

Objection to Middle Housing Policy 5.6 in the City of Portland Comprehensive Plan Update

Filed: May 17, 2017

This is an objection filed with the Department of Land Conservation and Development (DLCD) on behalf of the Multnomah Neighborhood Association under Oregon Administrative Rules (OAR) Division 25, Periodic Review. Specifically, this objection conforms with OAR 660-025-0140(2)(a)-(d). Southwest Neighborhoods Inc., a coalition of seventeen neighborhood associations, voted to support Multnomah Neighborhood Association's objection to the Middle Housing Policy 5.6 (Amendment P45).

Party of Record

OAR 660-025-0140(2)(d) Demonstrate that the objecting party participated orally or in writing in the local process leading to the final decision.

The Multnomah Neighborhood Association (MNA) has actively participated orally and in writing throughout the Periodic Review process. Examples of documented MNA participation include:

Testimony by Carol McCarthy, Chair of Multnomah Neighborhood Association, on behalf of the neighborhood in letters and emails on the record of September 16, 2015, November 13, 2015, November 24, 2015, December 3, 2015, January 15, 2016. Participation includes a letter from the MNA to Mayor Hales and City Commissioners regarding "City Council Amendment P#45 to the Draft 2035 Comprehensive Plan," dated April 14, 2016. This is not intended to be a complete list of participation by the MNA, which is more extensive than reported here. In addition to the official participation by the MNA, hundreds of residents of the

MNA have participated orally and in writing.

Objection

OAR 660-025-0140(2)(b) Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated;

This objection is to both to the process leading to, and final end result of, the Middle Housing Policy 5.6. Based on a review of the record for Periodic Review of the Comprehensive Plan, the City of Portland's Bureau of Planning and Sustainability (BPS) has failed to adequately inform Portland residents about the nature, magnitude, and consequences of its efforts to conduct an overhaul and up-designation of City's residentially-zoned single-family homes to allow infill beyond any actual identified housing need. The BPS has also failed to provide complete, objective, and balanced public information about their proposal. Such information is necessary for the public to understand the nature, scope, implications, and potential consequences of the proposal.

Late in the comprehensive planning process on March 18, 2016, the BPS introduced a major 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.¹ Initially referred to as "amendment P45," this became the new *Middle Housing Policy*, Policy 5.6. With little public outreach and awareness, this policy became the vehicle for an unprecedented, large-scale, up-designation of single-family homes around the City.

The public involvement process and planning process for this new policy were so poorly done that this new policy alone threatens to undermine public confidence in the integrity of Statewide Planning Goal 1: Public Involvement, and Goal 2: Land Use Planning, requiring coordinated, comprehensive planning.

When this new policy amendment was introduced and under public consideration, there was no information available to the public about how many

