

Portland Planning and Sustainability Commission

July 14, 2020

12:30 p.m.

Meeting Minutes

Commissioners Present: Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera, Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak [2 positions]

City Staff Presenting: Joe Zehnder, Sandra Wood, Phil Nameny, Lora Lillard, Michele Crim, Kavita Heyn, Ericka Koss, Jonna Papaefthimiou, Jenn Cairo, Nishant Parulekar, Sallie Edmunds, Mindy Brooks, Daniel Soebbing

Guest Presenter: Julie Livingston (Design Commission)

Documents and Presentations for today's meeting

Chair Spevak called the meeting to order at 12:30 p.m.

Chair Spevak: In keeping with the Oregon Public Meetings law, Statutory land use hearing requirements, and Title 33 of the Portland City Code, the Portland Planning and Sustainability Commission is holding this meeting virtually.

- All members of the PSC are attending remotely, and the City has made several avenues available for the public to watch the broadcast of this meeting.
- The PSC is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications.
- Thank you all for your patience, humor, flexibility and understanding as we manage through this difficult situation to do the City's business.

Items of Interest from Commissioners

Chair Spevak shared an idea for PSC members to become more involved with, lead, and expand their leadership skills with various projects that come to the PSC. We have a number of projects coming to the PSC that are queued up, so if there are newer members of the PSC in particular who want to help with leading, they can offer their interest and availability. He noted the different committees that currently exist and where PSC members are serving already. *Commissioner Bachrach* has served on DRAC, and we have an opportunity to appoint someone to that committee now. Joe provided an overview of DRAC, which advises BDS and the direct that affect the development review process.

Commissioner Houck: OSMB invited us to participate in their upcoming meeting re: Willamette River wake zone. Steph and I will represent the PSC and Debbie Bischoff and Kaitlin Lovell of BES will be with us representing City staff. We will give them background about our recommendation and decision that came from the South Reach work.

If you have interest in sitting on DRAC or helping to lead a code project, please contact *Chair Spevak* in the upcoming week.

Commissioner Schultz noted that if there is an opening on DRAC, I could serve on that if *Commissioner Bachrach* or others aren't able to fill that position for a PSC member. *Commissioner Bortolazzo* would also be open to considering being part of DRAC. *Commissioner Bachrach* noted he is still interested in continuing to serve. We will discuss at the upcoming officer meeting to make a formal recommendation from the PSC.

Commissioner Bortolazzo noted the Airport Committee that he serves on as the PSC representative. *Commissioner Magnera* offered to take this role if it opens a new (DRAC) opportunity for *Commissioner Bortolazzo*.

Director's Report

Joe Zehnder

- Eric provided an update on the Expanding Opportunities for Affordable Housing project, which Council adopted last month. 19 of the 20 sites recommended were accepted. The one that was removed was out of an abundance of caution for appeals. The code package was largely adopted as the PSC had forwarded with an addition of an affordability mandate. BPS will come back in the fall with "package B" for the additional sites. The other directive was to pursue a broader project to look at properties where there is a social justice initiative in part driven by the site the PSC discussed that is not an institution (which wasn't included in this first package).

Commissioner Routh: The Clay residence would then be considered in a future project?

Eric: This may be included in the fall package, but they generally saw a need for a larger project not just institutions.

- The CC2035 Plan was readopted at Council last week, and it will be effective on August 10. The hearing on the Expiration Date project was last week. 4 amendments were added, and Council will vote next Wednesday, July 22.
- Reminder that the July 28 PSC meeting will begin at 4 p.m.

Consent Agenda

- Consideration of Minutes from the June 23, 2020, PSC meeting.

Commissioner Routh moved to approve consent agenda. *Commissioner Bachrach* seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The consent agenda passed unanimously.

