



**Comprehensive Plan
Citizen Advisory Committee
Meeting #32**

**January 31, 2013
West End Building, 4101 Kruse Way
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: Jim Johnson (Vice Chair), Tom Brennan, Doug Cushing, Tom Fahey, Bill Gaar, Nancy Gronowski, Liz Hartman, Teri Oelrich, Lynda O'Neill and David White

Members not in attendance: Dorothy Atwood, Christopher Clee, Bob Needham, and

Staff present: Laura Weigel, Sarah Selden and Beth St. Amand

Guests: City Councilors Jeff Gudman and Skip O'Neill; Tom Coffee, City Manager; Ron Bunch Planning Director; Cheryl Uchida; Jim Bolland; Sally Moncrieff; Lisa Volpel; Skip Ormsby; Margaret Ormsby and Mike Duyn

PUBLIC COMMENT

Sally Moncrieff thanked CAC members for the long hours they had devoted to the process. She gave Councilor Gudman a binder she had compiled that documented the work program.

Lisa Volpel expressed concern that the citizen input form on the website for the Code Streamlining and Updates project was not working properly. Ms. Selden advised that she had alerted administrative staff that there was a problem with it.

Jim Bolland questioned why LONAC members had not been selected three years ago to serve on the CAC. He expressed concern that the process had not addressed most of the concerns of 50 to 60 people who had attended the summit on housing choice/affordable housing. He advised that the single biggest pushback was because some of the proposed policies could impact past neighborhood planning. Mr. Johnson observed that new people had been brought into the process who had never participated before. They represented those who had never been involved in the process before. Being a member of the CAC was not the only way to be involved in the process.

CAC COMMENTS

None.

REGULAR BUSINESS

- **Agenda Review & Announcements**

Ms. St. Amand reviewed the agenda. Councilor Gudman looked forward to serving as the next CAC chair. Mr. Coffee was serving as City Manager for the next six months. He had appointed Mr. Bunch to serve as Planning Director during that time.

- **Changes in Staffing/Process Update**

Mr. Coffee had directed staff to accelerate the schedule in order to meet the Council's goal to have a revised Comprehensive Plan adopted by July. Mr. Bunch indicated that Ms. St. Amand was an excellent process manager and he would support her and her team, which had been doing a good job. The implementation side is really important; the Council has expressed that the Planning

Commission will work on the implementation measures. Mr. Cushing stated that his understanding was that the CAC would continue to work through the Action Plan Element; will the committee not be expected to work on them? Mr. Bunch responded that the CAC's work was done when the revised Comprehensive Plan was complete (the goals and policies, which is the regulatory portion of the Plan). Mr. Johnson clarified that the staff discussion regarding the Planning Commission's responsibility for Action Planning has not taken the CAC out of anything; they had focused on expediting elements. Lastly, Mr. Bunch stated that Ms. St. Amand and staff will facilitate the meetings. They would work without the consultant for the remainder of this fiscal year, as the Cogan Owens Cogan contract was cancelled.

Ms. St. Amand discussed the schedule. To respond to the Council direction the action areas that had already received preliminary approval would be packaged together and moved forward to Planning Commission hearings in April and go to Council in June: Community Culture; Inspiring Spaces & Places; Economic Vitality; Complete Neighborhoods and Housing; and Connected Community (which had been through the hearing process with Planning Commission). The focus would be on the particular goals and policies with main supporting documents that the state was expecting. The CAC would continue to finish Community Health and Public Safety and then begin Healthy Ecosystems in April. The Planning Commission would work on the Land Use Planning topic as discussed last meeting. The Council also has prioritized work on Sensitive Lands – how does this work in conjunction with the Healthy Ecosystems Action Area? Those details are being worked out. The schedule was ambitious. It may require extra meeting and/or additional meeting or workgroups. Staff suggested holding one, extra-long, meeting on February 28th. She also raised the issue of meeting times. Some members have raised the issue of conflicts on Thursday – do we stick with Thursdays or move back to Wednesdays? Staff planned to survey CAC membership to determine the date.

Questions from the CAC included a request for a hard copy of the schedule. Mr. Brennan asked about how the Action Items fit into the schedule. Mr. Bunch said the focus is to complete the regulatory portions (the goals and policies). The action measures, which are really important as well, will follow with the Planning Commission who may start on those, but may want the CAC's expertise to finish the goals and policies. *(Staff note: Planning staff are scheduling a study session with the Council to discuss Action Planning and receive additional direction on this process. Staff will keep the CAC informed of this discussion and Council's direction.)*

- **Community Health and Public Safety: Part 2. Public Facilities and Services**
 - **City Services/Police & Fire Goals and Policies, 2nd Review**

Ms. Weigel reviewed the changes incorporated from the last CAC meeting and follow-up review with police and fire staff. The CAC agreed with the changes. They did recommend that the City review existing Inter-Governmental Agreements (IGA's) on a regular basis.

