

Margaret Butler

#332421 | August 30, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I'm Margaret Butler, a lifelong Portland resident. Recently I have been engaged with issues around the CEI Hub. I urge you to revise the proposed floodplain update. Recent changes to the draft Floodplain Plan to appease powerful development interests must be removed. South Waterfront should not be exempted from new floodplain protections. Industrial lands should not be exempted from new floodplain protections. The salmon have a hard enough time negotiating our superfund site river--industrial lands need to have salmon friendly flood plain plans. The two year delay in implementing the plan should be removed--we need to act now on climate and restoring a more natural flood plain is part of that. The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. The City should remove loopholes for existing structures in floodplains--when existing structures are substantially modified, they should have to comply with new protections. I urge you not to cave in to developers. We are in a climate emergency and need to align our economy and structures with the natural processes of our eco-system now, not in 10 years. Thank you.

Testimony is presented without formatting.

Bob Sallinger

#332400 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please accept the attached comments from Willamette Riverkeeper et al. regarding the City of Portland Floodplain Resilience Plan Updates. We submitted comments earlier this evening. Please substitute these comments for our earlier comments. Thank you. Respectfully, Bob Sallinger Urban Conservation Director Willamette Riverkeeper

Testimony is presented without formatting.



August 1, 2023

Dear City of Portland,

Please accept the following comments from Willamette Riverkeeper, Portland Audubon, Center for Biological Diversity, Northwest Environmental Defense Center, Portland Harbor Community Coalition, Columbia Slough Watershed Council, The Conservation Angler and Indigenous Land and Water Steward, Gabe Sheoships, regarding the City of Portland Floodplain Resilience Plan (July 2023 Draft). In general, we are deeply disappointed by the changes being proposed in the current draft. They appear to be designed to appease concerns of wealthy, powerful development interests rather than meeting the City’s obligations under the Endangered Species Act, creating a climate resilient urban landscape, and protecting human health and safety. We are deeply disappointed to see the City of Portland pulling back from prior drafts without any apparent basis for doing so other than to make it easier and cheaper for developers to build in high hazard flood areas. Doing so is not in the interest of our communities, our environment, or ultimately our economy. We believe that the plan as now proposed is not sufficient to meet the City’s legal obligations under the Endangered Species Act and that it will leave future projects that occur in the floodplain vulnerable to legal challenge. We also believe that it will potentially jeopardize the City’s eligibility and rating under the National Flood Insurance Program (NFIP). We strongly urge the City to abandon these ill-considered revisions to the draft plan.

Background:

Cities, including Portland, rely on the Federal Emergency Management Agency (“FEMA”) National Flood Insurance Program (“NFIP”) to provide low cost, taxpayer-subsidized flood insurance when development is allowed in flood prone areas. Without this taxpayer-subsidized

flood insurance most floodplain development would not be possible. In 2009, environmental groups sued FEMA (*Audubon Society of Portland et al. v. FEMA*), asserting that FEMA's management of the NFIP Program was violating the Endangered Species Act's protections for federally listed salmonids in Oregon. This litigation ultimately resulted in a [Biological Opinion](#) ("BiOp") issued by the National Marine Fisheries Service ("NMFS") in 2016 which concluded that FEMA's flood insurance program does in fact, violate the Endangered Species Act by subsidizing development in floodplains that jeopardizes the continued existence of fifteen salmonid species, eulachon, and the Southern Resident killer whale (which depends on salmon for food), and destroys or adversely modifies the designated critical habitat of anadromous fish species in Oregon. "Jeopardy decisions" are extremely rare and indicative of the seriousness of these violations. NMFS included a list of six reasonable and prudent alternatives ("RPAs") that FEMA should incorporate into its program in order to ensure compliance with the Endangered Species Act. In order to avoid violating the Endangered Species Act, both FEMA and local jurisdictions that allow development in floodplains adjacent to salmon bearing rivers and streams in Oregon must comply with the BiOp.

For the past several years, the City of Portland has been proceeding with a phased approach to updating its floodplain regulations to comply with the BiOp. The City adopted new regulations for the South Reach of the Willamette River in Phase 1 (2020). It has been proceeding with Phase 2 of this process to update floodplain protections for the rest of the City except the North Reach of the Willamette, and portions of the Columbia Corridor, and Johnson Creek, which were assigned to later phases of this process. While we question the need for phasing and the extended timeframe over which this work is being conducted, we were generally supportive of the Discussion Draft which was released in 2021. To be clear, we believe that the City's floodplain regulations could have been updated in a single process instead of being spread out over multiple phases and multiple years, but felt that the work that was contained within the current phase generally conformed to the terms of the BiOp.

It is therefore deeply disappointing that the current draft (July 2023) appears to seriously weaken and delay implementation of key elements of the 2021 draft plan. The omissions are significant enough that we no longer believe that the plan is sufficient to meet the terms of the BiOp and that the City has significant legal exposure under Section 9 of the Endangered Species Act for development projects that it permits to proceed forward in the floodplain. We would further assert that this legal exposure likely extends backwards for any development projects that the City has permitted to proceed since the BiOp was released in 2016. We again want to emphasize here that "jeopardy decisions" under the Endangered Species Act are extremely rare--the fact that the 2016 BiOp determined that floodplain development in Oregon is jeopardizing the continued existence of listed salmon, steelhead and resident Southern Resident killer whales should be taken seriously.

Specific Comments on the July 2023 Draft Plan

- 1. The City should not use implementation delays by FEMA as an excuse to delay updating its own floodplain management regulations to comply with the 2016 Biological Opinion:** The BiOp provided both FEMA and local jurisdictions with a road map for how to update regulations to ensure compliance with the Endangered Species Act. FEMA has been exceedingly slow in updating its NFIP criteria and in fact has missed statutory deadlines for compliance. Conservation Groups including Willamette Riverkeeper, Center for Biological Diversity, Northwest Environmental Defense Center, and the Conservation Angler recently sent FEMA a 60-day notice of intent to sue under the Endangered Species Act due to its failure to comply with these deadlines. FEMA's failure to act in a timely manner, however, does not represent an escape hatch for local jurisdictions to also delay compliance. The BiOp makes it clear that the status quo in terms of floodplain protection in Oregon is jeopardizing the continued existence of federally listed salmon, steelhead, eulachon, and orcas. Continuing to allow development that does not comply with the BiOp exposes those projects to legal risk for failing to comply with Section 9 of the Endangered Species Act. In order to minimize legal exposure both to the City and to individual projects, we believe that it is essential that the City expedite compliance with the BiOp.
- 2. Exemptions for South Waterfront should be eliminated:** The City is proposing to not apply new floodplain regulations at South Waterfront and to instead carry forward an exemption to balance cut and fill requirements granted by Metro's Title 3. To be clear, because of the Title 3 exemptions, South Waterfront does not even meet current baseline floodplain standards applied to the rest of the City of Portland, let alone the new enhanced regulations required by the BiOp. We see no basis for carrying this exemption forward other than to appease wealthy, powerful development interests. This is particularly offensive because the South Waterfront development has had among the most significant floodplain impacts of any developments in the City of Portland over the past two decades. It is also offensive because, while smaller developments will be held to current and future regulations, the huge developments at South Waterfront are getting a pass. It makes no sense to apply floodplain protections to smaller developments but provide exemptions to the developments that have the greatest impacts. The City should be aware that part of the impetus for the 2009 lawsuit that started this entire process was the Metro Title 3 decision to exempt some of the sites with the greatest floodplain impact potential from Title 3. As it stands, all development at South Waterfront is in violation of the Endangered Species Act, exposing the City and developers to Section 9 liability, and this proposal does not remedy this fact.
- 3. Centennial Mills should be held to the highest protection and mitigation standards:** Based on the vesting provisions in the new proposed code, it would appear that development at Centennial Mills may have already vested based on what we understand to be a very incomplete early assistance application. If this is the case, it would be of significant concern. No project should be able to vest based on an

incomplete early assistance application. Allowing such vesting would open the floodgates for developers to avoid new regulations simply by submitting the most cursory information about a potential future project. Furthermore, Centennial Mills represents one of the most significant restoration opportunities in the Central Reach. Allowing development to occur at this site without adequate protection or mitigation for impacts to listed species would potentially represent a significant violation of ESA. If development is to occur in one of the few remaining high value restoration sites in the Central Reach, it is essential that it be held to the highest protection and mitigation standards.

4. **The two year moratorium on implementing the new regulations should be eliminated:** It is deeply disappointing that despite the glacially slow pace of progress to date, the City is proposing to delay implementation of this plan for two years after it is adopted. In repeated discussion with City staff, nobody was able to produce a reasonable basis for this decision. It appears to be entirely politically motivated to appease wealthy, powerful developers with impending projects in the affected area. The City is well aware that a two year delay in implementation will give developers ample time to seek preliminary permits and get vested such that they will be able to avoid application of the new floodplain regulations to their projects. In the end, we believe that the City is not doing these developers any favors. Any new projects in the affected area will receive increased public scrutiny and face significant legal exposure for failing to comply with the Endangered Species Act if they proceed forward during this interim period. In the end, this could result in far more cost and delay than simply complying with the ESA in the first place.