Design Overlay Zone Amendments

Work Session / Recommendation: Sandra Wood, Phil Nameny, Lora Lillard, Staci Monroe; Julie Livingston

Disclosures

Chair Spevak: While it's not clear whether the proposed changes create a potential conflict of interest for PSC members because the changes affect such a broad class of property owners, in the interest of transparency, we have the following declarations:

- *Commissioner Smith* owns property in the design overlay zone.
- I, along with Commissioners Schultz and Bortolazzo, work for architectural or development firms who conduct work in Portland.

Presentation

Phil reminded the PSC of the process of DOZA at the PSC. All the zoning code amendment votes were completed at the June 9, 2020 PSC meeting. Phil and Lora walked through the project's purpose of the Design overlay zone; map of where the zone applies; thresholds for reviewing projects; process for design review; and tools for evaluating projects.

Lora shared the new emphasis on social and contextual context to promote design, signage, and art that contributes to a place. There is a shift in focus on the three tenets (Context; Public Realm; Quality & Resilience). There is also a focus on site design to create welcoming spaces. And a focus on climate including a new guideline #9. There is parity in the standards between the guidelines and standards.

The focus on advancing equity is highlighted in slide 11 of the presentation.

Julie Livingston, the Design Commission Chair, shared the DC report. This is a big project, spanning my whole time on the DC – many thanks to our commissioners for all the work. This updated tools that were out-of-date, not a wholesale review and update of design standards. DC rolled out a lot of administrative improvements in 2017 in terms of how our meetings are organized. This then went to align the design review process with the design process to support the forward movement of projects. Tools, guidelines, and standards are the last piece of the puzzle – they are the most difficult work. Ensuring the community design standards, which have been fairly ineffective, are now effective throughout the city. Thank you to staff for your excellent work, which will shape the Portland of the 21st Century. They are forward-looking and aspirational. Citywide design guidelines are better organized, relevant, prose is clear, and they align with the City's 2035 Comprehensive Plan. Design standards will produce better outcomes for our neighborhoods and will allow for greater flexibility depending on context.

PSC members shared their reflections on the project.

Commissioner Houck: I agreed to serve on the 3x3, which was a bit of a stretch for me. I was not that familiar with the workings of the DC, and I enjoyed the opportunity to go back and forth with that group. The give and take between the two groups was really healthy and productive.

Commissioner Bortolazzo: It's generally been a great experience, and I appreciate the organization early on. This organization allowed us to focus on the goals. For future projects, we should start with an overall assessment and look with clear and objective eyes how the system currently works and look for

opportunities for improvement. I second Julie's comments on working on the 3x3. It was lots of work, but it was great work.

Commissioner Magnera: I appreciate Lora and Phil and your hard work as well as with Julie and *Commissioner Schultz*. I found this to be a frustrating project to work on regarding equity, particularly around housing costs and the impacts on it – particularly if design review and processes are something we want to impose on housing at a time when we really need it. In light of some of the conversations we're now having about equity, we need to ground all our projects in equity, which I appreciate Lora sharing today.

Commissioner Smith echoed the appreciation for staff and the 3x3. A guiding light for me has been the urgency to create opportunities for housing. I am hopeful that there are more paths to use standards with a structured review process based on this work.

Chair Spevak: Thank you to those who served on the 3x3. This is a great project. I'm a believer in standards, which are now much better than they were, to enhance the public realm. People have to love the buildings and landscapes around them. It also is a bit of a reach code. One challenging thing is that we somewhat changed the focus, the map remains the same. If we went at this with a true people-focused lens, the map might have changed.

Commissioner Routh: Many thanks to the 3x3 members and staff. The purpose of design review has come up a number of times, and what I've come to understand is that it's all a laboratory – how do we get the standards to a place where design review has historically brought us with objectivity and predictability? How are we tracking against standards? I'd like to see an update about this in the next couple years. We had lots of conversations about how we talk about cost burden and affordability related to standards and review.

Commissioner Schultz: Wow – we've been doing this for 10 years! Thank you to Julie for the excellent summary and being a great co-chair. I know this process felt like we spent tons of time in the weeds, but I think there was always a desire to make sure the standards really get to the parity with the design guidelines, which reflects the points other commissioners have made. The comments on equity are completely fair but concerning. We need to do continual iterations on this project and revisit it, update, and revise to reflect community changes and values. Character statements for neighborhoods are critical.

