

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING) RESOLUTION NO. 81-232
THE CITY OF PORTLAND'S REQUEST)
FOR ACKNOWLEDGMENT OF COMPLIANCE) Introduced by the Regional
WITH LCDC GOALS) Development Committee

WHEREAS, Metro is the designated planning coordination body under ORS 260.385; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, The City of Portland is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal No. 2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Portland's Comprehensive Plan has been evaluated for compliance with LCDC goals and regional plans adopted by CRAG or Metro prior to June, 1980, in accordance with the criteria and procedures contained in the "Metro Plan Review Manual" as summarized in the staff report attached as Exhibit "A"; and

WHEREAS, Representatives of the City have agreed to seek plan amendments committing the City to participate in the preparation and implementation of Metro's Solid Waste Management Plan; and

WHEREAS, Metro finds that Portland's Comprehensive Plan complies with all Statewide Land Use Goals; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Portland's request for compliance acknowledgment be granted, subject to the City's adoption of plan policies committing the City to participation in the preparation and implementation of Metro's Solid Waste Management Plan.

2. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibit "A" to LCDC, City of Portland and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after June, 1980, the Council will again review Portland's plan for consistency with regional plans and notify the City of Portland of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District
this 2nd day of April, 1981.



Presiding Officer

JC:gl
2190B/214

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Recommending the City of Portland's Request for
Acknowledgment of Compliance with LCDC Goals

I. RECOMMENDATIONS:

- A. **ACTION REQUESTED:** That the Council adopt the attached Resolution No. 81-232 recommending that LCDC approve the City of Portland's request for acknowledgement of compliance. The Council should act on this item at this meeting in order to ensure that its recommendation is considered by LCDC (see background).
- B. **POLICY IMPACT:** This acknowledgment recommendation was developed under the "Metro Plan Acknowledgment Review Schedule," June 20, 1980. This process provides jurisdictions an opportunity to work with Metro staff and interested parties to discuss and clarify acknowledgment issues prior to Regional Development Committee (RDC) action.
- C. **BUDGET IMPACT:** None

II. ANALYSIS:

- A. **BACKGROUND:** The City of Portland submitted its plan to LCDC for acknowledgment in August, 1980. LCDC has scheduled a hearing on the City's request for acknowledgment for April 30 - May 1, 1981.

Metro conducted a draft review of the City of Portland's plan and forwarded a copy of its comments to the City at that time. The City of Portland subsequently adopted a development ordinance and made substantial changes to its plan that meet nearly all of Metro's comments.

Portland is the largest city in Oregon and the center of the Metro region. According to preliminary census data, the City's population declined slightly during the last decade, from about 380,000 to about 365,000, even though the City's housing stock increased more than 10 percent, from 151,000 units to 168,000 units. As the commercial center and transportation hub of the metropolitan region, the City of Portland will continue to play a pivotal role in the region's development.

Metro staff concludes that the City's plan complies with all Statewide Goals and regional policies. Staff's recommendation is conditional upon Portland's final

adoption of language committing the City to participate in the preparation and implementation of Metro's Solid Waste Management Plan.

Metro, therefore, recommends that Portland's Comprehensive Plan be acknowledged by LCDC if the condition regarding solid waste coordination is resolved by City Council action prior to LCDC's action.

The Metro Staff Report and recommendation was prepared according to the "Metro Plan Acknowledgment Review Schedule," June 20, 1980. Under the previous plan review procedures, the RDC was provided with a complete Plan Acknowledgment Review Report. An "Acknowledgment Issues Summary" developed from a "Plan Review Work Session" involving the jurisdiction, interested parties and Metro staff is attached. The Summary identifies acknowledgment issues raised at the Work Session.

After receiving the staff report, the Council should hear comments from interested parties and make a recommendation to LCDC.

- B. ALTERNATIVES CONSIDERED: Metro staff did not find any issues which warranted serious consideration of an alternative recommendation (i.e., for denial).
- C. CONCLUSION: Metro's recommendation for an approval will support local planning efforts while protecting regional interests.

