



City of Lake Oswego Natural Resources Advisory Board Minutes

October 21, 2009

I. CALL TO ORDER AND ROLL CALL

Chair Morgan Holen called the Natural Resources Advisory Board meeting of October 21, 2009 to order at approximately 6:37 p.m. in the West End Building, 4101 Kruse Way, Lake Oswego, Oregon.

Members present: Chair Holen, *Vice Chair William Gaar, Nancy Gronowski, Doug Rich *Stephanie Wagner and Samantha Silbert (Student Member). Denise Dailey and Shawn Howard were not present. City Councilors Mary Olson and Sally Moncrief attended the meeting. Guests: Carolyne Jones and John Watson. Staff present: Jonna Papaefthimiou, Staff Liaison/Natural Resources Planner; and Natalie Strom, Parks Natural Resources Coordinator

II. ANNOUNCEMENTS FROM THE BOARD

The Board welcomed their newest member, Samantha Silbert, a student at Lake Oswego Junior High School. The City Council had scheduled a study session the following Tuesday to consider the Clean Streams Plan. Holen reported that there had been less traffic at the October 3rd Farmers Market event than at the previous event, but the people who stopped by the booth seemed to be very interested in finding out about landscaping with native plants.

Holen, Rich, Papaefthimiou and an AmeriCorps worker had attended a Portland City Club luncheon the previous Friday. Dr. Kathleen Wolff from the University of Washington School of the Environment had explained what her research showed were the social, economic and environmental benefits of trees. The Lake Oswego AmeriCorps staff would incorporate that data into a brochure they were creating about the benefits of trees. A Heritage Tree Ceremony was to be held on November 20th to dedicate a birch and an oak tree in the Hallinan Neighborhood. The neighborhood was cosponsoring the event. Rich volunteered to be the NRAB speaker at the ceremony. The Board asked that the City Council send a Councilor to speak too. *Bill Gaar joined the meeting.

III. PUBLIC COMMENT

Carolyn Jones asked if the slide presentation to the Second Look Task Force had been posted to the City website. Papaefthimiou confirmed that she had forwarded it to the IT staff to post with Task Force minutes.

IV. MINUTES

Rich **moved** to approve the Minutes of May 20, June 17, and July 15, 2009. Gronowski **seconded** the motion and it **passed** by unanimous vote.

Gronowski **moved** to approve the Minutes of August 19 and September 16, 2009. Holen **seconded** the motion and it **passed** by unanimous vote.

V. REGULAR BUSINESS

Update: Natural Areas

Wahoo Native Nursery at Luscher Farm. Strom reported this project had received almost \$1,000 in donations to use to finish construction and the project had benefited from 130 volunteer hours. The site had been moved to a more visible place on the Farm. A newly hired AmeriCorps worker would oversee the project and arrange to collect more hardwood species to grow there. The native plants propagated there would be replanted in the City's natural areas and given to "friends" groups to use in their restoration projects. The project is not a business; it is a volunteer effort to support restoration work. Some of the donated funds might be used to purchase seeds to replace the ones that had been collected last year and then accidentally thrown away when a closet was cleaned out. *Wagner joined the meeting at 7:00 p.m.

Cooks Butte. A contract had been awarded to the City of Portland Watershed Revegetation Team to remove invasives. A Metro Nature and Neighborhoods grant funded the effort. The contractor was to cut ivy off trees and spray English ivy. Herbicide would be painted on Holly Trees. They had permits from the National Marine Fisheries Service for the work. Strom explained so much ivy had to be removed initially that it was better to carefully spray the safest chemical mix (Aqua Master) when native plants were dormant than pull it and risk erosion problems at that particular site. No ongoing spraying was planned after the initial removal effort. Other work, such as removing debris and addressing tree safety issues would be done by City crews.

Nettle Creek. The City was partnering with Three Rivers Nature Conservancy and using a \$10,000 grant from the Oregon Watershed Enhancement Board to do work at Nettle Creek.

Springbrook Park. Volunteers did trail work this summer. The City needed to find additional funding to do more work to implement the management plan next year.

Campbell Native Garden. This was not a natural area, but a garden to demonstrate how to landscape with native plants. The City had partnered with the Lake Oswego Rotary Club. The signage needed more work and they were working on getting a kiosk.

