

ESEE Analysis for Tree Groves

File No.: LU 15-0019
Properties: Multiple, see Attachment E-4
Prepared by: Lake Oswego Planning Department
Date: September 4, 2015

INTRODUCTION

The City is proposing to amend its RC District regulations (LOC 50.05.010 and 50.07.004.8), increasing protection of tree groves on designated public and private open space tracts. The City is also re-designating certain lands from the Resource Conservation (RC) District to the Habitat Benefit Areas (HBA) District, a new incentives program for protecting and restoring wildlife habitat. Finally, the City is proposing to remove RC districts from properties that no longer contain significant tree groves or that are not further dividable and where removal of the districts are not subject to Goal 5.

Proposed Ordinance 2687 would implement the above described changes, by amending the Community Development Code and the Comprehensive Plan Map and Zoning Map (Sensitive Lands Map).

BACKGROUND AND APPROACH

Although the City maintains that it is not required to apply Goal 5 directly to the proposed RC district amendments, if it were applicable, the current Goal 5 ESEE procedures would be applied. These are contained in OAR 660-023-0250(3), Applicability. There are several acceptable approaches for an ESEE analysis. For example, an analysis may address each of the identified conflicting uses individually, address a group of similar conflicting uses, or conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. (OAR 660-023-0040(4))

To best understand the consequences of amending RC districts that the City designated prior to Title 13 (the City's original Goal 5 program), the following ESEE analysis addresses resource sites individually, by "Tree Grove (TG)"; these are the numbered tree grove sites that Fishman Environmental Services and Winterowd Planning Services evaluated for the City during the initial citywide natural resource inventory (available at City Hall under the title *Lake Oswego Resource Areas Report & ESEE Analysis, 1997*). Not all TGs evaluated in 1997 had the RC district applied to them; the ESEE analysis of changes to RC districts, below, does not include non-significant (non-RC) tree groves.

For purposes of this analysis, staff referred to the Wildlife Habitat Assessment of the subject resource sites; aerial photographs; the Sensitive Lands Atlas; the draft Sensitive Lands Map update (Exhibit A-1, Attachment C); the Tree Groves map/slope analysis contained in Exhibit E-

4; and field verification (as needed). This background information provided sufficient locational, quantitative, and qualitative data to perform the analysis.

Economic Consequences

Retaining the existing RC District designations and standards, and not adopting the HBA incentives, would result in less land available for development on some properties (private properties), and less protection required on others (City, School District, Home Owners Associations (HOAs), etc.). Adopting the changes would reverse this equation and create development incentives for habitat protection and restoration, including more flexible development standards which might reduce development costs.

Social Consequences

Retaining the existing sensitive lands program would perpetuate the inequity where some properties are overregulated while others with significant resources are omitted (e.g., stream corridor mapping issue). Omitted properties are subject to the non-map based code requirements of LODS 3 and 4; this code complexity causes confusion and mistrust of the City. The proposed changes would address this inequity and clarify the City's code, but may lead to development that appears more dense (e.g., cluster housing) where the HBA incentives are used. The proposal would also further restrict the use of public lands and private open spaces.

Environmental Consequences

Retaining the existing sensitive lands program would continue to protect 50% of designated tree groves but not rectify the mapping of streams nor provide any incentive for habitat restoration or enhancement. The proposed changes would rectify the mapping issue, balance removal of RC districts on private properties with increased protections on public and private open space tracts, and provide incentives for habitat restoration that do not currently exist.

TREE GROVES ESEE ANALYSIS

Tree Grove 1 (TG-1)

TG-1 is located within Resource Area 17 (Hallinan). It consists of the southerly portion of Freepons Park and nine developed and non-dividable residential lots between Hemlock and Larch Streets. The site is densely forested and is proposed to remain an RC district except where removal of RC from the residential lots meets the criteria for de minimis change. (Note: Exhibit A-1, Attachment C incorrectly shows RC on portions of four lots fronting Hemlock Street; RC is proposed to be removed from all nine of the residential lots.) The proposed code amendment would increase the level of protection on this upland forest site from 50% to 85% of the RC district. The environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 2 (TG-2)

TG-2 is located within Resource Area 16 (Cornell). It contains the Cornell Open Space and Aspen Park/Palisades Reservoir 2 site, and is comprised of upland forest and riparian areas adjacent to the southern city limits. The RC district is proposed to remain on the park and open space portions of the site that are not to become RP (where existing RP is enlarged to provide riparian protection). The HBA district is proposed to replace RC on approximately 10 residentially zoned properties comprising approximately 2.6 acres that are large enough to be divided.