5. **Mitigation Banks:** The City has asserted that absence of a City of Portland Mitigation Bank impedes its ability to advance the Floodplain Resilience Plan because developers do not have a City owned mitigation bank from which to seek credits when they develop in floodplains. This is a false argument. The fact is, the City has sought and received approval to use the Linnton Superfund Mitigation Bank for explicitly this purpose. Developers do in fact currently have a viable option from which to purchase mitigation credits. Further, the City of Portland has been discussing the need for a city-owned mitigation bank since at least the year 2000. It has repeatedly used the absence of a mitigation bank as an excuse for limiting new environmental protections. After more than 23 years of discussion, the City simply has no excuse for not having advanced this concept to implementation. We were hopeful in 2022 that the City was finally taking this need seriously when it placed a BES staffer on special assignment to develop the mitigation bank concept. However, the City inexplicably eliminated funding for this project in the 2023 budget and shows no sign of backfilling in the near future. For myriad reasons, we urge the City to urgently proceed with developing its own mitigation bank(s). However, regardless of whether it does so or not, the City and developers currently have an active, viable option in place with the Linnton Superfund Bank and there is no basis for using lack of available mitigation banking options as an excuse for delay. Further, commenters point out that sufficient mitigation procedures are a crucial element of compliance with BiOp. By implementing a mitigation standard in accordance with the

BiOp, the City will be that much closer to avoiding Section 9 liability. Conversely, delaying the inevitable only further increases the City's liability, while simultaneously allowing for detrimental impacts to water quality, climate resilience and habitat degradation.

6. **The City should not weaken the purpose of Title 24:** The purpose statement in the revisions to Title 24 has been severely modified to reflect the degree to which the floodplain plan has been weakened in this iteration. We recommend restoration of the prior "purpose" language as well as the substantive provisions within Title 24 to ensure that the original purpose is achieved. The changes can be seen in the following paragraph:

The purpose of this Chapter is to ~~protect the~~ **promote** public health, safety, and **general** welfare ~~by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities, and by requiring that uses to minimize public and structures vulnerable private losses due to floods be protected from flood danger at the time of initial construction~~ **flooding in flood hazard areas.**

7. **The City should not provide a permanent compliance loophole for existing structures and uses:** Section 24.50.020(C) is in violation of the BiOp and the Endangered Species Act because it provides a grandfathering exception that goes beyond that contained in RPA 4. RPA 4 provides in part that:

when a grandfathered structure is substantially damaged or substantially improved, the structure must come into compliance with Elements 4.B-4.F as applicable, *e.g.*, mitigation is required for any adverse impacts to natural floodplain functions associated with the substantial improvement (expanded footprint, vegetation removal, placement of fill, etc.).BiOp at 292.

However, as it stands, Section 24.50.020(C) seems to provide a permanent exception to Title 24's requirements, regardless of an existing structure enduring substantial damage or improvement. This compliance loophole violates the ESA.

8. **The City should not rely solely on mapping that depicts the 1996 Flood Inundation Area when estimating flood risk:** As evinced from recent flooding events nationwide, relying solely on mapping from past floods woefully underestimates true flood risk in most areas due to a climate change-induced increase in record, rapid rainfall events. Just this year, these rainfall events have had disastrous consequences for communities and local economies across the U.S.; indeed, the most recent floods that ravaged the Northeast are estimated to have caused at least \$5 billion in damage. While the BiOp allows communities to use past flood events to update flood risk maps, the City should take a proactive approach to this important threat by using predictive rainfall models to map additional zones that will be at high-risk of flood losses as a result of intense rainfall

events. Such an approach would increase the City's resilience to climate change both ecologically and economically.

9. **The City should expedite application of new floodplain regulations to the North Reach, Columbia Corridor, Johnson Creek, and on industrial lands within the Central Reach:** The City of Portland has adopted a phased approach to implementing new floodplain protections. It completed the South Reach of the Willamette in 2021 after nearly three years of work. It anticipates completing the Central Reach of the Willamette in 2024 after a separate three year long process. It does not anticipate completing work on the North Reach, Columbia Corridor, Johnson Creek, and on industrial lands within the Central Reach until 2027. We question why the city took a phased approach in the first place as applying new regulations to the entire city at one time would have been much more efficient and cost effective. Based on the RPAs in the BiOp, there should be relatively little variation on floodplain protections and mitigation requirements from one area of the city to another. Enacting new floodplain protection and mitigation requirements in this phased manner simply extends the process by years, and requires at least three duplicative outreach efforts, three duplicative planning commission processes, and three duplicative City Council approval processes. It also requires stakeholders to allocate resources to engage in these processes over the course of more than a decade. In the meantime, projects continue to be approved for development in the floodplain that jeopardize public health and safety, property, and federally listed species.

The City has asserted that in the case of the North Reach, the Columbia Corridor and other industrial lands, it is waiting for an up-to-date Economic Opportunities Analysis (EOA) before advancing new floodplain regulations. However, we would note that the City has been using an "out of date" EOA as an excuse to postpone new environmental regulations in the North Reach and Columbia Corridor for more than a decade. Examples include not only floodplain protection regulations, but also tree code, environmental zone updates, and the North Reach River Plan. An "out-of-date" EOA has become a perennial excuse for failing to address some of the most important environmental issues in the City of Portland. Despite repeated pleas from stakeholders, the City has repeatedly delayed long promised updates to the EOA, which is supposed to be updated every five years but which is now years behind schedule with no end date in site.

Further, we assert that the City does not need an updated EOA in order to proceed forward with new floodplain protections in the North Reach, Columbia Corridor and on other industrial lands. Increased floodplain protection however, is necessary to comply with federal law, specifically the Endangered Species Act. The City appears to be viewing new floodplain protections in these areas as contingent upon the outcome of the updated EOA when in fact legally required floodplains protections should be viewed as part of the baseline on which the EOA is updated. In other words, the City should evaluate its industrial land base with new required floodplain protections in place as

opposed to its current approach of evaluating its industrial land base and then determining what level of protections it will put on floodplains. The floodplain protections are not optional, but the City appears to be viewing them that way.

10. The City should require enhanced balance cut and fill ratios for the 1996 flood inundation area: The City appears to be proposing to apply only a 1:1 balance cut and fill ratio to 1996 flood inundation areas outside the existing 100 year floodplain. This is inconsistent with the BiOp. The City was unable to provide any reasonable basis for not applying enhanced cut/ fill ratios other than reducing costs to development interests. Failure to apply enhanced cut/ fill ratios in these areas will leave development in these areas with significant legal exposure for failure to comply with the Endangered Species Act.

11. In locations not covered by the current plan or the previously completed South Reach Plan (e.g. North Reach, Columbia Corridor, Johnson Creek and industrial lands), the City should adopt interim measures outlined in the BiOp until permanent protections can be put in place. The BiOp included interim measures to protect listed species (RPA 2) while permanent floodplain protections are put into code. NMFS correctly anticipated that it might take some time to adopt permanent protections (although the timeline that both the City and FEMA are now on exceeds, by years, NMFS' worst case scenario when the BiOp was issued in 2016). These interim measures were meant to limit harm to listed species during the interim period. We would strongly urge the City to both:

- Expedite permanent code revision to meet the requirements of the BiOp in the North Reach, the Columbia Corridor, and Johnson Creek, and on other currently unaddressed industrial lands *and*
- Immediately apply the interim measures contained in RPA 2 to the North Reach, Columbia Corridor, Johnson Creek, other, industrial lands, and any other floodplains in the City not covered by the South Reach Plan or the current Floodplain Resilience Plan. This is essential in order to ensure that harm is minimized to endangered species over the next several years.

Conclusion:

We respectfully urge the City of Portland to remedy the issues outlined in this letter prior to advancing the Floodplain Resilience Plan to Portland City Council. The Floodplain Resilience Plan has the potential to be one of the City's most significant strategies for advancing climate resilience, salmon recovery, protection of people and property and compliance with federal law. Unfortunately in its current iteration, it fails to achieve any of these objectives. It is imperative that the plan, including both the Title 33 and the Title 24 revisions, moves forward expeditiously and it is also imperative that the plan ensures that the City meets its legal obligations under the Endangered Species Act.

Thank you for your consideration of these comments.

