

# Portland Planning and Sustainability Commission

July 28, 2020

4 p.m.

Meeting Minutes

**Commissioners Present:** Jeff Bachrach, Ben Bortolazzo, Mike Houck, Katie Larsell, Oriana Magnera (arrived 4:15 p.m.), Steph Routh, Katherine Schultz, Chris Smith, Eli Spevak [2 open positions]

**City Staff Presenting:** Andrea Durbin, Dr Markisha Smith, Koffi Dessou, Donnie Oliveira, Mindy Brooks

## Documents and Presentations for today's meeting

*Chair Spevak* called the meeting to order at 4:00 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, flexibility and understanding as we manage through this difficult situation to do the City's business.

## **Items of Interest from Commissioners**

*Commissioner Houck:* If anyone was unclear about urban heat island and the need for an expanded tree canopy, these past few days have highlighted it. On July 22, Commissioner Routh, Kaitlin Lovell from BES, and I testified before the OSMB to give them the rationale for the recommendation the PSC provided with the amendment. I was disappointed at the lack of apparent interest and follow-up about the ecological information we put forward; it was all focused on safety, which is also important of course, but virtually zero attention was given to the river's ecological health. They did vote to expand the no wake zone to the entire Holgate Channel and also to look at the full lower Willamette River, and I hope we and the city 'll continue to engage with them in that process.

*Chair Spevak* noted the PSC appointment to DRAC. We discuss that at the last meeting, and *Commissioner Bachrach* was discussed as our recommended representative. *Commissioner Bachrach* confirmed he is still interested in serving to establish the link between DRAC and the PSC. This is a 3-year appointment.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Routh, Schultz, Smith, Spevak)

## Director's Report

Andrea Durbin

- Update on the Residential Infill Project – going back to Council on August 5, with a second reading on August 12.
- Nikoyia Phillips is BPS' new Equity Manager. We are excited to welcome her into this role and will reintroduce her to the PSC at the August 11 when she comes to present with Community Involvement Committee members for a briefing.

## Consent Agenda

- Consideration of Minutes from the July 14, 2020, PSC meeting

*Commissioner Smith* moved to approve consent agenda. *Commissioner Houck* seconded.

The consent agenda passed unanimously.

(Y8 – Bachrach, Bortolazzo, Houck, Larsell, Routh, Schultz, Smith, Spevak)

## Office of Equity and Human Rights Equity Lens

Briefing: Dr Markisha Smith, Koffi Dessou

Dr Smith introduced herself and the [Equity Toolkit](#). She shared a [graphic](#) about white supremacy culture shows up – in government structures and our everyday life. It is a good reminder to us all as it illustrates. It's about the collective system that all of us have been a part of – lived or navigated through or lived in. We often find ourselves in spaces advocating for “absolutely no”.

Things below the line are where it gets a bit tricky and what we have to challenge ourselves around. How do these concepts and ideas influence our work? How might they show up in ways we might not even realize? We often can't move past this, and the conversation gets stifled. Things may be excused, or they may fall in the “intent versus impact” situation. This shows up in our personal life, but it also does in our work.

What happens is our usual way of business is often steeped in white supremacy culture, and we're not really aware of it. The Toolkit is a framework to help us rethink the conversations and how we think about data, how we make decisions, and how we hold each other collectively accountable.

*Commissioner Magnera*: I'd like to challenge my fellow commissioners. I'd like us to go around and identify a way that white supremacy is showing up on the Commission.

*Commissioner Routh*: One thing we talk about is the paternalism of plans. Plans created for community instead of community-based plans.

*Chair Spevak*: It's an English-only space. We have had testimony with translation, but that requires quite a bit of coordination.

*Commissioner Houck*: I would offer that we prioritize white voices.

*Commissioner Smith:* We haven't had racist jokes, but we have had racist testimony – I had trouble determining whether to interject or give First Amendment rights to the person.

*Commissioner Schultz:* The planning process itself and not going back versus opening it up. Sometimes people find out late in the process.

*Commissioner Larsell:* How a community goes about getting a plan. If you don't have expertise on the PSC, you need more things explained. People hear acronyms, and likely may not know what we're talking about.