The upland forest area was originally designated RC for its scenic value (“scenic drive through a ‘tunnel’ of trees”) and for its upland wildlife habitat value. The HAS worksheet also notes a potential wetland at the SW corner of the site adjacent to Cornell Road; the existing RP district is proposed to be extended to this area as it is the headwaters for the subject stream corridor.

TG-2 has severe development constraints as 75% of the area proposed as HBA is comprised of slopes exceeding 20%, and 7% of the HBA (primarily abutting Cornell Road) exceeds 50% slope, making extension of access and utilities for development difficult. The Hillside Protection standards restrict land disturbing activities on those slopes, and, together with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource values.

In conclusion, replacement of the RC district with the HBA district on the subject properties is justified because the negative social consequences of maintaining the RC district on these highly constrained properties outweigh the nominal environmental benefits of continued RC regulation, which are not greater than the City’s other existing regulations. Furthermore, the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district regulation.

Tree Grove 3 (TG-3)

TG-3 is an upland forest and riparian area located within Resource Area 12 (Cooks Butte). It is comprised of Cooks Butte Park and adjacent residentially zoned lands. It was found to be significant due to its “large size and its proximity to the Tualatin River.” It was recognized as attracting a variety of wildlife, including black tail deer, raptors (“hunting prey in adjacent fields”), pileated woodpeckers, and other migrant and resident wildlife, all of which are still common in the Palisades neighborhood, even though the area is nearly built out.

The RC district is proposed to remain on the large tract of open space area that is Cooks Butte Park, except where RC becomes RP (where existing RP is enlarged to provide riparian protection). Within the open space area, the proposed code amendment would increase the level of protection from 50% to 85% of the RC district. The RC district is to be replaced with the HBA district on approximately 4.3 acres comprising 15 residential lots, which due to their size may be dividable. The RC district is to be removed from approximately 14 developed residential lots that are non-dividable; these lots are mostly set apart from Cooks Butte; are not riparian

habitat; and are surrounded by development, making the removal of the RC district a de minimis change.

TG-3 has severe development constraints as 92% of the area proposed as HBA is comprised of slopes exceeding 20%, and 13% of the HBA exceeds 50% slope, making extension of access and utilities for development difficult. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource functions and values.

In conclusion, replacement of the RC district with the HBA district on the subject properties is justified because the negative social consequences of maintaining the RC district outweigh the nominal environmental benefits of maintaining the district, which are no greater than the City's other existing regulations; and the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district. It is also important to note that there are large tree groves in the vicinity that are not designated sensitive lands. These groves are in residential backyards and in some cases are indistinguishable from the lands where RC districts are to be removed or replaced with the HBA district. This can be attributed in part to the City's non-land use protections, as noted above.

Tree Grove 4 (TG-4)

TG-4 is upland forest located within Resource Area 2a (Ball Creek), adjacent to the Westlake Planned Development. It is entirely comprised of open space between two tributaries to Ball Creek. TG-4 was found to be significant for its "vegetative structure and diversity... food, cover, nesting, and perching sites for a variety of wildlife." It was also found to have slope stabilization and erosion prevention values, important attributes in this area with two drainages. The RC district is proposed to remain on the portion of this site that is not to become RP (where existing RP enlarged to provide riparian protection). The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 5 (TG-5)

TG-5 is upland forest located within Resource Area 5 (Waluga), including a portion of West Waluga Park and two abutting properties to the west. TG-5 was found to be significant for its "large size of [the] remaining stand, and moderate diversity of shrub species [which] contribute to cover and food resources for wildlife." Its proximity to Waluga wetland was also noted as enhancing wildlife value "by providing water and additional food and cover opportunities." The proposal would maintain the RC district on that portion of West Waluga Park where it currently applies, and increase the level of protection from 50% to 85% of the district. The proposal removes RC from the smallest parcel to the west, which is not dividable. The proposal also replaces the RC district with the HBA district on one parcel of 2.9 acres which is zoned residential.

