



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

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MEMO

Date: September 27, 2022
To: Planning and Sustainability Commission
From: Kimberly Tallant
 Bureau of Development Services
CC: Jeff Caudill, BPS
Re: BDS Comments on Flood Resilience Project, Proposed Draft

Thank you for the opportunity to review and comment on the Proposed Draft for the Floodplain Resilience Plan. This project is an important step in the City’s compliance with the FEMA BiOp and will result in better protection and enhancement of the City’s floodplains.

The comments below provide detailed comments on the proposal. We look forward to working with BPS staff to address our concerns and to providing additional feedback as the project develops. Please direct questions about these comments to Stephanie Beckman (stephanie.beckman@portlandoregon.gov) on my staff.

General Comments

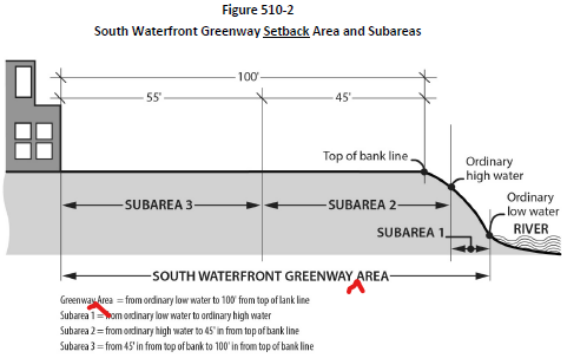
Thank you for working with us to address implementation issues with the Central City Plan District, South Waterfront Subdistrict regulations. The proposed amendments make it more clear when land use reviews are required and provide a new option to meet standards for tree removal that is not currently available in this area.

We have included a number of requests for changes to existing code to address issues that have been identified through implementation. Changes are only requested to code chapters that are already being amended through this project. We appreciate your consideration of these requests that will contribute to a more efficient and effective development review process.

Detailed Comments

We offer the following additional detailed comments.

Item No.	Page	Code Section	Comment
1	105	33.475.210.C	Existing Code: Clarification is needed as to whether an applicant can map the top of bank using a site specific survey when the top of bank is shown on Map 475-2.

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			<p>BPS staff have indicated that the intent is for the applicant to have the ability to provide site specific information, but the code has not been updated to clearly allow that option. The code reads as follows: "Where top of bank is not shown on Map 475-2, top of bank is determined as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank."</p>
2	105	33.475.220	<p>Existing Code: Can modifications to Landscaping standards be allowed through an Adjustment Review? The prescriptive nature of the code section conflicts with an already highly developed Central City and limits the ability to allow flexibility to address unique situations.</p>
3	107	33.475.405.N	<p>Existing Code: Can the language for exemptions to public street and sidewalk improvements be changed to include freeways, interstates, and ramps? The code definition of street excludes these things making the exemption unusable in these areas. Since the current exemption is limited to developed portions of the ROW only, including other types of improvements would not result in increased impacts to resources.</p>
4	127	Figure 510-2	<p>The term "setback" should be added to the areas of Figure 510-2 noted with red arrow below:</p>  <p>Figure 510-2 South Waterfront Greenway <u>Setback</u> Area and Subareas</p> <p>Greenway Area = from ordinary low water to 100' from top of bank line Subarea 1 = from ordinary low water to ordinary high water Subarea 2 = from ordinary high water to 45' in from top of bank line Subarea 3 = from 45' in from top of bank to 100' in from top of bank line</p>
5	131	33.510.253.E.4.c	<p>The more detailed dredging exemption only covers areas outside of the federal navigation channel. Please indicate what applies to areas within the navigation channel. Note that 33.475 does not restrict dredging in the navigation channel (see 33.475.405.E.1).</p> <p>Also, please clarify how this exemption aligns with 33.10.030.C, which states that dredging is regulated in the Willamette River Central and South Reaches only. Does this include South Waterfront? Note that South</p>

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			Waterfront is not included on Map 475-1. Are the reaches defined elsewhere?
6	133	33.510.253.E.4.g.(4)	<p>“In addition to the trees listed above, up to 50 inches of non-native, nonnuisance trees.”</p> <p>Revise to clarify up to <u>a combined total diameter</u> of 50 inches</p> <p>We understand that the intent is to exempt this activity from review, but still require the replanting and other requirements in the standards (E.5.i). However, this could be overlooked in implementation because an exemption typically means that none of the regulations apply. It would be helpful to add a clarification to the exemption that indicates that the standards also apply.</p>
7	157	33.631.100.A and B	Please clarify how these criteria are intended to apply to existing development located in the combined flood hazard area. Note that the existing language in 631.100.A.2 refers to “all proposed building areas” which can be interpreted to mean that a lot with an existing building can be created in the flood hazard area, provided lots with new building areas are outside. The amended language in 631.100.B.1 would require each lot to have area outside the flood hazard area for allowed or proposed uses. This language should be more consistent and make it clear if all lots must have buildable area outside of the CFHA.
8	176	33.910	<p>Can information be provided in the commentary about where the Combined Flood Hazard Area mapping will be available and how it will be maintained over time?</p> <p>We assume it will be available in PortlandMaps and in the open data portal. Will BPS maintain this map layer if changes are made to the flood hazard area?</p>
9	201-203	33.610.200, 33.611.200, 33.430.280	Existing Code: Add language to clarify that modifications to lot size and dimensions in single dwelling zones are allowable through Environmental Review. Prior code changes unintentionally removed this allowance, which is an important tool for protecting resources in these zones. The issue was created because 33.610.200 and 33.611.200 state that “Adjustments are prohibited” and

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			only provides an option for Planned Development review. 33.430.280 states that the "The review body may not consider modifications to standards for which adjustments are prohibited." A clarification in 33.610 and 33.611 is needed that alternative lot sizes/dimensions may be approved through a PD or an EN modification.