*Commissioner Bortolazzo:* As a European, we have euro-centric beauty standards, which come from a very specific, Western culture, which isn't open to everyone.

*Commissioner Bachrach:* Structure and process is often not conducive to people who aren't familiar with it. It can be overwhelming.

*Chair Spevak:* Diversity of membership on the PSC is lacking now.

Dr Smith thanked commissioners for their input. The more we can do these kinds of exercises as a body collectively will help show where we need to shift and change and approach the work differently.

The toolkit gives options for changing the conversation. It was an idea birthed out of the Emergency Coordination Center (ECC). It offers a foundation of how to engage in the work. With equity managers and practitioners across the City, we developed this, which became part of a Resolution at Council that positions OEHR to help think about how to hold other bureaus accountable.

Dr Smith provided an overview and highlighted parts of the toolkit. The data embedded in the toolkit was as of late May / early June. So we think about it as a living and evolving document. The foundation and core pieces will remain stable, but as the work evolves and the impact does, so will the toolkit.

The goal piece is a place where you may want to spend time to think about what it means. The toolkit was a response to COVID-19, but we always thought it would go beyond it. We want to see the toolkit expand and grow over time. We have a foundation. Now it's about taking words on the paper and doing something with/about it. Anti-black racism is a pandemic, too.

BPS has been in partnership with OEHR, particularly around what climate equity looks like. We have some regular updates and ways to check back in – community input is important, and we don't want to let community down. We need to live into the intention behind the toolkit.

Dr Smith highlighted other pieces of the toolkit relevant to the PSC's work.

*Commissioner Magnera:* On the data, I'm curious what accountability and responsibility you see City bureaus have to be sure it's updated and responsive – plus qualitative and not just the numbers.

- Dr Smith: Yes, it's easier to get the data/numbers. The qualitative is where we get into the moral questions. People are suffering in the system. We have to get real about how white supremacy shows up in data collection. The Results-Based Accountability (RBA) framework is a shift to how people think about reliable data that shows the full story. Performance Measures are other things that we can look at Citywide to be sure we're tracking the right things for our community.

*Commissioner Larsell:* Do you have examples of places where you've seen this work? It's good to hear how people have used the toolkit.

- Dr Smith: With ECC work, we've seen the work evolve. Conversations are happening and changing. The bigger example is what happened with the CARES Act funding. The Equity Toolkit questions were used between bureau leadership and City Commissioners. We know it's not enough money, but we centered our BIPOC communities in our funding asks.

*Commissioner Houck:* We're undertaking important ecological work with the ezone update, but there are issues regarding how much of the city is looked at from an ecological perspective. The Ezone Update is focused on the macro level, the larger ecological landscape to protect natural areas which benefit everyone. It does not consider the smaller landscape below a certain size threshold, as I recall ¼ acre. There is a size of lot, below which there isn't much attention paid. There is a large portion of the city not addressed by the Ezone which This poses an issue regarding urban heat island – there are large areas of the city that don't have lots of trees, particularly in low-income and communities of color. There are definitely issues of equity at that scale. There is also the issue of working with Metro and mapping white oaks. Oregon white oak is a hugely culturally important resource to indigenous communities, but we are not addressing those throughout this process. We need to do so in I hope the not too distant future.

- Dr Smith: It's important to look at how we share space and what might be getting in the way there (e.g. in attending/testifying at PSC meetings).

*Chair Spevak:* We talked about potential changes to the mission of this bureau (Title 3). Right now there isn't anything about being an anti-racist bureau or focusing on that.

- Koffi: The Council adopted new values for Portland on June 17. They begin with anti-racism, equity, transparency, communication, and collaboration. This is different from previous core values the City has used. So I am working with bureaus to have this included in bureaus' work and missions. The values were created with input from communities.

*Commissioner Magnera:* Who is doing the work? I know it's important to have a toolkit, but with not many BIPOC staff or those who are grounded in equity and community. What additional resources could be available to address hiring and retention?

- Dr Smith: At the director's level, we have a smaller group that is having more intense conversation about City values and tools and resources and how they get us collectively going in the same direction. Our work culture is another place we are looking at – lots of BIPOC staff come to the City, but they don't stay. The challenges they experience in the workplace is such that they leave. This is what we need to address and change our workplace culture. Adoption of the values is a start, but living the values is what we really need to do, even though people may feel uncomfortable. It is hard to be a person of color working in government structures.
- Koffi: We talked about making sure ethnic-based communities are getting resources, and City employees with connections to communities are key.