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ACKNOWLEDGEMENT REPORT

INTRODUCTION:

The City of Portland is the largest city in Oregon and the center of the metropolitan region. According to preliminary census data, the City's population declined slightly during the last decade, from about 380,000 to about 365,000, even though the City's housing stock increased by more than 10 percent, from 151,000 to 168,000 units. As the commercial center and transportation hub of the metropolitan region, the City of Portland will continue to play a pivotal role in the region's development.

Metro has had a long and close working relationship with the City's planning staff. During the development of the Portland Comprehensive Plan (PCP), Metro's staff members met regularly with the City's staff and kept abreast of plan developments. Metro's staff prepared detailed comments on the City of Portland's Comprehensive Plan in October 1979. The City has responded to the comments offered in Metro's earlier review and has made numerous changes to the plan to ensure its compliance with Statewide Goals.

Staff recommends that the City's plan be acknowledged subject to the City's adoption of language committing the City to participate in the preparation and implementation of Metro's Solid Waste Management Plan (SWMP). Metro staff originally raised objections to the City of Portland's plan because language in the Public Facilities Element made the City's role in the plan implementation optional. After meeting with Metro staff, representatives of the City's Planning Department are prepared to recommend a plan amendment that would make Portland's plan policy consistent with regionally required plan language. That amendment should be adopted prior to Land Conservation and Development Commission (LCDC) consideration of the City of Portland's Plan. Anticipating favorable City Council action on the proposed amendment, Metro's staff recommends that the Council recommend LCDC acknowledgment of the City of Portland plan.

The City prepared a draft comprehensive plan and submitted it to Metro in 1979. Metro's staff reviewed this draft in detail and provided the City with a draft plan review in October 1979. Metro's comments included specific recommendations on how the City could comply with Statewide Goals. At that time, the City did not provide a number of needed documents, including a coordination agreement with Washington County. The City has since submitted an adopted agreement and other needed documents.

Metro's acknowledgment review is based on our earlier draft review. New comments are offered only on documents or policies prepared or revised since our draft review was submitted. It is Metro's intent to stand by the policies and recommendations laid out in the draft review.

General Requirements

Metro's draft plan review noted that the City had not submitted a zoning map with its comprehensive plan. The City has now prepared a single document containing individual copies of the zoning map for all areas in the City. It has submitted this zoning map with its plan and now meets Statewide requirements.

As noted above, Portland had not concluded an Urban Planning Area Agreement (UPAA) with Washington County at the time of Metro's earlier draft plan review. Washington County and the City of Portland have subsequently reached agreement on an Urban Planning Area for the City and County. Their agreement specifies the translation of County planning designations to City planning designations for areas annexed to the City of Portland. The City now meets the requirement that its activities be coordinated with Washington County. The City had earlier adopted agreements with Clackamas and Multnomah Counties which met general requirements.

Metro's draft plan review noted that the City's plan needed the regionally required opening language. The City's plan now includes such language. It reads:

"1.5. Future Metro planning efforts

"Establish an up-date and review process that opens Portland's comprehensive plan for amendments that consider compliance with goals, objectives, and plans adopted by Metro subsequent to acknowledgment of the comprehensive plan."

The language adopted by the City of Portland is consistent with regionally-required open language. Metro's staff concludes that the City of Portland plan complies with all general requirements.

Goal No. 1 - Citizen Involvement

Metro's draft plan review noted that the City of Portland's draft Comprehensive Plan did not include a continuing citizen participation involvement element. The City's plan now includes policies assuring continuing citizen involvement in the planning process. In addition, the City has adopted by resolution a program regarding the long-term monitoring and evaluation of the City of Portland Comprehensive Plan. Metro's staff concludes that the City of Portland now meets the Goal No. 1 requirement of a continuing citizen involvement element in comprehensive planning.

A citizen's group from the City of Portland, Neighbors for Neighborhoods (NFN), has raised a number of objections with regard to the citizen involvement process in the preparation of the City of Portland Comprehensive Plan. Generally, their objections fall into two categories. First, NFN alleges that the City of Portland made an inadequate effort to involve citizens in the planning process. Second, NFN alleges that the final adopted comprehensive plan does not

reflect the views of citizens in the Portland area.

