

Portland Planning and Sustainability Commission

August 24, 2021

5:00 p.m.

Meeting Minutes

PSC Commissioners Present: Jeff Bachrach, Johnell Bell, Ben Bortolazzo, Jessica Gittemeier, Katie Larsell, Oriana Magnera, Valeria McWilliams (arrived 5:25 p.m.), Steph Routh, Gabe Sheoships, Eli Spevak, Erica Thompson

City Staff Presenting: Eric Engstrom, Mindy Brooks, Daniel Soebbing, Sallie Edmunds, Emma Kohl

[Documents and Presentations for today's meeting](#)

Chair Spevak called the meeting to order at 5:01 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

- *Commissioner Larsell* provided a little editorializing about the events of the weekend with the Proud Boys and Antifa. The altercation was about 2 miles from my house, and I'm upset about the sense that it was good that it was in East Portland. This is part of Portland, and whether that was the media's spin, or if downtown is just getting tired, I would appreciate East Portland getting respect.
- *Commissioner Routh* thanked *Commissioner Larsell* for this statement. It was gutting to see this happen at Parkrose High School and dealing with the aftermath of this.

Consent Agenda

- Consideration of Minutes from the August 10, 2021 PSC meeting.

Commissioner Gittemeier moved the Consent Agenda. *Commissioner Routh* seconded.

(Y9 – Bachrach, Bell, Gittemeier, Larsell, Magnera, Routh, Sheoships, Spevak, Thompson)

Ezones Map Correction Project

Briefing: Mindy Brooks, Sallie Edmunds, Daniel Soebbing; Emma Kohlsmith (BES)

Presentation

Disclosures

None.

Mindy introduced tonight's agenda. This is a public hearing on the Ezone Map Correction Project. She provided an overview of the project and its scope. She provided examples of what we're fixing with this more accurate mapping we have today.

The 'c' and 'p' zones are being updated in this project.

Daniel provided an overview of the 7 groupings of amendments that are now included in the As Amended Draft Report:

- Feature map corrections
- Wildfire risk and vegetation management
- Trails
- Septic systems
- Flood control facilities
- Scenic corridors
- Wetland policy
- Miscellaneous

Daniel provided a summary of testimony. This is the third public hearing on the project (July 2020; February 2021; and today). The primary concerns we've seen are:

- Feature map is incorrect (majority are corrected).
- Mapping protocol should be changed.
- No dispute over feature mapping, but ezones are too restrictive or may impact property value.
- Request to increase protection for certain resources.

For this hearing, more than half the testimony came from individuals who have previously testified.

Staff from BES will offer wetland determination site visits in spring 2022.

Written Testimony Received

Testimony

1. Larry Crawshaw: We need to protect entire ecosystems, not just specific species. This project has done a very good job at protecting our environment. I want to thank you for a really good job. All the details are good, and I'm close to Area 21 (Arnold Creek), and the maps jive closely with what I want protected. Including seasonal streams, seepages, and springs is really

important as well. Thank you all.

2. Chris Gedrose: You are proposing land use planning that doesn't account for the underlying land use – you don't map streets or houses, so my bedroom is part of a zone that the rest of my property is not. Tree canopy is justifying this boundary – all I have is big-leaf maples, so the zone is expanding as the trees grow. If I was in the middle of the zone, I'd have 3500 feet to develop; but I'm the end, so I have no growth option.
3. Roger Brown, Friends of Marquam Nature Park: Proposed for the south portion of the park is the standard riparian corridor with some steep slopes in the 'p' zone with 'c' zone being the rest. The north part of the park is correctly zoned. We want to correct this so the south park is a 'p' zone in its entirety.
4. Dominic Corrado: I want to comment specifically on the process, which has been heavy-handed and not at all inclusive. This setting is beyond my technological knowledge. Zoom is not understood, and I've already forfeited my property to 'e' zones. There is a human toll for this, and it's a constant anxiety knowing we're under attack to take our property.
5. Douglas Kinnaird: Thank you for implementing the corrections. Lady Bird Creek. We have a well on our property that is subterranean during the dry season but has surface flow in the wet season. We have invasive vegetation and human destruction – what was once 22 undeveloped acres, it has been reduced to 10 acres. We support the expansion of the e zone here and include our property with an environmental tract. BPS staff are conducting a review tomorrow. *See written testimony.*
6. Chris Peskin, Firewise Community in Forest Park Neighborhood: There is a discrepancy with the wildfire risk report. Defensible space is needed. Portland homeowners are left with limited opportunities here. The map correction project should improve code or the ezone mapping protocol itself.
7. John Gibbon: Three issues related to Quail Park. An intermittent stream with a 'c' zone designation is ok but not the 'p' zone. The drainage features lead through the common property. The upper drainage is from Huber St, and the stream was turned as part of the PUD approval in the early 1970s, so water was directed into the stream to build about 10 houses. The steam bank is critical to protect houses. With a 'p' zone as recommended, we will have a terrible time retaining the rock wall. Both drainages cross directly over a sewer line and need to be protected, but by physical structures rather than 'p' zone designations. *See written testimony.*
8. Gary Schoenberg & Laurie Rutenberg: Our 5 acres are being rezoned to an 'e' zone covering 90% of our property. Three questions about the project: Is the project fair? Is it just? Is it right? *See written testimony.*
9. Andrew Berlinberg: Protecting environmental resources is great, but there are trade-offs: The housing emergency is one major issue. Please recognize the trade-offs.
10. Lynne Chao: I am fighting for the streams. There is not consistency in the plans and reports. Statewide Planning Goal 5. Think about carving away a forest the size of Disneyland in one