These changes would maintain the current forest buffer between any future development and the nearest RP district (Waluga wetland), which is located more than 100 feet to the south. In addition, the dividable portion of TG-5 (the approximate 2.9 acres proposed HBA) has some development constraints. It has narrow frontage onto Waluga Drive and approximately 36% of the parcel is comprised of slopes between 20% and 50%. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource functions and values. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 6 (TG-6)

TG-6 is upland forest located within Resource Area 5 (Waluga), including a portion of East Waluga Park and lands in the vicinity of Waluga Reservoir. It also covers slivers of two non-dividable residential lots (4801 and 4804 Heritage Lane). TG-6 was found to be significant because it provides wildlife with “food and cover resources” adjacent to the wetlands in East Waluga Park and West Waluga Park. “Wildlife travel between the sites for food and water beneath a protective canopy.” The RC district is proposed to remain in the park, where the proposed code amendment would increase the level of protection from 50% to 85% of the RC district. The RC district is to be removed from the two non-dividable private lots, a total of 0.11 acre of fenced residential backyards. The properties are zoned R-7.5 and are not dividable. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 7 (TG-7)

TG-7 is upland forest within Resource Area 10 (Canal). It is limited to the Canal Acres Natural Area south of Childs Road. The area was found to be “a significant link for wildlife species that travel between Bryant Park and the Tualatin River.” The RC district is proposed to remain on the portion of this site that is not to become RP (where existing RP is enlarged to provide riparian protection). The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 8 (TG-8)

TG-8 is upland forest within Resource Area 5 (Waluga). It includes a portion of West Waluga Park, common open space areas within platted subdivisions, and slivers of three residential backyards that abut the park (16321 and 16355 White Oaks Drive, and 5428 Royal Oaks Drive). TG-8 was found to be significant for its “structural and vegetative diversity” and its location adjacent to wetlands “allow wildlife to forage through different community types.” The only proposed change is to remove the RC district from the three non-dividable residential lots, a

total of 0.06 acre of fenced residential backyards. The proposed code amendment would increase the level of protection from 50% to 85% of the remaining RC district. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 10 (TG-10)

TG-10 is located in Resource Area 4 (Carter Creek) south of Meadows Road in the Kruse Way corridor. This upland forest area was originally designated a Distinctive Natural Area (DNA), the predecessor to the Sensitive Lands program, when the area was located outside the city limits. The reasons for the designation at that time were: "The large size of this remaining stand of forest and diversity of shrub and groundcover species contributes to the cover and forage resources for wildlife. The proximity to Carter Creek also enhances the values of the site because animals can move back and forth for water and food and remain under cover." Unfortunately, properties along Meadows Road received development review approval under Clackamas County's jurisdiction, so the City was unable to apply the DNA or Sensitive Lands regulations to them. As the office park developed, with the exception of the riparian corridor along Carter Creek, the trees were removed. (The area adjacent to Carter Creek is an RP district.) Only one vacant lot within TG-10 remains (5600 Meadows Road), more than half of which is open field. The proposal is to apply the HBA overlay to the forested portion of that lot, as well as the forested area between the existing office park and the Carter Creek RP district. The proposal has only positive environmental consequences, because the HBA district will apply to the only developable forested property in the district, which is exempt from the RC district regulations because it is vested under the prior Clackamas County master plan approval for the office park.

