



THE BUREAU OF **PLANNING
& SUSTAINABILITY**

Portland Planning and Sustainability Commission

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December 27, 2022

Mayor Wheeler and City Commissioners
1220 SW 4th Avenue
Portland, OR 97205

Dear Mayor Wheeler and City Commissioners

The Planning and Sustainability Commission (PSC) is pleased to offer our support for the Floodplain Resilience Plan, currently scheduled to come before Portland City Council in spring 2023. The PSC voted unanimously on November 22, 2022, to recommend adoption of the plan. (Commissioner Bacharach recused himself)

The Floodplain Resilience Plan responds to the Biological Opinion on the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program and continues the City's implementation of the *Floodplain Management Update Work Plan*, which was signed by the directors of eight City bureaus in 2019. Goals of the Floodplain Resilience Plan include:

- Maintaining Portlanders' access to FEMA's National Flood Insurance Program,
- Reducing future flood risk for people and buildings, and
- Improving habitat for endangered and threatened species and contributing to the overall recovery of these species.

To continue progress toward achieving those goals, the plan proposes to require additional mitigation for development nearest to the Willamette River Central Reach, increase tree planting requirements when a tree is removed in the floodplain, and apply the Environmental Conservation overlay zone to undeveloped floodplain along Fanno and Tryon creeks.

Public Testimony and PSC Considerations

At the September 27, 2022, hearing, the PSC received a total of 55 pieces of testimony (both written and oral) that informed our discussions. The majority of testimony supported implementation of the plan, with a number of individuals emphasizing the importance of



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effective floodplain management given the effects of climate change and the likelihood of extreme weather events in the future. Over half of the testimony expressed concern about the separation of the updates to the Building Code (Title 24) Chapter 24.50, Flood Hazard Areas, from the updates to the Zoning Code (Title 33) between the Discussion Draft and Proposed Draft of the Floodplain Resilience Plan. These testifiers wanted to see the proposed Title 24 and Title 33 changes move forward together. The desire to expedite floodplain management efforts in industrial areas and other geographic areas not covered by the subject proposal was also a consistent message. A few individuals suggested that the project should slow down, either because the proposed regulations were overly complex and caused confusion or so that the City could wait for more guidance from FEMA.

After reviewing all of the public testimony, the commission worked with staff to better understand the various components of the City's response to the National Flood Insurance Program Biological Opinion, including the relationship of the subject Floodplain Resilience Plan with the Title 24 update project, mitigation requirements and mitigation banking options, and the expected timeline for updates of floodplains in other geographies of city. These discussions with staff provided a more holistic understanding of the scope of the many different components of the broader *Floodplain Management Update Work Plan*, of which the current project is a part.

Ultimately, the PSC made a small number of targeted technical amendments (see below). However, during deliberations, the commission discussed extensively the testimony received on the plan during the public hearing and public comment period and wanted to highlight a number of important issues for City Council consideration:

- *Updates to the Building Code (Title 24)* – The PSC believes that it is important to move proposed changes to Title 24 Chapter 24.50, Flood Hazard Areas, forward on a schedule parallel to the Floodplain Resilience Plan and that the process should include opportunities for public engagement and feedback on draft proposals. At the October 25 work session, BDS staff provided background on the components of the Title 24 requirements and presented their expected schedule. The Title 24 project is currently in the scoping stage. BDS staff are targeting bringing the proposed Title 24 changes to City Council in late spring 2023, following a similar timeline as the subject Floodplain Resilience Plan. The PSC thanks BDS staff for taking part in the Commission's work sessions and support efforts to bring the Building Code changes to the City Council in the late spring.



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- *Economic Opportunities Analysis (EOA)* – The PSC supports timely completion of the EOA to ensure that important natural resources in the Columbia Corridor are preserved while also meeting the goals for industrial and employment lands in the city. Public testimony included concerns about the timeline for adoption of the Economic Opportunities Analysis (EOA) and the resulting delay on important floodplain and environmental protections, including tree protections, floodplain habitat mitigation requirements and others. City staff advised that the EOA process will include evaluation of floodplain and environmental protections in conjunction with the updated economic growth forecast and buildable land inventory in order to optimize natural resource protection, reduce natural hazard risks and promote economic opportunity. The EOA is expected to be complete in 2024.
- *Other Waterways* – The PSC supports the application of similar protections to the North Reach of the Willamette River and the Johnson Creek floodplain, based on public testimony expressing the need to apply the same protections to other key waterways. These efforts will continue the implementation of the City’s multi-Bureau *Floodplain Management Update Work Plan* and advance efforts to comply with the Biological Opinion on FEMA’s National Flood Insurance Program.
- *Ensuring Climate-resilient Floodplains* – Finally, in response to public testimony, the PSC wants to emphasize the importance of this work to address the effects of climate change and recommends that City Council consider additional approaches to make the Floodplain Resilience Plan proposals more responsive to a changing climate. An example cited from the discussion includes a focus on tree species that are known to be climate-resilient and would be expected to better contribute to overall forest health of the floodplain, rather than solely on a tree replacement ratio.

Amendments to the Floodplain Resilience Plan

The PSC approved a small number of staff-proposed technical amendments that fall into two categories: map amendments and Zoning Code amendments.

- *Map Amendments* – Minor updates to maps of the proposed extent of the River Environmental overlay and riparian buffer area along the Willamette River.
- *Zoning Code Amendments* – Clarification of proposed language in a number of code sections, including areas focused on the measuring of top of bank, dredging in the waters along South Waterfront, the application of the River Environmental overlay zone



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on public streets and sidewalks, and proposed tree removal standards in South Waterfront.

Recommendation

The PSC recognizes that the Floodplain Resilience Plan is one of a number of important plans that the City has or expects to complete to protect people and property from the effects of future flooding and to preserve floodplain habitat. The subject Floodplain Resilience Plan increases Portland's resilience against climate change and is consistent with existing City goals, objectives, and policies related to floodplains and natural resources. The plan will also ensure continued access for Portlanders to the floodplain insurance and disaster relief funds that they need.

We recommend the Floodplain Resilience Plan for adoption by City Council and thank you for your consideration of the perspectives highlighted in the memo.

Respectfully submitted,



Steph Routh, Chair



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