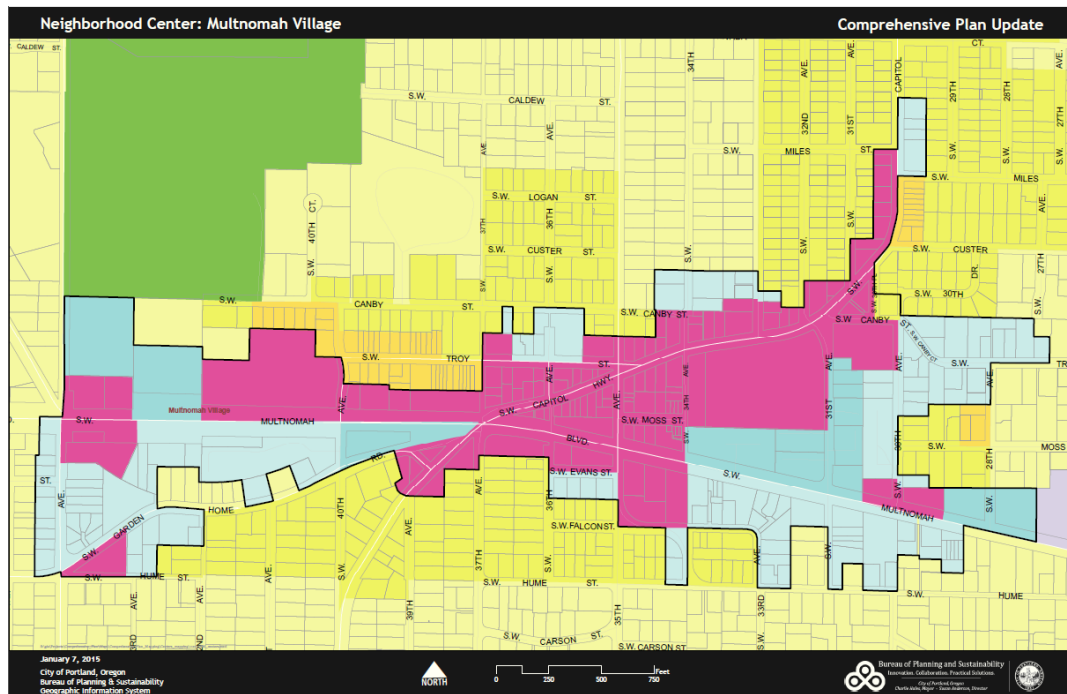
Therefore, the City has failed to adequately inform the public about the potential impacts of the “center” designation and thereby failed to engage the public in the land use planning process, as required by Statewide Planning Goal 1, the City’s adopted Community Involvement Work Program, and Statewide Planning Goal 2.

Appeal Issue 2.C. Inadequate Mapping of Centers

An essential piece of public information regarding the designation of centers is the map showing the proposed center boundaries. The earliest record of the proposed boundaries of neighborhood centers is found in the memo from Eric Engstrom, Principal Planner at BPS, to the Planning and Sustainability Commission (PSC) on January 14, 2015 titled, “Centers and Corridors Growth Strategy, January 27 PSC Work Session.”⁵ The Multnomah Neighborhood Center is shown with boundaries limited to the existing commercial areas of Multnomah Village (See Figure 2).