Respectfully,

Bob Sallinger
Urban Conservation Director
Willamette Riverkeeper

Chelsea Stewart-Fusek
Endangered Species Attorney
Center for Biological Diversity

Mary Stites
Legal Fellow
Northwest Environmental Defense Center

Micah Meskel
Assistant Director of Conservation - Urban
Portland Audubon

Cassie Cohen
Executive Director
Portland Harbor Community Coalition

Heather King
Executive Director
Columbia Slough Watershed Council

David Moskowitz
Executive Director
The Conservation Angler

Gabe Sheoships
Indigenous Land and Water Steward
Citizen of Confederated Tribes of Umatilla Indian Reservation

Zora Hess

#332399 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Thank you for the opportunity to provide public comment on the floodplain policy changes to ensure we have strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Climate change is here, and its impact will continue to grow. Besides taking Portland historic flood events into account, we should learn from current disasters around the nation and leverage all available science models. We owe it to the next generations to leave a place where they can live and thrive without fear of flooding. That means not only protecting the most hazardous locations, but it must include all industrial land, and considering widening the protection zones we can predict will be impacted. I saw this year already more flooding of roads and paved lots during heavy rain falls (a pattern that will also increase) as the water had nowhere to go due to the increase of recently developed areas. And then the water run off carried the pollution residues from the roads and parking lots areas back into the waterways. There is also great opportunity to offer a variety of jobs managing and restoring flood plains. We have no time too loose. The plan needs to go into effect after adoption as we have lost too much time already and we can't put people and wildlife in further jeopardy. I encourage you to advance a strong Floodplain Resilience Plan to City Council! Thanks for considering.

Testimony is presented without formatting.

Rebecca Lexa

#332398 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Bob Sallinger

#332397 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please accept the attached comments from Willamette Riverkeeper et al. regarding the updates to the Floodplain Resilience Plan. Thank you for your consideration of these comments.

Testimony is presented without formatting.



August 1, 2023

Dear City of Portland,

Please accept the following comments from Willamette Riverkeeper, Portland Audubon, Center for Biological Diversity, Northwest Environmental Defense Center, Portland Harbor Community Coalition Columbia Slough Watershed Council and the Conservation Angler regarding the City of Portland Floodplain Management Plan (July 2023 Draft). In general, we are deeply disappointed by the changes being proposed in the current draft. They appear to be designed to appease concerns of wealthy, powerful development interests rather than meeting the City’s obligations under the Endangered Species Act, creating a climate resilient urban landscape, and protecting human health and safety. We are deeply disappointed to see the City of Portland pulling back from prior drafts without any apparent basis for doing so other than to make it easier and cheaper for developers to build in high hazard flood areas. Doing so is not in the interest of our communities, our environment, or ultimately our economy. We believe that the plan as now proposed is not sufficient to meet the City’s legal obligations under the Endangered Species Act and that it will leave future projects that occur in the floodplain vulnerable to legal challenge. We also believe that it will potentially jeopardize the City’s eligibility and rating under the National Flood Insurance Program (NFIP). We strongly urge the City to abandon these ill-considered revisions to the draft plan.

Background:

Cities, including Portland, rely on the Federal Emergency Management Agency (“FEMA”) National Flood Insurance Program (“NFIP”) to provide low cost, taxpayer-subsidized flood insurance when development is allowed in flood prone areas. Without this taxpayer-subsidized

flood insurance most floodplain development would not be possible. In 2009, environmental groups sued FEMA (*Audubon Society of Portland et al. v. FEMA*), asserting that FEMA's management of the NFIP Program was violating the Endangered Species Act's protections for federally listed salmonids in Oregon. This litigation ultimately resulted in a [Biological Opinion](#) ("BiOp") issued by the National Marine Fisheries Service ("NMFS") in 2016 which concluded that FEMA's flood insurance program does in fact, violate the Endangered Species Act by subsidizing development in floodplains that jeopardizes the continued existence of fifteen salmonid species, eulachon, and the Southern Resident killer whale (which depends on salmon for food), and destroys or adversely modifies the designated critical habitat of anadromous fish species in Oregon. "Jeopardy decisions" are extremely rare and indicative of the seriousness of these violations. NMFS included a list of six reasonable and prudent alternatives ("RPAs") that FEMA should incorporate into its program in order to ensure compliance with the Endangered Species Act. In order to avoid violating the Endangered Species Act, both FEMA and local jurisdictions that allow development in floodplains adjacent to salmon bearing rivers and streams in Oregon must comply with the BiOp.

For the past several years, the City of Portland has been proceeding with a phased approach to updating its floodplain regulations to comply with the BiOp. The City adopted new regulations for the South Reach of the Willamette River in Phase 1 (2020). It has been proceeding with Phase 2 of this process to update floodplain protections for the rest of the City except the North Reach of the Willamette, and portions of the Columbia Corridor, and Johnson Creek, which were assigned to later phases of this process. While we question the need for phasing and the extended timeframe over which this work is being conducted, we were generally supportive of the Discussion Draft which was released in 2021. To be clear, we believe that the City's floodplain regulations could have been updated in a single process instead of being spread out over multiple phases and multiple years, but felt that the work that was contained within the current phase generally conformed to the terms of the BiOp.

It is therefore deeply disappointing that the current draft (July 2023) appears to seriously weaken and delay implementation of key elements of the 2021 draft plan. The omissions are significant enough that we no longer believe that the plan is sufficient to meet the terms of the BiOp and that the City has significant legal exposure under Section 9 of the Endangered Species Act for development projects that it permits to proceed forward in the floodplain. We would further assert that this legal exposure likely extends backwards for any development projects that the City has permitted to proceed since the BiOp was released in 2016. We again want to emphasize here that "jeopardy decisions" under the Endangered Species Act are extremely rare--the fact that the 2016 BiOp determined that floodplain development in Oregon is jeopardizing the continued existence of listed salmon, steelhead and resident Southern Resident killer whales should be taken seriously.

Specific Comments on the July 2023 Draft Plan

- 1. The City should not use implementation delays by FEMA as an excuse to delay updating its own floodplain management regulations to comply with the 2016 Biological Opinion:** The BiOp provided both FEMA and local jurisdictions with a road map for how to update regulations to ensure compliance with the Endangered Species Act. FEMA has been exceedingly slow in updating its NFIP criteria and in fact has missed statutory deadlines for compliance. Conservation Groups including Willamette Riverkeeper, Center for Biological Diversity, Northwest Environmental Defense Center, and the Conservation Angler recently sent FEMA a 60-day notice of intent to sue under the Endangered Species Act due to its failure to comply with these deadlines. FEMA's failure to act in a timely manner, however, does not represent an escape hatch for local jurisdictions to also delay compliance. The BiOp makes it clear that the status quo in terms of floodplain protection in Oregon is jeopardizing the continued existence of federally listed salmon, steelhead, eulachon, and orcas. Continuing to allow development that does not comply with the BiOp exposes those projects to legal risk for failing to comply with Section 9 of the Endangered Species Act. In order to minimize legal exposure both to the City and to individual projects, we believe that it is essential that the City expedite compliance with the BiOp.
- 2. Exemptions for South Waterfront should be eliminated:** The City is proposing to not apply new floodplain regulations at South Waterfront and to instead carry forward an exemption to balance cut and fill requirements granted by Metro's Title 3. To be clear, because of the Title 3 exemptions, South Waterfront does not even meet current baseline floodplain standards applied to the rest of the City of Portland, let alone the new enhanced regulations required by the BiOp. We see no basis for carrying this exemption forward other than to appease wealthy, powerful development interests. This is particularly offensive because the South Waterfront development has had among the most significant floodplain impacts of any developments in the City of Portland over the past two decades. It is also offensive because, while smaller developments will be held to current and future regulations, the huge developments at South Waterfront are getting a pass. It makes no sense to apply floodplain protections to smaller developments but provide exemptions to the developments that have the greatest impacts. The City should be aware that part of the impetus for the 2009 lawsuit that started this entire process was the Metro Title 3 decision to exempt some of the sites with the greatest floodplain impact potential from Title 3. As it stands, all development at South Waterfront is in violation of the Endangered Species Act, exposing the City and developers to Section 9 liability, and this proposal does not remedy this fact.
- 3. Centennial Mills should be held to the highest protection and mitigation standards:** Based on the vesting provisions in the new proposed code, it would appear that development at Centennial Mills may have already vested based on what we understand to be a very incomplete early assistance application. If this is the case, it would be of significant concern. No project should be able to vest based on an

incomplete early assistance application. Allowing such vesting would open the floodgates for developers to avoid new regulations simply by submitting the most cursory information about a potential future project. Furthermore, Centennial Mills represents one of the most significant restoration opportunities in the Central Reach. Allowing development to occur at this site without adequate protection or mitigation for impacts to listed species would potentially represent a significant violation of ESA. If development is to occur in one of the few remaining high value restoration sites in the Central Reach, it is essential that it be held to the highest protection and mitigation standards.

