

Citizens for Stewardship of Lake Oswego Lands
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April 23, 2012

Lake Oswego Planning Commission
Lake Oswego, OR 97034

Re: LU 12-0011

Dear Commissioners:

We are unable to testify in person during the scheduled April 23, 2012 hearing regarding removal of the "Sensitive Lands" RC (tree grove) overlays on 18 properties that comprise TG-17 and would like our letter reviewed during the hearing and entered into the record.

We support the removal of "Sensitive Lands" overlays from private residential property, including the TG-17 area. The selection of properties for the SL designation was and is arbitrary and inequitable, lacks scientific validity, devalues property and unnecessarily restricts typical and expected uses of citizens' backyards and should be removed from all private residential property.

Just as the original application of the SL RC overlay to these 18 properties in TG-17 was arbitrary and inequitable and lacking in science, so is the request to remove these 18 properties. The "isolated tree groves" rationale is just further nonsense in the mixed-up world of "Sensitive Lands".

Specifically:

- The staff report fails to disclose that the 18 properties that are being suggested for removal are also dedicated open space for the Oak Terrace/Schukart/Terrace Drive neighborhood area. This open space was identified at the time of development in the 1980s and is recorded with the County (we do not take issue with this as all new neighborhoods are required to identify and preserve open space). The SL overlay applied on top of the existing open space areas only confuses the issue regarding which restrictions apply to these properties: the original open space requirements or the SL RC regulations? Additionally, the application of SL to these already identified and protected areas is in violation of the exceptions section of the SL code (50.05.010 2 b i).
- The staff report also indicates that the RC overlay was placed on these properties "*...due to a mistake in the analysis of resource quality during the original designation.*" This is not entirely accurate. The analysis of these areas **clearly showed that the properties did not meet the 35 or more HAS score requirement, but the properties were still given the SL overlay despite a score of 33 and due to a subjective determination that the area had "high scenic value".** The staff report indicates "*...a rating of high*

scenic value does not reflect the data recorded in the Supplemental Field Ratings for Education, Scenic and Recreation Values worksheet.” This is also not entirely true. The worksheet (exhibit F2) gives the “resource” a score of 14 out of 15 for “neighborhood aesthetics” and ratings of 8 out of 15 for views, unique features and visibility, noting that the area is across from the lake. It seems that despite the 33 HAS score not qualifying the area for the overlay, the justification was made through this subjective “scenic value” analysis as there was a need to overlay property to allow for Title 3 mitigation. Even the note on the bottom of Exhibit F-3 in the packet indicates that the analysis is “*somewhat subjective*”. The RC overlay on these 18 properties is just one in many examples of the arbitrary and inequitable application of the SL program and that properties receive the overlay whether justified or not—where there’s a will, there’s always a way.

- The report also indicates that a reapplication of the ESEE analysis (where is this new ESEE analysis or new HAS score?) demonstrates that the area is not significant because it is “*...not associated with a stream corridor or wetland that has an RP ranking.*” This is a true but misleading statement. This treed area is in very close proximity to Oswego Lake; however, Oswego Lake does not have a disclosed HAS score/RP ranking and is not considered a significant natural resource area by the City. Again, just one more arbitrary and inequitable oddity of a program that claims to be about protection of significant natural resource areas.
- The term “isolated tree grove” is an odd term because with a city-wide tree canopy approaching 50%, there are very few “isolated” areas. A desire for “connectivity” and “contiguous canopy” for wildlife has been a mantra for many years—and the rationale for continuing to add private properties to the SL map--and now suddenly some tree groves, once considered “significant natural resources”, are deemed “isolated” and unimportant while others are not? To borrow from Alice in Wonderland, “*It would be so nice if something would make sense for a change.*”

Removing TG-17 from “Sensitive Lands” is just as arbitrary, lacking in science and ludicrous as was adding it to the program 14 years ago. However, we do support the Planning Commission approving the removal of TG-17, not because of the made up rationale in the staff report, but because TG-17 never should have been designated “Sensitive Lands”, just as the other 200+ acres of private residential property should not be subjected to these onerous, devaluing and arbitrary SL regulations.

Best regards,

Dr. David Streiff
President, Citizens for Stewardship of Lake Oswego Lands