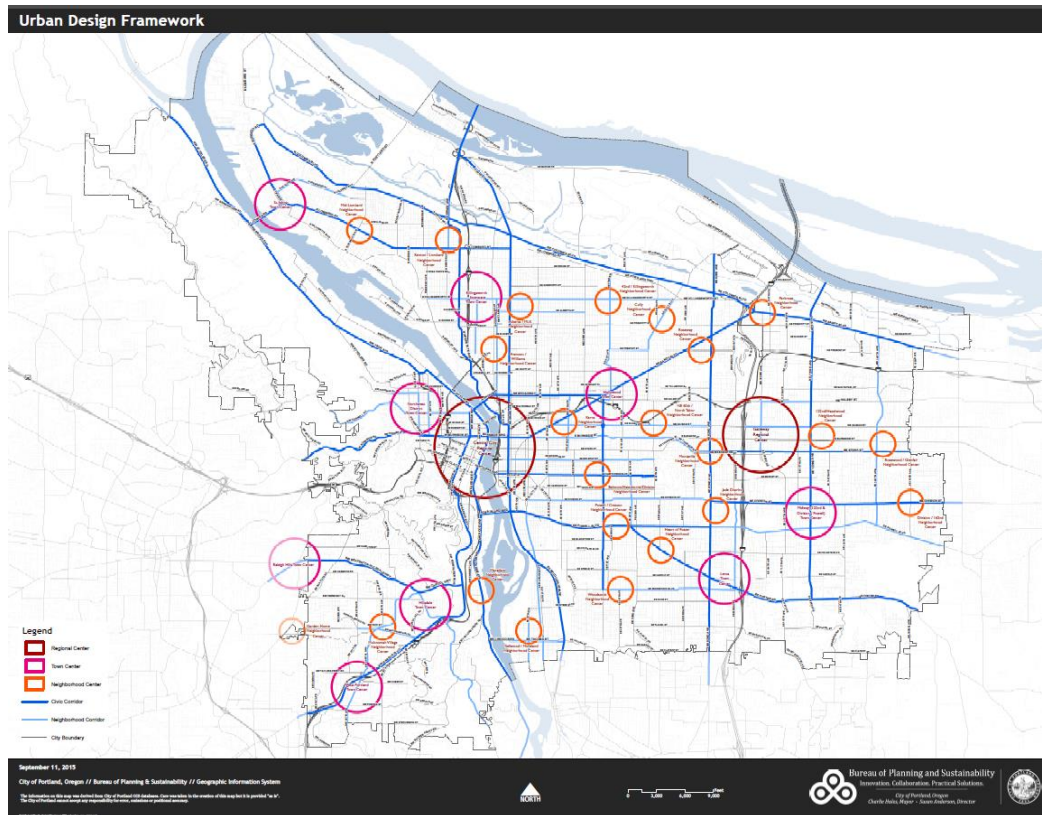
⁵ Note that this BPS memo is incorrectly dated as being written in 2014, rather than 2015.

Figure 2: Map of Multnomah Neighborhood Center as of January 14, 2015.



The City also used another map to show proposed centers (see Figure 3). It showed circles around proposed centers that were vague and generalized and raised concerns from the public about where the actual boundaries were located.

Figure 3: City map of centers dated September 11, 2015.



According to a February 3, 2015 email from Joan Frederiksen, West District Liaison for BPS, in response to an inquiry from the MNA about the different maps showing center boundaries:

The half a mile radius circle ("circle") has always been meant to be a symbol for centers, not a map boundary. In response to testimony and feedback conveying confusion and concern about the implication of the circle on single family zoned areas adjacent to or near the commercial area, staff has proposed provisional center boundaries to underscore that the intended concentration of growth is in the existing commercial and multi-dwelling zoned areas.

The commercial and multi dwelling zones already in place are a key element of centers. The provisional boundaries recently proposed reflect this in that they are drawn fairly strictly as an outline of these existing zones and properties.

With the exception of one property that has an existing non-conforming situation, the Comp Plan proposal does not include any expansion of mixed use or multi-dwelling beyond existing commercial and multi-dwelling designated properties in Multnomah Village.