4. **The two year moratorium on implementing the new regulations should be eliminated:** It is deeply disappointing that despite the glacially slow pace of progress to date, the City is proposing to delay implementation of this plan for two years after it is adopted. In repeated discussion with City staff, nobody was able to produce a reasonable basis for this decision. It appears to be entirely politically motivated to appease wealthy, powerful developers with impending projects in the affected area. The City is well aware that a two year delay in implementation will give developers ample time to seek preliminary permits and get vested such that they will be able to avoid application of the new floodplain regulations to their projects. In the end, we believe that the City is not doing these developers any favors. Any new projects in the affected area will receive increased public scrutiny and face significant legal exposure for failing to comply with the Endangered Species Act if they proceed forward during this interim period. In the end, this could result in far more cost and delay than simply complying with the ESA in the first place.

5. **Mitigation Banks:** The City has asserted that absence of a City of Portland Mitigation Bank impedes its ability to advance the Floodplain Resilience Plan because developers do not have a City owned mitigation bank from which to seek credits when they develop in floodplains. This is a false argument. The fact is, the City has sought and received approval to use the Linnton Superfund Mitigation Bank for explicitly this purpose. Developers do in fact currently have a viable option from which to purchase mitigation credits. Further, the City of Portland has been discussing the need for a city-owned mitigation bank since at least the year 2000. It has repeatedly used the absence of a mitigation bank as an excuse for limiting new environmental protections. After more than 23 years of discussion, the City simply has no excuse for not having advanced this concept to implementation. We were hopeful in 2022 that the City was finally taking this need seriously when it placed a BES staffer on special assignment to develop the mitigation bank concept. However, the City inexplicably eliminated funding for this project in the 2023 budget and shows no sign of backfilling in the near future. For myriad reasons, we urge the City to urgently proceed with developing its own mitigation bank(s). However, regardless of whether it does so or not, the City and developers currently have an active, viable option in place with the Linnton Superfund Bank and there is no basis for using lack of available mitigation banking options as an excuse for delay. Further, commenters point out that sufficient mitigation procedures are a crucial element of compliance with BiOp. By implementing a mitigation standard in accordance with the

BiOp, the City will be that much closer to avoiding Section 9 liability. Conversely, delaying the inevitable only further increases the City's liability, while simultaneously allowing for detrimental impacts to water quality, climate resilience and habitat degradation.

6. **The City should not weaken the purpose of Title 24:** The purpose statement in the revisions to Title 24 has been severely modified to reflect the degree to which the floodplain plan has been weakened in this iteration. We recommend restoration of the prior "purpose" language as well as the substantive provisions within Title 24 to ensure that the original purpose is achieved. The changes can be seen in the following paragraph:

The purpose of this Chapter is to ~~protect the~~ **promote** public health, safety, and **general** welfare ~~by restricting or prohibiting uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities, and by requiring that uses to minimize public and structures vulnerable private losses due to floods be protected from flood danger at the time of initial construction~~ **flooding in flood hazard areas.**

7. **The City should not provide a permanent compliance loophole for existing structures and uses:** Section 24.50.020(C) is in violation of the BiOp and the Endangered Species Act because it provides a grandfathering exception that goes beyond that contained in RPA 4. RPA 4 provides in part that:

when a grandfathered structure is substantially damaged or substantially improved, the structure must come into compliance with Elements 4.B-4.F as applicable, *e.g.*, mitigation is required for any adverse impacts to natural floodplain functions associated with the substantial improvement (expanded footprint, vegetation removal, placement of fill, etc.).BiOp at 292.

However, as it stands, Section 24.50.020(C) seems to provide a permanent exception to Title 24's requirements, regardless of an existing structure enduring substantial damage or improvement. This compliance loophole violates the ESA.

8. **The City should not rely solely on mapping that depicts the 1996 Flood Inundation Area when estimating flood risk:** As evinced from recent flooding events nationwide, relying solely on mapping from past floods woefully underestimates true flood risk in most areas due to a climate change-induced increase in record, rapid rainfall events. Just this year, these rainfall events have had disastrous consequences for communities and local economies across the U.S.; indeed, the most recent floods that ravaged the Northeast are estimated to have caused at least \$5 billion in damage. While the BiOp allows communities to use past flood events to update flood risk maps, the City should take a proactive approach to this important threat by using predictive rainfall models to map additional zones that will be at high-risk of flood losses as a result of intense rainfall

events. Such an approach would increase the City's resilience to climate change both ecologically and economically.

9. **The City should expedite application of new floodplain regulations to the North Reach, Columbia Corridor, Johnson Creek, and on industrial lands within the Central Reach:** The City of Portland has adopted a phased approach to implementing new floodplain protections. It completed the South Reach of the Willamette in 2021 after nearly three years of work. It anticipates completing the Central Reach of the Willamette in 2024 after a separate three year long process. It does not anticipate completing work on the North Reach, Columbia Corridor, Johnson Creek, and on industrial lands within the Central Reach until 2027. We question why the city took a phased approach in the first place as applying new regulations to the entire city at one time would have been much more efficient and cost effective. Based on the RPAs in the BiOp, there should be relatively little variation on floodplain protections and mitigation requirements from one area of the city to another. Enacting new floodplain protection and mitigation requirements in this phased manner simply extends the process by years, and requires at least three duplicative outreach efforts, three duplicative planning commission processes, and three duplicative City Council approval processes. It also requires stakeholders to allocate resources to engage in these processes over the course of more than a decade. In the meantime, projects continue to be approved for development in the floodplain that jeopardize public health and safety, property, and federally listed species.

The City has asserted that in the case of the North Reach, the Columbia Corridor and other industrial lands, it is waiting for an up-to-date Economic Opportunities Analysis (EOA) before advancing new floodplain regulations. However, we would note that the City has been using an "out of date" EOA as an excuse to postpone new environmental regulations in the North Reach and Columbia Corridor for more than a decade. Examples include not only floodplain protection regulations, but also tree code, environmental zone updates, and the North Reach River Plan. An "out-of-date" EOA has become a perennial excuse for failing to address some of the most important environmental issues in the City of Portland. Despite repeated pleas from stakeholders, the City has repeatedly delayed long promised updates to the EOA, which is supposed to be updated every five years but which is now years behind schedule with no end date in site.

Further, we assert that the City does not need an updated EOA in order to proceed forward with new floodplain protections in the North Reach, Columbia Corridor and on other industrial lands. Increased floodplain protection however, is necessary to comply with federal law, specifically the Endangered Species Act. The City appears to be viewing new floodplain protections in these areas as contingent upon the outcome of the updated EOA when in fact legally required floodplains protections should be viewed as part of the baseline on which the EOA is updated. In other words, the City should evaluate its industrial land base with new required floodplain protections in place as

opposed to its current approach of evaluating its industrial land base and then determining what level of protections it will put on floodplains. The floodplain protections are not optional, but the City appears to be viewing them that way.

10. **The City should require enhanced balance cut and fill ratios for the 1996 flood inundation area:** The City appears to be proposing to apply only a 1:1 balance cut and fill ratio to 1996 flood inundation areas outside the existing 100 year floodplain. This is inconsistent with the BiOp. The City was unable to provide any reasonable basis for not applying enhanced cut/ fill ratios other than reducing costs to development interests. Failure to apply enhanced cut/ fill ratios in these areas will leave development in these areas with significant legal exposure for failure to comply with the Endangered Species Act.

11. **In locations not covered by the current plan or the previously completed South Reach Plan (e.g. North Reach, Columbia Corridor, Johnson Creek and industrial lands), the City should adopt interim measures outlined in the BiOp until permanent protections can be put in place.** The BiOp included interim measures to protect listed species (RPA 2) while permanent floodplain protections are put into code. NMFS correctly anticipated that it might take some time to adopt permanent protections (although the timeline that both the City and FEMA are now on exceeds, by years, NMFS' worst case scenario when the BiOp was issued in 2016). These interim measures were meant to limit harm to listed species during the interim period. We would strongly urge the City to both:
 - Expedite permanent code revision to meet the requirements of the BiOp in the North Reach, the Columbia Corridor, and Johnson Creek, and on other currently unaddressed industrial lands *and*
 - Immediately apply the interim measures contained in RPA 2 to the North Reach, Columbia Corridor, Johnson Creek, other, industrial lands, and any other floodplains in the City not covered by the South Reach Plan or the current Floodplain Resilience Plan. This is essential in order to ensure that harm is minimized to endangered species over the next several years.

Conclusion:

We respectfully urge the City of Portland to remedy the issues outlined in this letter prior to advancing the Floodplain Resilience Plan to Portland City Council. The Floodplain Resilience Plan has the potential to be one of the City's most significant strategies for advancing climate resilience, salmon recovery, protection of people and property and compliance with federal law. Unfortunately in its current iteration, it fails to achieve any of these objectives.

Thank you for your consideration of these comments.

Respectfully,

Bob Sallinger
Urban Conservation Director
Willamette Riverkeeper

Chelsea Stewart-Fusek
Endangered Species Attorney
Center for Biological Diversity

Mary Stites
Legal Fellow
Northwest Environmental Defense Center

Micah Meskel
Assistant Director of Conservation - Urban
Portland Audubon

Cassie Cohen
Executive Director
Portland Harbor Community Coalition

Heather King
Executive Director
Columbia Slough Watershed Council

David Moskowitz
Executive Director
The Conservation Angler

Gabe Sheoships
Indigenous Land and Water Steward
Citizen of Confederated Tribes of Umatilla Indian Reservation

Derek Whipp

#332396 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application.

