



**Comprehensive Plan
Citizen Advisory Committee
Meeting #36**

**May 23, 2013
Council Chambers of City Hall 380 A Avenue
4:00 pm – 6:00 pm**

PLEASE NOTE THIS SUMMARY IS NOT A WORD FOR WORD DOCUMENTATION OF ALL INFORMATION PRESENTED AT THE MEETING. TO SEE THE INFORMATION PRESENTED AND DISCUSSED PLEASE REFER TO THE MEETING MATERIALS ON THE CAC MEETING WEB PAGE: <http://welovelakeoswego.com/citizen-committees/cac-meetings/>

Members in attendance: Jeff Gudman (Chair), Dorothy Atwood, Tom Brennan, Christopher Clee, Doug Cushing, Tom Fahey, Bill Gaar, Liz Hartman, Bob Needham, Teri Oelrich and Lynda O'Neill.

Members not in attendance: Vice Chair Jim Johnson, Nancy Gronowski and David White.

Staff in attendance: Laura Weigel, Sarah Selden, Beth St. Amand

PUBLIC COMMENT

None.

CAC COMMENTS

None.

REGULAR BUSINESS

- **Agenda Review & Announcements**

Councilor Gudman related that the Council was going to study Mr. Bunch's report regarding the Comprehensive Plan update at its next meeting. The CAC decided to hold its next regularly scheduled meeting on June 20 at the Main Fire Station. At the end of this meeting they agreed to schedule a second June meeting on June 13 to review Mr. Bunch's Council analysis report. Staff asked the group to send them any comments about the April 11 meeting summary during the next week. Ms. Weigel related Ms. Gronowski wanted the summary to specify that there were only five CAC members present when the CAC was asked as part of public comment how many of its members rode public transportation to work. The Planning Commission hearing for Package 1 of the Plan amendments would be continued to June 24 instead of June 10.

- **Water Supply, Treatment & Delivery Goals & Policies (second review)** (See the Staff Memo in Attachment 1.a and the text in Attachment 1.c)

Ms. Selden highlighted the changes the Planning Commission recommended, starting with the Goal language and new Policy 2.

Goal: ~~The City shall ensure a reliable, safe and adequate supply of high-quality water for public health, safety, and economic development to meet the existing and future needs of Lake Oswego.~~ **Ensure a reliable, safe and adequate supply of high-quality water for public health, safety, and economic development to meet the existing and future needs of Lake Oswego.**

Policy 2: **Ensure planning and management of the water utility addresses all state and federal requirements including provisions for emergency response and water conservation.**

She pointed out some technical changes in two other policies. The City Attorney had advised that Policy 7, regarding what the City would require of developers, should specify, 'where legally

permissible'. When asked what this meant, she referenced the US Supreme Court decision in *Dolan v. City of Tigard* meant that what the City required of a developer had to be roughly proportional to the impacts of the proposed development. She noted that Policy 8 now clarified it was 'new' development that would be required to connect to the municipal water system.

Policy 9: Recognize that the City of Lake Oswego is the ultimate provider of water service within its Urban Services Boundary upon annexation or the dissolution of any local water district.

The CAC suggested rewording Policy 9 for clarity to, *'Upon annexation or dissolution of any local water district the City is the ultimate water provider within its Urban Service Boundary.'* Mr. Cushing observed with this policy in place the City could say 'no' if a local water district that was in trouble was talking about contracting with some other city. Councilor Gudman explained he did not favor replacing 'ultimate' with 'primary' because the water users might want to continue to use well water. Ms. Atwood talked about being consistent about how the policies referred to city or City.

The Commission had struck a proposed policy that called for property owners to connect to municipal water service upon annexation. Ms. Selden recalled they felt the issue was not well enough defined to drive a specific policy. She pointed out there was a related action measure. Public Works would prefer people to use City water instead of wells. State rules protected people's ability to have existing well water or put in a new well. Mr. Gaar recalled the Commission had a long, detailed, discussion about it. CAC members observed that property owners were not required to connect to sewer service upon annexation as long as they had an existing, functional, septic system. Councilor Gudman recalled that when a septic system failed the owner could not replace it with another septic system.