*Commissioner Routh:* Thank you for being here, and I appreciate the conversation about staff. The human capacity of this work – staff, contractors, and community partners are all necessary. What are we doing to build community wealth and capacity to ensure COBID companies are competitive? We've been in rooms with planners and community members, and people with the lived experience (community) are not necessarily getting recompensed for their value.

- Dr Smith: There has been some conversation about how we value and compensate for knowledge in a meaningful way.

*Commissioner Houck:* The PSU MURP program has been incredibly important as a pipeline for City bureaus. Are you interacting with that program to try to diversify the bureaus and commissions?

- Dr Smith: We have not yet, but that is a great connection and resource. Thank you for sharing it.

*Commissioner Schultz:* Is there something in the toolkit, or is there work in progress to help answer some questions we have? Some of it is the art of compromise and recognizing the full story. In some of our work, we haven't gone forward far enough. Sometimes we pass things to Council *if only coupled with* things we don't have in our control – otherwise we'd like to take back our recommendations. If it harms even one person, is that right? How do we balance the needs and concerns of community and weighing how to make those decisions?

- Dr Smith: You need to get to being comfortable with stopping a process if it isn't serving community in the way it's intended. The toolkit can offer suggestions, but it's not going to be the full resource to answer these big questions of unintended consequences or benefits to some communities.
- Koffi: There is the RBA framework, which is powerful. Root cause analysis can help identify options to best solve issues.

Thank you for the time today.

## **BPS Report on Racial Equity Plan**

Briefing: Andrea Durbin, Donnie Oliveira

### Presentation

Andrea provided background and context that in 2015, Council directed all bureaus to create a Racial Equity Plan. Today is a report on how we've done – we've made some progress, and we have lots of work to do. In 2016, we were focused on communication and hiring/retention. That hasn't been addressed fully, but now we are also talking about centering racial justice in our work, how we engage with community, and the work has significantly expanded.

Donnie noted we are bringing this to the PSC today because we are thoroughly evaluating and reshaping BPS' work. We wanted to share this version of the plan to say where we've been and have fallen short in the big picture, but we're now actively creating an updated 2020 version.

Slides 2-3 show the work the bureau is doing and starting to operationalize.

The 13 goals and objectives are broken out by Culture, People, Work. Donnie and Andrea walked through the goals (slides 4-16) and where BPS is positioned currently in this work.

*Chair Spevak:* I'd be interested in seeing project timelines shuffling to ensure we're working towards projects that are most necessary in our communities.

*Commissioner Routh:* This is a lot of work. What is the current FTE of BPS, and how many FTE name equity as a core part of their work?

- Donnie: Nikoyia will have 2 direct reports – so the bureau-wide equity team will be 3 FTE. There are also about 6 staff who have equity-focused work leading their workplans. There are also staff working on project with BIPOC communities at the forefront. We are still in workplan development for the bureau as we're evaluating everything and how we truly show up.
- Andrea: We are addressing the responsibilities around making sure we know who is accountable for the work.

*Commissioner Magnera:* Looking through the action items, from the perspective I've seen on the Commission, I don't think lots of this is happening in a meaningful way. Where is the accountability for the document? How can the PSC ensure the work is moving forward? I want to see internal and community accountability.

- Andrea: Yes, absolutely. It's leadership who is accountable. It's not our Equity Manager's responsibility to achieve the equity plan. Building this into our systems is what we need to do to ensure change.
- Donnie: We are thoughtfully slowing down our systems to ensure we are applying an equity lens in a genuine way. Accountability also lies with program managers and how we're showing up for our staff.
- *Chair Spevak:* Some projects don't have opportunity to further these goals. I'm hopeful staff can work with communities to rejigger that.

*Commissioner Bortolazzo:* I wanted to emphasize that Andrea highlighted the culture to provide safety to take risks and make mistakes. This is a key issue as we talk about equity goals and strategies and a learning process.

## **Ezone Map Correction Project**

Hearing: Mindy Brooks

### Presentation

There are no disclosures or potential conflicts of interest among PSC members for this project.