Staff Changes. The City was interviewing candidates for the Open Space Maintenance position that had been vacated this summer. They had interviewed four out of 132 applicants and planned to conduct second interviews the following week. Strom announced that she was leaving her position as Natural Resources Coordinator in order to spend more time with her young children. She was working with the Parks and Recreation Director to determine the best direction for her program. She agreed to meet with Holen to talk about NRAB goals and projects related to her program.

Sensitive Lands Discussion

The board had previously decided to meet with stakeholders to learn what they thought the issues were. Since the last NRAB meeting Gaar, Gronowski, and Councilor Olson had met with Gary Buford and members of the Lake Oswego Stewards group. The Second Look Task Force had met twice so far to hear Metro staff present Titles 3 and 13

and to hear a presentation on the City's existing program. At the next meeting they were to learn about related City programs, including the Tree Code, the Community Forestry program, the Clean Streams Plan, and the City's stormwater permit.

Gaar reported that all stakeholders seemed to have a common interest in protecting natural resources. That was a good starting point. The issue was the manner and method. Some advocated a purely voluntary approach. Some were simply against City controls and regulations. Some did not trust the City. Some worried designation would devalue their land. Some questioned whether there was adequate science and data to support the map. Would the regulations accomplish Sensitive Lands goals and objectives to protect water quality and wildlife habitat and were they being applied correctly? Was the Tree Code helping? Gaar also observed that the Rivergrove area should be not be left out. Gaar and Rich reported that people looked at the maps and questioned whether the overlay was being applied in a fair and equitable manner. When the City Council heard objections regarding the composition of the task force they appointed two more members who owned Sensitive Lands and had technical expertise in areas of land use planning and development and SL overlays on their property. One was a soils expert for the Oregon Department of Agriculture and the other was a builder.

Gronowski was a member of the Second Look Task Force. She said the group's charge was to make recommendations to the Planning Department staff. She reported the Task Force had gained a basic understanding from the presentations made by Metro and City staff. They had not yet agreed where to start work. The first map had been drawn in 1978 and there had been subsequent refinements. Gronowski wanted to begin by learning more about the history of the mapping process and what data had been used to create it. Gaar said the Stewards group also wanted to know what data had been used to determine that one property should be protected and the adjacent one was not. Papaefthimiou pointed out that the proposed changes were on a map that could be viewed on the City website. Some changes removed the overlay from property and some added it to property, but the net change was it added about 150 tax lots. Some tree groves that had been omitted from the original map would be added. Gaar asked if the NRAB wanted to get involved in issues like whether an owner could place a swing set, fire pit or pathway in the overlay. Gronowski and Wagner responded that depended on how close to the resource they were positioned. Wagner said after it was determined the map was correct there should be a process for a case-by-case review of those other types of issues.

During the discussion Papaefthimiou explained the history of the mapping process. In the late 1990s the City had engaged a consultant who used the Habitat Assessment Score (HAS) to identify potential significant resource areas. Then another consultant had conducted an Economic, Social, Environmental and Energy (ESEE) Analysis that balanced interests to find out if there were reasons not to designate each property. Potentially affected properties were then mapped and sorted into groups whose owners were then notified of the proposed overlay. Approximately 100 property owners asked to have their property removed from the group and reviewed separately. Each group of properties whose owners did not speak up was mapped in one batch. Papaefthimiou said the most recent mapping process started in 2007. The City had been aware of errors in the map, so they commissioned a contractor to conduct the field studies and draft recommendations. City staff subsequently made site visits and removed about 40 properties. The work was done in preparation for periodic review of the Comprehensive Plan. The proposed map was published and then the City decided to get the code in

order before they applied it to a new map. She said the proposed map impacted about 10% of City land area and 1,750 tax lots. Since many of them were in public ownership or homeowners association common area there were actually about 900 affected tax lots in private ownership.