According to an email of 8/11/15 in response to inquiries from the MNA, Principal Planner Deborah Stein of Portland Bureau of Planning & Sustainability states:

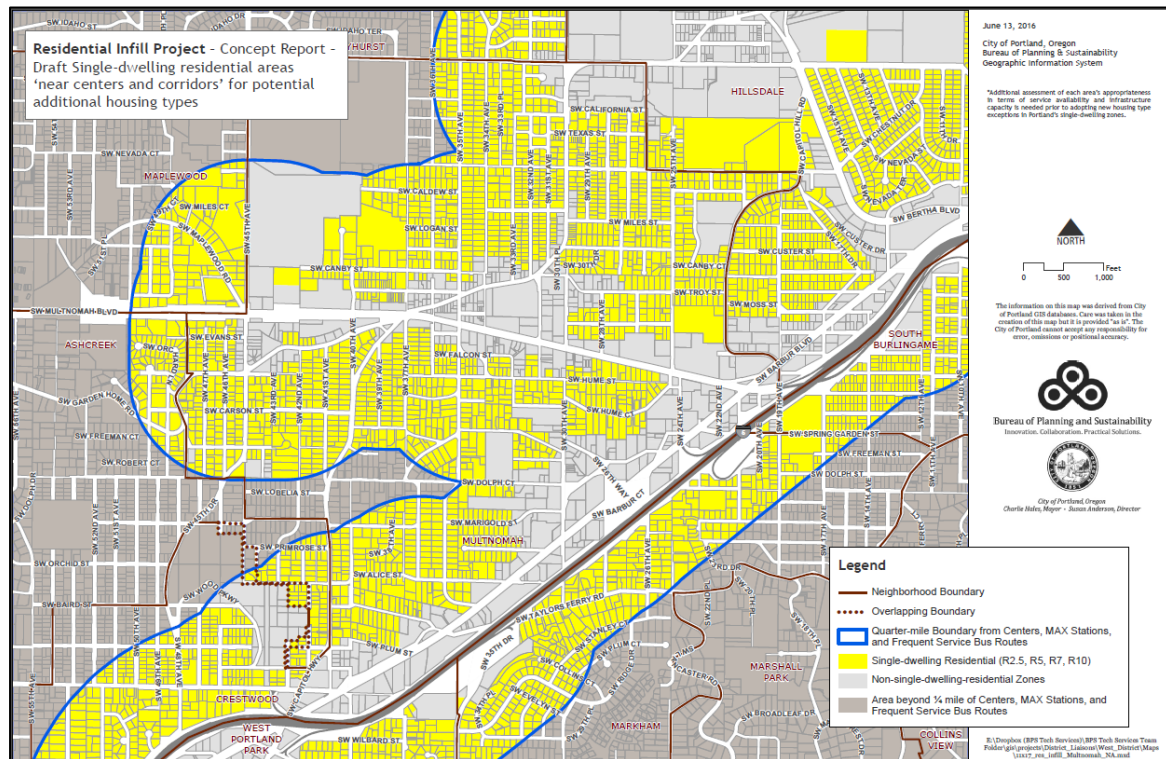
A Neighborhood Center is our local implementation of Metro's "main street" designation and best reflects the status quo in terms of scale, development capacity and amenities. Zoning that is proposed to apply to this designation corresponds to the zoning now in place in the Village. Staff intends to avoid applying commercial/mixed use zoning that would render existing businesses in the Village as nonconforming uses due to their size or the nature of the business.

So clearly, as of August 2015, there is no indication of a plan to expand center boundaries into the residential areas, nor is there an indication that residential areas would be up-designated or up-zoned. In fact, the City has made repeated assurances that this would not be the case.

These are a few of what appear to be many instances in which the engaged residents of the MNA were offered misleading and ultimately false assurances that their neighborhood would not be significantly impacted or affected by the proposed *center* designation. These actions constitute not merely a failure to provide adequate public information, but actually the provision of inaccurate information.

It was not until the MNA requested and received a map dated June 13, 2016, titled "Residential Infill Project – Concept Report," that it was possible to see the magnitude and potential impact of the "center" designations applied by the City (See Figure 4). This map was supplied just two days before the Council approved the Comprehensive Plan on June 15, 2016. Maps for the remainder of the city did not become available until at least June 30, 2016, leaving most neighborhoods in the dark about the potential impacts of the policies related to centers and corridors until after Plan adoption.