Mindy provided a reminder and overview of the project. I want to address the number one concern we hear from people who have called or emailed staff over the past month – the that if it means someone has to tear down their house or can't maintain their house. That's not true. The existing house, deck, driveway, parking area, yard, or fence can remain right where it is. It can be maintained and repaired, and in most cases, replaced in the current footprint.

The overlay zones are about limiting new development and new disturbance that would further impact the natural resources. As we have said, the ezones are about protection existing natural resources.

Mindy highlighted testimony received to date. Because this project impacts roughly 17,000 properties, there has been a lot of public engagement leading up to the proposal.

Impacted property owners have received three mailings over the past 2 years and have been invited to multiple meetings and events to learn about the project. But the biggest effort that is still ongoing are the site visits.

*Commissioner Magnera:* We've been talking about a transition from a conversation about leading with race versus this project. And if we're trying not to move too fast, how can this project reframe or integrate on the racial justice lens? How does the map interact with displacement and changing zoning and community impacts – or making property values go up and making them inaccessible?

- Mindy: The project is in response to the 2035 Comprehensive Plan and protecting natural resources, which we have not been doing well yet. This is about protecting resources where they are now. The reframing question is probably for the PSC to look at. The majority of resources are in primarily in areas that are white and wealthy, not in high-risk or vulnerable communities.

*Commissioner Bachrach:* I have major concerns about this project. We had our first briefing 2 weeks ago instead of the very start, when the concerns *Commissioner Magnera* highlighted. Why this project? Is it the right allocation of resources? Picking up on the comment that this project doesn't look like we're viewing it from the people affected – it's more property-by-property instead of looking at the impacts. We've received repeated questions, such as "can I replace my house?" the answer we heard is "in most cases, yes"... but this is disconcerting and can leave people wondering and with lots of questions since we didn't review it from the property owners' perspectives.

*Commissioner Houck:* We have all sorts of Comp Plan policies, and work has been done. The citizens of the city want to maintain quality of life and ecological integrity – this is what we've heard. What we're doing right now is simply correcting mapping errors by using more refined technology. Protecting the remaining areas is key to the Climate Action Plan. We also need a finer-scale look to truly address issues of impact on communities of color.

### Written Testimony Received

#### **Testimony**

1. Daniel Newberry, Urban Forestry Commission: The UFC had a similar briefing and discussed the project. We support it, but in talking about equity, this comes up in most BPS projects – there never seems to be an opportunity to advance equity, but that's based on how circumscribed about what each project is supposed to do. East Portland doesn't fit into this project, but there are other ecological aspects in that area of town that could be addressed in future projects. Think early on to come to the UFC to help scope to help address equity issues.

*Commissioner Bachrach:* By expanding the ezone, one rationale is to protect more trees. Can you give insight into what additional protection that provides beyond City Code?

Daniel: In terms of Title 11, it's not so much about protecting trees; it makes it very expensive to cut them down in various situations.

2. Chris Gedrose: Criteria used to create zone boundaries. I believe my lot was incorrect in the 1991 plan and still within this project.