With regard to citizen involvement procedures, Metro's staff notes that the City of Portland has an LCDC-approved Citizen Involvement Program. In addition, City staff cited statistics indicating a broad range of public participation in the planning process by numerous neighborhood organizations and concerned individuals throughout the City. Metro staff concludes that the City complies with the procedural requirements of Goal No. 1.

The second allegation of NFN, that the City Council ignored the wishes of citizens, is difficult for Metro to evaluate and may not in any case be a Goal No. 1 issue. The City of Portland presented evidence and Metro's Regional Development Committee (RDC) heard testimony that there were a wide variety of views regarding the comprehensive plan. NFN argues that the comprehensive plan allows more density than citizens desired. Other witnesses testifying before the RDC argued that the plan did not provide enough density. Clearly there is a range of conflicting views among Portland's citizens. Metro's staff recognizes that the planning process must accommodate diverse opinions. The fact that certain elements of the community are not entirely satisfied with the planning process is not, in staff's opinion, a Goal No. 1 violation.

Conclusion: City of Portland complies with Goal No. 1.

Goal No. 2 - Land Use Planning

Goal No. 2 requires the plans of cities to be consistent with those of counties and other governments, including regional agencies such as Metro. As noted under Goal No. 11, Portland's plan presently contains policies that make the City's participation in the Regional SWMP optional at City discretion. Metro's staff is of the opinion that this optional participation is not consistent with the City's responsibilities under Goal No. 2 to be coordinated with the activities of Metro in the solid waste area. Metro and City of Portland staffs have tentatively reached agreement on language which would assure the City's participation in the preparation and implementation of the SWMP. Contingent upon the City adopting that coordination language, Metro's staff recommends that the City's comprehensive plan be recognized as in compliance with Goal No. 2.

Conclusion: City of Portland complies with Goal No. 2.

Goal No. 3 - Agricultural Lands

Goal No. 3 is not applicable to the City of Portland plan.

Conclusion: City of Portland complies with Goal No. 3.

Goal No. 4 - Forests

Metro has identified no acknowledgment issues under Goal No. 4, Forestry.

Conclusion: City of Portland complies with Goal No. 4.

Goal No. 5.- Scenic and Historic Areas and Natural Resources

Metro's draft plan review did not identify any acknowledgment issues under Goal No. 5. Two other groups did, however, raise potential acknowledgment issues at Metro's work session on the City of Portland comprehensive plan.

NFN, represented by Lloyd Keefe, argued that the City had not provided adequate open space to compensate for the increases in density contemplated in the comprehensive plan. Specifically, NFN argued that a standard of three acres per 1,000 persons for open space was appropriate for Portland and that, judged by that standard, the City was 600 acres short of needed open space. Representatives of the City of Portland disagreed with NFN's analysis. They replied that the three acre per 1,000 person standard was not applicable nor legally adopted as part of Portland's plan. They further stated that Portland had provided adequate open space land to meet the needs of its citizens. Metro's staff concurs with the City of Portland's judgment that it has provided adequate open space to meet the needs of its citizens.

1000 Friends of Oregon raised several questions about Portland's two-acre minimum lot size in its farm and forest zones. 1000 Friends was particularly concerned that this two-acre lot size did not adequately protect natural resources in and around Forest Park. Representatives of the City explained that the two-acre farm/forest zone only applied to those areas inside the city limits which were also inside the UGB. Areas outside the UGB, carrying a regional "Natural Resources" designation, are subject to a City overlay zone for resource protection. This overlay zone requires 20-acre minimum lots that provide adequate resource protection outside the UGB. Inside the UGB, natural resource lands are protected by the City's Forest Park Acquisition Plan and by specific development restrictions relating to drainage ways and other hazard control protection measures. Metro's staff is convinced that this is not an acknowledgment issue.

Conclusion: City of Portland complies with Goal No. 5.

Goal No. 6 - Air, Land and Water Resources Quality

Metro's draft plan review raised three issues.

