

From: [Birdshill CPO/NA](#)
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Subject: LU 15-0019 - Natural Resources Program and Sensitive Lands Revisions
Date: Tuesday, November 17, 2015 2:49:02 PM

2015 Nov 17 Tuesday 14:25 U (2:25 PM PT)

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Lake Oswego City Council

Clackmas County Board of Commissioners

Subject: [LU 15-0019](#) - Natural Resources Program and Sensitive Lands Revisions

Record as testimony for LO City Council Meeting

Meeting: 2015 Nov 17 Tuesday 18:30 U (6:30 PM PT)

Link: [LOCC 2015 Nov 15 Tue 18:30 U \(6:30 PM PT\)](#)

Agenda Item by Interactive Agenda (AGIN)

Link: [AGIN LOCC 2015 Nov 17 Tue Item 06x01](#)

- 6.1 – Ordinance 2687, An Ordinance of the Lake Oswego City Council Amending the Comprehensive Plan and Zoning Maps, the Comprehensive Plan Text, the Community Development Code and Related Code Cross-References, to Create Changes to the Natural Resources Program and Sensitive Lands Implementing Regulations, and Adopting Findings (LU 15-0019)

1.0. Observations on LU 15-0019, Ordinance 2687 documents

- 1.1 Page(s): 283
- 1.2 Size : 16, 946 kb
- 1.3 Phrase “Cost” – 2 instances
- 1.4 Phrase “TMDL: 46 instances
- 1.4 Phrase: “WOTUS” 19 instances (most in comments / responses)

2.0. Defects:

- 2.1 Plan / Documents are not indexed
 - 2.1.1 A-Z, 0-9, ASCII
 - 2.1.2 Thematic => thesaurus
- 2.2 Map(s)
 - 2.2.1 Percent Slope does not exist with authority
 - 2.2.2 Stormwater Drainage Basin does not exist with authority
 - 2.2.3 Sanitary Sewer Drain Basin does not exist with authority
- 2.3 NO Regulatory Program COST REPORT
- 2.4 NO Regulatory BENEFIT REPORT
- 2.5. NO Regulatory Validation process prior to permanent codification.

- 2.6. NO Specification of how LU 15-0019, Ordinance 2687 is to be enforced with explanation of both means and methods to residents in area of LO Comp Plan.
- 2.7. NO Specification of how LU 15-0019 is to interface with any wildfire prevention program in Clackamas County.
- 2.8. NO Specification of how LU 15-0019 is to affect other Co-Permitties in NPDES permits.

3.0 Request(s)

- 3.1 Report from regulatory entities specifying parameters required to attain a state of compliance with Stormwater and groupings / bundling of parameters associated with
 - 3.1.1 TMDL Implementation Plan (2015-2020)
 - 3.1.2 LU 15-0019 Sensitive Lands Codes
 - 3.1.3 LU 15-0050 Stormwater Management Manual
 - 3.1.4 PP 15-0003 Tree Code Review (2015)
- 3.2 Produce report with process flow chart of enforcement means and methods for LU 15-0019, Ordinance 2687.
- 3.3. Produce report on interface with Clackamas County

Wildfire Prevention Report and resources of

Lake Oswego Fire Department.
- 3.4. Produce a report on impact of this ordinance on other

NPDES Co-Permitties.

4.0 Justification for Requests

- 4.1.1 Supreme Court of the United States (SCOTUS) decision in
 - 4.1.1.1 Case: Michigan vs EPA (14-46)
 - 4.1.1.2 Date: 2015 Jun 29 Monday circa 10:00 R (10:00 AM ET)
 - 4.1.1.3 Download link:
http://www.supremecourt.gov/opinions/14pdf/14-46_10n2.pdf
- 4.1.2 Applied concept of government transparency combined with informed citizen involvement.
 - 4.1.2.1 Lake Oswego residents and those in LO Comp Plan Area have a right to be informed of budgetary impacts of regulations by any entity that ultimately affect taxes and fees for services that are assessed and imposed.

5.0 Implications:

- 5.1 Deferred implantation of items 3.1.1 – 3.1.4 until

- circa 2016 Mar 17 Thursday (St Patrick's Day).
- 5.1.1 WOTUS / CWR issues resolved / clarified along with prospective cost impacts.
See LO Mayor Letter to USEPA circa 2014 Nov.
 - 5.1.1.1 WOTUS / CWR has had as stay imposed circa 2015 Oct
 - 5.1.2 Itemized list of parameters produced see 3.1 above
 - 5.1.3 Cost report of SLO Program (LU 15-0019) produced.
 - 5.1.4. Benefit report of SLO Program(LU 15-0019) produced
 - 5.1.5 Reports 5.1.2, 5.1.3, 5.1.4 given time with hearings for public review and vetting.

Thanks

Skip

Charles B. Ormsby (Skip)

Birdshill CPO / NA, Co-Chair 2015 – 2016

A Joint Clackamas County Community Planning Organization

City of Lake Oswego Oregon Neighborhood Association (NA)

Google Earth GPS Coordinates: 45°25'46.48"N, 122°39'40.02"W

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Note attempted posting to Ecomment (Gracious)

Unconfirmed.

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