3. Bob Sallinger, Portland Audubon: Strong proponents of this project to protect the urban landscape and our communities. Resilient and equitable landscapes. Today is just updating the maps to make sense they're accurate so they align with where the resources are. It's incredibly important to deal with now, and policy can be updated down the road. *See written testimony.*
4. Josh Ekandem: Supports the Ezone project, but about a quarter of our home is in the ezone. My concern is that it will be unfathomable to develop. I'd like a site visit to determine if all the yard area needs to be reclassified.
5. Laurie Rutenberg and Gary Schoenberg: Our home has been the center of our rabbinic work and our community. The remapping eliminates opportunity for future developments on our property. This leaves us without the ability to provide for ourselves in our retirement. A compensation plan for fair market value needs to be set. *See written testimony.*
6. Matan Swissa: Property on Terwilliger. Main concern is that don't feel that we're as educated about what may happen with our property values. We need more information and tools from the City to explain to us.
7. Rachel Essig, ED, Riverview Cemetery: We value the environment that makes our place. Proposed changes have inverse effects on our property and community, and we do not feel heard. We want to work with the staff before the adoption of ezone changes. I speak not only for Riverview but for other cemeteries in Portland.
8. James Billingham: I am supportive and want the project to move faster. It's a key development for my property.
9. Silas Beebe: 2425 NW St Helens Rd. The Ezone project missed 2 drainages in this lot, one of which is even flowing at this time of year. The buffer overlay was also a bit confusing. I am supportive of this project. *See written testimony.*
10. Chris Peskin: Oppose. The City needs to recognize wildfire risks. PF&R has mapped extreme wildfire risks in similar areas. And BDS' planning recommendations are incongruent with 33.430.
11. Lewis Granofsky: On the big picture, it was great to hear. I want to note that I appreciate and support the work, but we have to slow down. The technology is not perfect. But people just got noticed
12. Roma Barman: Buffer Zone on NW 33<sup>rd</sup>. Livability in Willamette Heights is an important issue to us all. Please visit our sites.
13. Matthew Miller: Property is in an ezone but potentially we couldn't rebuild. We also have issues with tree removals. The rules make it hard for small property owners to maintain and live on our property.
14. Joyce Montgomery: We were told our property was mistakenly included, but I'm not sure if that's accurate. We tried to clarify with staff but haven't heard back yet. We are in unincorporated Multnomah County. On maps, our property is surrounded by open green



spaces. Please let us continue our rural farming life.

15. Les Blaize: 9630 NW Skyline Blvd. Advocate and steward of Forest Park. I want to protect the park. Goal 5 is exactly the same as the wildlife and tax referral. This is a huge financial burden.
16. Carl VanderZanden: Maps are not accurate. I'm on Newberry Rd. The lower third of my property has historically been used. The ezone was first erroneously overlaid over that, but it still covers large, historical disturbance areas. By doing zoning this way, it is inequitable. The City zoned much of this area into smaller parcels, then the ezone came. It is practically impossible to replace a septic system now than the system itself costs. The public involvement process is skewed and unfair.
17. John Gibbon: SW Portland. Proponent of the ezone generally. I am concerned over the effort in that it does not adequately appreciate the impact on the already-built environment. Delay is appropriate. Zoning being proposed is taking over an area of completely engineered rock channel.
18. Stu Smucker: Residential property that abuts an industrial property. In favor of retaining the b-overlay. Request for 2 additional drainage streams. *See written testimony.*
19. Dominic Corrado: Bought my property in 1991 before any overlays existed. My property has come under attack at least 3 times since then. This project takes back 1500 square feet, which shows its inaccuracy. Zoom is not an allowable way to encourage people to testify. This project is totally unnecessary.
20. Darin Honn: Generally support the overlay zones if they comply with the actual development of the neighborhoods. I'm concerned about the wildfire issue. We need to create some buffers.
21. Harish Patel: Description of the area around my house is completely wrong. Staff visited, but I want to be sure the record shows I just have grass and weeds – not trees. I support the ezone, but there is nothing on my property on the map.
22. Leslie Goss: Unincorporated Multnomah County. Site visit in April 2002 and in February 2020. Nothing has changed in the interim, but moving from a czone to a protection zone with a conservation zone and calling it a "correction" seems disingenuous. We are hiring a biologist to review Volumes 2 and 3. I look forward to testifying at the next hearing.
23. Mark Wuttig: SW Evergreen Terrace. The p-overlay on my property doesn't meet the values that define a p-zone. *See written testimony.*
24. Stephen Griffith: SW Taylors Ferry Rd. Severely impacted by the overlays. We believe in protecting the environment, but the ezone report removes language that impacts a balanced approach. We believe the c-zone should be removed from parts of our lot.
25. Jamie Green: The equity question – the response was that it's primarily white and wealthy is hurtful. We should look at ageism perhaps too. I was aware of the environmental overlay when I bought my house. I don't have the cash that's assumed that I can just rebound by your taking the property from me. I'm close to retirement, so there is a level of assumption that isn't the

case. Consider that this program is not equitable or fair. Maybe consider grandfathering existing zoning.