Mr. Clee **moved** to recommend the Water Supply, Treatment and Delivery goals and policies. Councilor Gudman **seconded** the motion and it **passed** by unanimous vote.

- **Wastewater Goals & Policies (second review)** (See the Staff Memo in Attachment 1.a and the text in Attachment 1.d)

Ms. St. Amand highlighted the changes the Planning Commission had made. Sub-goal c. had been added back.

GOAL: Provide adequate and efficient wastewater collection and treatment systems to
a. Meet the present and future needs of Lake Oswego residents and businesses;
b. Improve the City's environmental quality; and
c. Serve land within the Urban Services Boundary.

Policy 11: Provide adequate funding sources for wastewater collection system capital projects listed in the Public Facility Plan.

The Commission used broader language regarding funding sources because there could be many sources of funding for capital projects. Councilor Gudman advised the current Five-Year Capital Improvement Plan project list was more complete than in prior years.

Policy 15: Provide a land use process for modifications or expansions of the Tryon Creek Wastewater Treatment Plant (TCWTP) to address and anticipate new regulatory and environmental conditions, avoid or mitigate negative off-site impacts, and reduce conflicts with incompatible uses.

Mr. Cushing and Ms. Atwood expressed concern that 'Provide a land use process' was overly broad. Staff pointed out that whatever the process would be the rest of the policy specified what it had to do. Staff agreed to work on the language related to a process and present it to the CAC at the next meeting.

Policy 14: Promote water conservation measures to reduce wastewater and minimize impacts to the wastewater collection system.

Action Item: Explore innovative ways for new development and redevelopment to minimize impact on the wastewater system, such as gray water systems (on-site reuse of shower and bath wastewater, bathroom sink water, kitchen sink and laundry wastewater onsite).

Ms. Atwood observed the community was locked into having a big, piped, infrastructure for sewage. She advised that decentralized systems were alternatives to that and would result in huge savings over the big pipes in the streets. The Comprehensive Plan should not preclude that. She and Mr. Clee inquired whether the Action Item could be made a policy to encourage or allow that kind of innovation; if Policy 14 could be expanded to encompass it; or if a new policy should be crafted to talk about it. Ms. St. Amand planned to discuss this with the City Engineer and present new language for the CAC to consider at the next meeting. Mr. Clee pointed out Policy 3 used the regulatory word 'comply.' The CAC recessed for six minutes to 5:00 p.m. when it met jointly with other boards.

CAC JOINT MEETING WITH PRAB, NRAB AND SAB

Councilor Gudman convened the joint meeting. Vidya Kale attended from SAB. Craig Stephens, Heidi Schrimsher, Greg McMurray, Roger Hennagin, and Kara Warner attended from NRAB. Bill Gordon attended from PRAB. Natural Resources Planner Andrea Christenson also joined the meeting.

Healthy Ecosystems (See Attachments 2.a-d.)

Ms. Selden explained the purpose of the meeting was to have broad dialogue regarding the Healthy Ecosystems topic, excluding Sensitive Lands. The Staff Memo in Attachment 2.a. posed discussion questions.

Public Comment regarding the Healthy Ecosystems discussion

Carolyn Jones, 2818 Poplar Way, asked the group to re-consider allowing people to put greywater with chemicals in it (such as laundry detergent and hair care products) into the ground to eventually be carried into streams. She expressed concern that the resulting decline in water quality would cause the City to take more of her land for a stream buffer. She held that the concept of greywater systems contradicted the concept of healthy ecosystems and the intent of the Clean Streams Plan.

Nancy Gronowski had submitted written comments dated May 22, 2013 that were attached to the meeting packet.

Review Background Information and Discussion Questions

Ms. Selden and Ms. Christenson offered context and background information (see the Background Report in 2.c). Ms. Christenson advised that the Healthy Ecosystems action area would update goals and policies in existing Comprehensive Plan Chapters 5 and 15 related to natural resources and open space. Existing goals and policies related to Sensitive Lands were not being considered by the CAC at the present time. Councilor Gudman reported the Council was still waiting for a response from Metro regarding the City's proposed changes to the Sensitive Lands program.