Testimony is presented without formatting.

Zvi Rapaport

#332395 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act.

Testimony is presented without formatting.

Eric Hollstein

#332394 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned turtle and handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon. It is time...long past time...for the City to live up to its obligations to protect our environment and create climate resilient landscapes.

Testimony is presented without formatting.

Joel Hurd

#332393 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Brad Nahill

#332392 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

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Testimony is presented without formatting.

Kristy Overton

#332391 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Let's see Portland show some actual climate leadership here! Stop making concessions to rich developers and stand up for our people, our future, and our fish! I understand the proposed changes are actually not good enough to fulfill the Endangered Species Act. Not cool, guys. Not cool. We can do better: - Eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. - Eliminate the two-year delay in implementation after the plan is adopted. Developers will use this period to initiate early permit applications in order to weasel out of having to meet the new regulations. - No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. - The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. - The new regulations must apply to ALL industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Laura Squillace

#332390 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please help Portland protect and rehabilitation our waterways, salmon populations and protects our communities from flood damage/devastation by supporting a robust Floodplain Resilience Plan. Please do not weaken the provisions in the name of developer interests. We need a robust plan that protects us all!

Testimony is presented without formatting.

hugh scollan

#332389 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

kelly lanspa

#332388 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Diane Ashman

#332387 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please do not weaken the Floodplain Resilience plan. Our safety is more important than industry. Furthermore we must protect the salmon, orcas, other wildlife and the beauty of nature not only for our enjoyment but to be good citizens of the planet. I want there to be something wild and wonderful to be around for my granddaughter .

Testimony is presented without formatting.

Hella Nordberg

#332386 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

The comments below were suggested by Willamette Riverkeeper but I agree 100% that we need strong floodplain protection and developers should not be given the opportunity to build in floodplains. We have seen how this can result in catastrophe so many times already, especially with climate change. I urge you to pass strong flood plain protections to keep our area resilient during flooding and take out any loop holes to build on land will certainly flood or make other areas flood worse. Thank you. Hella Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

John Livingston

#332385 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I have owned land in a floodplain and one parcel had a summer home one it. When a flood came it took all the houses with it and our property was nearly worthless. We need a very strong floodplain document that keeps all development out of the floodplains and protect the ecosystems that thrive there. Areas next to rivers and streams are the most complex and preferred habitat for plants and animals. Please protect the gravels and shade for our salmon that they can continue to exist and thrive.

Testimony is presented without formatting.

Dan Degoma

#332384 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Darby Collins

#332383 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act and should advance a strong Floodplain Resilience Plan to City Council. Recent proposed changes to the draft plan will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should eliminate exemptions for places like South Waterfront. It should eliminate the two-year delay in implementation after the plan is adopted. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Jane Block

#332382 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I want a strong Floodplain Resilience Plan to protect our communities and our salmon. I believe it would be negligent to decrease floodplain areas now, especially in view of global warming. Please act responsibly by voting against any plans to decrease current floodplain designations and to seriously consider the need to perhaps increase the floodplain areas.

Testimony is presented without formatting.

JEFF EDWARDS

#332381 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

- Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. - Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. - Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. - The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. - The City should make the following changes to the most recent draft: 1. It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. 2. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. 3. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. 4. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Amberlin Jericho

#332380 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

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Testimony is presented without formatting.

Sara Vonde Veld

#332379 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please see the attached comment letter - thank you for the opportunity to share our perspective.

Testimony is presented without formatting.

August 1, 2023

FLOODPLAIN RESILIENCE PLAN PUBLIC COMMENT
Oregon Health & Science University

Thank you for the opportunity to comment on the **Flood Hazard Areas Code Update Project (“Code Update”)** which amends Title 24.50 to protect both endangered species and human habitat. Local governments have many priorities to balance, as reflected in the many goals of their comprehensive plans. We believe the proposed Code Update will help protect aquatic species while minimizing flood impacts in Portland and in downstream communities. By retaining South Waterfront’s existing balanced cut and fill exemption, the Code Update will also allow OHSU to continue to grow our missions and help the City achieve its goals for our campus.

Continuing the long-standing exemption from cut-and fill requirements will allow OHSU to best manage the brownfields we have inherited while allowing the South Waterfront to develop as a vibrant part of the central city. Nearly all the vegetation on OHSU’s South Waterfront campus was removed more than 100 years ago during historic ship breaking activities. These campus areas within the 1996 flood inundation area now consist mostly of brownfield that are capped by gravel, roads or building foundations. Consistent with Portland’s Comprehensive Plan, the development of our parcels will be overseen in accordance with the Oregon Department of Environmental Quality and Portland Bureau of Environmental Services regulations. Our future development of the South Waterfront Campus will allow us to grow our capability to treat patients, research cures for diseases and educate the future healthcare workforce, keeping up with Oregon’s growth in the years to come.

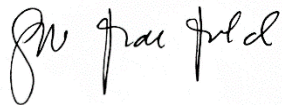
We recognize that there are differences of opinion about maintaining the long-standing exemption, with some feeling no lands with the potential to flood should be exempt from balanced cut and fill regulations. This exemption has been in place for decades for good reasons and the FEMA BiOp does not require the City to take any regulatory actions (including implementing balanced cut and fill requirements) in the 1996 flood inundation area. It is important to note, based on recent survey, OHSU has relatively little volume of development planned in FEMA’s 100-year floodplain relative to the 1996 flood inundation area.

The South Waterfront exemption reduces the need for disturbing the DEQ-approved brownfield caps as we build new buildings, and reduces the need for digging up contaminated soils and transporting these soils great distances by diesel dump trucks during development. The exemption also ensures that development is feasible within the South Waterfront, a central city area that is zoned and planned for considerable density and has public infrastructure to support this level of development.

Lastly, the exemption avoids dependence on the existing small and unreliable mitigation banking system, one that has wildly fluctuating prices and significant regulatory hurdles for establishing new mitigation banks. There is also heightened demand for industrial land along the river which makes new mitigation banks less likely to develop quickly.

Thank you for considering our comments and the benefits of continuing to exempt South Waterfront from cut and fill regulations. Please don't hesitate to reach out with any questions.

CONTACT:

A handwritten signature in black ink, appearing to read "Sara Vonde Veld". The signature is written in a cursive style with a large initial "S".

Sara Vonde Veld
Director, Campus Planning & Real Estate, OHSU
vondevel@ohsu.edu
c: (503) 724-7055

Derek Abe

#332378 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

We are running out of time. Go back and tighten this up. - Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. - Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. - Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. - The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. - The City should make the following changes to the most recent draft: - It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. - It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. - No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. - The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. - The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Jeff Kleen

#332377 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I am writing today regarding the Floodplain Resilience Plan. I support the priorities outlined by Willamette Riverkeepers (below). As someone who cares deeply about the threat of climate change, and as a strong proponent of natural spaces, I hope you will not weaken the City's floodplain management policies. · Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. · Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. · Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. · The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. · The City should make the following changes to the most recent draft: · It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. · It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. · No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. · The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. · The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Jan L Seekatz

#332376 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please protect our waters and habitat we want a strong flood plain resilience plan to protect our communities and our salmon. Thank you.

Testimony is presented without formatting.

Jay Shuster

#332375 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

It is hard to imagine a more blatant bowing down to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned their back on the people and Environment to hand developers a boatload of concessions that will benefit them, harm our communities and further imperil the salmon and our natural spaces. It is long past time for the City to live up to its obligations to protect our environment and create climate resilient landscapes! Portland needs strong floodplain protection policies to protect people, property and fish and wildlife as well as meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands!!!!

Testimony is presented without formatting.

CRAIG DEMPSEY

#332374 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Protect our floodplain! Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: -It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. -It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. -No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. -The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. -The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. Thank you.

Testimony is presented without formatting.

Caroline Marwitz

#332373 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

The Floodplain Resilience Plan soon to be sent to city council is flawed. Recent proposed changes are not only irresponsible in this day and age, but they go against the tide of public support for ensuring the future of the natural world around us as well as safeguarding our fellow citizens from danger. Please don't allow yourself to be swayed by the tempting arguments of developers. They will be long gone when disaster strikes. Please go the extra mile and strengthen the plan.

Testimony is presented without formatting.

Pam Winklesky

#332372 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Shame on anyone who weakens environmental protections for salmon. We're a state known for natural beauty and outdoor activities and, as such, we need to preserve our habitats. Protect our environment please.

Testimony is presented without formatting.

Lynn Reer

#332371 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please protect our floodplain area. Be strong and keep the health of our environment, our infrastructure, and our live beings safe!!!

