

Oregon Department of Land Conservation and Development  
Attn: Periodic Review Specialist  
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August 19, 2017

Dear Oregon DLCD Periodic Review Specialist and Director Anderson,

I am hereby objecting to the final decision to adopt the Early Implementation Measures of the 2035 Comprehensive Plan of August 7 2017. I have two objections, listed below.

**Objection 1: Bicycle Mode Share fails to achieve target, indicative of larger failures within plan**

• ***Identification of deficiency in work task:***

- Ord. 188177, Vol. 1.1.A, page 59, Figure 12-7. “Citywide Modlling results comparison (fall 2016 “ACP” and “FZ” model runs)” show that the adopted comprehensive plan will not achieve a 70% non-SOV mode share, nor will it achieve a 25% bicycle mode share. Rather, bicycle mode share is projected to be 3.6%.
- This is despite Ord. 188177, Vol. 1.1.A, page 83, which states: “With this ordinance the City is adopting specific objectives to supplement Policy 9.5, to establish modal targets for transit (25 percent), cycling (25 percent), walking (7.5 percent), and carpooling (10 percent).”
- Also, despite clearly-stated objectives laid out in Ord. 188177, Vol. 1.1.F, page 882:
  - “9.26.g. By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day on average and 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:  
Walk 7.5% Bicycle 25% Transit 25% Carpool 10%”
  - “9.26.h. By 2035, increase the mode share of daily non-drive alone trips to 70% citywide and to the following in the five pattern areas:  
Central City 87% Inner Neighborhoods 71% Western Neighborhoods 65%  
Eastern Neighborhoods 65% Industrial and River 55%”
- The only warning that the City might not have developed a sufficiently robust Comprehensive Plan to achieve these goals was started in Ord. 188177, Vol. 1.1.F, page 883: “Modeling results from the PSC-recommended comprehensive plan show us falling short of meeting the 70% commute mode share target in the Portland Plan and Climate Action Plan.”

- **Basis of objection:**
  - Oregon Statewide Planning Goal 12: Transportation states that a transportation plan shall:
    - “(5) minimize adverse social, economic and environmental impacts and costs;”
    - “(9) conform with local and regional comprehensive land use plans.”
  - Yet, the Comprehensive Plan’s performance does not conform with the goals for that performance; namely, the goal of a 25% mode split to bicycles was not achieved. This will produce a result that does not minimize adverse social, economic and environmental impacts and costs as much as would a plan that achieved that goal.
  - The City did not use performance-based planning methods to identify outcomes from planning decisions sufficiently early enough in the process to modify policies under consideration so that they would result in the desired outcomes. Such methods would have included scenario planning tools that allow for measurement of outcomes for various performance standards in near real-time based on planning decision inputs. The scenario planning report that the City did develop was incomplete, and did not adequately produce a scenario that would achieve the planning goals set out for the plan. It was not produced using the scenario planning tools that are the current state of the practice within the planning profession, and this shows in the results associated with it.
  - While the City was telling the public that it had a goal of a 25% bicycle mode share for the horizon year of the Comprehensive Plan of 2035, it also knew that its own model results were not showing that its draft plan would achieve that goal. The City thus violated Oregon Statewide Planning Goal 1, by not adequately communicating to the public that the plan was not sufficient to meet its own stated performance goals, and not adequately providing a means for citizens to influence the plan in such a way that it could be modified to meet those goals before adoption.
  - Bicycle mode share is an indicator of other issues with a plan. A plan that results in a high projected bicycle mode share is a plan that skillfully weaves infrastructure improvements to support bicycle usage with a mix of land uses that are close enough in proximity to allow the use of the bicycle for a sufficient number of trips. Conversely, a plan that does not result in a sufficiently-high bicycle mode share model result is a plan that may not provide for sufficient bicycle infrastructure, but may also not plan for a sufficient supply of housing at price points affordable to income quartiles working at employers within bicycling distance.
- **Proof of participation in the local process leading to the final decision via a substantive comment, evidence, documents, correspondence, or testimony to the local government during the local proceedings regarding the decision on this work task:**
  - In a letter to Portland’s Planning & Sustainability Commission dated May 9th, 2016 (see Ord. 188177, Vol. 2.3.H), I:
    - Recommended that all new developments in Mixed Use Zones achieve at least a 22% reduction in VMT per capita over the citywide average. (page 10125)

