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13153 SE Flavel Street  
Portland, OR 97236  
April 8, 2022

RE: Environmental Overlay Map Correction Project Testimony

Dear Members of City Council:

If you care about affordable housing in the City of Portland, I need confirmation from each of you that my concerns have been heard to ensure this public process does not continue to be flawed.

My background as a civil engineer actively engaged in site design in Portland for the last 33 years will hopefully give you a unique perspective on the matters at hand.

I purchased my 2 acre R-10 parcel over 30 years ago which in theory would allow for 8 developable lots. At around the same time the initial Environmental Overlay was implemented and due to sloped topography the density was reduced to 2 developable lots. I fully support preservation of sensitive lands and accepted the fact the ultimate density would only be 2 lots to preserve natural resources. I proceeded to go through what was at the time a brand new Environmental Review process to build my current home. It was a clumsy process for myself and staff but I was approved as they recognized I was going to be a good steward of the land.

Several years ago BES proposed a map "correction" process not unlike the one in front of you today. They had proposed putting the P-zone line through the middle of my home, would have eliminated the second building site by inclusion into the P-zone, and completely missed protecting an existing drainage way on the east side of the property. I contacted staff, furnished site specific topography, and coordinated with them adjusting the proposed P-zone line to exclude the existing structure, to preserve the second building site in the only logical place onsite on a very small knoll next to the existing driveway, and to add into the P-zone the drainage way on the east side of the property. The result of the public process is the current environmental overlays shown on the attached and is based upon site specific topographic survey and an acknowledgement by staff at the time of the most logical second homesite for the future.

Since that time PBOT has implemented the LTIC program which is basically a development tax for properties whose full frontage improvements are impractical due to topographic and environmental constraints like that which exists on my 300' of roadway frontage. If un-appealable, the LTIC will add \$180,000 to the price of entry just for the privilege to utilize the existing driveway to access a second buildable lot. This renders development of the second lot economically infeasible. Consequently, this amounts to either a taking, or a development tax that was never put before the voters.

Along comes the current map "correction" project and this time the science is much better but the application of the science is flawed with inequities. I am here to testify that the public process is also flawed because again I engaged with staff to point out the inequity in the application of proposed P-zone delineations along drainage ways onsite and in the immediate vicinity of my property, and the fact that the proposed P-line again will render the only logical second homesite further constricted. My pleas have not been considered this time and therefore if you approve the map correction as proposed I

will have no choice but to consider this a taking and will pursue compensation for that taking in accordance with Oregon law.

The proposed plan puts the P-zone, which is unbuildable, right through the little knoll next to the existing driveway because the setback from the drainage way has been applied inequitably and without regard to the only logical second building site. It needs to be reduced in width next to the drainage way to preserve the second building site AND be equitable in terms of widths proposed next to this and other drainage ways on immediately adjacent sites. See attached.

The proposed plan also extends the C-zone further down steep slopes all the way to the north property line which is not accessible, not buildable, and should not be considered as compensation. This area riparian north of the existing C-zone line should remain P-zone and NOT be remapped C-zone, see attached map. The priority of overlay classifications is flawed in this case and if it is happening here it is happening on numerous sites within the City.

The science of mapping environmental overlays over existing rooflines appears to be flawed as well. There is no logical reason for haphazard overlays that randomly engulf rooflines, the technology is available to show these building envelopes as they exist and exclude them from the environmental overlays as existing and permanent disturbance. Staff told me in 2020 that structure footprints would be excluded from the overlays but clearly this has not happened. See attached. This map correction project should not put further burden on property owners and future applicants to make additional corrections. This project should also not be allowed to reduce our development potential at all or further erode our property value.

While the intention of this project is good, the priorities seem to conflict with reality. In my opinion it should be a much higher funding priority to remove homeless campers along the Foster corridor including my neighborhood that routinely use the Environmental Zones as their personal space for fires, toilets, and landfills, and the public right-of-way as their junkyard. Allowing such practices is not only another inequality to the good east Portland stewards of the Environmental Zones (I personally would be placed in an Enforcement case and subject to fines if I abused Environmental areas like that), it also erodes our property values. Erosion of property values in this manner is not the proper way to achieve affordability in the City.

I have seen the development regulations evolve firsthand in this town over the last 30 years and they have brought much more complexity and restriction, and more expense to design and develop which only serves to further erode affordability. In my case pushing the only logical building site further down steep slopes also erodes affordability and may in fact make one more building lot, already severely economically constrained by the LTIC, forever infeasible.

Please ensure that the proposed inequities are corrected before you approve this amendment.

