

February 25, 2020 Draft

City of Portland
Attn: Mayor Ted Wheeler & City
Commissioners(cctestimony@portlandoregon.gov)
1221 SW Fourth Ave.
Portland, OR 97204

Subject: RCPNA Requests Remand of the Residential Infill Project to the Planning and Sustainability Commission for failure to comply with the 2035 Comprehensive Plan

Policy 1.10 of the 2035 Comprehensive Plan (the Plan) requires that amendments to the Plan, or such Plan implementation tools as the Planning and Zoning Code (the Code) and Zoning and Comprehensive Plan Maps (the Maps), must comply with the Plan:

"Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. 'Comply' means that ***amendments must be evaluated against the Comprehensive Plan's applicable goals and policies*** and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation." (*emphasis added*)

Land Use Planners Gloria Gardiner and Tamara DeRidder along with other volunteers reviewed the public documents available on-line regarding, or relevant to, the Residential Infill Project (the Project): the adopted 2035 Comprehensive Plan and supporting documents, the Portland Plan, Citywide Systems Plan, Growth Scenarios report, Housing Affordability report, Housing Demand and Supply Projections report, Updates on Key Housing Supply and Affordability Trends report, Household Demand and Supply Projections report, Code Reconciliation Project amendments to Code Title 33 Housing, Zoning and Comprehensive Plan Map amendments, staff report, Potential Amendment Concepts discussed by the City Council (the Council) in January and February 2020, and new state zoning mandates for urban residential development.

The August 2019 Staff Report and Map Amendments documents include findings of compliance with the Plan's five overarching Guiding Principles (*see Staff Report, page 3*), and housing findings (*see Staff report*). The Staff Report mentions additional policy directions in "Appendix A: Guidance From the Comprehensive Plan." (*Staff Report, p. 3*) The only Appendix A that we found on the Project web site is a "Revised economic analysis on the proposed changes to the single-dwelling zone development standards."

The Plan requires that the proposed Project Code and Map amendments must be evaluated for compliance with ***all*** of the relevant Plan Goals and Policies. Based on our review, we believe that ***none of the Project's proposed amendments have been evaluated according to many of the relevant Plan Goals and Policies.***

Conclusion and Recommendation

At our RCPNA Special Board meeting on March 3, 2020, we conclude that based on the 2035 Comprehensive Plan Policy 1.10 the proposed Residential Infill Project Plan, Code and Map amendments, which were approved by the Planning and Sustainability Commission (the Commission), and reviewed by the Council, ***do not comply with the 2035 Plan*** and ***must be remanded*** to the Commission to prepare and re-submit the Project's proposed Plan, Code, and Map amendments, accompanied by a complete 2035 Comprehensive Plan compliance evaluation.

Further, the City Council’s suggestion of 6 residential units on 5,000 square feet of Single Dwelling property constitutes a rezone to High-Density Residential R1, Plan Policy 10.1, requiring property notification. Such a change of density in the Plan requires infrastructure analysis based on an updated buildable lands analysis and systems capacity plan.

In order to assist staff and the Commission in this endeavor, the rest of our submission below describes and quotes plan and supporting document text of what we believe are relevant Plan Goals and Policies for this project that have not yet been addressed.

2035 Comprehensive Plan Chapter	Plan Policy	Supporting document	Relevant text
Chapter 1 Plan elements and administration	1.14		Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools.
Chapter 8 Public facilities and services Goal 8.A: Quality public facilities and services			

<p>Goal 8.B: Multiple benefits</p> <p>Goal 8.C: Reliability and resiliency</p> <p>Goal 8.E: Sanitary and stormwater systems</p> <p>Goal 8.G: Water</p> <p>Goal 8.I: Public safety and emergency response</p>			
Public investment	8.21		System capacity. Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.
Public investment	8.22		Equitable service. Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders . . .
Public investment	8.23		Asset management. Improve and maintain public facilities systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled delivery, and protect the quality, reliability, and adequacy of City services.
Public investment	8.24		Risk management. Maintain and improve Portland's public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