Commissioner Bachrach: Thanks to everyone for the time we've spent. This is a better project than current design review. I do share the concerns about, for example Cully, didn't want any part of this. Regulatory processes are costly, so if you're looking at building quickly and cost-effectively, you want to avoid costly regulatory processes.

Commissioner Larsell: I echo the thanks for everyone's work, particularly those who were on the 3x3. I hope there is a robust way to measure the impacts of this work.

Commissioner Houck reiterated the first character statement (Macadam) the neighborhood folks were quite pleased that staff listened to their concerns. There are a couple small items that the neighborhood would have changed, but staff did good, responsive work.

Commissioner Schultz moved to:

- Direct staff to:
 - Revise DOZA Volume 1 – Staff Report to clarify proposals, rationale and update commentary, as necessary.
 - Refine the recommended zoning code language, formatting and commentary in DOZA Volume 2, as necessary, including standards for architectural concrete.
 - Update DOZA Volume 4 – Appendices to provide background information as necessary
- Recommend that City Council:
 - Adopt DOZA Volumes 1, 2 & 4 – Proposed Drafts, as amended;
 - Amend the Zoning Code as shown in Volume 2, as amended; and
 - Amend the Zoning Map as shown in Volume 2.

Commissioner Houck seconded.

(Y9 – Bachrach, Bortolazzo, Houck, Larsell, Magnera, Routh, Schultz, Smith, Spevak)

The motion passed unanimously.

Climate Adaptation

Briefing: Michele Crim, Kavita Heyn, Ericka Koss, Jonna Papaefthimiou, Jenn Cairo, Nishant Parulekar

Presentation

Michele introduced herself and the project team. A few months ago, we gave an update about climate work to reduce climate emissions and the Climate Emergency, which Council adopted last month. Today is about the other sphere of climate work – adaptation and resilience.

The 2009 Climate Action Plan directed us to look at adaptation, which became the climate change adaptation strategy. In 2019 in updating the CAP, we worked to combine the two plans.

Kavita shared background about climate impacts and the risks associated with a warming climate. We need to anticipate and prepare for these impacts going forward.

In light of the myriad risks, the Portland Water Bureau's key climate adaptation strategies are to plan for a range of future conditions and impacts to our water system, build adaptive technical and resource capacity for this work, and consider the equity impacts of our decision making and planning. The bureau for two decades has worked with scientists to assess climate change impacts to water supply and water quality, and in recent years we have expanded these efforts to evaluate additional climate risks to our built infrastructure and workforce. Implementing climate adaptation and climate mitigation (reducing emissions) while considering equity is fundamental part of the bureau's recent five-year strategic plan. PWB is currently vice chair of WUCA, a national group of 12 water utilities working to advance climate adaptation in the water sector.

Kavita shared two project PWB is working on: a two-year collaboration with PSU's climate science lab and Dr. Paul Loikith and a study they have engaged in over the last year as a member of WUCA.

Ericka provided an overview of landslide work and calculations. Large storms at the end of summer may not be as severe as a landslide that occurs at the end of March, when the land is much more water saturated. The USGS used the landslide database to put together the graph (slide 23).

Michele shared urban heat island impacts. This is informative to help us understand the hot spots in the city, particularly those places that don't cool off at night as much, which can negatively impact health. Where we should be looking, but not necessarily what to do. The Better Housing by Design project was a good example of where we looked at different land use patterns and development (multi-use buildings in this example) to review design prototypes.

We also look at where different bureau could help each other in different disaster scenarios. Coordinating and collaborating across bureaus is increasing important since decisions effect each other's work and citywide infrastructure. The Disaster Resilience and Recovery Action Group (DRRAG) is the group leading this convening work.