The group observed that members of the Stewards group and others might be trusted with protecting resources on their property, but not everyone. So some level of control was necessary. Perhaps they could be compensated for the overlay restrictions; offered incentives, such as a tax break; offered technical assistance about how to manage it; offered trees; offered credits for green roofs; or offered development options, such as use of permeable pavement, or other ideas that would give owners more and still promoted overall Sensitive Lands objectives and protected the watershed. Perhaps those objectives needed to be better defined. The NRAB agreed the Task Force should study the Clean Streams plan and other City programs that helped protect the ecosystem. The group agreed that owners should feel the overlay was applied in a fair and equitable manner. Gaar observed a need to educate owners. For example, they should know why what they considered a "ditch" needed to be protected. The Board surmised the answer could be a combination of regulation, incentives, education and outreach.

The Board asked the City Councilors for their comments. Olson agreed there was common ground to begin with because most participants wanted to take care of Sensitive Lands. But they questioned why the City had gone beyond what Metro required; what the goal was; what was the best way to get there; and how protection was measured. The challenge was to find a way to accomplish the common goal of resource protection without harming the property owner. She was hearing some good ideas.

Moncrief thought the City got into trouble when the staff attempted to consistently apply the code by getting very specific about things like limiting the allowable height of a "wildlife fence" to four feet. They were trying to make the code as clear as "black and white" for everyone, but making it consistent also reduced the flexibility to apply it on a case-by-case basis. She agreed that the Stewards group and others could be trusted to protect their resource areas, but someone would come along who did not. The City was challenged to balance consistency with flexibility. She indicated she appreciated the ideas the NRAB talked about.

Gronowski observed the City code was hard to apply and the staff could not be very flexible about applying it. She added that what might seem fair to one person might not seem fair to another. The rules should be easy to enforce. Perhaps set a bottom line and allow more flexibility beyond that. Wagner suggested reducing some of the arbitrariness by creating wide guidelines and making sure people knew why protection was necessary. Gaar suggested people needed to be aware that protection might vary because one riparian zone might have more value and need a wider buffer than a less valuable resource area.

Rich had heard owners complain that the Sensitive Lands regulations conflicted with owners' plans to sell or remodel their homes. He asked Papaefthimiou if she could provide a history of such conflicts and how other cities were dealing with the issue. Papaefthimiou agreed to do that. She reported there had been 50 enforcement actions since the regulations were adopted. Sometimes people removed plants or built in the riparian area without a building permit. Enforcement staff typically got involved when the

neighbors complained. She related that all Metro cities were in compliance with Title 3 and Metro considered Lake Oswego in compliance even though the City had not officially submitted a compliance report and would not do so until the new code was adopted.

The Board discussed how to proceed. They generally agreed protecting air, water quality and wildlife habitat was important; it was the NRAB mission; and protecting the ecosystem required a holistic approach. The NRAB would support some level of overlay regulation. It might be too early for the board to weigh in on the Sensitive Lands issue, but they wanted the Task Force to be aware the NRAB was interested in helping in some way – perhaps with public outreach. They should know that the Task Force could reach out to them like the Clean Streams planners did. They asked the staff to keep them updated on Task Force meeting times and agendas. Gronowski offered to update the Board about what the Task Force was doing at future NRAB meetings.

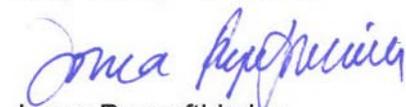
2009 Accomplishments / 2010 Goals

The NRAB was scheduled to present their accomplishments and goals to the City Council on December 7th. Holen and Gaar were drafting goals for 2010 for the NRAB to consider at their next meeting. The group examined the initial draft of 2009 Accomplishments. Holen planned to finalize the draft and email it to the members before the next meeting. Members were generally pleased with what they had been able to accomplish. They had designated Heritage Trees and raised community awareness at workshops and the Farmers Market. They had advised and supported the AmeriCorps worker who had fashioned the State of the Forest Report. Other Metro cities were interested in Lake Oswego's urban forestry plan. The group wanted to find out if they and other City boards had some goals in common they could present and work on together. Papaefthimiou offered to send them other boards' goals as she got copies of them. Wagner asked the Board to think about whether they wanted an NRAB member to be a member of the future Lake Oswego watershed council. She offered to keep them updated on the process of creating it.

VI. ADJOURNMENT

The next regularly meeting was scheduled on November 18, 2009. There being no further business before the NRAB, Chair Holen adjourned the meeting at approximately 8:21 p.m.

Respectfully submitted,



Jonna Papaefthimiou
Natural Resources Planner

L\nrab\minutes\October 21, 2009