

McCaleb, Iris

From: Tryon Creek Watershed Council <coordinator@tryoncreek.org>
Sent: Monday, September 14, 2015 2:45 PM
To: McCaleb, Iris
Subject: Comments for sensitive lands changes

Testimony of the Tryon Creek Watershed Council
Regarding amendments to the City of Lake Oswego's Comprehensive Plan and zoning maps
Before the Lake Oswego City Council
September 14, 2015

Introduction. Tryon Creek Watershed Council is a nonprofit organization that restores, protects, and enhances the ecological health and function of our unique urban watershed, which includes land in both Portland and Lake Oswego. In general, we support the City of Lake Oswego's plan to continue its protection of riparian areas, the updated mapping effort, and several other measures included in the proposed update to the sensitive lands policy. We commend the enormous effort that went into this policy document. We are very concerned, however, with the proposed removal of upland protections and move from required to voluntary compliance with protection measures within "Habitat Benefit" areas.

General Comments

Upland habitat is critical to stream ecosystem health, to threatened species such as salmon, to healthy cities and communities, and to the economy. Upland habitat includes large trees and the urban forest, open spaces, meadows, and oak savannas. Upland habitat has many benefits, including many that are named in the Urban Forest and Vegetation Background of the new Healthy Ecosystems Chapter. A few of these benefits are:

- Important habitat for wildlife
- Increased quality of life, air quality, and community health
- Increased property values and tax revenue
- Important stormwater benefits
- Improvements to water quality

Meadow and oak savannah, in particular, have been mostly eliminated in the Willamette Valley due to our long legacy of settlement and development. More should be done to protect any remnants of these special ecosystems.

The Habitat Benefit areas seem to provide no real habitat protection. Protection through voluntary or even incentivised means has been shown to be much less effective than mandatory regulation. Psychologically, people are more likely to take actions to avoid a fine than they are to gain an incentive even though the monetary result may be equivalent. We advocate for real protections in these areas including more stringent stormwater and native vegetation protection and enhancement requirements and other development restrictions. Failing that, we hope that the incentive system created will be one strengthened by social science understanding of how to effect change in behaviors. Voluntary measures are not sufficient to protect trees and open spaces--even with incentives, voluntary measures are less likely to result in any real improvement to resource protection.

Removal of RC/RP zones should consider steepness, and in this landscape, many of our slopes are very vulnerable due to clay soils, steep slopes, and altered hydrologies. We are concerned that the hillside protections under LOC 50.06.006 do not include mandatory protection of native vegetation, which is one of the most important components preventing slope failure and mitigating storm water issues. These zones should have special protection for native vegetation and canopy cover.

Additional Specific Comments

Section 1. Healthy Ecosystems Chapter

- We support the chapter's continued protection of riparian areas and the chapter's updating of RP designation with accurate LIDAR-based data. This is a much anticipated update that will hopefully do more to protect streams. We are concerned about the potential for failure to capture all wetlands and ephemeral streams and support further stream and wetland habitat survey work in the future.
- We oppose removing protection from some Resource Conservation Districts that lie beyond a 50-foot buffer from creeks. Fifty feet is not the limit of influence on a creek, especially in areas with steep and sensitive soils such as the clay common in this area. We urge the City to keep its upland regulations intact and strengthened.
- We support Policy 4, "Require a higher level of regulatory protection for natural resources located on public open spaces and on private open space tracts created through the development process," and related action D, which proposes coordinating with homeowners associations and providing education and technical support where appropriate. Often HOA greenspaces are not maintained by the HOA despite requirements. Reasons include lack of organization of the HOA, lack of knowledge of the requirement and proper techniques for maintaining a natural area, and/or insufficient resource allocation by the HOA. The city should take a stronger role in removing these barriers. As a watershed council, we often take on projects to assist HOA's with the initial work of bringing such greenspaces into a healthier and easier to manage state. We are encouraged by the city's recognition of this issue and look forward to partnering further to assist with these areas.
- We are concerned about Policy 5b, which allows transfer of allowable density and floor area within a development site and between a development and adjacent lands under the same ownership. Regulations on allowable density and floor area help to reduce the impacts of stormwater. Allowing areas of denser development may create large areas of impervious surface, which could lead to increased erosion, pollution, and stream temperatures. This option could have a positive effect, creating larger green spaces with less interrupted habitat areas, but the stormwater aspect will have to be addressed very conscientiously.
- We strongly support additional protection and potentially creation of riparian, beach, and off-channel habitat along the Willamette River. This habitat is critically important to juvenile salmon and other wildlife and is lacking in the lower Willamette river. Incentives to improve this habitat along private properties- including removal hard riprap, creation and protection of sandy beaches, and increase in native vegetation along the mainstem should be strongly encouraged.

Section 3. Proposed Changes to Plan Map & Zoning Map

- We oppose RC removal in the Nettle Creek drainage. Several sites along the south side of Nettle Creek, including on Cumberland, York, and Andrews roads, are areas with very significant landslide risk and existing slumping. Removing protection in this area poses significant threat to the Tryon Creek State Natural Area and to the neighborhood.

Section 4. Community Development Code

- Blowdown hazard tree removal should require the creation of snags instead of complete removal. Snags provide important habitat for birds and other wildlife.