Tree Grove 11 (TG-11)

TG-11 is located in Resource Area 26 (Forest Highlands) east of Goodall Road and west of Leslie Lane. Only about one-third of this "upland forest" area is forested; the majority of it is open field or pasture. The RC district applies to a small number of residentially zoned properties, including dividable and non-dividable lots. The area is a patchwork of incorporated and unincorporated lands, and some of the lands inside the City are currently in the development review process. However, some of the lots that are large enough to be divided under current zoning (R-7.5) are not likely to do so because they contain large houses that make future partitioning difficult if not impossible. This area was originally designated a Distinctive Natural Area (DNA), the predecessor to the Sensitive Lands program, when it was located outside the city limits. The reasons for the designation at that time were: "The structural and vegetative diversity of the forest provides food, cover, nesting and perching sites for a variety of wildlife. The proximity of the stream corridor enhances habitat value... The tall trees provide hunting perches for raptors... The location of the site on top of a hill provides a scenic view."

While the above values are still present the habitat is fragmented. The proposed replacement of RC with HBA, including unincorporated lands, and removal of RC from small, non-dividable properties (de minimis change) would maintain sufficient buffering between any future

development and the nearest RP district (to the west, where RC is being combined with RP to provide a larger riparian buffer). In addition, the dividable portion of TG-11 (the approximate 5.4 acres proposed HBA) has some development constraints. It has narrow frontage onto Goodall Road and is divided by the RP district. Approximately 12% of the HBA area has slopes between 20% and 50%. The Hillside Protection standards restrict land disturbing activities on those slopes.

In conclusion, replacement of the RC district with the HBA district on the subject properties is justified because the negative social consequences of maintaining the RC district outweigh the environmental benefits of maintaining the district due to the fragmented condition of the grove; furthermore, the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district.

Tree Grove 12 (TG-12)

TG-12 is located in Resource Area 26 (Forest Highlands) south of Thoma Road and west of Goodall Road and includes open space lands at Lake Oswego High School (LOHS). This upland forest area has retained its forest cover, even as much of the area has developed. The RC district applies to a small number of residentially zoned properties, including dividable and non-dividable lots. The area is a patchwork of incorporated and unincorporated lands. [The properties abutting Boones Ferry Road that are zoned R-10 are developed and non-dividable; therefore, they should be shown as “removed” (not HBA).] The lots that are large enough to be divided under current or future (Comprehensive Plan) zoning (R-5 and R-7.5) are proposed as HBA. This area was designated RC due to its location between two RP stream corridors, its diverse structure and vegetation, and proximity of the high school for “educational opportunities for students...”

While the above values are still present, the proposed replacement of RC with HBA, and removal of RC from non-dividable properties (de minimis change), would maintain sufficient buffering between any future development and the two stream corridors (RP districts, where RC is being combined with RP to provide a larger riparian buffer). The dividable portion of TG-12 (the approximate 4.78 acres proposed HBA) has significant development constraints. Much of it is landlocked (surrounded by existing development), with no frontage onto a public street. Approximately 30% of the HBA area has slopes between 20% and 50%. The Hillside Protection standards restrict land disturbing activities on those slopes. Furthermore, the proposed code amendment would increase the level of protection from 50% to 85% of the RC district at LOHS. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 13 (TG-13)

TG-13 consists of only two parcels; one is a delineated tree grove/open space (at 14070-14062 Goodall Road), and the other (14056 Goodall Road) is a dividable lot of approximately one acre. This area is surrounded by development and the subject tree grove is disconnected from other

tree groves and stream corridors in the vicinity. Replacement of the RC district with the HBA district on the subject property is justified because the negative social consequences of maintaining the RC district outweigh the small environmental benefits of maintaining the district. [Note: The map will need to be edited, as the open space parcel should be designated RC, not HBA. The dividable lot is correctly shown as HBA.]

Tree Grove 14 (TG-14)

TG-14, which is in Resource Area 27a (Springbrook) consists of Springbrook Park. This natural area was designated a Distinctive Natural area, and later RC, because it is a large, contiguous area of significant upland and riparian wildlife habitat, and due to its proximity to schools for educational value. The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 15 (TG-15)

TG-15 is located within Resource Area 3 (Westlake). It contains common areas within the Westlake Planned Unit Development (PUD), and is comprised of upland forest and riparian areas adjacent to Kruse Way. It was originally much larger (55 acres) when designated a Distinctive Natural Area; the area later developed and 18 acres was protected as RC due to its stand of Oregon ash and white oak, which “provide food, cover, and resting and perching sites for wildlife.” The RC district is proposed to remain on portions of the site that are not to become RP (where existing RP is enlarged to provide riparian protection). The proposed code amendment would increase the level of protection from 50% to 85% RC districts, though the open space area is already protected by conditions of development approval. In conclusion, the environmental benefits of the change outweigh any potential negative consequences.