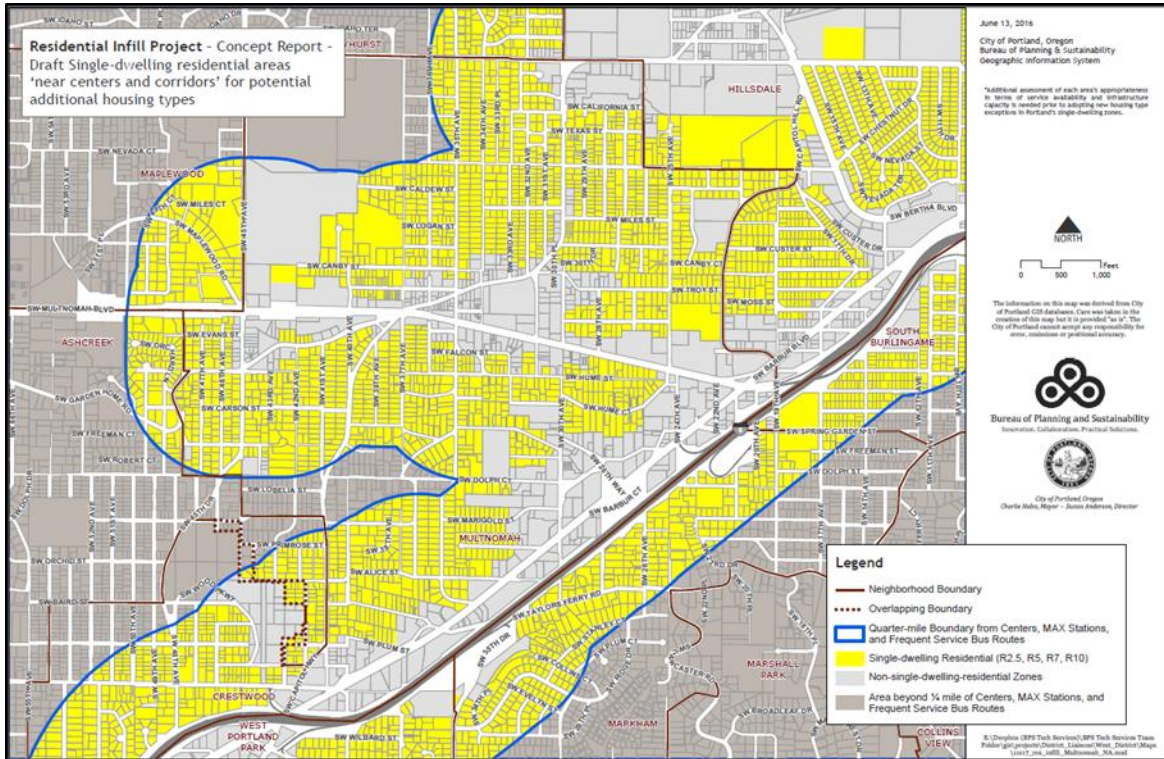
¹ Amendment P45 appeared on page 22 of 112 pages of the *2035 Comprehensive Plan Draft City Council Amendments*, March 18, 2016 (minor corrections through 3/29/16), by Bureau of Planning and Sustainability.

homes would be potentially affected and up-designated by Policy 5.6. However, the figure now appears to be close to 100,000 single-family homes, reflecting approximately two-thirds of all single-family housing in the City of Portland (the City).

The Multnomah Neighborhood Association (MNA) requested and received the only publicly-available map showing the properties affected in this one neighborhood. The map is provided in Figure 1, below. The map is dated June 13, 2016, just two days before the City Council adopted the Comprehensive Plan on June 15, 2016. It shows that most of the single-family homes in and around the MNA will be affected by this policy, if it is implemented. This map was provided far too late to be of consideration in the Periodic Review process.

Additional maps for the remainder of the City were not produced until June 30, 2016, fifteen days after adoption of the Plan on June 15, 2016. These additional maps show a vast area of the City that includes almost 100,000 single-family properties would be upzoned under the Middle Housing Policy and designated as "Housing Opportunity Areas" in the Residential Infill Project (see maps under heading: *Draft Proposal Conceptual Centers and Corridors Maps* about half way down the page at <http://www.portlandoregon.gov/bps/67730>).

Figure 1: Map provided to the MNA by BPS dated June 13, 2016



Without these maps it is virtually impossible to understand the extent and full impact of the Middle Housing Policy. This is because the effect of the Middle Housing Policy is combined with other policies and plan materials defining centers, corridors, boundaries, and distances therefrom. Given the magnitude of the impact of the Middle Housing Policy, which we now know will affect approximately two-thirds of all single-family properties in Portland, a far greater amount of public information should have been provided, and considerably more effort and time should have been allocated by the City to inform and engage the public.

The failure to provide this mapping is a clear violation of the Goal 1 requirements to provide adequate public information and meaningful opportunities for public involvement. It is also a violation of Goal 2, requiring the consideration of implementation measures during all phases of the planning process and also requiring a factual basis for the Plan. (Full citations are provided under the final section of this Objection titled "Applicable Statutes, Goals, and Administrative Rules Violated")

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.

As a late addition to the Comprehensive Plan policies, Policy 5.6 goes far beyond merely creating a new land use designation in the Comp Plan for middle housing. It states that middle housing development should be enabled and encouraged, and that zoning is to be applied “where appropriate” to centers, corridors with frequent service transit, high capacity transit stations, and etcetera. Because the policy goes far beyond creating a land use designation, and into the actual implementation of the proposed designation, far more information and public involvement is required. In addition, property owner notification is required under the adopted Community Involvement Work Program.