stroke. *See written testimony.*

11. Amanda Spencer: 2 tax lots that are proposed for rezoning. I don't the technical reasoning behind the rezoning on my property. If it is rezoned, it essentially lose all value – and I won't be able to sell it because no one will want to buy it. I don't see any value in doing this in the city. 50' length of ditch to make my property less valuable isn't equitable.
12. Cassandra Dickson: Thank you to project staff. I am asking for more 'p' zone support. I'd like staff to meet with other environmental groups who have expressed concern for the Skyline area, the highest elevation in Portland. There is so much water that flows from here, and Portlanders should know and should have a say in the protection in an area with such an impact on the overall community.
13. Teos Abadia: We are asking for 'c' to be increased to 'p' behind our house to create a full corridor. This highest area in Portland with steep slopes make protection important (e.g. like Powell and Rocky Butte). Special habitat is critical for wildlife. And with climate change, it is impacting which trees can grow in Portland. We are working with the landowner at the top of Cornell Mountain too. Please consider extending the 'p' zone here. *See written testimony.*
14. John Rawlins: My concern was one that the complexity of the new proposed mapping are difficult for homeowners to navigate. Existing maps are straight lines and gentle curves; the new ones have small, intricate curves. If I want to do any development, I could not identify where the conservation and protection zones start and end, so I want to normalize the lines into more understandable curves, so with the new zones, homeowners can understand them.

Commissioners' Round-Robin

Commissioner Gittemeier: What is staff's response to people interested in moving from 'c' to 'p' zones? Is this a viable option?

- Daniel: We visited the site at the top of Cornell Mtn, and I agree with the comments that this is a very unique and important habitat area. But we have told them that this is a correction project and staff are not proposing to change the protection policies. I encouraged them to testify.

Commissioner Thompson: I see a fair balance of support and opposition in testimony. I'm curious about how we tabulate the most frequent sentiments (e.g. letters that have about 25 supporters), so I want to be conscious of how we're summarizing that. Some people are concerned about being downed from 'p' to 'c' with a covert reason. If the 'e' zone is being downgraded, was it just a mapping error correction or does it include ESEE details? Can only a homeowner request a site visit? What about public right-of-way or public land?

Commissioner Bell: Thanks for everyone's testimony. Relative to the comments about fiscal/economic impact, can the City respond to that to help me understand the options for folks who may be negatively impacted?

Commissioner Magnera: My question for staff is to consult with the state department of forestry about the fire danger and wildfire factor – I'm now more concerned about Forest Park. I want to understand if it feels sufficient to land where we did; and what kind of management practices can be used by someone with a stand of trees on their land to provide better options re: fire danger.

Chair Spevak: Interested in the expanding of the 'p' zone by request – I think this should be tied to a particular environmental feature. I'm also interested in the "straight line" comment.

Commissioner Routh: We have heard question about policy, though this is primarily a mapping project. Are we looking at a complimentary policy-related project in the future? Wildfire risk. Understanding the map as a user experience. And what about people in a wetland designation – I want to confirm that is going to be reviewed by BES this spring?

Commissioner Bachrach: People mentioned the property on Crystal Springs Road. Can staff evaluate property with evidence based on the objectives so we can see this? I think there is some subjectivity sometimes that I'd like to see. Gedrose property – I'd like to understand this better. The fire issue and further input. I understand the specific request that there is a City report about a fire break that we should modify e zones to be consistent with that report. And the difficulty for homeowners to figure out where the lines are on their properties... I don't know what the answer is, but this is one more issue for property owners. In written testimony, there were 2 properties that there was no evidence about wetlands (Pacific Habitat). Is the e zone using a different definition of wetland? And what about the economic impact as this affects individuals in a way that they didn't understand when they bought their property.

- Mindy: BES is using the Army Corps and DSL mapping definitions and protocols; they would follow the state and federal definitions and guidance. If someone provides a wetland delineation that follows the state and federal requirements, we will use that information in lieu of the wetland determination.

Commissioner Larsell: I want to thank staff for their diligent work. Can staff reiterate the path that property owners will need to go through if they dispute the map changes and we accept the report? I look forward to seeing the same reporting as we received earlier with the complaint and results.

Commissioner Bell: I would also ask as we're developing the maps, I'd be curious to look at overlays with demographic and socio-economic information to have a fuller picture.

Commissioner Sheoships: I concur with *Commissioner Bell's* request, which would address the heat islands, which are disproportionately close to communities of color and low-income folks. Thank you to staff for the corrections and site visits.

Commissioner McWilliams: Thank you to staff, and I appreciate the testimony we received. I echo many of the comments from commissioners tonight. I'd also like to see some of the zoning codes on the properties so we see the potential for redevelopment to higher density if that is an option on any of the properties.

Oral testimony is now closed on the Ezone Map Correction Project. The written record will remain open until Friday, September 10, 2021 at 5 p.m.

Staff will prepare a memo and will share it a couple weeks before the last work session. If Commissioners have further questions or want to clarify your input from tonight, please email Mindy and Daniel.

Staff is doing site visits through September 9. Please put in your requests by tomorrow afternoon, Wednesday, August 25.

September 28 will be the last work session and final vote on the package with the PSC. Then we move on to City Council.

Chair Spevak continued the project until the September 28 PSC meeting when we'll have a work session and make our recommendation.

Adjourn

Commissioner Spevak adjourned the meeting at 6:32 p.m.

Submitted by Julie Ocken