2035 Vision for Healthy Ecosystems: We are good stewards of our environment. Our urban forest, natural areas and watersheds are valued and cared for as essential environmental,

economic, and cultural assets. We effectively balance today's community needs with the need to preserve clean air, water and land resources for future generations. The built environment is designed to protect, enhance and be integrated with natural systems.

Ms. Christenson read the vision statement aloud. She discussed the results of two questions posed in an August 2012 survey regarding what concerned people most about the future of Lake Oswego's environment (the most popular answer was concern about the spread of invasive species); and how to measure success at achieving an exceptional natural environment (the most frequent answer was good water quality). [See complete survey results in Reference Document C.]

Group Discussion on Key Policy Issues (not including Sensitive Lands)

Staff asked the group to discuss four key questions and provide policy direction to guide the first draft of policy revisions. The group referred to the copy of existing Comprehensive Plan Goals 5 and 15 goals and policies in Attachment 2.b.

Do these broad goals to protect, enhance, and restore natural resources support the 2035 Community Vision and reflect public comment? If not, what changes should be considered to the goals for Healthy Ecosystems?

Staff explained the underlined words created a policy framework. The working definitions were:

- Protect: Maintaining intact and undisturbed
- Enhance: Improving upon the existing conditions
- Restore: Re-establishing functions and values that had been degraded or destroyed by past alterations. 'Functions and values' were the environmental, social and economic benefits provided by natural resources.

During the discussion comments were that 'enhance' and 'restore' were not mutually exclusive; 'enhance' could be a lower level of restoration; basically, both words described making areas better; there might be other words to use; and perhaps 'maintain' should be defined.

Mr. Kale observed that defining 'restore' would require identifying a point in time from which to measure. Councilor Gudman recalled that in the 1890s the tree cover in the Lake Oswego area was substantially less than it was now. Others advised that Metro had concluded that the practical, feasible and affordable thing to do was to plant conifers to restore the canopy to what it might have looked like before all of the trees were cut for iron smelter operations; and the DEQ weighed how achievable restoring a stream for salmon was before it decided whether to restore it. Mr. Cushing cautioned that using a fixed point in time might mean that every tree that came down would have to be replanted and no new structures could be built.

Ms. Atwood saw the fundamental question as whether or not the proposed framework was consistent with the community vision. She agreed it was. She observed there were many other words to consider, such as 'preserve,' 'conserve,' 'maintain,' etc. but she would not get too far into the details of language because at the goal level the Plan was just setting the general theme. Councilor Gudman wanted to know if 'practical, feasible, and affordable' was going too far and if those considerations should be addressed now or later. Comments were that 'affordable' did not necessarily mean making things better; and the Natural Step process considered people, property and places. Ms. Atwood observed that the vision spoke to economic, environmental and cultural aspects and talked about being good stewards of the environment.

Open Space Goals & Policies

Goal: The City shall protect, enhance, maintain and expand a network of open space* areas and scenic resources within and adjacent to the Urban Services Boundary.

How should the City address this open space network from a Healthy Ecosystems perspective? Are revisions needed to the existing Open Space goal and policies 1, 3, or 9 (see Attachment 2b) to support the 2035 Vision or reflect changed conditions since 1994?

Ms. Christenson described the characteristics of the current open space network, which included both public and private lands and developed and natural land. How much open space land was in the inventory depended on how one defined it. The most recent count was in the Parks Plan 2025 inventory. Parks had recently put its land into categories of natural (such as Springbrook Park), developed for a special purpose (such as the tennis center) and hybrid (such as George Rogers Park). All of those could be considered to have open space characteristics. Parks considered open space an element that contributed to overall park character. Other land in the open space network was scattered throughout the City. Councilor Gudman recalled the example of a half-acre site in a developed area that was between two homes and was probably not developable. Another member recalled a site in a cove along the Willamette River that he did not see as worth preserving as open space because it was not connected open space. He suggested networked open space was what really benefitted wildlife.

Staff clarified that the difference between undeveloped and natural parks was that undeveloped parks would receive less maintenance attention from the Parks and Recreation Department than natural parks; and natural parks usually were accessed by a trail system. Parks Plan 2025 showed the overall network where most open space was located, but not all of it. Private open space in a subdivision tract could be tracked (there were 375 acres of those), but when it was in easements, or simply the undeveloped part of a parcel it was hard to track and map.