Funding	8.27		Cost-effectiveness. Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities' lifecycle costs, and maintain the City's long-term financial sustainability.
Funding	8.28		Shared costs. Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.
Funding	8.29		System development. Require private or public entities whose prospective development or redevelopment actions contribute to the need for facility improvements, extensions, or construction to bear a proportional share of the costs.
Service provision and urbanization	8.3		Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation: <ul style="list-style-type: none"> • Public rights-of-way, streets, and public trails • Sanitary sewers and wastewater treatment • Stormwater management and conveyance • Flood management • Water supply • Police, fire, and emergency response • Parks, natural areas, and recreation • Solid waste regulation
Service provision and urbanization	8.4		Supporting facilities and systems. Maintain supporting facilities and systems . . . to enable the provision of public facilities and services.
Sanitary system	8.61		Sewer connections. Require all developments within the City limits to be connected to sanitary sewers . . .
Sanitary system	8.62		Combined sewer overflows. Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.
Sanitary system	8.63		Sanitary sewer overflows. Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.
Sanitary system	8.65		Sewer extensions. Prioritize sewer system extensions to areas that are already developed at urban densities . .
Sanitary	8.66		Pollution prevention. Reduce the need for wastewater

system			treatment capacity through land use programs and public facility investments . . .
Sanitary system	8.67		Treatment. Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.
Stormwater system	8.68		Stormwater facilities. Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.
Stormwater system	8.69		Stormwater as a resource. Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.
Stormwater system	8.70		Natural systems. Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.
Stormwater system	8.72		Stormwater discharge. Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.
Stormwater system	8.73		On-site stormwater management. Encourage on-site stormwater management . . . through land use decisions and public facility investments.
Stormwater system	8.74		Pollution prevention. Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system . .
Water systems	8.85		Water quality. Maintain compliance with state and federal drinking water quality regulations.
Water systems	8.86		Storage. Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.
Water systems	8.87		Fire protection. Provide adequate water facilities to serve the fire protection needs of all Portlanders . . .
Water systems	8.88		Water pressure. Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.
Water systems	8.89		Water efficiency. Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.
Water systems	8.90		Service interruptions. Maintain and improve water facilities to limit interruptions in water service to customers.

Public safety and emergency response	8.105		Emergency management facilities. Provide adequate public facilities . . . to support emergency management, response, and recovery.
Public safety and emergency response	8.106		Police facilities. Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated areas.
Public safety and emergency response	8.108		Fire facilities. Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.
Public safety and emergency response	8.110		Community preparedness. Ensure community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.
Public safety and emergency response	8.111		Continuity of operations. Maintain and enhance the City's ability to withstand and recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.
Supporting Documents and Maps, Public Facilities Plans		Citywide Systems Plan, “2035 Comprehensive Plan Citywide Systems Plan, June 2016” a	<p>The update of the 1989 Public Facilities Plan, to address changes such as:</p> <ul style="list-style-type: none"> • City and metropolitan area growth • Aging infrastructure • Service deficiencies • New growth focus on centers and corridors <p>Purposes and objectives include:</p>

		support document to the Comprehensive Plan, guides infrastructure investments to meet the needs of current and future Portlanders	<ul style="list-style-type: none"> • Serve new residential and employment growth • Meet long-term infrastructure needs • Provide recommended policies and list of significant projects for the Plan
			"[E]xisting ... water, sewer, stormwater ... systems will serve the majority of current and new residents and businesses' needs over the coming decades, resulting in additional demands on existing infrastructure. The City has a large infrastructure maintenance deficit due largely to the age of many systems, chronic underinvestment in preventative maintenance and capital repair, increasing maintenance costs, and the lack of revenue to allow more sustainable investment. At current funding levels, some of Portland's infrastructure will continue to deteriorate." (pp. 13-14.)
			"[T]he ability of the City's infrastructure to accommodate growth depends primarily on the City's ability to resolve current deficiencies. . . Major development efforts . . . can overstretch the ability of existing built and natural infrastructure to meet community demands." (p. 14)
			City infrastructure bureaus estimate that the City "needs to invest approximately \$287 million more than current funding levels per year for each of the next 10 years to replace existing aging assets, maintain existing facilities . . and/or meet service levels. . . . This gap will likely grow for each of the next 10 years." (p. 15.)
			As of 2016 over 80% of the combined and sanitary pipes are in good or very good condition. However, "projected investments are not keeping pace with the rapidly aging collection system. . . . 69% combined sewer system pipes are in good to very