Tree Grove 18 (TG-18)

TG-18 is located within Resource Area 14 (South Shore). It is comprised of the Southshore Natural Area and multiple private properties, and contains steeply sloping forest and riparian areas abutting Oswego Lake. The RC district is proposed to remain on the open space portions of the site that are not to become RP (where existing RP is enlarged to provide riparian protection). The HBA district is proposed to replace RC on approximately 20 residentially zoned properties that are large enough to be divided, comprising approximately 4.9 acres. [Note: The map for this area requires some minor editing for clarity; HBA and RC-removed boundaries should follow property lines.]

The proposal removes RC from approximately 11 residential lots meeting the criteria for de minimis change. [Note: A property owner has pointed out an error on the proposed map where it shows a stream within Oak Terrace, near that street’s northern terminus. The map also incorrectly shows HBA applied to small portions of some non-dividable lots in the vicinity. See Exhibit G-1.]

This upland forest area was originally designated RC for its proximity to Oswego Lake. “The tall trees provide potential perches for osprey, bald eagle, or great blue heron [sic] that might hunt prey on the lake. The diverse canopy also provides food, cover, nesting, and perching sites for other wildlife species. The views are scenic, both of the lake from the forest, and of the forest from the lake.” The HBA district will apply to these upland habitat areas on residential lots that are large enough to be divided, i.e., outside the RP district, and provide incentives for habitat protection, as well as restoration and enhancement.

TG-18 has severe development constraints as 98% of the area proposed as HBA is comprised of slopes exceeding 20%, and 89% of the HBA exceeds 50% slope, making extension of access and utilities for further development difficult, if not impossible, for these properties. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource functions and values.

In conclusion, replacement of the RC district with the HBA district on the subject properties is justified because the negative social consequences of maintaining the RC district on these extremely constrained properties outweigh the nominal environmental benefits of continued RC regulation where other City regulations provide comparable protection. Furthermore, the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district regulation.

Tree Grove 19 (TG-19)

TG-19 is located within Resource Area 18 (Glenmorrie). It is comprised of steeply sloping forest and riparian areas in the Skylands neighborhood. The RC district is proposed to change to HBA on the portions of the site that are not to become RP (where existing RP is enlarged to provide riparian protection). This change affects approximately 19 residentially zoned properties that are large enough to be divided, comprising approximately 5.8 acres. The proposal removes RC from approximately 6 residential lots meeting the criteria for de minimis change. [Note: The map for this area requires some minor editing for clarity; HBA and RC-removed boundaries should follow property lines.]

This upland forest area was originally designated RC based on the following characteristics: “mixed canopy growing on a steep north-facing slope... The canopy has nice structure and provides food, cover, seasonal water for wildlife. It is also scenic for lowland viewers.” The HBA district will apply to these upland habitat areas on residential lots that are large enough to be divided, i.e., outside the RP district, and provide incentives for habitat protection, as well as restoration and enhancement.

TG-19 has severe development constraints as 96% of the area proposed as HBA is comprised of slopes exceeding 20%, and 59% of the HBA exceeds 50% slope, making extension of access and

utilities for further development difficult for these properties. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified functions and values.

In conclusion, replacement of the RC district with the HBA district on the subject properties is justified because the negative social consequences of maintaining the RC district on these constrained properties outweigh the environmental benefits of continued RC regulation, where other City regulations provide comparable protection. Furthermore, the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district regulation.

Tree Grove 22 (TG-22)

TG-22 is located within Resource Area 17 (Hallinan). It contains Hallinan Natural Area, a small portion of Hallinan Elementary, and adjacent private properties. It is comprised of upland forest and riparian areas. The upland forest area was originally designated RC for its diversity of vegetation providing food, cover, and nesting and perching sites for wildlife, and its proximity to the stream corridor. The Habitat Assessment notes that "Site vegetation is severely impacted by English ivy and clematis. These invasive vines cover native vegetation, reducing food and cover for wildlife."

