

Karen Rafnel

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

Hi, we're Dennis Harris & Karen Rafnel, our family's at 1250 Englewood Drive in unincorporated multnomah county. Ours is a unique neighborhood—comprising 40 small-agriculture properties. We use private septic systems, maintain our street privately, and provide our own stormwater management. Because of these characteristics, we are zoned Residential Farm and have a very restrictive 2-acre minimum per home site. Our property has zero environmental overlays today. However, an immense p-zone wetland overlay has recently been proposed over the active heart of our property. The P zone would comprise 200 ft. on the frontage of our southern unbuilt tax lot. It would overlay: 1) a section of our lot's flag road, 2) the entirety of our firetruck turnaround easement, and 3) our entire recorded drainage easement. Two key points: 1) First Point: The area BPS identified as a wetland is not a wetland at all. Rather it is a private drainage easement, which carries paved-street storm water, roof, walkway, and gutter runoff for multiple properties, as it was designed to do. It also carries pond overflow through a buried pipe within the drainage easement. This goes back to the point just made about the uniqueness of our neighborhood. Our properties are different from most of those the Bureau of Sustainability looks at today. It is a big mistake to measure this neighborhood using the same yardstick as is used for neighborhoods with public sewage and public storm water management. While a USGS map and measurement of hydritic soil provides a point of departure for identifying natural resources such as wetlands, there are many more facts on the ground to be considered on this particular property to get at the truth of the matter. Many of these facts have been discussed in prior written testimonies, but were not responded to directly. 2) Second Point: We thank Daniel Soebbing and staff for the proposal to amend part of the proposed P zone: Changing the P zone over our flag road and firetruck turnaround easement to a C zone is certainly a step in the right direction. However, this effort should, at a minimum, be taken a step further, so that our flag road and firetruck turnaround easement, which Daniel Soebbing states "are not wetlands", are fully removed from any environmental overlays. Our 2-acre flag lot is not developed. Any type of env overlay on the flag road and fire truck easement means that any kind of single family home developed anywhere on the lot will be stymied by an unknown amount of environmental review cost and delay, just to get up-to-code electricity onto the lot! And, this is probably the tip of the iceberg of additional cost and delay we will have to bear for any basic development carried along our flag road. The overhang of an env. overlay on our flag road renders our tax lot both unmarketable and unbuildable, due to the unspecified amounts of time and money required for any new development, and it would be an unjust and extreme financial burden on us.

We spent many thousands on a type III land use review in 2004, with accompanying survey work, and rigorous property evaluations. It is unfair to mandate that we do this again, spending more time and money, by covering the flag road with an environmental overlay—to get approval again for basic things which have already been approved by Portland Development Services. The size of the minimum removal we are asking for amounts to about 7% of the total overlay being proposed. A more appropriate response would be removal of the overlay altogether, because the area is nothing more than a private drainage easement for paved-road storm water and roof runoff, and pond overflow thru buried pipe, and with our easements and setbacks multiple protections are already in place. Two Minor Points: 1) First: It doesn't give comfort that the Bureau of Planning/Sustainability repeatedly delivers new information with major impacts on our property to us only a day or two before decisions are pending. This occurred in 2021, and, again just yesterday. 2) Second: Isn't it appropriate that those making such impactful decisions about our lives and property are actually our elected representatives? Well, in our case PCC members do not even appear on our voting ballots. Yes, we feel misunderstood!

Testimony is presented without formatting.