Jenn shared the PP&R's work on climate work – highlighting nature's services. She shared the tree canopy dispersal across the city, and distribution of other natural resources, which are notably inequitable across the city. Historically red-lined areas have significantly fewer trees and other natural features that impact heat islands, etc.

Nishant provided an overview of BES' climate adaptation work. There are certain hazards that tend to impact across the system. How we do our work and what we do in the future to ensure we are more resilient (e.g. using native species for replanting), meeting regulatory goals, etc to address climate change. Green infrastructure can help to mitigate impacts of climate change and help in our resiliency efforts (examples on slide 12). BES also has a number of project relative to equity, climate justice, and cultural resiliency (slide 15).

Jonna provided an overview of PBEM's role in building community resilience.

Commissioner Smith noted things that may impact the transportation system, but PBOT it not here with us today. Do we have a look at risks to the transportation system?

- Michele: PBOT is active in the DRAAG. Lots of their focus lately has been around emergency transportation routes and working with other bureaus. The collaboration structure is what we're working on to create linkages as well. They have requested funding for a master resilience plan for a couple years now.

Commissioner Houck: As Michele noted we had a lot of back and forth regarding the need to get serious about climate adaptation. The Climate Preparation Strategies was a huge leap forward as integrated into the Climate Action Plan. I want to thank Michele for your great work and your next adventures. I was most interested in DRAAG and how I can interact with that group. I would be happy to participate in meetings as a PSC member when it's appropriate. The only way we can adapt and work on mitigation is with this cross-bureau work.

Commissioner Larsell: Thanks for bringing this great information forward. Is Portland involved in the Columbia Levee work?

- Nishant: I don't think this is work we've committed to yet.
- Kavita: There is a Levee Ready project, but that's a separate process. The drainage districts have been involved.

Commissioner Bortolazzo: I was happy with the BHD work on heat island effect. For the map, though, it looks like the Willamette seems to be a higher-temperature area. What is the overall effect of the river?

- Michele: The areas around the rivers are often industrial areas (pavement), so that's why we see some hotter temperatures there. The modeling may show the river has hotter, but that's not the middle of the river temperature.

Chair Spevak thanked Michele for her work and thanked the other staff presenters.

Michele noted that she will be leaving, but the staff who presented today are available for future PSC updates.

Ezone Map Correction Project

Briefing: Sallie Edmunds, Mindy Brooks, Daniel Soebbing

Presentation

PSC members have no conflicts of interest for this project.

Mindy introduced herself and Daniel. She acknowledged the joint work for this project with staff from other bureaus. There are over 400 property owners who invited staff on their property for review. Today covers a number of topics (slide 3).

The purpose of the environmental overlay zones is to protect streams, wetlands, flood areas, steep slopes, forests and wildlife. And to protect people, homes and businesses from risks like landslides, flood and heat island.

The purpose of the Environmental Overlay Zone Map Correction project is to make sure the zones actually align with the natural resources. The project is needed because the overlay zones were mostly applied in the 1990s. Since then technology has improve a lot and we find that the resources we intended to protect are not always being projected. We are fixing that.

Portland started to protect natural resources using overlay zones about 30 years ago. It is important to understand the fundamental reasons why the environmental overlay zones were applied in the first place and why we are updating them today.

The environmental overlay zones were applied:

- To reduce the risk of flood damage and landslides by limiting development of new houses and business in high risk areas;
- To protect streams and wetlands which are natural infrastructure that stores and moves stormwater;
- To protect fish and wildlife habitat, including habitat for endangered species;
- And to maintain the public health benefits of nature in the city, such as cool air temperatures.

The purpose of this project is to correct the location of the environmental overlay zones to better align with existing rivers, streams, wetlands, forests, steep slopes and fish and wildlife habitat.

The scope of the project is relatively narrow: The primary output of the project are amendments to the official zoning maps to correct the ezone boundaries. There are also some code clarifications. And there is a lot of detail, a lot of data about the natural resources, that is included in the reports. What is not part of this project are policy changes. We are not proposing to change what should or shouldn't be protected, only to correct the ezones to align with the resources.