The RC district is proposed to be removed from approximately 6 residential properties that are too small to be divided (*de minimis*). The RC district will remain on the large tract of open space area that is Hallinan Natural Area, except where RC becomes RP (where existing RP is enlarged to provide riparian protection). Within the open space area, the proposed code amendment would increase the level of protection from 50% to 85% of the RC district. The HBA district is proposed to replace RC on approximately 8 residentially zoned properties comprising approximately 3.8 acres that are large enough to be divided.

Future development potential is limited in the south portion of TG-2. The area has access constraints due to steep slopes (20%-50%) within the stream corridor that bisects TG-2. The 2-acre lot to the north of the open space (1107 Yates), upon replacement of the RC district with HBA, could be developed. The Hillside Protection standards do not restrict development on that property; however, City code requires that a minimum of 20% of a subdivision be protected as open space. If a subdivision were proposed at 1107 Yates, the lands abutting Hallinan Natural Area would be prioritized for open space protection. In addition, the HBA incentives would encourage additional habitat protection or restoration (and protection) with any future development.

In conclusion, the proposal is to strengthen protection of portions of TG-2 while removing protections on other portions. On balance, the changes are justified because the negative social consequences of maintaining the RC district outweigh the environmental benefits of continued regulation on a small number of properties, most of which have non-resource related

development constraints. Furthermore, compared to the RC district the HBA district is more likely to result in needed habitat restoration.

Tree Grove 23 (TG-23)

TG-23 is a small upland tree grove within Resource Area 6 (Lake Grove). It is limited to one open space tract of 0.6 acres at 16903 Boones Ferry Road. The area was found to have limited habitat value due to clearing, though the Habitat Assessment notes that a snag can provide nesting sites. Though it is not noted in the assessment, the site has scenic value as it is located at a community gateway, where the railroad crosses Boones Ferry Road. The RC district is proposed to remain. The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of retaining the RC district and increasing the level of protection outweigh any potential negative consequences.

Tree Grove 26 (TG-26)

TG-26 is located in Resource Area 1 (Mountain Park). Only a small portion of the original 8-acre tree grove is designated RC; much of the grove is fragmented by development. The RC district is proposed to be removed from 20 residential lots in the Summit Ridge Townhome development, because the lots are developed with townhomes and not dividable (de minimis). The sensitive lands within the open space portion of the development will continue to be designated RC and RP. Where the RP district abuts RC, the RC area will be consolidated with RP to create a larger wetland buffer. In conclusion, the environmental benefits of correcting the sensitive lands map and consolidating the RC district and RP buffer outweigh any potential negative consequences.

Tree Grove 27 (TG-27)

TG-27 is located in Resource Area 1 (Mountain Park), across the street from TG-26 at the northeast corner of Kerr Parkway and McNary Parkway. It is part of McNary Park (McNary Reservoir #2) site. The RC district is proposed to remain. The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of keeping the RC district outweigh any potential negative consequences.

Tree Grove 28 (TG-28)

TG-28 is in Resource Area 5 (Iron Mountain). It consists of the south-facing slopes of Iron Mountain, a 40-acre upland forest. The Habitat Assessment notes its scenic, wildlife, and slope stabilization values. The size of the site, its proximity to water (Springbrook Creek and area wetlands), deer population, and oak/madrone community are also noted.

The RC district is proposed to remain on the large expanse of open space that is Iron Mountain Park, except where RC becomes RP (where existing RP is enlarged to provide riparian protection) along Springbrook Creek. Within the open space area, the proposed code

amendment would increase the level of protection from 50% to 85% of the RC district. This is significant because the park has been under pressure from development and invasive plant species. The City, Friends of Iron Mountain, and others are now working to restore and enhance the resources there. The RC district is to be replaced with the HBA district on approximately 6.6 acres comprising portions of approximately 15 residential lots, which due to their size may be dividable. The RC district is to be removed from approximately 10 developed residential lots that are non-dividable (de minimis change). The changes are limited to the northern edge and the easternmost tip of TG-28.