Ms. Christenson advised that the list of resources eligible for protection as open space under the existing Comprehensive Plan was broader than the state's definition of open space. For example, it included areas that would provide aesthetic and visual relief from urban development. It could be areas like ball parks, cemeteries and golf courses. Parks considered open space an element of most parks. The CDC simply defined Open Space as 'parks and natural areas.'

Staff asked the group if they thought the goals and policies needed to be changed; how the City should address the open space network from a Health Ecosystems perspective; and how broad the definition of Open Space should be. Comments were that it would be ridiculous to include landscaped backyards; that there was tree canopy in back yards; that if the community needed it open space should be set aside, even if it was private land; that a huge area of Mountain Park was open space; that if the concept was to not include private property, then Sub-policy 3.a. would not be necessary; and that Policy 3 said nothing about wildlife corridors.

Policy 3. Promote an open space network that:

- a. Maintains the existing tree canopy;**
- b. Provides aesthetic and visual relief from urban development;**
- c. Provides opportunities for pedestrian and bicycle linkage; and,**
- d. Preserves essential natural systems*.**

Councilor Gudman recalled that the existing goal had served as the basis for the past bond measure and acquisition program. He was interested in other's thoughts about the total amount of parks and open space the City had: In light of the fact that the City had taken the position that it was not

interested in expanding into Stafford, was it too much, too little, or just right? He explained that opportunities frequently came up to acquire more land. This was a critical issue to be addressed going forward into the future with the Plan. For example, if the owner of land along Rosemont that was within throwing distance of the current Urban Growth Boundary indicated they were interested in selling their property to the City would the CAC support that?

Comments were:

- It was not necessarily a worthy goal if it was just to add acres, but expansion could be done intelligently for connectivity and other reasons and the current amount should not be considered the limit;
- Opportunities might come up, but the City should not waste its budget on expanding property when it had other things it needed;
- Citizens wanted the Parks and Recreation Department to take better care of the existing parks;
- In general the City should not expand it any more, unless there was an opportunity for the City to purchase a property a neighborhood loved in order to keep it open space.
- In the future when the City's financial situation was better there might be opportunity or desire for another parks bond to do things like further the implementation of the Luscher Area Master Plan;
- The city might have another opportunity to buy the Hunt Club;
- The city should continue to have the flexibility to expand the network for reasons such as connectivity;
- Open space existed in many different forms. It could be a natural open space park; an undeveloped lot; islands between parking spots; or not cramming a lot of people or businesses into a small area. The tough question was how the people of Lake Oswego wanted to define open space. [Staff observed the existing policies addressed more than just habitat value and recreation. They addressed open space as aesthetic and visual relief from urban development (3.b) and buffers between incompatible uses (1.e).]
- Do not reduce the percentage of city-owned open space. In the next 20 years the City might be able to connect Roehr and George Rogers Parks and the Stafford area could open up.

Ms. Warner and Ms. Atwood suggested folding elements of Policy 3 into Policy 1 and indicating that one objective for establishing a network was increasing connectivity for both animals and people. Ms. Warner recommended using a stronger word than 'promote'. She clarified she meant that the City should connect areas to the extent it could. That might mean simply having a protected bike path along the roadway. Ms. Atwood suggested sub-policy 3.a. should call for the City to 'maintain and enhance' the tree canopy. She clarified she did not believe the Tree Ordinance by itself achieved that goal. She talked about calling for not reducing the overall percentage of open space; for example, if the City brought in more land the overall percentage of open space would diminish.

Should the existing policies be revised to describe where views should be provided from (e.g., public vantage points or right-of-way), and whether they should be preserved by regulations that limit encroachment of the natural environment into public view corridors?

