

Frequently Asked Questions About Sensitive Lands

What is the purpose of the Sensitive Lands Code and Map?

The Sensitive Lands code is a part of the City's Community Development Code. It was written to protect water quality and a sense of nature in the City. The Sensitive Lands code also helps the City comply with regional, state, and federal environmental and land-use laws, including the Clean Water Act, the Endangered Species Act, State Land Use Goal 5 and Goal 6, and Metro Title 3 and Title 13. The Sensitive Lands Map shows where the Code applies.

When was the Sensitive Lands Code developed?

The current map and the code were adopted by the City in 1998, after a year-long process of public meetings and hearings. Most of the streams and tree groves—all those shown in solid colors—were mapped in 1998. The 1998 code replaced an earlier environmental code; since the 1970's the City has identified and protected properties with streams, wetlands or tree groves to help maintain our healthy environment. The City's Comprehensive Plan calls for protection of the "wooded character and natural features of Lake Oswego."

What makes a resource "significant"?

The City code defines a "significant" tree grove, wetland, or stream as one that scores at least 35 on a standardized Habitat Assessment Score (HAS) Worksheet. HAS worksheets are used by many Oregon cities and counties to evaluate natural resources. The HAS worksheet gives each resource points according to how much cover, food, and water it provides for wildlife, with extra points if it is especially scenic or provides educational benefits.

What rules apply to mapped resources?

When a mapped tree grove is developed, 50% of the area under the tree canopy must be preserved as a natural area. When an area adjacent to a stream or wetland is developed, typically an area 25-30' from the top of bank must be preserved as a natural area. If a mapped property is newly landscaped, tree groves, wetlands, and streams should contain non-

invasive plants. Native plants should not be removed from these areas.

Is the City of Lake Oswego's program different from other cities?

The City's natural resource program is not significantly different from other Metro-area cities. Lake Oswego's stream setbacks are actually more flexible than many neighboring cities (such as Tigard and West Linn). Lake Oswego does more to protect trees and tree groves than many jurisdictions, but many other cities also have protections for individual trees and forested areas.

What development rights are protected?

Landowners retain their development opportunities. They may move permitted density to another part of their property, reduce their other setbacks to make room for structures elsewhere on their lot, and adjust their stream buffer to make it wider in an open space and narrower adjacent building(s). If these options cannot accommodate the development they are entitled to, landowners can reduce stream and wetland buffers.

Why were the Sensitive Lands regulations recently changed?

The City recently amended the regulations to clarify portions of it that were confusing or inconsistent.

What are the next steps?

Further changes to the Sensitive Lands program are on hold to allow for more public input and to enable a Technical Advisory group to review the regulations to find areas where there can be more flexibility as well as opportunities for incentives to promote good stewardship. The City Council will not act until 2010. There will be another public forum on September 24, 2009.



Common Misconceptions and Facts about Sensitive Lands

Misconception: The City won't let property owners with sensitive lands build anything.

Fact: City code guarantees that every legal lot will have room for a "reasonably sized" building. The expectation is that the house will be comparable in size to others in the neighborhood. The City will approve a building up to that size, as long as it minimizes impacts to the environment and meets other regular building codes.

Misconception: The City is not required to regulate environmental land use; voluntary programs alone are sufficient.

Fact: Metro requires all cities to adopt land use regulations that protect water resources (Title 3). Metro also requires all cities to protect wildlife habitat inside cities (Title 13) with an approved program that meets quantitative performance standards. The Sensitive Lands code was written to meet Metro's requirements. Other cities call their programs by different names—e-zones, environmental resource zones, habitat areas—but they serve the same purpose.

Misconception: Metro habitat protection rules only apply to new development; the City doesn't need to regulate existing homes.

Fact: Metro doesn't exempt existing homes from habitat protections. Metro rules and the City code have the same goal: to allow people with existing homes to continue to use and maintain their property as they had before, but not necessarily to remove trees or build, expand, or add things that require additional permits.

Misconception: Oswego Lake isn't covered by the Sensitive Lands program.

Fact: Environmentally sensitive portions of the lake-shore are protected with Sensitive Lands overlays. Because the lake is so large, the entire shoreline is not treated in the same way. Significant tree groves along the lake and the fish refuges around streams are protected. So are natural areas like Lilly Bay. Highly developed areas and seawalls are not protected, but a special lake setback does apply around the entire lake.

Misconception: Property owners were not notified of Sensitive Lands designations.

Fact: The City adopted the Sensitive Lands program in 1998, after providing multiple notices to landowners, holding a series of hearings, and hosting a lively public discussion. Since then, complete information about the Sensitive Lands program has been available on the internet, in the Library, and at the Planning information counter in City Hall. The City is also working to make more people aware of the Sensitive Lands regulations through more courtesy notices, articles in Hello LO, and other public events.

I have more questions. Who can I talk to?

Please contact:

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There is also information available on the City's website, www.ci.oswego.or.us/plan/nature



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