The overlay zones are a tool Portland has been using for a long time. The overlay zones were first applied in 1989 in the Columbia Slough. Over the next 20 years, environmental overlay zones were applied throughout all of Portland. In total, 12 plans were adopted by 2002. Each of those plans say which resources are intended to be protected and we are not changing that intent, only correcting the zones to match.

The reason this project is needed is because in 2012 we updated the citywide Natural Resources Inventory using new technology. What we found is that a lot of resources which were supposed to be protected aren't. There are also areas with ezones but no resources and those areas need to be fixed too.

Portland's natural topography has a lot to do with which areas of the city get environmental overlay zones – the west hills are very steep and forested (the forests are shown in dark green) and Johnson Creek is habitat for salmon and is subject to frequent flooding.

There is a big area in north, northeast and east Portland that, beyond the buttes, has very little existing natural resources. That isn't because there were never natural resource here – it's because people harvested the trees and buried the wetlands and streams to make way for development.

But the trees and streams are an amenity that people enjoy and natural resources tend raise property values. So over time, we saw wealthy mostly white people investing and moving to in areas with remaining natural resources and people of color being pushed into areas where the natural resources were removed or into areas with higher risks of natural hazards.

Slide 16 shows the heat island map. Where you saw forest canopy on the last map is blue, indicating cooler air temperatures. And where was little or no forest on the last map is yellow or red, indicating hotter air temperatures. Heat island has a direct impact on public health. A 2008 report showed that more people died from extreme heat related complications than from any other natural hazard that year.

Ezones are just part of the puzzle in Portland. The ezones are intended to protect the resources that still remain. But in order to provide the equal amenities of access to nature, cooler air temperatures and less risk of hazards, more must be done to restore natural features to areas where those resources were removed. The Ezone Project cannot do that.

In total, the environmental overlay zones are being correct on approximately 17,000 properties in this project area. Overall, most changes are minor corrections to the edges of the overlays to follow streams and tree canopy. Across the project area there is a 4% increase, about 600 acres, in the coverage of environmental overlay zones. However, there is a big shift in the area of protection zone coverage. The protection zone is the more restrictive zone and will be about 1,200 more acres of p-zone with this project.

Mindy highlighted the impacts, new technology, and how/why we can more accurately map now than we could previously.

Commissioner Houck: I'm pleased we're not talking about policy but about minor adjustments. I did similar work 37 years ago with funding from state fish and wildlife. The current work is a vast improvement over our work back in the day where we used paper maps and simply drew circles around habitat areas. This work is much more precise, and as the technology improves, we need to do this type of precise adjustment, e.g. with LiDAR.

Mindy: Ezones are intended to be applied to perennial or intermittent streams. There are just plain drainages, but those are typically not in the ezone, but they are part of the stormwater system.

How the zones impact undeveloped lots: The standards in Title 33 are intended to accommodate new development. The example on slide 23 is of an undeveloped lot that is zoned R7. It's on a slope that is treed and those resources are a conservation zone, depicted by a yellow line. The zoning code allows a total of 3,500 square feet of disturbance. Disturbance includes a house, driveway, deck, yard, fence – all of it together must have a footprint of no more than 3,500 square feet to meet the standard.

This is an example of how the site might be developed. The footprint of the house is 30x65 feet. Keep in mind it's only footprint we are concerned with. This house could be 2 or 3 stories tall depending on the base zone height limits. Adding in the deck and driveway, the total impacts in the c zone are 2,346 square feet. Under the allowed limits. There were 3 trees removed and those need to be replaced by planting trees on the site. This is example is a situation where the conservation overlay zone applies to the site. But what about the situation where a protection zone covers most of the site. The protection zone is much more restrictive than the c zone.

Daniel shared an example was about a site with conservation zone. But what if result is protection zone covering most of the site. The protection zone doesn't allow development through a standard and review is difficult. We looked at all sites where the p zone covered 70% or more of the site and did a conversion. We converted part of the p zone to c zone.