26. Tim Ray: Request to have additional information so land owners can make informed decisions. I'm not in favor of how the zoning has affected my property.
27. Lynn Fox: John Holmes is my neighbor. The proposed p-zone on my property isn't accurate at all, and it needs to be corrected. Request adjustment so majority of my home is shown outside the p-zone.
28. John Holmes:
29. Tim Ramis: I'm a lawyer representing a number of property owners. A question: as members of the planning body, we live with a statutory prohibition on discretionary housing. They have to be clear and objective. How are you making this project work under that statute and the criteria that apply in this project that appear to be discretionary?

*Chair Spevak:* Not all housing needs to be done with clear and objective standards (i.e. historic and Central City).

30. Robert Griffith: Riverview Abbey – my brother spoke previously. We request a site visit and believe conservation zones were incorrectly placed on our property. *See written testimony.*
31. Karen Rafnel: 1250 Englewood Dr. Equity is in our land. The proposed p-zone on our RF property is nearly ½ acre in size and overlays a man-made lined pond and recently-installed pond plants and drainage swail. We need flexibility in these areas. *See written testimony.*
32. Christopher Robinson: What might be helpful for people is when you're doing mapping if you can include the 25' transition zone on the map, that would make it clearer for people to understand where that is. I do feel like it's awkward having this conversation following the previous... "me" issues versus "we" issues.
33. Devin Holmes: Bridlemile Neighborhood. Bought based on ezone maps at the time of purchasing our home. Thank you to the ezone staff for their input and site visits. Support the project if the team continues to work with individual owner property rights.
34. John Holmes: Here on Lynn's behalf to share the inaccuracies in the zoning map. It shows the new p-zone literally under her house, trying to preserve a creek, but this is just an enclosed swail. If you could actually show visuals in this format, it could be helpful.
35. Logan Ramey: 2004 my family agreed to see acres next to Forest Park in exchange for City building. The new rules makes it even more difficult to sell our land. The City should honor its agreement and not change rules again.
36. Kim Johnson: 2 properties are being affected. We are not happy with the results of the site visits. We like to have our tree line, but now the conservation zone is encroaching on our house. We will provide written testimony.

*Chair Spevak* closed oral testimony at 7:15 p.m.

We are continuing this hearing to December 8, 2020, at 12:30 p.m., in a virtual setting such as we are holding today's hearing. The written record will remain open until August 31, 2020, the date people need to request a site visit by. The written record will reopen on November 17, 2020 in advance of the December 8 hearing.

## **Discussion**

Mindy re: clear and objective standards. Please see 33.430.140 (general development standards for new structures in the ezones).

On the b-overlay, we are not proposing to remove or change the buffer zone. Sorry that the MapApp is confusing on that overlay.

Riverview Cemetery: Sorry that Riverview did not receive our communication back. We have written an exemption that we hope PSC will consider to specifically address this concern. It's in the proposal based on her input at a previous conversation. It's already in the proposal.

*Commissioner Schultz*: Understanding of the conflicts of being in a fire hazard and how the adjacency interacts. I am looking to staff as we've done on previous projects that there is a cataloguing of testimony per address with concerns and resolution and/or staff's position.

- Mindy: We are cataloguing testimony, phone calls, and emails. That will come back at a future PSC briefing. The fire hazard has been discussed with PF&R and Firewise Community. The best way to reduce fire hazard is to remove invasive species and plant native. 33.430 exemption allow removal trees and branches within 10 feet of existing structures.

*Commissioner Smith*: I am happy to get a memo later on about some of these questions. Want to understand the nuts and bolts of the mapping process – what is based purely on technology versus human judgement? Topic of ESEE analysis was brought up – this is the tool environmental versus economic versus social values. Where does ESEE fit into this whole process? I also want to understand why we're doing this legislatively instead of quasi-judicially. What about septic systems and moving them? What is our authority over unincorporated Multnomah County in this work? How does this project effect housing capacity overall?

- Mindy: On the ESEE, when we're doing this update, the plan complying with Metro's Title 13, which is in compliance with State Goal 5, for riparian areas. We have completed an ESEE for uplands. We can do a finer-grained ESEE for riparian areas. We will provide written responses. Re: septic, I want to explore this more with BDS before responding. Re: new parcels, When a property is subdivided into parcel, the standard can be used on each site. It's different from a subdivision, which typically has a tract put over the stream.