			good condition, but approximately 10% of pipes are at high risk of failure . . ." <i>(p. 100-101)</i>
			"The pumping and treatment systems require regular and more frequent capital investment. While pipes have an estimated 100-year useful life, mechanical and electrical components have a useful life that ranges from 20 to 50 years." <i>(p. 101)</i>
			The combined sewer system and the sanitary sewer system " have hydraulic and condition deficiencies that impact the ability of these systems to serve existing properties at designated service levels. . . Pipe segments that are in poor structural condition are widely distributed throughout the service area with the exception of outer east Portland where the collection system is relatively new." <i>(p. 102)</i>
			In 2013, sanitary and stormwater systems had an estimated annual capital maintenance funding gap of \$12.4 million. <i>(p. 102)</i>
			"Most of the stormwater pipes and sumps in Portland have been in place for decades and were sized with assumptions about climate and land use that were appropriate at they time they were built." Climate change impacts could exacerbate stormwater runoff, increase erosion and sediment in run-off, increase combined sewer overflows, and increase water temperatures. <i>(p. 104)</i>
			Portland's sewer and stormwater rates "are high by regional and national standards. . . Continued public acceptance of rate increases is essential to meeting level of service standards and will require open and clear dialog with the public and decision makers." <i>(p. 105)</i>
			"Per capita water use for single-family residential customers has gone down significantly since 1992 . . . while per capita water demands will continue to decline somewhat over time, the overall demands on the Portland water system will increase due to population growth." <i>(p. 168)</i>
List of Significant Projects		List of Significant Projects, December 2018	"The List of Significant Projects includes significant sanitary sewer, stormwater management, water, and transportation projects necessary to support the land uses designated in the Comprehensive Plan." <i>(p. LP-1)</i> Adoption of Residential Infill Project plan, code and map amendments will require updating this part of the Plan.

<p>Supporting Documents and Maps, Growth Scenarios Report</p>		<p>“Comprehensive Plan Update, Growth Scenarios Report, July 2015”</p>	<p>"Density reductions have been proposed in locations farther from identified Centers and Corridors, particularly in outer East Portland." (p. 6) Down-designations from R5 to R7 in the Proposed Plan have slightly reduced the supply of more affordable small lot single family development." (p. 52)</p> <p>Where are the findings to justify <u>down-zoning</u>, in light of the Project focus on <u>up-zoning</u> existing small lot single family development in much of the east side of Portland? Where is an analysis of the trade-off? Would the Project proposal change if outer east neighborhood lots were not down-zoned? How? Are there Centers and Corridors in outer east Portland where higher density housing and <u>up-zoning</u> is desirable?</p>
		<p>July 2015 Growth Scenarios Report</p>	<p>The Plan estimates Portland's residential capacity at 267,000 dwelling units, more than twice Metro's 2035 housing growth forecast of 123,000 households for Portland. . . "70% of this capacity is in mixed-use corridors and neighborhood centers . . . Other areas with high growth capacity [include] the Lents Town Center and some parts of East Portland."</p> <p>This doesn't appear consistent with the down-zoning of lots in east Portland that is proposed in this Project.</p> <p>"About 11% of the development capacity is in land available for single-family dwelling residential development. . . Portland's predominantly single family residential neighborhoods will see limited new housing development and will remain single-family residential neighborhoods." (emphasis added)(p. 17)</p> <p>How is the Project's proposal consistent with these facts?</p>
<p>Supporting Documents and Maps, Buildable Lands Inventory,</p>		<p>Buildable Lands Inventory and GIS Model Document</p>	<p>Appendix 1: BLI Model Assumptions, Table 1: Comprehensive Plan and Capacity Assumptions Single Dwelling Zone FAR(Floor Area Ratio) N/A (not applicable)</p>