Sincerely,



Dan E. Symons

Attachments: Current vs. Proposed Environmental Overlays, MetroMaps Topography

7/28/20 Testimony, incomplete staff reply email chain

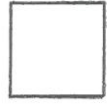
LEAVE AS P-ZONE



DO NOT MAKE P-ZONE



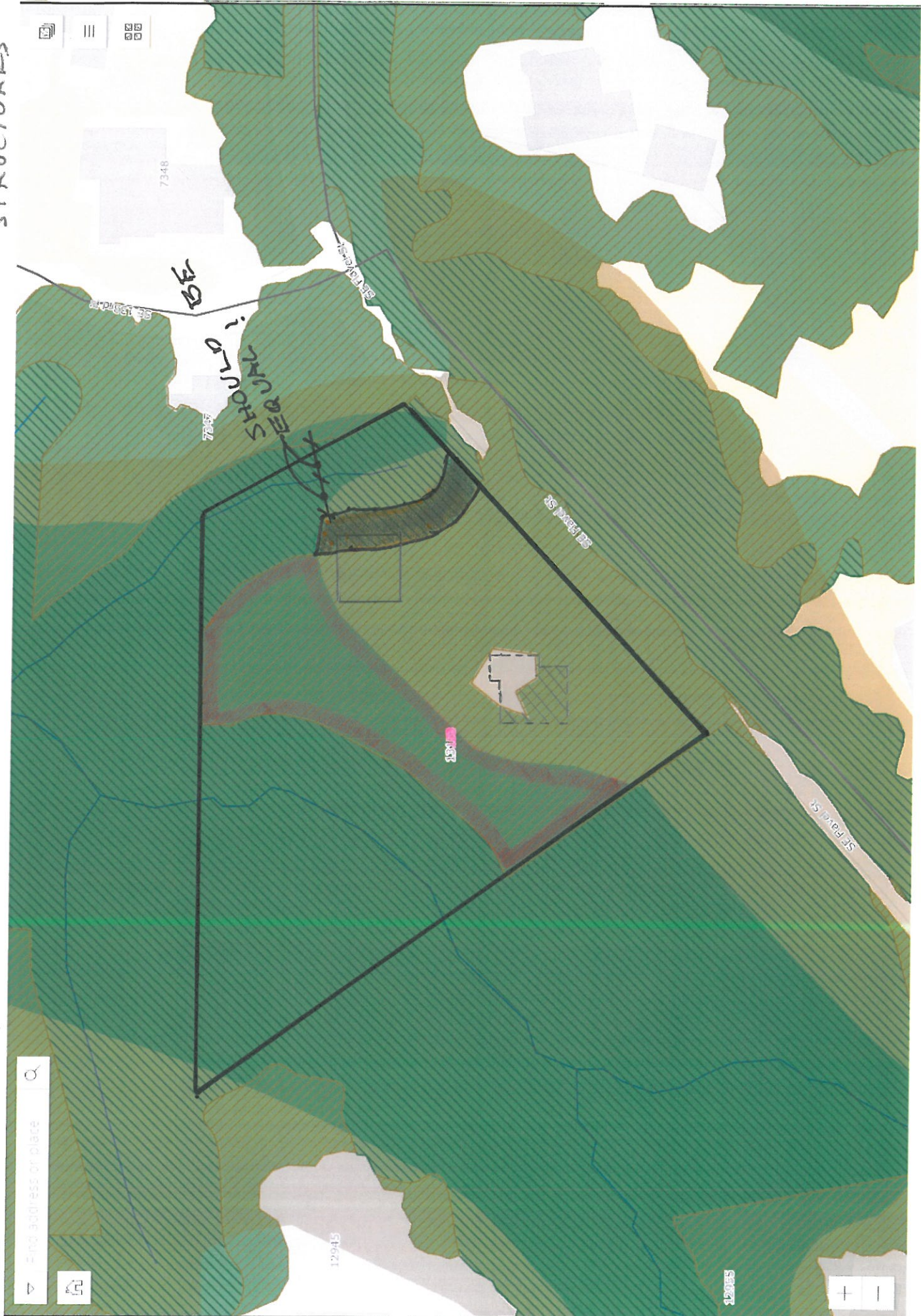
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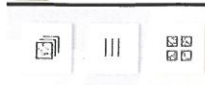
FUTURE HOME ON KNOLL



TAKE OVERLAYS OFF OF STRUCTURES

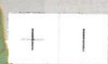


Find address or place

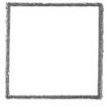


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EXISTING HOME



FUTURE HOME ON KNOLL