First, Metro's draft plan review noted that the City of Portland should reference and provide information on water quality problems in the Columbia River. The City has provided such information.

Second, Metro's draft plan review stated that Portland should adopt regionally required air quality coordination language. The City has adopted the following policy:

"8.1 Interagency Cooperation -- Air Quality

"Continue to cooperate with public agencies concerned with the improvement of air quality, and implement State and regional plans and programs to attain overall State and federal air quality standards. Cooperate and work with Metro and the State Department of Environmental Quality in efforts to reach attainment of federal ambient air quality standards for ozone by 1987 and carbon monoxide by 1982."

Metro's staff concludes that this language is consistent with regional requirements for air quality control coordination.

Third, Metro's draft plan review noted that the City of Portland's plan should contain coordination language on water quality. The City has adopted the following language:

"8.5 Interagency Cooperation -- Water Quality

"Continue cooperation with federal, State and regional agencies involved with the management and quality of Portland's water resources."

Metro's staff concludes that this water quality language is consistent with regionally required water quality coordination language.

Conclusion: City of Portland complies with Goal No. 6.

Goal No. 7 - Natural Hazards

The City of Portland's comprehensive plan, Policy 3.12, states that the City should limit the density of development in areas of natural hazards. While this policy is consistent with Goal No. 7, the City has designated an area of significant natural hazards, Marquam Hill, as an area for high density. Metro's staff's draft plan review questioned the rationale for the apparent inconsistency between density and natural hazard policies. The City's planning staff responded to Metro's concerns by preparing a memorandum describing the rationale for high density on Marquam Hill. In summary, the City's position is that (1) the Marquam Hill area nearly fully developed at the designated zoning; (2) the Marquam Hill area is committed by substantial public investment to a high intensity health services-related pattern of use; and (3) little undeveloped land is left on the hill, and what development does take place will be subject to intensive City review under Chapter 70 of the Uniform Building Code and other policies of the comprehensive plan governing land use development in hazard areas. Metro's staff is satisfied that the City's policies are consistent with Goal No. 7 requirements.

Conclusion: City of Portland complies with Goal No. 7.

Goal No. 8 - Recreational Needs

Metro's draft plan review identified no acknowledgment issues.

Conclusion: City of Portland complies with Goal No. 8.

Goal No. 9 - Economy of the State

Metro's draft plan review identified no acknowledgment issues with Goal No. 9.

Conclusion: City of Portland complies with Goal No. 9.

Goal No. 10 - Housing

Portland's comprehensive plan contains a thorough analysis of the City's housing situation and problems. Portland is the largest and most centrally located jurisdiction in the metropolitan area, and the City recognizes that it will play a uniquely important role in meeting regional housing needs. It has planned accordingly. The comprehensive plan contains a number of innovative provisions to expand housing opportunities within the City. Metro applauds the City's path-breaking efforts to improve and expand housing opportunities.

In reviewing comprehensive plans in the Metro region, Metro has applied standards of density and housing mix to ascertain compliance with Goal No. 10. In Portland's case, Metro regards housing densities of 10 units per acre on vacant buildable land and a housing mix of 50 percent single family to 50 percent multi-family as minimally adequate to meet regional housing expectations and to comply with Statewide Goal No. 10.

Portland's housing policies envision a number of possible up-zonings to increase the allowable intensity of residential development. Up-zonings will be decided on a case-by-case basis. Consequently, it is not possible to ascertain the exact density which the City of Portland's plan will allow. Under LCDC's "Milwaukie" policy, a city's zoning must either provide for the maximum allowable plan density or justify the provision for case-by-case up-zonings. Metro notes that Portland's minimum allowable density is more than adequate to comply with required densities. Therefore, Metro believes that the "Milwaukie" policy is not applicable to the City of Portland.