Ms. Christenson observed that view corridors had previously been a topic of discussion during review of the Inspiring Spaces & Places action area. She advised that the City had not established protected view corridors and the existing Plan did not define 'view corridors,' but it did define Scenic Resources as 'Elements of the physical environment that are valued for their aesthetic appearance and characterize the City.' She noted that a proposed Inspiring Spaces & Places policy called for the City to identify strategies for preserving public view corridors of Mt. Hood, Oswego Lake, and the Willamette River from encroachment by the built environment. The Planning Commission had discussed whether it should also address natural environment encroachment (e.g., trees) into view

corridors. Staff had reframed the issue and now asked whether the City should establish a program to protect view corridors in specifically identified public locations.

Councilor Gudman recalled the example that Portland had decided that the KOIN Tower brought enough value to the city even though it blocked drivers' 15-second view of Mt. Hood from the Highway 26 tunnel. In Lake Oswego the example might be the A Avenue view of Mt. Hood. Staff pointed out those examples illustrated that view corridors might cross over private property. A program to protect a view corridor could include regulations that applied to private property. Those could be determined during the action planning process. Mr. Needham talked about views in his neighborhood that had disappeared after people planted trees. He pointed out a view corridor from I-205 was now obscured by trees. He questioned whether the City would want to get involved in decisions to plant trees in a view corridor. Ms. Atwood asked if the City had ever done anything to protect view corridors since the Comprehensive Plan was created. Ms. Hartman related that the Glenmorrie Neighborhood had lots of discussions about view corridors. As much as they would love to identify and protect them they had not found a solution. Mr. Cushing recalled that zoning and DRC decisions currently served as types of control. The DRC had sometimes seen a design or proposed height that would affect a view. In Holly Orchard some residents could see over the nearby office buildings, but some could not. Mr. Needham recalled the public usually came forward at DRC hearings with that kind of concern. Sometimes the Commission could do something about it and sometimes not.

Councilor Gudman asked if the concept of view corridor should be included here or if the group thought it was already addressed elsewhere. Comments were:

- I would be inclined to vote for it if I were voting, but frankly it is probably a political decision;
- I like views, but I am pro trees;
- One of the accesses was left out of the Luscher Master Plan for the sake of the view of the historic farm and trees;
- This would be going beyond Goal 5. A Comprehensive Plan is intended to implement statewide planning goals, which talk about scenic sites, but not view corridors. People in California fight over views. It does not count if it is encroachment by growth. There are no restrictions on growing things that blocked view sites. The issue of trees blocking views of the lake came up a lot in Palisades.
- There is no such thing as 'natural environment encroachment.'
- If there was a policy to describe where views were to be provided that would imply having an inventory of scenic resources. If the Comprehensive Plan did not include such an inventory and had fluffy language about the character and the beauty of the City, then an industrial facility could do what it wanted to do. Yes, there was zoning to prevent certain industrial encroachment, but what about a cell tower that blocked a view. It could not be there if the view was protected as an inventoried view. So yes, we should create a city program to inventory and protect view corridors. I would address built environment encroachment, but am inclined not to address natural encroachments into a view.

Ms. Selden advised that if there was a general statement in the Comprehensive Plan to establish a program the details could be worked out in the implementation phase. She asked what others thought about Ms. Warner's suggestion to create an inventory and a program and address built environment encroachments, but not natural encroachments. Responding comments were:

- Agree with the inventory suggestion;
- Define a 'view corridor';
- Policy 8 talks about buffers and protecting view corridors between Lake Oswego and adjacent communities. What does that mean? Is Rosemont a 'community'?

Policy 8. Establish community open space buffers and protected view corridors between Lake Oswego and adjacent communities, for the purpose of defining the edge of the urban area and preserving the open, rural character of lands outside of the City.

Councilor Gudman asked if the group felt Policy 8 addressed the concerns that had been brought up. Ms. Atwood noted it only addressed view corridors outside the City. Ms. Schrimsher related that a buffer had been discussed during Luscher Area planning because the Comprehensive Plan talked about it. Another member noted that the Willamette River should also be referred to.

Ms. Atwood said she supported indicating that they wanted to do something about protected views in the Comprehensive Plan, but she would leave it up to Comprehensive Plan staff to recommend whether the goals or the Action Plan was the most logical place to address the inventory. Ms. St. Amand advised the policy could direct the City to follow up by working on scenic resources in the Goal 5 inventory, and that performing the inventory would be an action item.

