

EXHIBIT G-20
LU 15-0019



November 17, 2015

Scot Siegel
Planning & Building Services Director
City of Lake Oswego
PO Box 369
Lake Oswego, OR 97034

Dear Scot:

Thank you for providing the opportunity to comment on the city's proposed Natural Resources Program and Sensitive Lands Revisions (LU 15-0019/Ordinance 2678). This proposal includes a new Healthy Ecosystems Chapter to the City's Comprehensive Plan which consolidates and replaces three previous chapters, amends the Sensitive Lands Map, as well as numerous chapters of the Community Development Code relating to Sensitive Lands. Please submit this letter into the record for the City Council meeting of November 17, 2015.

As you know, the City of Lake Oswego was determined to be in substantial compliance with Urban Growth Management Functional Plan (Functional Plan) Title 13: Nature in Neighborhoods and Title 3: Water Quality and Flood Management in March of 2011. This determination of substantial compliance relied upon the City's then adopted Development Code, the Sensitive Lands Atlas and the City's existing code provisions that allow for the opportunity to implement habitat friendly development practices. As the natural resource protection levels in the existing Sensitive Lands Overlay Districts code (LOC 50.05.010) were determined to be in substantial compliance with the Functional Plan, the proposed code amendments in LU 15-0019/Ordinance 2678 were reviewed for providing a substantially comparable level of protection and restoration that the current Sensitive Lands program provides.

A significant change included in the proposed Sensitive Lands protection program is the replacement of the Resource Conservation (RC) overlay with the Habitat Benefits Area (HBA) overlay on private dividable property. The current RC overlay allows for disturbance of 50% of the identified RC overlay zone, with the remaining 50% included in a delineated protection area. Under the proposed HBA overlay, a similar 50% protection area is required for land divisions that utilize the HBA incentives; however, the 50% HBA protection area is not required for entitled development. Based on a review of relevant data layers it appears that a majority of the proposed HBA overlay is located on developed residential property and the ability to subdivide the property is restricted to various degrees by steep slopes which are regulated through the City's Hillside Protection requirements and/or other development review requirements. Additionally if the land is subdivided using the proposed HBA incentives, the 50% HBA protection area would provide a similar level of protection as the previous RC overlay, thus providing a comparable level of protection. Finally, a 20% open space requirement is also required for all subdivisions which would contribute to the protection of the upland habitat.

The City's use of LiDAR to update the Sensitive Lands Map and the resulting additional Resource Protection (RP) overlay areas provide a more accurate representation of the riparian corridors. This, combined with the amended code sections, should provide a more useful and efficient process for protecting and restoring habitat areas. The Habitat Enhancement Fund currently funded at \$250,000 annually, the \$90,000 in habitat enhancement projects that have been approved, and the master planning of three natural areas in existing city parks reflect the City's commitment to habitat protection and restoration. In addition, the Stormwater Management Manual that is currently being updated provides guidelines for numerous habitat friendly development practices.

Metro appreciates the hard work staff, committee members and the community has undertaken to develop the current proposed changes to the Sensitive Lands program. After reviewing all of the proposed code amendments, maps and additional material, staff has determined that the Natural Resources Program and Sensitive Lands revisions in LU 15-0019/Ordinance 2678 as proposed are in substantial compliance with Metro's Functional Plan Titles 3 & 13.

Sincerely,



Tim O'Brien, AICP
Principal Regional Planner

- c: Carlotta Collette, Metro Councilor District 2
- Avis Newall, Oregon Department of Environmental Quality
- Jennifer Donnelly, Oregon Department of Land Conservation and Development
- Amanda Punton, Oregon Department of Land Conservation and Development
- Joy Vaughan, Oregon Department of Fish and Wildlife
- Roger Alfred, Metro Senior Assistant Attorney
- Dan Kaempff, Principal Transportation Planner
- John Williams, Deputy Director, Metro Planning & Development