Inadequate Public Information and Involvement

Middle Housing started as a vague, generalized concept that was first introduced to the Comprehensive Planning process in a February 2, 2016 memo to Mayor Hales from Principal BPS Planner Eric Engstrom titled “Middle housing options.”² It is noteworthy that, at the time this memo was issued, the Periodic Review for the Comprehensive Plan had already been ongoing for more than six years since the Work Plan was approved by LCDC on September 30, 2009, and no prior official mention of a “middle housing” policy proposal had been made.

The Engstrom memo states:

What is middle housing?

For purposes of this memo, “middle housing” is defined as multi-unit or clustered housing types that are compatible in scale with single-family homes. Middle housing has more and usually smaller units than typical

² See <http://www.portlandoregon.gov/bps/article/563074>

detached single-family development. Examples include row houses, townhouses, and plexes (duplexes, triplexes, four-plexes), or small garden apartments. ADUs and clusters of small cottages also could be considered middle housing.

Based on this introduction to the topic, *middle housing* could include virtually any size or type of residential development on, or adjacent to, established single-family homes, as long as it is “compatible in scale.” The term “scale” appears only to refer to building size and/or bulk, and does not address an array of other compatibility issues that should be addressed in a proper planning process.

It is important to note that the memo does not provide a balanced discussion of the topic, and instead provides only alleged benefits, which are asserted without the support of any factual evidence or basis, as required by Statewide Goal 2. While the memo speculates on the potential benefits, it does not mention a single potential disadvantage or drawback.

The memo refers to “study areas evaluated by staff.” A map of study areas by BPS dated January 26, 2016 does not show any study areas in Southwest Portland. One of the un-mapped options described in the preceding text associated with the map included under “E. More flexibility in R5 – Residential Infill Project” states: “*Potential Study Areas: All R5 zones, or R5 zones near centers.*” This is an extremely broad, vague, and non-specific proposal.

Therefore, as recently as February 2, 2016, an astute and highly-informed resident of the City of Portland would have no idea that their single-family home in a well-established and developed neighborhood was proposed for up-designation and eventual rezoning.

No map or other information was provide to show which homes or how much of the City would be included under this policy. There was no information about how many homes and properties would be affected. There was no analysis of the potential impact of the policy on existing neighborhoods, housing affordability, or infrastructure needs, such as parkland, schools, roads, sewers, etcetera, as required by Statewide Planning Goal 2.

It was not until June 30, 2016, after the adoption of the Comprehensive Plan Update (on June 15, 2016) that the City released maps showing the single-family areas of Portland that would be included within the centers and corridors affected by the Middle Housing Policy.

It is important to note that the City's key Growth Scenarios Report of July 2015 contains no mention of "middle housing." The BPS has tried to point to pages 52 and 53 of this report to help justify their middle housing agenda.³ However, these pages point to a need for low-income housing, which is not addressed by the Middle Housing Policy.

On page 53 of the Growth Scenarios Report, it states:

Ideally these reductions in the supply of affordable single family and low-cost multifamily options would be offset by increasing the amount of land available for this kind of development in more opportunity-rich locations. For example, adding more R2.5 or R2 zoning near neighborhood centers could increase the supply of small lot single family homes, duplexes, townhomes, and low density multifamily development types. This should be a consideration as refinement plans are developed for centers and corridors.

This mere example of upzoning to R2.5 and R2 is not the same as what is proposed with the far-reaching Middle Housing Policy, and it is important to note that the report states "This should be a consideration as refinement plans are developed for centers and corridors." The refinement plan process would indeed be a reasonable place to carefully consider sensitive rezoning and density changes to established neighborhoods. However, the City has instead proceeded to a wholesale citywide rezoning without refinement planning. It is clear that the Growth Scenarios Report is not authorizing, justifying, nor recommending the kind of wholesale rezoning that the Middle Housing Policy would enable.