Buildable Lands Inventory Documents			
Chapter 5 Housing, Middle Housing	5.6		“...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.”
Chapter 5 Housing, Impact Analysis	5.12		Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts
Chapter 5 Housing, Higher-density housing	5.23		Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities
Chapter 5 Housing, Housing preservation	5.25		Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and organizations.
Chapter 5 Housing, Housing Stability	5.13		Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.
Chapter 10: Land Use Designations What is this			The goals and policies in this chapter convey the City’s intent to: <ul style="list-style-type: none"> • Provide a clear definition of each land use designation. • Provide guidance for how to update the Zoning Map and Zoning Code.

chapter about			
Chapter 10: Land Use Designations, Land Use designations, Single Dwelling Residential, 3. Single-Dwelling -20,000	10.1		The maximum density is generally 2.2 units per acre. The corresponding zone is R20
Chapter 10: Land Use Designations Land Use designations, Single Dwelling Residential, 4. Single-Dwelling - 10,000	10.1		The maximum density is generally 4.4 units per acre. (9,900 sq.ft/unit). The corresponding zone is R10.
Chapter 10: Land Use Designations, Land Use designations, Single	10.1		This designation may also be applied in areas where urban public services are available or planned, but the development pattern is already predominantly built-out at 5 to 6 units per acre.(7,920 sq.ft/unit) Single-dwelling residential will be the primary use. The maximum density is generally 6.2 units per acre. The corresponding zone is R7.

Dwelling Residential, 5. Single-Dwelling – 7,000			
Chapter 10: Land Use Designations, Land Use designations, Single Dwelling Residential, 6. Single-Dwelling – 5,000	10.1		It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints. Single-dwelling residential will be the primary use. The maximum density is generally 8.7 units per acre. (5,007 sq.ft/unit)The corresponding zone is R5.
Chapter 10: Land Use Designations, Land Use designations, Single Dwelling Residential, 7. Single-Dwelling – 2,500	10.1		This designation allows a mix of housing types that are single-dwelling in character. This designation is intended for areas near, in, and along centers and corridors, near transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. This designation often serves as a transition between mixed use or multi-dwelling designations and lower density single dwelling designations. The maximum density is generally 17.4 units per acre. (2,489 sq.ft/unit) The corresponding zone is R2.5
Chapter 10: Land Use Designations, Land	10.1		This designation is intended for areas near, in, and along centers and corridors where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints and may include larger development sites. The maximum density is generally 14.5 units per acre(3,004 sq. ft./unit), but may go up to 21 units per acre(2,071 sq.ft./unit) in some situations. The corresponding zone is R3.

<p>Use designations, Multi-Dwelling Residential, 8. Multi-Dwelling -3,000</p>			
<p>Chapter 10: Land Use Designations, Land Use designations, Multi-Dwelling Residential, 9. Multi-Dwelling -2,000</p>	<p>10.1</p>		<p>This designation is intended for areas near, in, and along centers and corridors and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 21.8 units per acre(1,998 sq.ft./unit), but may be as much as 32 units per acre (1,361 sq.ft./unit) in some situations. The corresponding zone is R2.</p>
<p>Chapter 10: Land Use Designations, Land Use designations, Multi-Dwelling Residential, 10. Multi-Dwelling -1,000</p>	<p>10.1</p>		<p>The scale of development is intended to reflect the allowed densities while being compatible with nearby single-dwelling residential. The designation is intended for areas near, in, and along centers and corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre (1,013 sq.ft./unit), but may be as much as 65 units per acre (670 sq.ft./unit) in some situations. The corresponding zone is R1</p>
<p>Chapter 10: Land</p>	<p>10.1</p>		<p>This designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and</p>

<p>Use Designations, Land Use designations, Multi-Dwelling Residential, 11. High Density Multi-Dwelling -</p>			<p>urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Densities will range from 80 to 125 units per acre (544.5 sq ft/unit to 346 sq.ft/unit)). The corresponding zone is RH.</p>
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In addition, we support the letter by Tamara DeRidder as Exhibit A that further addresses this matter.

Respectfully,

Tamara DeRidder, AICP	Ed Gorman
Chair, RCPNA	Vice Chair, RCPNA
1707 NE 52 nd Ave.	3016 NE 56 th Ave.
Portland, OR 97213	Portland, OR 97213

Exhibit A – Tamara DeRidder, TDR & Associates, testimony to Portland City Council on the Residential Infill Project, dated(??? Pending??)