

Good Evening Commissioners:

I support the proposed flexibility for fully encumbered lots, but I believe much of this proposal is off-track. Unfortunately the three minutes of testimony allows only enough time to cover a few of my concerns. The scheduling of an open house would be helpful given the complexity of the proposal and the number of new properties added.

When the current Sensitive Lands Program was created it was based on narrower buffers for water features because upland tree groves were included for protection. Metro granted substantial compliance for that plan. The Revised Sensitive Lands Program now proposes to remove the upland tree groves and to expand the buffers by ten feet on each side of the water feature. Water feature owners are lead to believe that their buffers will not increase. That claim is "spin". There is also the 5-10 foot construction set back. In my case, my property is a contested site and my buffers will go from 25 feet to 60 feet with the construction set back. How is that fairness? Since we are in substantial compliance, why should water feature owners now have more regulation?

The City Council gave direction "to apply natural resource regulations evenly (fairly) based on updated mapping and current levels of regulation". The removal of upland tree groves, however, with wider buffers for water features owners, makes this a trade which lets tree grove owners off the hook. I have no interest, whatsoever, in giving more of my property so that upland tree groves can be let off the hook. The revisions are concentrating the regulations on to fewer and fewer properties. With the exclusion of the biggest, most significant water resources, Oswego Lake and the Willamette River, which are both and water quality impaired, the revisions make Lake Oswego's Sensitive Lands Program even less environmentally sound than they already are.

Also, in the spirit of transparency and fairness, over the past years that this revision process has be ongoing, there have been a number of exclusions. After the current regulations were adopted, it became apparent how arbitrary and unfair the designations were. For that reason, I request that a list be made available of all of the exclusions by property address, and with a clear reason given for their exclusion, so that everyone can judge for themselves the politics behind the exclusion decisions.

Less than three weeks ago, while looking at the newest map, I realized that my property, a contested site, had been included. Although, the Lidar technology may provide the most current and accurate mapping available, I think it is important to remember that "due process of law" supercedes new technology. Goal 5 outlines the processes for identifying and designating new properties, and I am requesting that staff review those procedures. 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. I would like to point out that all of the ESEE analysis were done decades ago and are now obsolete. Few, if any, were done with an adequate economic analysis, that is, a site specific analysis documenting a property's size and containing numbers documenting value so the ESEE consequences", (positive and negative) relating to economic, social, environmental, and energy (ESEE) could determine more accurately a decision to allow, limit, or prohibit a conflicting use. In most cases the decision was to prohibit. One result of that omission is that the value of all the properties that have been taken, assets gifted to the City through deed restrictions, which clearly state the property is now public property, today, is a "black hole" in terms of the value of the assets taken. The time has come to make that black hole transparent so the significance of the takings can be conceptualized and someday, reparations made, as both Federal and State constitutions state that private property shall not be taken without compensation and public officials take an oath to uphold those constitutions.

Less than three weeks ago, when I realized that my property had been included, I began to review the substantial amount of paper work in a different light. I am somewhat alarmed about the protected RC areas that will become buildable because those in my area, are extremely steep slopes in areas with a history of landslide. The landslide area above the waterfall on the pathway in George Rogers Park is now identified HBA. Tree Grove 19, in Glenmorrie, has spectacular views, but is extremely steep and in an area of a previous landslide in which a house below was destroyed. In my opinion, having lived in the area for 35 years, development on those slopes poses a safety threat to the properties below them. I found no detailed maps of the HBA areas. Does one exist? Has the Planning Commission reviewed the HBA sites. If not, I would recommend that from the standpoint of public safety review be done, including site inspection. Also consideration of the question should be made, would those lots have the same privilege as substandard lots?

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