Testimony is presented without formatting.

Philip Krain

#332370 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Hi, I am an avid paddle boarder along the willamette river. The difference between industrial and developed areas from areas left to support habitat makes a tremendous difference in one's experience on the river. If you have not done so, please rent a board, kayak or canoe and explore some of this river from that vantage point. Just this weekend, boarding near Salem, we observed baby river otters on the river bank. This is in addition to the many herons, osprey, eagles and of course fish along our journey. As humans, we can and will find comfort in whatever we develop. There is plenty of room for developments to succeed without taking away nature's habitat and our recreational lands. Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Jon Gottshall

#332369 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Degrade or not-to-degrade? Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Adam Swanson

#332368 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I write today as a Portland resident to urge Portland City Council to strengthen the city's floodplain plans and policies. It is critical that the city advance a strong Floodplain Resilience Plan to the City Council—one that protects the people, property, fish, and wildlife, especially salmon. Recently proposed changes to the draft plan are irresponsible and are not sufficient to address ongoing violations of the Endangered Species Act—let alone the wildlife that relies on responsible decision-making by the city as current stewards of the land. As such, the city should make the following changes to the draft:

- Eliminate exemptions for places like South Waterfront (the wealthy, powerful developers should not get a pass on adequately protecting floodplains).
- Eliminate the two-year delay in implementation after the plan is adopted (this is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations).
- Developers should NOT be able to avoid new floodplain regulations based on an incomplete development permit or an early assistance application.
- New regulations must apply to all industrial land—there is no legal or rational basis for excluding industrial lands.
- The city must expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor, and Johnson Creek. The city has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the city. It is time...long past time...for the city of Portland to live up to its obligations to protect our environment and create climate-resilient landscapes! Please advise. Adam Swanson

Testimony is presented without formatting.

Duncan Baruch

#332367 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Protect our flood planes. Do not allow "developers" to destroy them.

Testimony is presented without formatting.

Robin Carlson

#332366 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Dear City Council Members: Due to climate change, we are seeing more and more extreme weather events, necessitating that it is extremely important that we have strong floodplain policies in place. Therefore, I implore you to please vote to ensure that Portland has a Floodplain Resilience Plan that not only protects the floodplain but also protects people, property, fish, and wildlife and that meets the requirements of the federal Endangered Species Act. Please be aware that some of the proposed changes to the draft plan will put people and wildlife in jeopardy. I beg you not to allow this to happen. And please ensure that any new regulations apply to all industrial land. They cannot be exempt if the floodplains are to be protected. Again, I implore you to do the right thing. Protect the health and safety of our communities, our environment and our salmon and do not cave in to the short term desires of developers who are not keeping in mind the long term health and safety of our children, our grandchildren, and generations to come. You are the people that we voted into office and you have the power to make a positive difference! With appreciation, Robin Carlson, SW Portland constituent

Testimony is presented without formatting.

Erinne Goodell

#332365 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Floodplains are an incredibly important part of our ecosystem, protecting infrastructure from flooding, recharging groundwater, and providing vital habitat to juvenile salmon and other species. Too many of them have already been developed in our urban areas, and that puts all of us: humans, wildlife, and especially salmon, at risk. As a person working for an organization focused in part on restoring and enhancing floodplains, I am dismayed that our own city's floodplain protections are at risk. It is imperative that we protect the most hazardous locations and ensure strong mitigation when floodplains are developed. I request that you make the following changes to the most recent draft: Eliminate exemptions for places like South Waterfront. Developers need to be a partner in floodplain protection in order to protect human health and the health of our local wildlife. Eliminate the two-year delay in implementation after the plan is adopted. Otherwise, developers will use this interim period to begin permitting so that they can avoid meeting new (and necessary) regulations. No developer should be able to be vested on the basis of an incomplete development permit or early assistance application. That ensures they can't cut corners in seeking permits. The new regulations must apply to all industrial land. We know that much of our industrial land lies in floodplains, and to exempt that is nonsensical. We must also expand these new regulations to cover areas no currently covered, including the North Reach of the Willamette, the Columbia, and Johnson Creek. These are vast swaths of the city that desperately need more protection. Please do not allow already wealthy developers to further degrade our valuable floodplains with inadequate protections in this plan.

Testimony is presented without formatting.

donna woodward

#332364 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Let's not be dumb about it...in this day and age strict flood-plain policies are best for everyone....no one likes soggy photo albums!

Testimony is presented without formatting.

Allen Heide

#332363 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

The flood plains are an essential part of a healthy river system. The biology has proven this for years. Years ago people with vision helped change a polluted system into something to be proud of. Don't be the ones to change this long term vision to satisfy a few people for their short term profit.

Testimony is presented without formatting.

Mary Lou Soscia

#332362 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I spent my academic and professional career working on river and floodplain management. With increasing threats from climate change, now is not the time to roll back floodplain protections. Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act and Clean Water Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Desiree Tullos

#332361 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

As a water resources engineer with expertise on sustainable flood and floodplain management, I am writing to strongly encourage the city to strengthen and adopt the Portland Floodplain Resilience Plan. Litigation around the National Flood Insurance Program's conflict with the Endangered Species Act should not drive floodplain management in Oregon, but the vacuum of a state- and federal-level governance on this issue, local efforts are essential to protecting people and ecosystems. To strengthen the Plan and prioritize people and ecosystems over development interests, the City should make the following changes to the most recent draft: - eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. - eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. - No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. - The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. There is no justification for excluding or delaying large swaths of the City. - The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Jana Seeliger

#332360 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Hi there! I am writing to urge the City of Portland to not develop the floodplain in and around the city. The Columbia is the 4th largest river in the USA by discharge//volume. A statement about the Willamette I found in oregonencyclopedia.com is: "With significant annual precipitation and moderate evaporation, the Willamette is somewhat of an anomaly among American rivers. The Willamette Basin discharges more runoff per acre than any other large river in the United States, with most of it occurring during the winter rainy season. May 3, 2023" With these flows run the salmon. Very long ago, people used to reduce their rivers to concrete channels. After all that impervious containment and absolute reduction in floodplains, engineers realized their mistakes. It was costly to fish populations, clean water, and resulted in significant flooding. Portland's floodplains are not waste areas. They provide healthy cost free flood zones that help maintain the city and perimeters. Please do not let more development encroach on the floodplains by supporting their protection for the sake of the fish populations and a healthier Portland. Thank you, Jana Seeliger

Testimony is presented without formatting.

Emily Thackray

#332359 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Scott Stroot

#332358 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

In order to protect our people, property and wildlife, and to meet the requirements of the federal Endangered Species Act, Portland needs a strong, comprehensive Floodplain Resilience Plan. But recent proposed changes to the draft plan advancing to the city council are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. What the City is currently proposing represents an abrogation of its obligation to protect our environment and create climate resilient landscapes in favor of a blatant capitulation to powerful development interests. The plan as originally designed did not eliminate all floodplain development, but it did protect the most hazardous locations and ensure strong mitigation requirements when floodplains are developed, and those protections must be restored. Specifically, the City should make the following changes to the most recent draft: •Eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. •Eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. •No developer should be allowed to avoid new floodplain regulations because of incomplete development permits or early assistance applications. In addition the City should quickly expand the new regulations to cover areas not currently covered in the current plan, including the North Reach of the Willamette, the Columbia Corridor, and Johnson Creek. There is no excuse or justification for excluding or delaying huge swaths of the City. And finally, the new regulations should apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Roger Kofler

#332357 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

A strong flood plain resilience policy means strong protections against the type of extreme weather becoming more common with the advance of climate change. Allowing exceptions to this policy means exceptions to these protections. Please adopt strong protections for flood plain areas without sweet deals for developers and other well moneyed special interests. There is no reason to exempt industrial areas from these regulations.

Testimony is presented without formatting.