Thus, the policy adoption process was a failure to plan in a comprehensive manner based on actual evidence and factual findings, as required by Goal 2. And the policy adoption process failed to provide adequate information to allow for informed public participation, as required by Goal 1 and by the City's Community Involvement Work Program.

³ See for example BPS website page associated with the introduction of the amendments including #P45 at <https://www.portlandoregon.gov/bps/article/569930>.

Lack of Adequate Notification

The Periodic Review Work Program forms the basis for the Comprehensive Plan Update. As of its most recent update on April 13, 2015, the Work Program Does not mention anything about the up-designations of residential zones or “middle housing.”

Under Task #4: Policy Choices, the Work Program makes no mention of designating centers and corridors, nor of the possibility of up-designating or up-zoning the residential areas in and near these centers and corridors. Instead, the Work Program Task #4 states:

Subtask C – *The Housing Element*

1. The City will adopt long-term policies and shorter-term strategies for meeting identified housing needs.

However, the actual identified housing needs were met in the Comprehensive Plan without the need for the designation of centers, corridors, or middle housing. Therefore, this policy can be viewed as an unplanned and unneeded policy amendment that was not based on evidence gathered in the prior work tasks.

Under Task #5: Implementation, the Work Program lists:

Possible new implementation measures might include:

3. Adjustments to minimum residential density requirements, or application of minimum density requirements to mixed use development or residential development in non-residential zones,

No mention is made in the Work Program of the possibility of increasing density or up-designation of residential zones. There is no indication in the Work Plan that large swaths of single-family homes across the City would be rezoned to double or triple the currently-allowed density, as is now being proposed under the Middle Housing Policy.

Just before the Work Plan was amended for the last time, an April 6, 2015 BPS Memo to the Planning and Sustainability Commission, titled “Residential Densities: Up-Designations, April 14, 2015 Work Session,” indicated that there were no plans for wide-scale up-designating of residential lands. In fact the memo states:

Why weren't additional up-designations considered?

There are additional locations in the city where selective up-designations would expand opportunities for new housing, where owners and renters could take advantage of proximity to the Central City and/or centers or corridors and the availability of transit, services, and amenities. Rather than address these opportunities through the citywide Comprehensive Plan update process, staff recommends that residential densities are considered through area-specific planning projects with localized and inclusive community engagement. Through these projects, we should also consider the potential for tenant displacement as a result of up-designations and/or up-zonings, and apply approaches to ensure that permanently affordable housing is available to low- and moderate-income Portlanders. [page 4]

The Middle Housing Policy 5.6 is therefore not consistent with the Periodic Review Work Program and the supporting materials developed under prior Work Tasks and is therefore in violation of OAR 660-025-0080.

The City's Community Involvement Work Program, which was adopted August of 2010 (and approved by DLCDC) to guide community involvement for Periodic Review, states under "Guiding Principles" that:

Decisions will be open, transparent and accessible. Reports containing the facts and reasons necessary to make particular decisions will be available at least twenty-one days before any Planning and Sustainability Commission or City Council hearing.

No "reports containing the facts and reasons necessary to make particular decisions" were ever released by the BPS in connection with the Amendment #P45, the Middle Housing Policy. A considerable amount of information should have been provided for a major policy proposal like this to inform the public about its potential impacts and consequences. **This lack of factual information is a further violation of the Community Involvement Work Program.**

Instead, the public was forced to evaluate the policy proposal in a very brief period without the benefit of essential information about the policy. The BPS initially issued the proposed 2035 Comprehensive Plan Draft City Council Amendments on March 18, 2016, which included the new amendment #P45 Middle Housing Policy. The Amendments were revised several times through

March 29th. The City Council then held the first public hearing on the topic on April 14, 2016. There was no hearing before the PSC. This is a 27-day period from initial issue of the Amendments to the public hearing before the Council, and is far from adequate to allow meaningful public involvement.