*Commissioner Smith*: For the sake of transparency, I have enjoyed the hospitality of Rabbi Laurie and Rabbi Gary at their home for an event completely unrelated to this project.

*Commissioner Bortolazzo*: On the tree canopy criteria, is that the only that was applied in some cases? On preliminary plat approval that took a while, what happens – is it grandfathered in? There were a number of people who didn't get direct and clear answers, so I want to be sure we have a tabulation of testimony and how it's being addressed.

- Mindy: There are lots of exemptions about tree removal that we've discussed. Re: plats, Applied or received on permits is based on current code, but there are timeframes about when action needs to happen.

*Commissioner Bachrach:* Was tree canopy considered a natural resource in the last process? Mindy: Yes. About replacing a house that is burnt down or torn down, can you detail the exceptions? Someone testified about hiring a biologist – but most property owners can't do that. I think we need to help owners present their best case. We need to think carefully about imposing on properties when they haven't had a chance to visually present their sites.

- Mindy: Maintenance, repair and replacement within the existing footprint is exempt for 33.430 – there are no additional reequipment based on code. But there may be other requirements such as landslide hazard or floodplains that could impact where replacement is allowed. We will respond in writing. We expect to bring back all testimony with visuals and any changes we make based on site visits.

*Commissioner Magnera:* How did you determine which site visits you did?

- Mindy: Postcard to all effected owners, followed by a letter, requesting for staff to come out to visit (we can't go out without an invite). There are larger properties we have been working with all along as well.

*Commissioner Magnera:* How did you think through who was likely to respond? For someone who is BIPOC, getting a letter from the City is a potential risk. How did you address outreach? I'm worried we're not hearing from all voices of property owners.

- Mindy: We have continued to have conversations about the best way to figure out through communities to get people's attention and responses. We have struggled with this. I would love suggestions on how we can better do this outreach and help people who may feel threatened by letters and postcards from the City.

*Commissioner Houck:* I've read through all the written comments and my take was: The letters were very thoughtful; . Many to most were about their ability to make minor modifications, not opposition to the project; making minor changes. Lots of questions about accuracy. Several want to expand environmental protection. Some want to expand ezones. Tone of written comments was far more measured and in support of the project. more open than some comments tonight As I said at the opening this project benefits everyone in the city. It's consistent with the Comp Plan and many other city policies, and as Mindy said the city is obligated to implement Metro's Title 13 program. It's also totally consistent with the need to address Climate Change. This is about protecting the city's natural green infrastructure. This is not a new policy. It's truly what the staff says. It's a minor change to reflect on the ground reality. I appreciate Chris' comment on the ESEE analysis. Staff has done a great job frankly. They did over 400 site visits. 179 written comments out of 17,000 Measure 56 letters sent. It's about addressing climate change and protecting the city's green infrastructure. It's minor change to reflect reality. Staff has done a great job – 400 site visits. We regulate what people can do on their property all the time (e.g. heights number of units and the list goes on) all of which affects property values.). Why is it not acceptable to do the same to protect the city's natural resources?). To Jeff re: Audubon, Staff is working with everyone who has requested assistance or visits.

*Chair Spevak:* There are comments about trees extending over property lines and what that means for tree canopy. Fairness of treatment and proximity to neighbors – how is that handled? The free

adjustment people can apply for – it still takes staff time to process. Is there precedent in the fee structure as an equity issue to flag as well?

- Mindy: Forestry Use is exempt under the Zoning Code. Corrections to official zoning map is 33.855.070 – not specific to ezone mapping. If there is an error, we correct the errors for free if we determine there is one.

*Commissioner Routh:* A number of my questions have been asked. Re: site visits and communications, we're in the time of COVID, and letters from the City can be scary for recipients. We know there are people who want site visits but people didn't feel comfortable having others on their property. What can we do on this issue in this moment?

*Chair Spevak* reiterated the timeline for the project: We are continuing this hearing to December 8, 2020, at 12:30 p.m., in a virtual setting such as we are holding today's hearing. The written record will remain open until August 31, 2020, the date people need to request a site visit by. The written record will reopen on November 17, 2020 in advance of the December 8 hearing.

## **Adjourn**

*Chair Spevak* adjourned the meeting at 7:50 p.m.

Submitted by Julie Ocken