Portland has about 2,330 acres of vacant developable land. On that land, with current zoning, the plan would allow 23,181 dwellings. That is a density of 9.9 units per acre. This is almost exactly the 10 units per acre required to comply with regional housing expectations. In addition, minimal estimates of redevelopment, duplex development and accessory rental (add-a-rental) uses swell total to 29,765 units. This increases the density of new construction to 12.3 units per acre. Again, this is more than is needed to meet regional housing expectations. In addition, the City's mix of single family to multi-family units is 46 percent single family to 54 percent

multi-family for vacant land and is thus, again, more than in compliance with regional expectations. In addition, the inclusion of redevelopment, duplexes and accessory rentals changes the ratio to 37 percent single family/63 percent multi-family which, again, is more than adequate to meet regional housing expectations. Clearly, Portland has met its burden to provide for regional housing needs.

NFN argues that Portland's housing densities are too high. They state that Goal No. 10 requires the consideration of the social, economic and environmental impacts of increased densities. NFN says Portland has not adequately considered those impacts and therefore violates Goal No. 10.

Portland's planning staff has replied, stating that comprehensive plan densities are only marginally greater than those presently in existence. In addition, City staff maintains that the densities in the comprehensive plan were chosen only after a careful evaluation of economic, housing, environmental and social factors. Moreover, the City maintains that it made every attempt to tailor densities to those appropriate for various neighborhoods. For example, in the Ladd's Addition neighborhood, the City removed some relatively high density designations in order to protect the character of that neighborhood. Densities were raised in other areas, particularly those areas proximate to light rail transit (LRT), in order to take advantage of improved accessibility.

Metro's staff concludes that (1) Portland's densities are minimally adequate to meet regional housing expectations and Statewide Goal No. 10; and (2) that the City of Portland, as required by Goal No. 10, adequately considered the social, economic and environmental consequences of increases in density.

Conclusion: City of Portland complies with Goal No. 10.

Goal No. 11 - Public Facilities and Services

Metro's staff have identified a single Goal No. 11 acknowledgment issue. The City of Portland's plan, as presently adopted, does not contain adequate measures to assure the City's participation in the preparation and implementation of Metro's SWMP.

Metro's regionally required solid waste coordination language reads as follows:

"Solid waste disposal is a regional concern requiring regional solutions. _____ recognizes MSD's responsibility and authority to prepare and implement a solid waste management plan, supports the MSD procedures for siting a sanitary landfill, and will participate in these procedures as appropriate."

The City of Portland plan, as presently adopted, includes language reading:

"11.28 Disposal

"Reduce reliance on landfilling for disposal of solid waste through support of the Metropolitan Service District's Solid Waste Management Plan, provided said plan is acceptable to City Council."

Metro's staff identified this language, providing a disclaimer for City involvement, as an acknowledgment issue. Under Goal No. 11, the City of Portland has a specific responsibility to identify sites for the disposal of solid waste. In the Portland area, local jurisdictions, including the City, meet that Goal No. 11 requirement through Metro's activities. In particular, Metro's siting of a new regional landfill, and other facilities to dispose of solid waste, are the means by which local jurisdictions meet the Goal No. 11 requirement. Without Portland's participation in the development and implementation of the SWMP, neither Metro nor Portland can assure that Goal No. 11 will be met for the City of Portland.

Representatives of Metro's staff and City of Portland staff met to discuss this issue. They developed language which assures that the regional and City interests are protected, and that Goal No. 11 is met. The language reads as follows:

"Participate in the preparation and implementation of the Metropolitan Service District's Solid Waste Management Plan as appropriate."

Metro's staff is of the opinion that this language adequately provides for the City's participation in the SWMP and that it meets Goal No. 11 requirements. The City of Portland is currently in the process of adopting this language as an amendment to the comprehensive plan. Contingent on the adoption of that language, Metro's staff recommends that the plan be acknowledged as in compliance with Goal No. 11.

Conclusion: City of Portland complies with Goal No. 11.

Goal No. 12 - Transportation

Metro's draft plan review noted that there are a number of inconsistencies in functional classifications of streets and roads between Portland, other agencies and Metro's own transportation planning activities. These inconsistencies will be resolved as part of the regional transportation planning process. Metro's staff does not regard this as an acknowledgment issue but rather as a coordination issue.

Conclusion: City of Portland complies with Goal No. 12.