Figure 4: Map provided to the MNA by BPS dated June 13, 2016



As a practical matter, neighborhood associations meet on a regularly-scheduled monthly basis. Obtaining quality public involvement and input from neighborhood associations requires a minimum of 30 days' notice in advance of a public hearing. This enables the neighborhood associations to receive and distribute the notice, add it to the next month's meeting agenda, obtain feedback from membership, and to formulate a response or position on the matter. That's a great deal of work for an all-volunteer group to accomplish in such a short time. For better results on complex Comprehensive Plan Updates, The Work Program should allow 45 days, rather than the unrealistic 21 days.

Attentive neighborhood associations, including the MNA, seemed to be aware that the vague policies in the Comprehensive Plan could lead to unexpected and undesirable outcomes. They requested a time extension back in 2014 so that Plan implementation (through zoning and code development) could catch up with the new Comp Plan policies, and so that the public would be able to see how these policies would be interpreted before they became final. Their concerns were rejected in a September 18, 2014 memo from Eric Engstrom, Principal BPS Planner, to the Planning and Sustainability Commission where he states:

Within the written testimony you received this month on the Comprehensive Plan are several letters from recognized neighborhood associations requesting a 90-day extension of the comment period. The letters express a desire to know the specifics of potential new code provisions before closing testimony on the proposed Comprehensive Plan Goals and Policies and Comprehensive Plan Map.

However, before specific code provisions can be proposed, the Comprehensive Plan needs to first define desired outcomes through goals and policies, and the plan map. Establishing goals and policies and directional maps before developing more detailed implementing actions is essential. The specifics of any zoning changes that will be adopted to implement the new Comprehensive Plan will be subject to additional public hearings before final action by the PSC and City Council.

The Comprehensive Plan is the guiding document for zoning and ORS 197.010(1)(c) requires that comprehensive plans ***“Shall be the basis for more specific rules and land use regulations which implement the policies expressed through the comprehensive plans.”*** The vague and overly-flexible nature of the Plan policies and map designations related to centers does not sufficiently define and guide implementation through zoning code in a manner that is clear, understandable, and predictable to the public, as required by the Community Involvement Work Program, which states:

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.

The DLCD response to this issues reads, in part:

The city has adopted plan policies that may result in future changes to zoning in the vicinity of neighborhood centers. Task 4 Record at 277. Such future changes would only occur as a result of subsequent study and analysis to determine where the adopted middle housing policy is best applied in candidate areas. The Multnomah Neighborhood Association, and other individuals and groups, will have an opportunity to provide input into that process, and potentially object to or appeal any city actions to implement Policy 5.6.

However, Goal 2 addresses this issue by requiring that implementation measures be considered in all phases of the planning process. Goal 2 specifically states:

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

Goal 2 also states:

Techniques to carry out the goals and plans should be considered during the preparation of the plan.

The refusal by BPS to provide information about the zoning code implications of the proposed policies related to centers, upon repeated requests from the public, represents a failure to comply with Statewide Goal 2 and the adopted Community Involvement Work Program.

Appeal Issue 2.D. Compliance with Metro Code

The BPS staff report "Centers and Corridors Growth Strategy, January 27 [2015] PSC Work Session," states on page 7:

The specific location of Centers and Corridors was built on the existing Metro 2040 center and corridor designations...