The changes do not conflict with the above noted resource functions and values. TG-28 has severe development constraints, as 93% of the area proposed to be HBA is comprised of slopes exceeding 20%, and 29% of the HBA exceeds 50% slope, making extension of access and utilities for development difficult. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource functions and values.

In conclusion, replacement of the RC district with the HBA district on subject residential lands is justified because the negative social consequences of maintaining the RC district outweigh the environmental benefits of maintaining the district, which are only nominally greater than the City's other existing regulations; and the HBA designation is more likely to result in restoration or enhancement of habitat resources than the RC district.

Tree Grove 31 (TG-31); Tree Grove 32 (TG-32); and Tree Grove 33 (TG-33)

TG-31, TG-32, and TG-33 are located in Resource Area 2 (Ball Creek). They are small open space tracts (HOA common areas) within the Oak Creek Subdivision. The RC districts are proposed to remain. The proposed code amendment would increase the level of protection from 50% to 85% of the RC district. In conclusion, the environmental benefits of keeping the RC districts outweigh any potential negative consequences.

Tree Grove 34 (TG-34)

TG-34 is located in Resource Area 1 (Mountain Park). It is comprised of Mountain Park open space tracts (adjacent to the HOA's storage facility) and residential lots with homes. TG-34 is bisected by a stream corridor (RP district). The Habitat Assessment notes the site's diverse vegetation, food resources for wildlife, dominance of native plants, and proximity to water.

The RC districts abutting the RP district are proposed to remain (on the open space tracts) or be consolidated into the RP buffer. Where the RC district remains the proposed code amendment would increase the level of protection from 50% to 85% of the district. The RC districts are proposed to be removed from approximately 10 residential lots that are too small to be divided (de minimis change). Where a lot is technically large enough to be divided the HBA district is proposed to replace RC.

Development is not a concern in this built-out-neighborhood. Even if it were, the proposed changes do not conflict with the above noted resource functions and values. TG-34 has development constraints, as 69% of the area proposed to be HBA is comprised of slopes exceeding 20%, making redevelopment difficult. The Hillside Protection standards restrict land disturbing activities on those slopes, and, in concert with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, they indirectly protect the identified resource functions and values. In conclusion, the environmental benefits of the proposed changes outweigh any potential negative consequences.

Tree Grove 35 (TG-35)

TG-35 is located within Resource Area 2 (Ball Creek). It is comprised of four slivers of land within Centerpointe Business Park. The RC district is proposed to be removed because the area is limited to parking lot paving, turf, street trees, and a landscape island of approximately 0.5 acres. This area contains large trees but is completely surrounded by parking lots. The trees are already protected by development conditions of approval and, secondarily, by the Tree Code. In conclusion, the social benefits of removing RC regulation outweigh any environmental consequences.

CONCLUSION

Some of the subject properties that are proposed to be re-designated from RC to HBA contain trees that would be removed by intensified residential development. However, at the level of the Tree Grove and Resource Area, these impacts are minimal or non-existent, due to the protections afforded by other City regulations. The Hillside Protection standards, together with the HBA incentives and non-land use protections of the Tree Code, Erosion Control Standards, and storm drainage requirements, restrict land disturbing activities on steep slopes.

As the ESEE analysis demonstrates, the proposed ordinance has positive environmental impacts. The economic impact varies; where land uses are restricted (e.g., the proposed increased level of protection on public and private open space tracts), the economic value of a particular property (e.g., City- or School District-owned land) may be reduced, and where the code changes add flexibility for the use of private property (e.g., where a dividable lot is presently fully encumbered by sensitive lands), or provide incentives for habitat conservation in new development, the economic impact may be positive. The energy impact is neutral. However, the social consequences of retaining the sensitive lands program in its present form are negative. Generally, the social benefits of implementing the changes outweigh the environmental consequences in the few tree grove instances where there would be negative impacts.

THIS PAGE INTENTIONALLY LEFT BLANK