- Clearly identified that the Mixed Use Zoning project would effectively down-zone centers and corridors, thus reducing the capacity of dwelling units and floorspace of non-residential space in those areas. I recommended that if the City pursued this path, it needed to accommodate more new Missing Middle housing types in areas currently zoned for single-family homes. (page 10124)
- Recommended that higher minimum FAR requirements be adopted for commercial zones east of 82nd to encourage the density required to transition away from automobile-oriented development. (page 10127)
- Recommended that minimum floor area standards be raised to 1.0 FAR in Centers & Corridors in order to reduce VMT per capita. (pages 10127-8)
- In a letter to Portland City council dated October 11, 2016 (see Ord. 188177, Vol. 1.4.H), Portland for Everyone:
  - Recommended against downzoning from a 4:1 to a 2:1 FAR in an area of NW Portland. (page 4795)
  - Recommended instead using a form-based code. (page 4796)
- ***Specific suggested revisions that will resolve this objection:***
  - The City should include a stronger bicycle infrastructure build-out plan, so that the physical infrastructure will exist to safely move 25% of all trips by bicycle. This should include:
    - Cycle tracks on all commercial streets, even at the expense of on-street parking
    - Physical diversion on bicycle greenways, to prevent their use by automobiles for anything but local access
    - Better protection and prioritization for bicycles at intersections
    - Bicycle network completeness, without gaps. Just as a freeway system does not include roads with stop signs, a complete bicycle network should not include sections where a clearly-defined space for bicycles does not exist to protect bicycle users from the dangers of larger motorized vehicles.
  - The City should adopt a cordon pricing plan to use the tool of pricing to encourage a reduction in single-occupancy vehicle trips, to manage the capacity of automobile infrastructure so that it is available to those who need it, including freight, and to fund the build-out of sufficient bicycle infrastructure to support the amount of bicycle traffic that will be required to achieve mode share goals.
  - The City should continue to reduce vehicle capacity on arterials, by conversion of that right-of-way space into bicycle infrastructure, dedicated transit infrastructure, and dedicated pedestrian infrastructure, in combination with these other strategies, in order to encourage mode shift away from the automobile.
  - The City should re-zone existing single-family neighborhoods within bicycling distance of employment areas to allow for the construction of more Missing Middle housing units, simply by removing the restriction on density as expressed by the number of housing units within a single-family zone, and replacing it with a form-based code that regulates buildings only by their height, setbacks, lot coverage and FAR, and allows the market to decide how many housing units to provide within that defined building shell.

**Objection 2: Plan failed to provide for adequate supply of housing at price points affordable to projected demand by income quartile, within a distance of matching**

**employment by pay class sufficient to allow for use of bicycles for commuting at the rate identified as the mode share target (25% of all trips).**

• ***Identification of deficiency in work task:***

- In the Further Finding of Fact, Ordinance 187831, staff declared that:
  - “Other affordability tools available to Portland include zoning adequate supply...” (page 34)
  - “This ordinance ... doesn’t propose specific solutions to overcoming the market dynamics that impact actual affordability.’ (page 34)
  - “VMT is reported as a total number of miles per weekday. The City’s Climate Action Plan set a target of reducing 2030 per capita daily vehicle miles traveled by 30 percent from 2008 levels. With the current Comprehensive Plan, model results suggested that by 2035 total daily VMT increases by 25 to 30 percent, but not as fast as the household or employment growth rates (33 and 43 percent, respectively). The result is a 2% reduction in VMT per capita by 2035. Consultants have suggested the Regional Travel Demand Model may not be able to model some of the benefits that may come from more robust Transportation Demand Management (TDM) programs and small scale bike improvements. Post-modelling analysis suggests that as much as a 27% VMT reduction per capita may possible with the recommended bike improvements and TDM measures.” (page 43)
- Local media has reported that on June 13th, 2017 senior transportation planner Peter Hurley told the city planning commission that: “Even in 2035, there are too few jobs too far from housing.” (<https://bikeportland.org/2017/08/03/the-future-of-portland-housing-depends-on-biking-and-vice-versa-236931>)