Corey Buttry

#332356 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Dear City of Portland, As a resident deeply invested in the well-being of our community and the preservation of our environment, I write this comment to emphasize the critical need for robust floodplain protection policies in Portland. Our city must take proactive measures to safeguard the lives of our people, protect property, and ensure the survival of our precious fish and wildlife species, in compliance with the federal Endangered Species Act. I urge the City to advance a powerful Floodplain Resilience Plan that puts the interests of our communities and environment first, without succumbing to the influence of wealthy and well-connected developers whose sole focus is on their profits. We must not compromise the health and safety of our citizens and natural habitats for short-term gains. The proposed changes to the draft plan are deeply concerning, as they appear to be irresponsible and may jeopardize the lives of both people and wildlife. It is vital that we address ongoing violations of the Endangered Species Act and adopt measures that sufficiently protect our floodplains. While the plan may not eliminate all floodplain development, it should prioritize protecting the most hazardous locations and mandate strong mitigation practices for any development that occurs in these areas. To strengthen the Floodplain Resilience Plan further, I implore the City to make the following crucial changes: Eliminate exemptions for privileged areas such as South Waterfront. Wealthy and powerful developers should not be granted a pass when it comes to adequately protecting floodplains. Remove the two-year delay in implementation after the plan's adoption. This delay could lead to developers exploiting the interim period to seek early permits, enabling them to bypass new regulations. Such a loophole must not exist. Prohibit developers from gaining vested status based on incomplete development permits or early assistance applications. The plan's effectiveness relies on its ability to regulate all developments uniformly. Promptly extend the new regulations to cover areas not currently included in the plan, such as the North Reach of the Willamette, the Columbia Corridor, and Johnson Creek. There should be no excuses for excluding or delaying protection for significant parts of our city. Ensure that the new regulations encompass all industrial land. There should be no legal or rational basis for excluding industrial areas from floodplain protection measures. Our city has had ample time to develop a comprehensive plan, and it is now our responsibility to act swiftly and decisively. Together, we can create a sustainable future that cherishes both our community and our environment. I urge the City to prioritize the well-being of our citizens, wildlife, and ecosystems above all else. Let us demonstrate to the world that Portland is a leader in floodplain protection and environmental stewardship. Thank you for your time and dedication to our city's future. Sincerely, Corey Buttry

4311 SE 37th Ave, #26 Portland OR 97202

Testimony is presented without formatting.

Morgan Barnett

#332355 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I'm a fourth generation Portlander and a botanist. I care deeply about this city and the changes to chapter 24.50 would bring. Without floodplain protection our city will change for the worse. Development of these areas is unwise; this destabilizes salmon and other key species (that we as pacific westerners take pride in no less) and opens the city up to higher risks when natural disasters hit. Further, Residents rely on wetlands for connection to their home, and even unknowingly, rely on them for protection from floods that could displace them. Weakening the floodplain plan is a disservice to portlanders and to the land itself, showing that the government does not care about the longevity of this city and wants to see it drown.

Testimony is presented without formatting.

Brenda Smith

#332354 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please protect our wet lands

Testimony is presented without formatting.

James Whipps

#332353 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Floodplain Resilience is so very important.

Testimony is presented without formatting.

Karie Korporaal

#332352 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

• Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. • Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. • Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. • The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. • The City should make the following changes to the most recent draft: • It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. • It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. • No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. • The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. • The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned turtle and handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon. It is time...long past time...for the City to live up to its obligations to protect our environment and create climate resilient landscapes.

Testimony is presented without formatting.

Michelle Johnson

#332351 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I am writing to urge the city to adopt the strongest possible floodplain plan. This protects not only endangered species but the Portland community as a whole. In light of our increasingly extreme weather, flooding is something we should expect and plan for. Developers and industrial properties need to be regulated in an effective plan without exemption or delay. Let's be smart. Vanport should have been a wake up call 75 years ago. Areas not currently included in the plan need to be included. These include the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. Smart planning is the responsibility of the Portland government. Please do your job and stand up to moneyed interests on behalf of your citizens who don't have the power to do so on their own.

Testimony is presented without formatting.

Rebecca Lester

#332350 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please protect the Willamette river flood plains. We need habitat for wild life

Testimony is presented without formatting.

Francie Royce

#332349 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Keep a strong flood plain policy that will protect salmon and will protect people from being flooded out.

Testimony is presented without formatting.

Andrew Simrin

#332348 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I live upstream in Eugene and it is important to preserve the water quality and habitat values in the Willamette and other waterways. Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Carol Milliman

#332347 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I am urging you to protect the floodplains of the Willamette and its tributaries in all future development plans for the city. Cities are only truly livable and sustainable and resilient when they protect the ecosystems and watersheds within their boundaries for the long term . Please honor future generations to come and reject housing developments in floodplain areas within your boundaries.

Thank you

Testimony is presented without formatting.

Jeanne Mitchell

#332346 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I love Portland and care about our future and the futures of generations after mine. Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned turtle and handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon.

Testimony is presented without formatting.

Andra Vltavin

#332345 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned turtle and handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon. It is time...long past time...for the City to live up to its obligations to protect our environment and create climate resilient landscapes.

Testimony is presented without formatting.

Ginger Edwards

#332344 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please conserve our flood plains. I remember devastating floods and know that flood plains help us protect against such flooding. They also are a vital part of our eco system that keeps the earth in balance. Please say no to developers only interested in making money, not the big picture our the health of our planet.

Testimony is presented without formatting.

Priscilla Lane

#332343 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs a strong floodplain resilience plan to protect our communities.

Testimony is presented without formatting.

Sharon E Streeter

#332342 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Floodplains are vital for a healthy planet. To change our current policy of protection is foolish. Developers who advocate for building in floodplains should not be given priority over those who put science, health, and well-being before profits. Portland needs to improve floodplain protection, not weaken it.

Testimony is presented without formatting.

Lyn Larson

#332341 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Better let climate change guide your policy. Exemptions for certain areas or businesses will defeat the whole purpose. Protecting these critical zones is the LEAST we can do to repair the damage we're doing to the planet.

Testimony is presented without formatting.

Lauren Dorsey

#332340 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

As a young person who will live with the repercussions of ongoing land development and climate change, I feel strongly that Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. As such, the City should make the following changes to the most recent draft:

- It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains.
- It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations.
- No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application.

Thank you for governing in the best interest of all of the people and natural communities you are entrusted to steward.

Testimony is presented without formatting.

Christopher Gragg

#332339 | August 1, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Bonnie McKinlay

#332338 | July 31, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

By good fortune we live close to the life-giving Willamette River. We must maintain a strong Floodplain Resilience Plan. I encourage you to protect this river and all who benefit from it, be they human and non-human. Think long term. Think responsibly. Think well beyond the moneyed interests. Bolster effective and enforceable regulations. No exemptions. No allowances for non-compliance. Include industrial lands. Thank you for requesting and accepting comments.

Testimony is presented without formatting.

Sue Tarjan

#332337 | July 31, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

The city needs a strong floodplain resilience plan that protects our riparian environment AND our salmon. Developers, regardless of wealth or commercial interests, should not be able to bend or break rules that have taken years to develop in the interest of us all. Let's do something for long-term gain because it's the right thing to do, not for short-term gain because it's politically expedient or advantageous. Stand up for the people and the planet.

Testimony is presented without formatting.

Dolores Judkins

#332336 | July 31, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I would like to encourage you all to make the following changes in the most recent draft of the Floodplain Resilience Plan. 1. Eliminate exemptions for places that are most in need of the plan, such as the South Waterfront. 2. Have immediate implementation so that developers cannot get permits during a plan delay. 3. Developers should not get vested because of incomplete development permits/plans. Portland needs to have a strong plan and needs to protect the environment and the wildlife. Please do not give in to wealthy developers. Be strong!

Testimony is presented without formatting.

Joe Rykowski

#332335 | July 31, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Sarah Eastman Flores

#332334 | July 29, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Current FEMA flood maps are becoming increasingly obsolete, as '100 year floods' are happening much more frequently. Thanks climate change! Let's not allow more development in floodplains, riparian areas or wetlands - that would be setting people up for failure in every way. A home is typically a person or families biggest asset and investment, and allowing people to put their largest asset at risk of catastrophic flood damage is reckless at best, and pathological at worst when we know better. Do better Portland!!!

Testimony is presented without formatting.

S Hall

#332333 | July 28, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Leigh Coffey

#332332 | July 28, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

We currently have Portland urban floodplain areas that maintain the natural environment, supporting fish--e.g. salmon--and wildlife. Concessions to developers will destroy habitat and the natural environment, and once they're gone, they're gone. Please create a strong Floodplain Resilience Plan which protects these areas that are vital to the health of our species-diverse community.

Testimony is presented without formatting.

Kris Guptill

#332331 | July 28, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

It is imperative that we maintain a high level of diligence in protecting Portland's flood plain from irresponsible development. We are at a critical time for protecting our environment from further degradation. We **MUST** ensure that all species have the natural environments required for survival. Please retain a strong floodplain resilience plan in support of our wildlife and the people of Portland.

Testimony is presented without formatting.

Julia Griswold

#332330 | July 28, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I work on international disaster management of satellite data and witness more and more flood disasters that cost staggering amounts of money in recent years. Climate change is bringing more record-breaking rainfall in terms of duration and intensity. It is foolish to think Portland is immune to these changing weather patterns and the only thing we can do is to plan for the unexpected, to plan for a resilient city by maintaining healthy floodplains that can absorb excess floodwaters. My house in Portland is at 220 feet elevation and I recognize the importance of keeping the place I live out of the floodplain. Use our floodplains for sports fields, recreation, and natural habitat and not places for critical infrastructure, urban growth and industrialization. Thanks for considering.

Testimony is presented without formatting.

Kammy Kern-Korot

#332329 | July 28, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Hello, Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not put the profits of developers ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest developers should not get a pass on adequately protecting floodplains. The City should eliminate the two-year delay in implementation after the plan is adopted. This delay would encourage developers to initiate early permit applications that allow them to avoid meeting the new regulations. I urge that the City quickly expand the new regulations to cover areas not currently covered in the current plan, including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands. Thank you for your attention to this important matter.