However, this does not appear to be the case with regard to Multnomah Village. The City's proposed designation of Multnomah Village as a "Neighborhood Center" is not consistent with Metro regional planning for the area. According to the Urban Growth Management Functional Plan (Metro Code, Chapter 3.07.010):

The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

The Plan specifically addresses centers and corridors in Section 3.07.650:

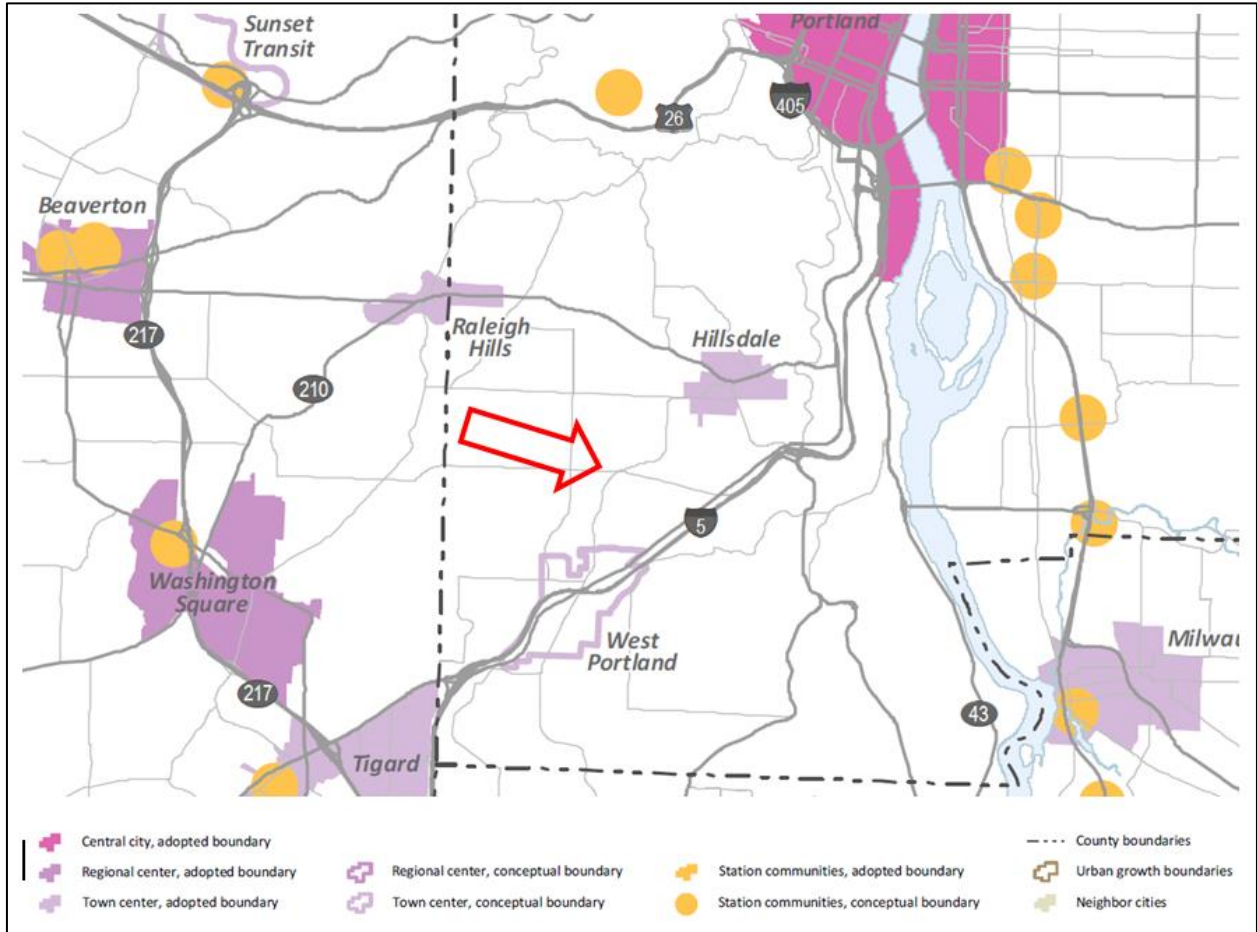
3.07.650 Centers, Corridors, Station Communities and Main Streets Map

(a) The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title.