• ***Basis of objection:***

- Oregon Statewide Planning Goal 10: Housing states that a comprehensive plan shall include:
  - “(3) a determination of expected housing demand at varying rent ranges and cost levels;”
  - “2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.”
  - “Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: ... (3) zoning and land use controls; ... and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.”
- The Comprehensive Plan should provide for a sufficient number of housing units by type to meet demand within a distance of compatible employment types to allow for the use of the bicycle for commute mode trips (as an indicator of the overall performance of the plan for a variety of factors, including the location of adequate housing by price point) at rates that meet the plan’s stated mode share goals. As this has been revealed to not be the case, I object to the plan as adopted.

- ***Proof of participation in the local process leading to the final decision via a substantive comment, evidence, documents, correspondence, or testimony to the local government during the local proceedings regarding the decision on this work task:***
  - On September 19h, 2016, the Concordia Neighborhood Association sent a letter to Portland’s City Council, copying the leaders of Portland’s Bureau of Planning & Sustainability, recommending that:
    - “Form ... be used to regulate the intensity of development, rather than density or a numerical cap on the number of units”
    - “Allowable FAR should be 0.9, not 0.5, in the R5 zone (and thus, it should be even higher in the R2.5 zone).”
  - On November 17, 2016, I sent a letter to Portland’s City Council, informing them that the Residential Infill Project, as an early implementation project of the Comprehensive Plan update, should transition to a form-based code in single-family neighborhoods, one that would allow for at least four units on a single 5,000-square-foot lot:
    - “The Residential Infill Project needs to provide a clear pathway for both new construction and internal conversion projects to provide at least four residential units on the lot, if the market is to ever have any hope of providing housing units affordable to middle-income Portland households.”
    - In comparison to a single-family home, a duplex, or a triplex: “Only a fourplex has any possibility of delivering new units for sale under this price point of a size sufficient to house such a family, given the current economics within our city (in particular property acquisition costs and construction expenses).” Obviously, more units would allow for the price per unit to drop further, aiding in additional market-based affordability.
    - “The 0.5 allowable FAR proposed by staff is a very suburban FAR, and is not appropriate for Portland’s urban streetcar-era neighborhoods. Higher FARs should be attainable, perhaps using a bonus system that would in turn incentivize multiple units on a lot, affordable units, accessible units, renewable energy, or other policy goals. A more reasonable FAR cap would be 0.9”
- ***Specific suggested revisions that will resolve this objection:***
  - I recommend that the City of Portland transition to a form-based code in single-family neighborhoods within easy bicycling distance (defined by the City as 4 miles, but for the purposes of maximizing bicycle mode share as an indicator of housing affordability, this distance should be a variable that is set as a part of a feedback loop with travel model and post-processing results) of employment areas, and ensure that this code allows for at least four units per 5,000 sq ft lot in the R5 zone, and at least 4 units per 2,500 sq ft lot in the R2.5 zone.
  - I recommend that the City allow for FAR bonuses if a certain amount of units in such buildings are affordable to low-income households. I recommend a scaled bonus system, such as a .3 FAR bonus for each additional 3+ bedroom affordable unit proposed, a .25 FAR bonus for each additional 2+ bedroom affordable unit proposed, or a .2 FAR bonus for each additional 1+ bedroom affordable unit proposed.

- Eliminate minimum parking requirements within the City of Portland. Let the market decide how many parking spaces to provide, and manage this decision process using Transportation Demand Management (TDM) to ensure that the result produces travel behavior consistent with Comprehensive Plan mode share goals.

I look forward to working with you to resolve these objections.

Sincerely yours,

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