Testimony is presented without formatting.

Josh Folick

#332328 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act.

Testimony is presented without formatting.

Alice Chang

#332327 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

This year Portland recognizes the 75th anniversary of one of our most tragic days, the Vanport Floods. We cannot keep repeating the errors of the past by weakening our Floodplains! Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

KAYLA NOORLUN

#332326 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Yes, I want safe river plains for the city of Portland. I have heard the tragic stories from my grandmother, who lived through the Vanport Flood. Ran from it with her father, in the back of the pickup truck and it was a very scary time. She was a child when this happened, till today-75 years later she is still traumatized. I don't want to go through that.

Testimony is presented without formatting.

John Marshall

#332325 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please do not weaken the draft Floodplain Resilience Plan! We all benefit from having a thriving eco- system. Developing in flood planes costs more money in the long run. We can not sacrifice short term profits for long term stability. The Portland Floodplain Resilience Plan must be edited to become a simply a limited revenue issue. Budgets can take into account many issues that are often left out of consideration. Societal costs, pollution, etc. Please consider staying out of court and keeping the Portland Floodplain Resilience Plan true to its name. Yours in sincerity, John Marshall

Irresponsible development harm salmon and other fish and wildlife species, destroys habitat, and puts people and property at risk. In an age of climate change where we are seeing more and more extreme weather events, it is all the more important that we have strong floodplain policies in place. Portland is currently updating its floodplain management policies through a document called the Portland Floodplain Resilience Plan. This action is being taken because more than 15-years ago, a lawsuit brought by conservation groups in Oregon resulted in a determination that floodplain development in Oregon was "jeopardizing the continued existence" of salmon and orcas (the feed on salmon) listed under the Endangered Species Act. The plan has been years in development and seemed to be on track until recently when the City weakened several key provisions at the behest of powerful development interests. Final edits are currently being made to a draft plan which will go to City Council for a first hearing on August 30th. The results of bad floodplain policies are constantly in the news as community after community suffers flood emergencies. This year Portland recognizes the 75th anniversary of on of our most tragic days, the Vanport Floods. We cannot keep repeating the errors of the past!

Testimony is presented without formatting.

Javier Sodo

#332324 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Mary Hill

#332323 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Re Chapter 24.50 Flood Hazard Areas Code Update Project. Please revisit any recent changes to the Floodplain Resilience Plan, being considered by the Portland City Council. That plan was developed over many years, and included input from conservation groups, including a successful lawsuit 15 years ago. Please carefully consider the federal Endangered Species Act and be sure recent changes are not breaking federal law (regarding the protection of salmon) I've lived in the City of Portland since 1985. I'm quite confused by the need for any changes to the Chapter 24.50 Flood Hazard Areas Code Update Project that favor more residential or industrial development that is on a floodplain, anywhere in the City of PDX. Parts of South Waterfront, to my own visual experience, (I was there, watching the flood waters), flooded during the flood of 1996. The City of Portland has a national reputation for preserving natural areas, and complying with the federal Endangered Species Act. Please keep the Chapter 24.50 Flood Hazard Areas Code Update Project consistent with federal environmental regulations. Thanks. Mary Hill 3411 SW Luradel St Portland, OR 98219

Testimony is presented without formatting.

Noury Al-Khaledy

#332322 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I'm flabbergasted that during a time when global warming is proving to be a threat to humanity, you are considering anything other than strengthening our floodplain protection by expanding protection to areas not covered today like Johnson Creek, Columbia Corridor and the North reach of the Willamette. This feels very much like a rich developers agenda and not one that serves the people.

Testimony is presented without formatting.

Caroline Skinner

#332321 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

re: Portland Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft I want a strong flood plain resilience plan for Portland! We know that waters can rise and they need safe places to flow and expand during high water events. I am asking the City of Portland not cave to wealthy, powerful developers and weaken its draft Floodplain Resilience Plan. It benefits our community the most to retain and develop more flood plain areas-it's just common sense not to allow development in flood-prone areas. For too long, Portland (as well as many other places) has been allowing irresponsible development of our urban floodplains. Floodplains are high hazard flood areas that are periodically and sporadically subject to inundation. Irresponsible development harm salmon and other fish and wildlife species, destroys habitat, and puts people and property at risk. In an age of climate change when we are seeing more and more extreme weather events, it is all the more important that we have strong floodplain policies. Portland is currently updating its floodplain management policies. I am writing to ask you to do the right thing at this time and build in strong flood plain resilience planning so that lives, structures and the environment are not put at avoidable risk from flood damage.

Testimony is presented without formatting.

John Proctor

#332320 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Please protect the Portland area floodplain for the citizens, fish and environment. John Proctor

Testimony is presented without formatting.

Cassandra Portner

#332319 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Money isn't the most important thing here. Please don't think about pockets but about the future .

Testimony is presented without formatting.

Todd Burkholder

#332318 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I am writing in opposition to recent amendments by City Council to the Portland Floodplain Resilience Plan. Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. These amendments cater to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. The City should make the following changes to the most recent draft:

- It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains.
- It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations.
- No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application.
- The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Respectfully, Todd Burkholder

Testimony is presented without formatting.

Linda Bierly

#332317 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

City staff: Portland needs strong floodplain protection policies to protect people, property and fish and wildlife and to meet the requirements of the federal Endangered Species Act. Portland should advance a strong Floodplain Resilience Plan to City Council. It should not cave to wealthy, powerful, well-connected developers who put their own profits ahead of the health and safety of our communities, our environment and our salmon. Recent proposed changes to the draft plan are irresponsible, will put people and wildlife in jeopardy, and are not sufficient to address ongoing violations of the Endangered Species Act. The plan will not eliminate all floodplain development in floodplains, but it does protect the most hazardous locations and ensures strong mitigation when floodplains are developed. The City should make the following changes to the most recent draft: It should eliminate exemptions for places like South Waterfront. The wealthiest, most powerful developers should not get a pass on adequately protecting floodplains. It should eliminate the two-year delay in implementation after the plan is adopted. This is a recipe for developers using the interim period to initiate early permit applications that allow them to get vested to avoid having to meet the new regulations. No developer should be able to get vested (avoid new floodplain regulations) on the basis of an incomplete development permit or an early assistance application. The City must quickly expand the new regulations to cover areas not currently covered in the current plan including the North Reach of the Willamette, the Columbia Corridor and Johnson Creek. The City has had years to develop this plan and there is no excuse for excluding or delaying huge swaths of the City. The new regulations must apply to all industrial land. There is no legal or rational basis for excluding industrial lands.

Testimony is presented without formatting.

Suzanne Kelley

#332316 | July 27, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

I am writing to support a strong floodplain resilience plan to protect the wildlife and people of the Portland area. As a resident of the Willamette Valley and someone who has family members in the Portland area, this matters to me!

Testimony is presented without formatting.

Glen Hamburg

#332302 | July 18, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

Metro respectfully requests that the proposal include written findings explaining how the proposed amendments will result in a Chapter 24.50 that still satisfies the performance standards of Urban Growth Management Functional Plan (UGMFP) Subsections 3.07.340(a)(2)(A)-(F), and Subsection 3.07.340(d)(1), except where the City demonstrates that those UGMFP subsections are preempted by state or federal requirements. The written findings should also explain how any adopted City flood hazard map (e.g., the “Composite February 1996 Flood Inundation Area Mapping”) is substantially similar to the 1998 Metro map, and why any departures from that 1998 map are necessary/appropriate (e.g., to account for new modeling).

Testimony is presented without formatting.

Don MacGillivray

#332301 | July 18, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

The document is too long and complicated. I am sure this is needed, but it would be nice if there was another shorter document that gave a much more general description of the code that included all the important points with a map and photographs showing important features. Given what is happening all over the world and in the U.S. flood is exceeding existing flood planes everywhere. Therefore Portland should seriously consider expanding our flood plain as needed. We also need to protect as much riparian open space as possible from development. Please take into account the many factors "Climate Change" and "Global Warming" add to your considerations.

Testimony is presented without formatting.

Trent Bellwood

#332297 | July 12, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

We should not be developing in Floodplains. They are critical for ecological and therefore economic stability as we move into climate chaos. If you disrupt the watershed, our reservoirs could run dry. If we need housing, ban airbnb like many cities around the world have already done.

Testimony is presented without formatting.

Trent Bellwood

#332296 | July 12, 2023

Testimony to on the **Chapter 24.50 Flood Hazard Areas Code Update Project, Discussion Draft**

We should not be developing in Floodplains. They are critical for ecological and therefore economic stability as we move into climate chaos. If you disrupt the watershed, our reservoirs could run dry. If we need housing, ban airbnb like many cities around the world have already done.

Testimony is presented without formatting.