(b) A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the general location on the 2040 Growth Concept Map in the RFP [Regional Framework Plan]. The city or county shall provide notice of its proposed revision as prescribed in subsection (b) of section 3.07.620.

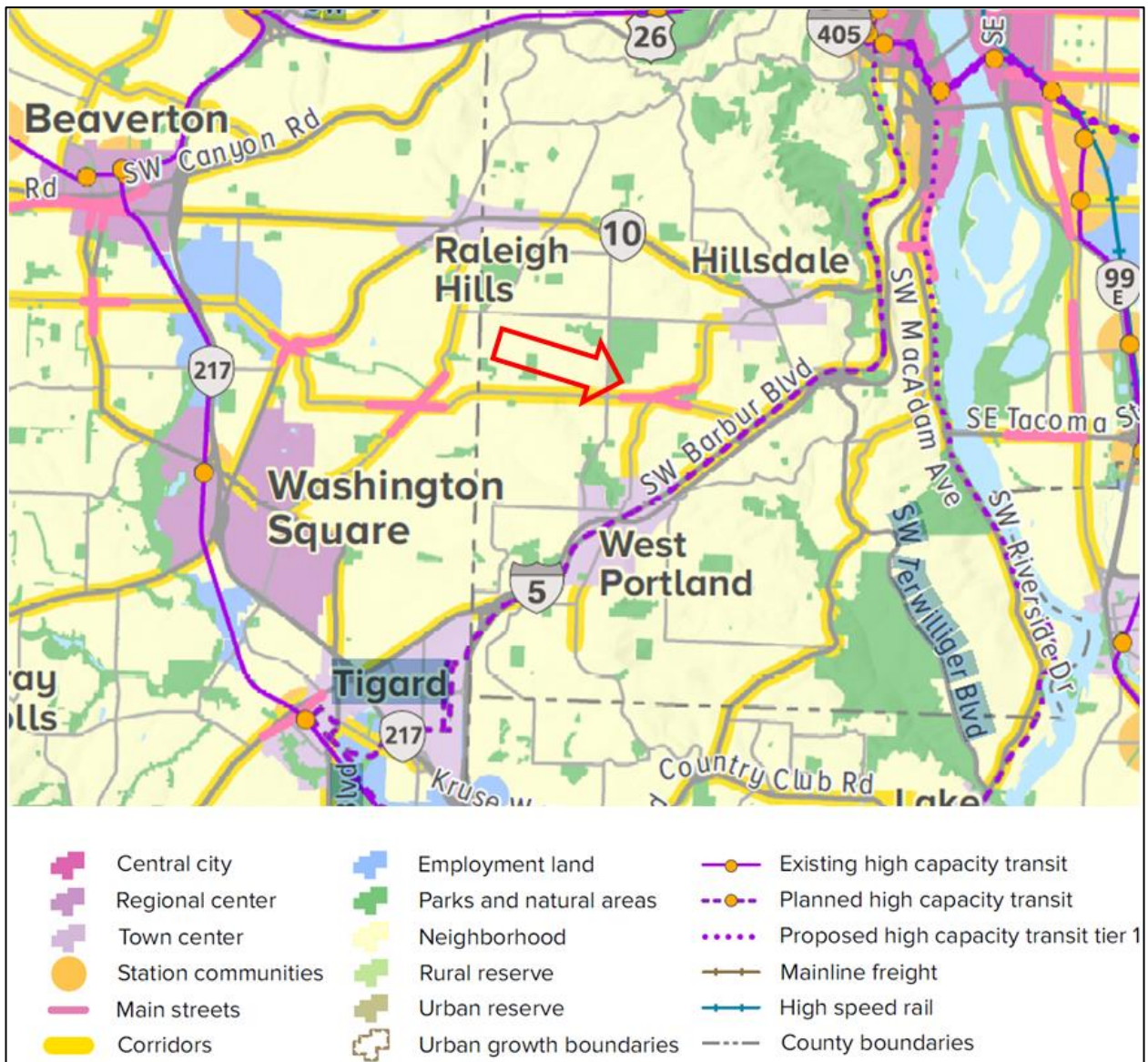
The map referred to in Metro Code Section 3.07.650(a) is provided below in Figure 5. The location of Multnomah Village is indicated with an added red arrow for reference. There is no official depiction of a "center" designation on this map.