The area we chose to convert needed to be as far as possible from streams and wetlands and also located as far as possible from steep slopes. In this example, there is a protection zone that extends 50 feet from the bank of the stream in all directions. There is not enough space outside of the protection zone to mitigate. Slide 26 shows this.

Mindy shared the two biggest changes that are coming with this project. Through the original 12 plans adopted in the 1990s, the City typically applied the highest level of protection – the p zone – to streams and wetlands and land within approximately 50 feet. However, that is not always the case. As we showed before, the mapping of streams and wetlands was not as good as the mapping today.

In 2012, when we adopted the Natural Resources Inventory, we mapped approximately 180 miles of existing streams that were previously unmapped. We are now adding a protection overlay zone to all of those streams. Many of these streams were already in a c zone so it's a switch from c- to p-zone. But some were never mapped so the overlay zone is new for those properties.

The 1990's we relied heavily on the National Wetland Inventory database and some local data to map wetlands. Like with streams, the mapping missed a lot of existing wetlands. However, if the wetland

was mapped, we typically apply a p zone to it. Concurrently with this project, the Bureau of Environmental Services is doing the Wetland Inventory Project.

They are following DSL and USACE methodology and protocols to map wetlands throughout Portland. The result is that about 130 acres of wetlands are being mapped. Not all of the wetlands are in the project area of the Ezone Project – many in fact are in the Columbia Corridor, which will be a future project. For those wetlands that are in the project area we are proposing a protection overlay zone be applied to wetlands. BES is offering free wetland determinations to property owners to verify wetlands.

Mindy share the public engagement strategy and work for this project (slide 29).

A big focus of all of our public outreach and engagement has been to encourage people to request site visits.

Daniel highlighted the Ezone Map App that includes a feature that allowed property owners to request site visits online. We also emphasized the availability of site visits in our mailings and in presentations to neighborhood associations and other groups. Site visits are a critical part of the project because most of the data that underlies the map corrections comes from remote sensing. While aerial imagery and lidar allow us to map natural resources like forest canopy and stream bed locations in greater detail than we could 20 or 30 years ago, it is critical to get boots on the ground to verify the data in the natural resource inventory. Staff has done about 400 site visits with more on the schedule to come.

Nearly every site visit results in a modification to the mapped resources. Most of the changes were relatively small modifications to the mapping of forest vegetation. Staff frequently make adjustments to better follow the dripline of the tree canopy or make judgement calls to determine if a tree or a small grove is contiguous to a larger patch of forest vegetation.

The biggest changes have occurred in headwater stream areas. Headwaters are where streams start from a seep or where enough overland flow accumulates to form a channel. In headwater areas, we try to map where the channel begins and that can be difficult to ascertain without being in the field.

In general, the stream mapping in the natural resource inventory is very good. It is unusual for field staff to make modifications to stream data at all. Most of the stream data has been vetted by BES, who maintain comprehensive data about Portland's stormwater infrastructure. But there have been a few occasions where staff located new streams that had never been mapped or they completely deleted streams from the inventory.

A project summary is provided on slide 34. An overview of the project report components is on slide 35. But the best way for people to see what is being proposed on their property is through the Map App. This interactive map allows people to look up their property and turn on and off information including the existing and proposed overlay zones, as well as the mapped streams, wetlands, flood area, vegetation and steep slopes.

The public hearing at the PSC will be on July 28.

Commissioner Houck: It's appropriate that this work follows the Climate Adaptation presentation. An important huge element of this work is to address the issues staff raised regarding climate impacts on natural and human systems. I'm disappointed Columbia Corridor is not included – we still have Goal 9

raising its head again. The Ezone update is about protecting existing natural resources. Issues raised in the Adaptation presentation urban heat island on low-income communities – brings up the need for restoration where natural resources have been lost. Many issues cannot be addressed solely through land use regulatory approaches. That will have to be through processes like DRAAG. That will be a conversation the PSC needs to have with all bureaus in a sustainability context.

