

# Karen Rafnel

**#331483 | February 18, 2022**

## Testimony to **Portland City Council** on the **Environmental Overlay Zone Map Correction Project, Recommended Draft**

Dear BPS Team and City Council Members: Thank you in advance for reviewing and responding to our 021822 p-zone testimony, in which we strenuously oppose the Western half of the proposed new p-zones env overlay affecting 20% of our property, and overlaying long-standing farming uses and structures, such as our flag road and our private drainage easement. This is our 3rd testimony on this matter, and we are exhausted! We have covered much of this in prior testimonies, and with many accompanying attachments. We have never received a response to any of our testimonies. Our proposal, for the reasons cited below, is that the first 90'-100' x 50' of the Wetland P-zone overlay be removed from the map, as it is unnecessary, inaccurate, and burdensome. The drainage easement can be seen on the attached survey. Storm water from a lined agricultural pond (immediately west), and from the engineered swale around the pond's edge, flows directly into a large buried pipe on the pond edge, then east beneath our flag road, and east across our pasture within private drainage easement. The pipe surfaces after 150', and surface water is carried another 60' to our eastern property boundary via channel. As spelled out in our Type III partition approval and land survey, property owners are obligated to maintain this drainage easement. This would leave a p-zone of @60' x 50' feet on our property, protecting surface storm water runoff through the drainage easement. We've lived for more than 20 years in our rural highland neighborhood of small farm properties, which lies in unincorporated Multnomah County, west of Tryon Creek Park. Our neighborhood, zoned RF (Residential Farm) for 20 years, and R40 for decades before that, uses private septic systems, manages its own County road and storm water runoff. Residential Farm means that development is restricted to just 1 home per 2 acres. Our property is relatively flat, with a gentle slope eastward. It has been an active farm for 70-100 years, and is today composed of two tax lots, the Northern (1 acre) and the Southern (2 acres) Tax Lots. The Northern Tax Lot has our home and a barn, and the Southern Tax Lot has a barn. A flag road provides access to the barn of the Southern Tax Lot. Figure 1 Figure 1 is an aerial photo from 1961 our neighborhood, with our own property shown within the white border in the center of the photo in the upper right, part of lower left, and all of lower right quadrants. The street is identified by the long double row of trees in a straight line on the left in the photo.) Figure 2 Figure 2 is pg 1 of the land survey of our property, and it shows the private drain easement between our properties, labeled here as Parcel 2 and Parcel 3. The proposed pzone overlays the drainage easement, but is 50' wide. There has never been an environmental overlay on our property. However, the new ezone map "correction" project proposes a Wetland protected-zone that covers, altogether, more than 24,000 sq ft. on our Northern and

Southern Tax Lots--20% of our property. More problematic than the overwhelming size, is the location of the proposed Wetland P-Zone. • On the Southern Tax Lot, the Wetland P-Zone is placed along 225' of its frontage. It also entirely covers a large section of the Flag Road for the Southern Tax Lot. • On the Northern Tax Lot, the proposed Wetland p-zone covers 9200 sq. ft., including 1/2 of our crib barn, and 2000 sq. ft. of the roadway behind the barn. This proposed p-zone Wetland overlay is unnecessary, inaccurate, and burdensome. Unnecessary. The p-zone land proposed for protection is already being protected in 5 different ways: • Much of the proposed p-zone area overlays a 20-year old recorded privately maintained drainage easement, 225' long x 10' wide. • Portland's existing housing development codes already preclude development on or near drainage easements, water bodies, and water ways. • Our Neighborhood Covenants already preclude development within 25 feet of any property boundary. The proposed p-zone wetland overlay is in a property boundary zone between the North and South Tax Lots. • RF zoning already provides great protection for the land with a home per 2 acres. On average, our neighborhood properties are therefore already about 85-90% pervious surfaces for maintaining water quality to the Park. • View covenants we put in place with nearby neighbors already restrict future development sites to a location near the Southern Lot's current barn, more than 100' from the drainage easement.

Inaccurate The proposed p-zone is inaccurate in several ways. We'll speak here about the most vexing one. The biology soil study conducted by Portland Planning and Sustainability Commission biologists work ignores land disturbance conditions on and around the property. The area we question most is 90 feet of the overlay running west-to-east, just south of the gravel road apron, the area biologists tested extensively. One hundred years of farming has left this soil heavily disturbed. Also, in 2016, 100 cu ft. of mud from a pond repair was plowed into the soil in this area.

Furthermore, perforated drain pipe in the flag road, is currently directed to the spot where biologists tested, the purpose of which is to mitigate new surface water flow over our flag road from a home development in 2016. Thus, the wetness observed in this section is due, not to historical flow, but to the results of new home construction to our immediate west. The soil level for the neighboring construction was raised significantly along 200' of our western property boundary, significantly altering waterflow from western storm street runoff and neighbor's irrigation water onto our property. These events have resulted in a wet area in the western half of the proposed p-zone, beginning in winter 2015. We are still working with our neighbor to mitigate wetness impact in this area. Thus, the area is not a wetland. The disturbed soil here invalidates use of soil testing for identifying it as a wetland. There is no hydrophilic vegetation here. Incidentally, we have been unable to review the wetland analysis (soil or plant data & analyses) we allowed to have conducted on our property in 2021. We had been told the biologists were there for our use and were "disinterested", and we were promised the soil data, but instead we were denied. We don't understand this.

Burdensome This land is a key retirement asset. Unnecessary p-zones restrictions would be a serious blow to the value of our property. Resolving any issues that arise will be difficult, time-consuming, and needlessly expensive, as the resolution approach to any issues seems to be "get an environmental land review". We've done an elaborate Type III Land Use Review, and believe me, we don't have that in our budget. Ms. Mindy Brooks stated that this project only

affected “white, rich people”, (as if that makes it okay). If that statement doesn’t appall you, let me be clear that we do not fit her description. An additional frustration, is that our neighborhood and its uniqueness relative to the rest of the jurisdiction is completely unknown to the BPS team and City Council members. City Council and Mayorship is not even on our ballot at election time. This isn’t fair, and it adds to the burden of sussing all this out, and working through the issues. In summary, the proposed wetland p-zone on our property is unnecessary, inaccurate, and burdensome. Our proposal, for the reasons cited above, is that the first 90’-100’ x 50’ of the Wetland P-zone overlay be removed from the map, as it is unnecessary, inaccurate, and burdensome. This would leave a p-zone of @60’ x 50’ feet on our property, protecting surface storm water runoff through the drainage easement. Thanks, Karen Rafnel & Dennis Harris NOTE: The figures were not inserted into the above text, and the file attachment browser button did not open my file manager.

Testimony is presented without formatting.