Figure 5: Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries [expanded view showing Multnomah Village with red arrow] October 29, 2014



Metro Code Section 3.07.650(b) indicates that the boundary of a center may be changed ***“so long as the boundary is consistent with the general location on the 2040 Growth Concept Map.”*** The 2040 Growth Concept Map is shown in Figure 6 with the location of Multnomah Village again indicated with a red arrow added for reference. The map shows that Multnomah Village is not designated as a *center*, but that the main streets in the Village have been designated as “main streets.” This appears to be consistent with the MNA’s testimony requesting designation as a “Neighborhood Corridor,” rather than as a “Neighborhood Center.” It is not consistent with the City’s designation of the area as a *center*.

Figure 6: 2040 Growth Concept Map, September 2014 [expanded view showing Multnomah Village with red arrow]



The DLCD response on this issue states in its entirety (DLCD, page 17):

The department rejects this objection. The "neighborhood center" designation on the comprehensive plan map does not implement a Metro Town Center designation, it implements a Metro "main street" designation. Task 4 Record at 85. The city recognizes that Multnomah Village is not a Metro "Town Center" designation. Task 4 Record at 103.

The first section of the Findings cited by the DLCD (Record, page 85) applies to the issue of “minimum zoned capacity” and applies to a different section of the Metro RFP (Section 3.07.120) than cited here. Zoning is a Task 5 implementation activity that does not apply to Task 4. The City’s Findings state:

The City-designated Neighborhood Centers are a local designation, generally equivalent to the Metro Main Street designation...

We do not see evidence in the Record that this statement is true or accurate with regard to either the designation or the boundaries. Perhaps it applies only in the context of “minimum zoned capacity.”

The second section of the Findings cited by the DLCD (Record, page 103) merely provides a table showing that the Metro designation for Multnomah Village is as a “Main Street,” confirming what we have reported in this appeal.

Therefore, the City’s proposed “Neighborhood Center” designation does not comply with Metro Code and the 2040 Growth Concept Map, as required.

Action Requested

The remedy requested in this appeal is for the LCDC to partially remand Task #4 of Periodic Review to allow for proper public involvement in the designation of centers and corridors and their boundaries. Under this remand the City would be required to present the concept for centers and boundaries in its entirety so that the public can reasonably understand the complete proposal. This would include proposed maps, boundaries, land use changes, and potential implications in terms of zoning, density increases, and possible changes to single-family zones. The City would be required to provide factual evidence derived from Periodic Review Tasks #2 and #3 bearing on the issue of whether or not there is any real, significant, identified need for up-designating Multnomah Village as a *center*. The City would be required to evaluate potential impacts of a *center* designation, such as the impact on low income housing, on housing affordability, and the adequacy of public facilities, including transportation, parking, sewerage, parks and open space, etcetera (i.e., comprehensive planning). The City would address and demonstrate its compliance with Metro Code and the 2040 Growth Concept Map.

While this remand request reflects the minimum LCDC should require of the City, ideally the City would be required to present a full range of options to the public on centers, including the “no-change” option and the “neighborhood corridor” option requested by the MNA. We also request that the City endeavor to provide neutral, balanced, and objective information on this matter and avoid an advocacy role in which it stridently promotes a single outcome.

The remand would enable the public to fully engage with the City in compliance with Statewide Planning Goal 1: Citizen Involvement, Statewide Goal 2: Land Use Planning, in compliance with the City’s adopted Community Involvement Work Program, and in compliance with Metro Code and Regional Planning in the 2040 Growth Concept Map.

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