



Portland Planning and Sustainability Commission

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October 25, 2021

Dear Mayor Wheeler and City Commissioners:

The Planning and Sustainability Commission (PSC) offers our support for the Environmental Overlay Zone Map Correction project, currently scheduled to come before City Council in early 2022. The PSC voted 9-0 on September 28, 2021, to recommend the proposed map corrections and zoning code amendments.

Environmental Overlay Zones (ezones) protect natural resources like streams, forests, and wetlands. The ezones allow for new development that meets Portland's housing and employment needs, while ensuring that impacts to natural resources are minimized and mitigated. Ezones also preserve the character of Portland's unique neighborhoods, protect against natural hazards like flooding and landslides, and contribute to resiliency to climate change.

The ezones were applied through the adoption of 13 area-specific natural resource protection plans between 1990 and 2003. They were originally mapped using techniques that are outdated by modern standards. Portland's current Natural Resource Inventory (NRI) employs computerized mapping techniques that are consistent with regional standards. When the NRI was adopted by City Council in 2012, it became apparent that there were miles of streams and acres of forest and wetlands that had been left unprotected by the ezones. The Ezone Map Correction Project is proposing corrections to the ezone maps that are consistent with adopted natural resource protection policies. Ezones are being extended to apply to the resources that were missed when the original maps were adopted, and they are being removed from areas where they should not be applied.

The PSC conducted three public hearings between July 2020 and August 2021. The public submitted 388 pieces of written testimony, and dozens of people testified by Zoom video conference. While some people testified to the importance of maintaining and even increasing protections for natural resources, a number of property owners expressed concern about the



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potential impacts that ezones could have on their sites. This included concerns that future land divisions, sales or development could be made more difficult or complicated by ezones. Staff compiled the testimony into a large spreadsheet so that the PSC could review the amendments to ensure that ezones were being applied in a fair and equitable manner.

The PSC made several amendments to the proposal, which included:

- Map Amendments:
 - Corrected feature maps to reflect the results of 200+ site visits and 200+ wetland determinations that were conducted during the hearings process.
- Code/Policy Amendments:
 - Wildfire Related Amendments:
 - Clarified exemptions that allow for tree pruning around homes and structures to say that branches that are located above homes can be pruned or removed, no matter how high they are above the house.
 - Added a new exemption for the creation of fire breaks between vegetation patches to allow homeowners to manage flammable fuels and vegetation in ways that are consistent with state and local recommendations.
 - Amended the exemption for trails to align trail widths with ADA recommendations. The proposed maximum allowed width increased from 30 inches to 36 inches.
 - New standards and exemptions for septic systems. This will allow property owners to make necessary and required replacements of failing septic systems on lots with extensive ezone coverage without the need for an Environmental Review.
 - Standards for minor changes to flood control facilities that will allow MCDD or BES to make OSHA-required safety improvements without an Environmental Review.
 - Clarification of scenic corridor setback standards to exempt areas that are located in both ezones and scenic corridors from required street setbacks. This will allow for new development that avoids impacts to natural resources without the need for a land use review to modify front setbacks.



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- Consistent wetland protection policies: The PSC voted to approve the wetland mapping methodology that is employed by the BES Wetland Inventory Project and to apply a minimum level of ezone protection in all resource sites in which wetlands weren't previously protected.

The PSC would like to thank BPS staff, in particular Mindy Brooks and Daniel Soebbing, for their diligent work on this project. They conducted extensive public outreach for nearly two years prior to the start of PSC hearings and continued these efforts throughout the PSC process. That included over 600 site visits to verify resources and explain the ezones to interested property owners. Separately, the Bureau of Environmental Services staff and their consultant conducted over 200 wetland determinations that were used to correct natural resource mapping, ensuring that the proposed ezones are mapped using the most accurate information possible. We also share appreciation for BPS environmental team manager Sallie Edmunds for her tremendous leadership of yet another land use project.

The PSC recommends that City Council acknowledge this hard work by City staff and adopt the Ezone Map Correction Project as amended.

Sincerely,



Eli Spevak, Chair



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