Twenty-one days is a very short time for public consideration of a complex topic such as the Middle Housing Policy proposal. In fact, it is so short that it precludes participation by many neighborhood associations. Neighborhood associations typically meet on a monthly basis, and a 21-day notice makes it extremely difficult, if not impossible, for the neighborhoods to inform residents, hold a meeting, take a representative position, and formulate comments. Neighborhood associations are operated by volunteers in a public service capacity. It seems extraordinarily inappropriate for the City to preclude their involvement in any major aspect of the Comprehensive Plan development. It is surprising that the City and DLCDC would have accepted anything less than 30 days' notice as a bare minimum.

In fact, a 30-day minimum public notice is required by City Code 3.96.050(C) for the type of planning action the City proposed under Amendment #P45, the Middle Housing Policy.

Lack of Need and Plan Consistency

There is no need for additional residential housing capacity through increased density or "up-designations." The official basis for establishing adequate housing capacity for projected population growth is the City's Housing Needs Analysis. This analysis found that there is more than adequate existing capacity under current zoning through the 2035 planning period. It states:⁴

- **Currently zoned land "capacity" in Portland is sufficient to meet housing demands** - that is, enough land in Portland is currently zoned so as to be available to house the projected numbers of new households citywide and in each particular subarea. Capacity is determined not only by current zoning but also by expected redevelopment levels (vacant land plus redevelopment of existing built sites). (For further explanation of the methods for determining available

⁴ See Key Findings, page 4 of *Household Demand and Supply Projections*, Planning and Sustainability Commission, July 12, 2011, available at the City's Housing Needs Analysis web page: <https://www.portlandoregon.gov/bps/59298>.

land, please refer to the appendix to this report.)

- Land capacity for new Portland housing units is projected to range up to 189,100 units by 2035 (at the upper level of capacity, according to the calculations used by Metro), down to at least 141,191 units (the City of Portland model, with its somewhat more restrictive definitions of land development “capacity”). These figures are well above the projected need by 2035 for 105,000 to 136,000 new units, as noted above.

According to an April 6, 2015 BPS Memo to the Planning and Sustainability Commission, on the subject of “Residential Densities: Up-Designations,” under the heading of “Residential housing capacity,” it states in regard to citywide capacity:

“The vacant and underutilized land within these residentially designated areas have a combined development capacity that is double the expected growth, after considering constraints.” [page 3]

As recently as the February 2, 2016 “Middle housing memo” to Mayor Hales (referenced earlier), Principal BPS Planner Eric Engstrom states:

“The recommended Comprehensive Plan provides enough zoned capacity to meet expected housing needs over the next 20 years.”

In addition to there being no identified need for additional housing capacity, there is no identified need for “middle housing,” or a different mix of housing than that which is already allowed. According to the April 6, 2015 BPS memo on residential housing capacity:

The allowed mix of housing in the residential zones has also been examined relative to expected incomes. In general, the diversity of the housing type production should be sufficient to produce enough housing units to meet the future demand across a variety of income levels, except for the low income groups, which will have fewer choices from new development. [page 3]

The City failed to provide factual evidence or documentation that the designation of *middle housing* was necessary to meet identified housing needs, or that low-income housing needs would be served by the policy. In fact the

Middle Housing Policy, as implemented through the Residential Infill Project, may reduce the supply of affordable housing by incentivizing redevelopment of smaller, affordable, older homes with multiple, new, market-rate units, as shown in testimony provided to the City by Loren Lutzenhiser, Professor Emeritus of Urban Studies & Planning, in the form of a research paper.⁵

The City hired Johnson Economics to examine a very limited range of economic issues related to middle housing.⁶ This study found that middle housing, as implemented through the Residential Infill Project would have the effect of reducing the number of residential dwelling units developed in Portland. The policy would have the effect of reducing housing supply by almost 6,000 units over the 20-year study period. Under the scenarios modeled, the new housing would certainly not be low-income and would not be affordable to those who need it.

Therefore, it is clear that the *middle housing policy* is not necessary to meet the identified, projected housing needs over the planning period. The policy is not founded on objective, factual evidence developed during the Periodic Review planning process. Not only did the City fail to develop a factual basis for adopting a middle housing policy, it failed to acknowledge evidence in the record indicating that such a policy would not produce affordable housing and would result in less housing production in general.