Commissioner Smith: I was surprised to see a scenic zone. What's the nexus between that and ezones? Why bundled? Changing? How are we handling testimony? People who don't want this versus people who are disputing the facts. As a member of hearing body, it makes me uncomfortable that we're going to have testimony that I can't evaluate because it relies on a dispute about the facts on details that I don't have. Will there be a staff report on the disputed facts that arise in testimony?

- Mindy: This is complicated. We applied ezones first then did scenic work. The scenic work along corridors requires tree preservation, which is stronger than the conservation zone, but it's not stronger than the p-zone. If there was a conservation but now a scenic, we remove conservation. Now we're adjusting the scenic to match the hierarchy. It's a second-order effect only. Regarding testimony, the underlying facts part – we want these people to invite us onto their property to talk with them. We hope by September 8 we will have an amendment package that covers this.

Commissioner Schultz: On the statement that you can make changes, what's the process to do that?

- Mindy: Some is exempt (dead, dying, and dangerous). You do need a permit to remove it though. Exemptions say that changes to existing landscape area is exempt. If you want to expand, a new disturbance area has explanation in the code as well.

Commissioner Bachrach: I'm uncomfortable with the process we've been given to take public testimony. Staff is still working with people, changing the maps, etc. With our hearing in 2 weeks, property owners might not know where they stand. How do you know what to say if you're still working with staff or a consultant? What would be the concern with delaying the public hearing? Is there a legal reason we're on this schedule?

- Mindy: This is how we experience with all the other environmental projects as part of the process – people don't pay attention until we send the Measure 56 notice, which we did at the end of June. The policy question for the PSC is if we apply the various zones. We can continue to correct this on a property-by-property basis. If we're looking at individual properties, then we're spot zoning and not being equitable. We are not proposing to change policy. We are working to correct the underlying data.

Commissioner Larsell: I keep hearing you say that the people who entered testimony should call staff. Would it be hard for staff to understand them?

- Mindy: We are reaching back out to everyone via phone or email.

Commissioner Routh: Following up on the comments, I tend to feel that if we're going to accept testimony, we should have something actionable on the other side as a body. I'm less convinced that's possible with the hearing at the scheduled time.

Chair Spevak: Did property owners get other information about this project before M56?

- Mindy: We have done multiple mailings including 17,000 postcards initially to invite them to open house events and site checks. We did a letter mailing and another postcard, sending them

to the MapApp, open house events, and then the M56. My experience with projects is that the M56 is what wakes people up.

- Julie noted the required time for sending the M56 notice and the timeline of the first public hearing.

Commissioner Bachrach: If we get through all of this and there is still an error, does a private person have to pay and go through a lengthy review to get that fixed?

- Mindy: There is a zoning code provision that allows for corrections to the zoning map. The owner would fill out the request, explaining the error. Then BPS would do the research to determine if there is an error. If there is an error found, then BDS does a Type II land use review to correct the error. The entire map error correction process is free to the property owner and they can request a map error correction at any time.

Commissioner Houck: I'm glad we talked about the timing of the M56 notice. Staff has provided lots of opportunities for people to provide input and ask questions. 17,000 properties were sent letters. I am not diminishing concerns that are expressed in written testimony, but there are relative few comments relative to the notices that went out. Staff has met with 400 property owners to address their concerns. Most of the testimony I saw was about people not wanting the project – though I haven't read through it all. I have been involved in 10-15 similar projects over the years and there are always going to have people who don't want a project on their property. I would adamantly reject stopping the process and think we should move forward, understanding we might need more than one hearing.

Joe noted the hearing and scheduling, which is spot on. Our experience in the past is that we'll have a flood of inquiries at the end, as we're experiencing. We will map this out at the officer meeting to talk about responding to testimony, potentially adding hearings, etc.

Adjourn

Chair Spevak adjourned the meeting at 3:57 p.m.

Submitted by Julie Ocken