Ms. Atwood then referred to the numerous grayed-out policies (related to Sensitive Lands) in the existing goals and policies document, and asked Councilor Gudman how the group will weigh in on this issue (Sensitive Lands).

Councilor Gudman said that he would like to provide an answer but he can't since Metro had not yet provided a response to the City's proposal.

Are there other issues that should be addressed through new or revised policies to reflect recent efforts, the 2035 Vision, public comment, and today's discussion?

Ms. Atwood wanted to know if the CAC would be allowed to weigh in on the issues when the proposed policies went forward. Councilor Gudman agreed it would be beneficial. He anticipated there would be opportunities for them to speak to Council as it considered the revisions.

Mr. Stephens wanted to specifically call out watershed protection. He advocated including the draft stormwater design manual as one of the reference documents. It talked about stream and swale protections, which were the essence of statewide planning goals related to pollution and erosion. Ms. St. Amand noted there was a section in the Public Facilities-Surface Water section of the Plan that addressed pollution and erosion. Ms. Atwood pointed out that Ms. Gronowski had submitted written comments related to Healthy Ecosystems in which she advocated a watershed-based systems approach (See her May 22, 2013 communication in the attachments). This section should mention the watershed approach. The NRAB representatives agreed. Mr. Kale related the SAB was interested in discussing how to address how toxics affected the ecosystem.

Councilor Gudman invited comments about the existing lake and Willamette River Greenway goals and policies. Ms. Atwood indicated she agreed with the goal to enhance the Greenway.

Councilor Gudman asked if the existing codes with respect to trees and stream protection, buffering and erosion were too strong, just right or needed to be strengthened. Ms. Atwood indicated she believed the existing Comprehensive Plan direction was to create codes that protected ecosystems on private and public land and Goal 5 required the City to address the entire system, on both public and private land. She hoped the City would create overarching goals for that. That would mean addressing things like use of certain chemicals and pesticides. Mr. Stephens noted the background report talked about a goal in a 2007 plan to address invasive plants that kill trees. He would use the word 'control' instead of 'eradicate' because it was too expensive and it was impossible to eradicate all the ivy in the City and that word implied using highly toxic and carcinogenic chemicals.

PUBLIC COMMENT

Lauren Hughes agreed that the existing Comprehensive Plan went considerably beyond what the state required in Goal 5. She indicated the Open Space definition showed the heart of the problem related to Sensitive Lands. She asked the CAC to use its influence and authority wisely and carefully consider how the proposed policies would be applied to their own backyards and if they would like to have the use of their landscaped backyards controlled through regulation. She held that it was not right that 9% of the citizens were taking on the environmental burden of compliance with Metro Titles 3 and 13. She recalled the discussion of scenic resources. She advised that backyards had been designated as Sensitive Lands for scenic value. She reported that the City had done a detailed, city-wide, Goal 5 inventory in 1978. The document was in the Library. They had documented everything from soil conditions to where water and trees were. That inventory had been the basis for making a lot of areas natural areas such as the South Shore Overlook and Lamont Springs. The City had done it respectfully by purchasing the property from the owners.

Carolyn Jones related that she had attended a pre-application conference where, for the first time, an applicant was required to put in a rain garden. She agreed the focus should be changed to what every single lot in Lake Oswego could do to control stormwater.

David Streiff advised the approach to the entire ecosystem in Lake Oswego should be to get all 11,000 households involved. They should be encouraged and incentivized to be aware of their water usage; use it more wisely; and get rid of lawns and use rain gardens and rain barrels. That would help improve water quality and decrease the need to process clean water for irrigation. People should not automatically assume the community would be growing and have a tremendous need for more water.

CAC COMMENTS

Ms. Atwood responded to Ms. Jones' comments regarding greywater. She explained she wanted to allow flexibility but maintain safety and public health. Greywater systems were something to look at. She pointed out Ms. Gronowski had submitted comments regarding the CAC process. She acknowledged all the work staff had done for the CAC.

The CAC set June 13 as the date of the meeting to review Mr. Bunch's report on the Comprehensive Plan update.

ADJOURNMENT

The meeting was adjourned at approximately 7:00 p.m.