While the creation of a “middle housing” land use designation may be a legitimate policy in the Comprehensive Plan, the use of the policy to also direct and implement up-designation and rezoning of single-family homes across the city goes beyond the reasonable, necessary, and appropriate role and function of a single new policy amendment.

The impact of the late addition of the Middle Housing Policy is greatly amplified and compounded by other policies included in the Comprehensive Plan, including *Policy 5.5 Housing in centers* and *Policy 3.15 Housing in centers*. This issue of the compounded effect of multiple separate policies is described in our separate formal objection filed with the DLCD regarding the designation of

⁵ See the analysis of the impacts of the Residential Infill Project reported in “Testimony to the Portland City Council Public Hearing on Residential Infill Project Concept Report,” Nov. 16, 2016, by Loren Lutzenhiser, Professor Emeritus of Urban Studies & Planning, Portland State University.

⁶ “Economic Analysis of Proposed Changes to the Single Dwelling Zone Development Standard,” by Jerry Johnson, Johnson Economics LLC, for Bureau of Planning and Sustainability, October 17, 2016.

Multnomah Village as a center, and is incorporated by reference herein as an integral part of this objection.

Policy 5.6 (Middle Housing) is inconsistent with Policy 5.5 (Housing in Centers) with regard to “family-friendly housing.” Policy 5.5 from the **2035 Comprehensive Plan**, page GP5-6, reads:

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**.

The Middle Housing Policy, as it is currently being interpreted in the Residential Infill Project (RIP), is intended to produce multiple smaller units to replace existing single-family homes.⁷ These smaller units would be in the form of duplexes, triplexes, cottage clusters, and accessory dwelling units (ADUs). Most of these units will be in the form of studios, one-bedroom, and two-bedroom rental units, which are not conducive to families with more than one child, and therefore cannot be considered consistent with the family-friendly housing required in Policy 5.5.

The *middle housing* policy also represents a significant deviation from the Work Program Tasks as approved by DLCD in the original Period Review Work Program Approval Order 001773, issued on September 30, 2009. Under Task #4, Subtask C: Housing Element, the approved Work Program states:

Adopt long-term policies and shorter-term strategies for meeting **identified housing needs**. Consider alternative housing conservation policies, particularly policies aimed at **preserving the existing stock of affordable housing**. Identify sufficient vacant, partially developed, and re-developable land will be identified to meet expected employment needs.

While the Work Program was amended several times (most recently on 4/13/2015), the essential wording and intent of this subtask remained unchanged. Housing needs are officially identified through requirements for a “housing needs analysis,” as specified in ORS 197.296(3)(b).

⁷ See “Recommendation 4: Allow more housing types in select areas and limit their scale to the size of house allowed” on page 15 of Residential Infill Project: Concept Report to City Council, October 2016, by Bureau of Planning and Sustainability.

The creation of a new Middle Housing Policy, which includes an implementation component, represents a departure from “meeting identified housing needs.” No factual basis was established under Task #3 for a need for middle housing. The Middle Housing Policy also fails to “preserve the existing stock of affordable housing,” as the policy is intended to induce redevelopment of existing, modest and affordable single-family homes with new multiple dwelling units.

These failures to comply with the Work Program also undermine the public involvement process. Citizens cannot properly identify what the City is actually working on during Periodic Review, nor can they understand the evidence, factual basis, and rationale for City actions, such as the last-minute addition of the middle housing policy amendment.

The up-zoning that would result from the last minute introduction of the Middle Housing Policy creates the potential for a vast increase in the number of allowable dwelling units in the City, which would not be consistent with any number of other Comprehensive Plan goals and policies, the Transportation System Plan, and other infrastructure planning, and therefore compromises other elements of the Plan.

Therefore, the last-minute introduction of Policy 5.6 with an inadequate factual basis has violated the City’s own Work Program and failed to maintain Plan consistency and coordination, as required by Goal 2.