Goal No. 13 - Energy Conservation

Metro's draft plan review identified no Goal No. 13 acknowledgment issues.

Conclusion: City of Portland complies with Goal No. 13.

Goal No. 14 - Urbanization

Metro's draft plan review identified no acknowledgment issues.

Conclusion: City of Portland complies with Goal No. 14.

Goal No. 15 - Willamette River Greenway

Metro's draft plan review identified no acknowledgment issues with Goal No. 15.

Conclusion: City of Portland complies with Goal No. 15.

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PORTLAND ISSUE OUTLINE

ISSUE

CITY RESPONSE

Goal #1 Citizen Involvement

1. Portland provided inadequate opportunities for citizen involvement (Neighbors for Neighborhoods - NFN).

Portland's LCDC-approved process allowed adequate opportunity for citizen involvement.

Staff position: Portland has met its Goal #1 responsibilities.

2. Portland's plan ignored or contradicts the views of many citizens who participated in the planning process (NFN).

The plan was adopted by a majority of the City Council.

Staff position: The City has provided full opportunities for citizen involvement. Goal #1 does not require and planning cannot provide a plan completely acceptable to all citizens.

Goal #2 Land Use Planning

Portland's plan is not adequately coordinated with regional solid waste management planning (Metro).

See Goal #11

Staff position: See Goal #11

Goal #3 Agricultural Lands

Not applicable

Goal #4 Forests

No acknowledgment issues identified.

Goal #5 Open Spaces, Scenic and Historic Areas and Natural Resources

1. Portland does not provide enough open space to mitigate the effects of increased density (NFN).

Portland has identified its open space resources, adopted protection measures, and planned for acquisition.

Staff position: The adequacy of open space in relation to density is a matter for the City's judgment.

ISSUE

CITY RESPONSE

Goal #5 continued

2. Portland's two acre Farm-Forest zone within the UGB does not adequately protect natural resources (1000 Friends).

Drainageway and hazard control measures protect resources.

Staff position: City ordinances adequately protect natural resources.

Goal #6 Air, Land and Water Resources Quality

No acknowledgment issues identified.

Goal #7 Areas Subject to Natural Disasters and Hazards

Portland's plan designates portions of Marquam Hill, an identified hazard area for high density (Metro)

Historic utilization of area for medical facilities necessitates supporting high residential densities. City has adopted special automatic engineering review to minimize hazards.

Staff position: Portland complies with Goal #7.

Goal #8 Recreational Needs

No acknowledgment issues identified.

Goal #9 Economy of the State

No acknowledgment issues identified.

Goal #10 Housing

Portland's densities are too high. The City has not adequately considered the social and environmental consequences of higher densities (NFN).

Portland's plan increases densities only minimally over current levels. The City has considered and balanced social, environmental and other factors in choosing high densities.

Staff position: Portland's densities are adequate to meet Goal #10. As evidenced by its compliance with other goals, the City has balanced competing factors.

ISSUE

CITY RESPONSE

Goal #11 Public Facilities and Services

Portland's plan does not commit the City to assist Metro in implementing the Solid Waste Management Plan (Metro).

The City will seek a plan amendment committing the City to participate in the preparation and implementation of Metro's Solid Waste Management Plan.

Staff position: Representatives of the City have agreed to pursue adoption of language guaranteeing the City's participation in the development and implementation of the Regional Solid Waste Management Plan. The City will comply with Goal #11 and Goal #2 if it adopts this language.

Goal #12 Transportation

1. Portland should coordinate its Arterial Streets Policy and functional designations with those of other governments in the region (Metro, ODOT).

Portland is committed to the Regional Transportation Plan which will resolve these conflicts.

Staff position: Not an acknowledgment issue.

2. Portland has not related transportation to the neighborhood environment. Densities are too high in Normandale Park (NFN).

Transit investments and the Arterial Streets Plan were thoroughly related to land use designations.

Staff position: Not an issue of regional concern.

Goal #13 Energy Conservation

No acknowledgment issues identified.

Goal #14 Urbanization

No acknowledgment issues identified.

Goal #15 Willamette River Greenway

No acknowledgment issues identified.