

May 19, 2017

Oregon Department of Land Conservation and Development  
Attn: Periodic Review Specialist  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

Dear Colleagues,

**RE: Objection to 2035 Comprehensive Plan Final Decision, City of Portland**

I am a city-recognized participant both orally and in writing in the local process leading to the final decision referenced above. I must hereby raise an objection to the decision as follows:

***Failure to properly comply with Goal One of the Statewide Planning Goals.***

Specifically:

***“1. Citizen Involvement -- To provide for widespread citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process.”***

**Identified Deficiency**

Unfortunately, the citizen involvement program did not properly comply with this essential Goal 1 requirement. Specifically, the West Quadrant Plan Stakeholder Advisory Committee (WQP-SAC), which was a key element of the 2035 Comprehensive Plan’s citizen involvement, did not include representation of “a cross-section of affected citizens”. On the contrary, a disproportionate number of representatives were real estate industry representatives with apparent conflicts of interest constituting ethics violations, as determined by the Portland City Auditor (as documented herein).

I attach a letter from the Portland City Auditor, Office of the Ombudsman, concluding that an ethics complaint filed against the composition of the WQP-SAC had merit, and prescribing remedies:

***“I have concluded that the Bureau of Planning and Sustainability did not properly train SAC members about their legal obligations. I have also concluded that it appears likely that individual SAC members did not comply with their obligations to disclose potential conflicts of interest. As a remedy, I have recommended that the Bureau of Planning and Sustainability call for SAC members to publicly disclose any potential conflicts before the Planning and Sustainability Commission or the City Council adopts a final plan in 2016.”***

Unfortunately, this recommended remedy was not completed, leaving the 2035 Comprehensive Plan with a serious unresolved defect. I attach a series of newspaper articles documenting the non-disclosure of at least five of the SAC members, at least two of whom were identified to have significant land holdings that were affected by their votes.

It bears repeating that the composition of the SAC itself was clearly not representative of “a cross-section of affected citizens in all phases of the planning process.” Specifically, the phase that included stakeholder voting on key provisions of the West Quadrant Plan was comprised of a non-representative sample of development industry professionals, many of whom had real or apparent financial interests in the areas being voted on -- yet they did not recuse themselves from voting. Here is an article in the Northwest Examiner newspaper, citing the ethics complaint made with the City Ombudsman (see attached document with full coverage):

*Property owners, builders, developers, architects and others with a financial stake in development filled 24 of the 33 seats on the West Quadrant Stakeholders Advisory Committee, and they voted their interests. All but one of the 17 members who voted to approve a plan increasing height limits and relaxing development restrictions had real or potential conflicts of interest, the complaint asserted.*

As the attached email testimony documents (August 9, 2016), I testified on this point to the Planning and Sustainability Commission, requesting (per the Ombudsman’s recommendation) that they not approve the plan until these issues were addressed:

*A Supervising Planner for the Bureau of Planning and Sustainability has stated that their bureau has asked the advisors to complete the [newly required] disclosure forms after the fact, but that they cannot compel the members to do so. (In fact several have now refused.) She stated that the process is now in your commission’s hands. Therefore I must reluctantly conclude that in order to comply with the law, and to begin to restore the critical public confidence in the process, it is now imperative to pull the specific aspects of building height that are affected by this issue, and to re-visit those aspects by a new, fully impartial body of stakeholders, beyond any question of conformance with state laws.*

Members of the Planning and Sustainability Commission did acknowledge the issue, but the Commission nonetheless voted to approve the plan (as did the City Council thereafter).

### **Proposed Resolution**

I believe the only satisfactory resolution at this time is to re-convene a properly constituted public involvement review process, charged with examining the findings of the final 2035 Comprehensive Plan, with a particular charge to examine and possibly revise any decisions made by SAC members with potential conflicts of interest, as determined by the City Auditor.

**Demonstration of Participation**

Please find attached a notice from the City of Portland identifying me as a “participant” with standing to object. I also include the previously-referenced email letter of testimony that I wrote to the Planning and Sustainability Commission as part of the hearings process.

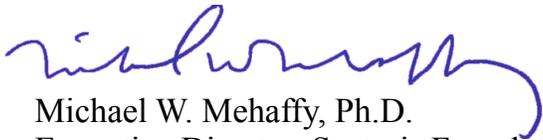
**Conclusion**

I write as an individual, as executive director of a non-profit dedicated to better quality and more sustainable development, and as president of the Goose Hollow Foothills League, the recognized neighborhood association of the Goose Hollow neighborhood in Portland. The GHFL has also taken a position in opposition to the approval of the 2035 Comprehensive Plan. This position is documented in an attached letter.

In conclusion, I must reluctantly conclude that the failure to comply with Statewide Planning Goal 1, as documented herein, constitutes an egregious defect of the Portland 2035 Comprehensive Plan, in both content and process. I believe further that, as we face the many challenges of a rapidly growing city and state, it is urgent that we restore the integrity of the planning process, in perception and in reality, and that we ensure that the product of this and other plans is above reproach. I believe that cannot happen until these serious procedural and ethical defects are addressed.

Thank you very much for your consideration of this matter.

Sincerely,



Michael W. Mehaffy, Ph.D.  
Executive Director, Sustasis Foundation  
President, Goose Hollow Foothills League

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