Action Requested

OAR 660-025-0140(2)(c) Suggest specific revisions that would resolve the objection;

To correct the deficiencies identified in this objection, we are requesting that the DLCD partially remand Task #4 of the Periodic Review for the Comprehensive Plan to allow for proper comprehensive planning and public involvement for the Middle Housing Policy 5.6. This would include the development of complete, neutral, and objective public information about the policy proposal. The public information would include all the evidence and factual information from Task #3 that bear on the need, or lack of need, for such a policy, including the existing available development capacity and mix of housing types. It would include available empirical data from other cities and independent economic analysis showing how the policy proposal would most-likely affect housing costs, affordability for low-income households, fixed-income households and families with children, home ownership rates, and other socio-economic housing indicators which the policy is purported to address. It would include adequate dissemination of information to the neighborhoods, households, and property owners who would be impacted. If the policy will lead directly or indirectly to a zoning change, notification of all affected owners and renters should be required. Provide convenient opportunities of for meaningful public involvement. Allow adequate time for the public to review, consider, and respond to the information. Provide opportunities for the public to raise questions and obtain answers. Draft a revised final policy that is responsive to the public involvement received.

Applicable Statutes, Goals, and Administrative Rules Violated

OAR 660-025-0140(2)(b) Clearly identify an alleged deficiency in the work task or adopted comprehensive plan amendment sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the submittal is alleged to have violated;

The specific statutes, goals, and administrative rules which were violated are listed below. This is not a stand-alone section. The highlighted text represents the specific regulations which were violated, as described previously in this objection.

Oregon Revised Statutes 197.250

197.250 Compliance with goals required. Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.

Goal 1: Citizen Involvement, OAR 660-015-0000(1)

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.

D. TECHNICAL INFORMATION

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

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

Oregon Administrative Rules Division 25, Periodic Review

OAR 660-025-0080

Notice and Citizen Involvement

(1) The local government must use its acknowledged citizen involvement program, or amend the program if necessary consistent with section (2) of this rule, to provide adequate participation opportunities for citizens and other interested persons in all phases of the local periodic review. Each local government must publish a notice in a newspaper of general circulation within the community informing citizens about the initiation of the local periodic review. The local government must also provide written notice of the initiation of the local periodic review to persons who request, in writing, such notice.

(2) Each local government must review its citizen involvement program at the beginning of its periodic review and, if necessary, amend the program to ensure it will provide adequate opportunities for citizen involvement in all phases of the periodic review process. Citizen involvement opportunities must, at a minimum, include:

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

(b) Interested persons must have the opportunity to review materials in advance and to comment in writing in advance of or at one or more hearings on a periodic review work task. Citizens and other interested persons must have the opportunity to present comments orally at one or more hearings on a periodic review work task. The local government must respond to comments at or following the hearing on a work task.

(3) A local government proposing to change an acknowledged comprehensive plan or a land use regulation under a work task must provide notice of the proposed change to the department 35 days in advance of the first evidentiary hearing, as provided in ORS 197.610 and OAR 660-018-0020.

Goal 2: Land Use Planning, OAR 660-015-0000(2)

[Requires coordinated comprehensive planning.]

Comprehensive Plan – as defined in ORS 197.015(5).

Coordinated -- as defined in ORS 197.015(5).

ORS Chapter 197 — Comprehensive Land Use Planning

197.015(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

Goal 2: Land Use Planning [cont.]

GUIDELINES

A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES

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

Sufficient time should be allotted for:

(3) incorporation of citizen needs and desires and development of broad citizen support.

C. PLAN CONTENT

1. Factual Basis for the Plan

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- (a) Natural resources, their capabilities and limitations
- (b) Man-made structures and utilities, their location and condition
- (c) Population and economic characteristics of the area
- (d) Roles and responsibilities of governmental units.

G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS

Guidelines for most statewide planning goals are found in two sections—planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

Community Involvement Work Program (City of Portland)

(Adopted by Council Ordinance No. 184047 on August 11, 2010)

Page 4 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 Planning and Sustainability Commission or City Council hearing, and these reports will be retained for

the life of the plan. All hearings venues will be accessible.

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

Page 14 under "IV: Plan Development" states:

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

City of Portland Code and Charter

<https://www.portlandoregon.gov/citycode/article/15050>

3.96.050 Responsibility of City Agencies.

- A.** City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B.** City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C.** Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

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