- **Wastewater Collection and Treatment** (Attachment 3, Draft version 1-24-13)

Staff had crafted new Policy 14 based on previous CAC discussion.

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

Ms. St. Amand recalled the Committee had discussed leaving the door open for innovative ways of dealing with wastewater (like composting toilets). The state now allowed onsite reuse of certain wastewaters. However, the City still piped sewer and the master plan called for that. For those reasons staff suggested making it an action item:

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. St. Amand clarified this would be added to the list of action measures staff was compiling. It was something that Building and Planning would work on together. Mr. Johnson indicated he supported the action item. It connected land use planning and the Building Code. Staff confirmed the proposed policies and the Wastewater Master Plan were consistent.

○ **Water Supply, Treatment and Delivery**

Ms. Selden had worked with Public Works and Lake Oswego-Tigard Water Partnership staff to update the policies and ensure they were consistent with other plans. She replaced Attachment 4 in the packet with a newer (yellow highlighted) version of the draft. She gave a summary of the background report that was included as a reference material in the packet.

Councilor O'Neill clarified that the water treatment plant needed to be upgraded for two reasons: the plant was outdated and it had earthquake issues. It did not have a capacity problem. He confirmed that the existing facility could be upgraded in place and did not need to be replaced elsewhere. Councilor Gudman related that the system became strained if there were a few, peak, 95+ degree days in a row in some years, but otherwise it was not straining at all. Staff noted these points and confirmed that on peak demand days, Lake Oswego's system exceeds capacity when the largest pump, filter or other component is out of service.

GOAL

~~The City shall ensure a reliable, safe and adequate supply of high quality water for all uses to protect the public health, safety, and economic development, welfare of the community, meet the existing and future needs of Lake Oswego.~~

Ms. Oelrich asked what 'safe' drinking water was. Mr. Bunch explained it was water that met state Health Department, EPA and DEQ standards. The CAC suggested explaining that in the introductory text for this section. Staff agreed to do that. Mr. Johnson advised that 'welfare' was a fairly standard planning term. Staff planned to check to see how 'welfare' had been used elsewhere in the Plan and in what context.

Policies

~~53. Promote and support local and regional efforts to protect and manage the Clackamas River watershed* as the City's primary water source, through coordinated efforts with other water users. The preservation of water quality shall be paramount for municipal and other beneficial uses. drinking water purposes.~~

Staff proposed this revision to broaden existing policy to protect the watershed. They could include a map of the watershed and a definition for 'beneficial uses' in the Plan. Mr. Johnson cautioned that 'beneficial use' was a legal term used in water law to refer to water rights. He would use some other language. He supported the concept that city policy would allow it to work with other governments and entities to protect its water. Mr. Bunch agreed such a policy was appropriate. He recalled other cities whose municipal water had been affected by activities like mining and logging that happened outside the city. Staff summarized: The suggestion was that 'municipal use' was broad enough to capture what the city was interested in, which was to protect and manage the quality and quantity of available Clackamas River water. Councilor O'Neill noted that the Willamette River should also be included in this policy, since the City had water rights there and may in the future need to rely on those. Ms. Selden agreed that was an appropriate addition given the next policy.

~~64. Protect Lake Oswego's water rights on the Clackamas and Willamette Rivers.~~

This policy allowed the city to protect Willamette River water as well as Clackamas River water in case some day in the future the city found itself in the position of having to use Willamette River water.

75. Establish and maintain Maintain code requirementscodes and standards that Require require developers to:

a. Modify, replace, renew, and extend the public water system as necessary to serve proposed new development; Provide water service to meet domestic needs and fire flow requirements to all new development;

b. Design and construct modifications, replacements, renewals, and extensions of the public water system to facilitate the orderly and efficient extension of public water service to future development;
d. Extend adequately sized waterlines with sufficient pressure to the boundaries of the subject property where future extension of water service is anticipated or required;

c. Ensure access to all public water facilities as required by City codes and standards through the granting and recording of public utility easements; and

ed. Pay all required fees and charges relating to the modification, replacement, renewal or extension of the public water system.

This set of policies established the basis for code related to development requirements. Ms. Selden advised the proposed language updated the policies; encompassed more of what developers were being asked; and would provide more flexibility in the code. 'Renew' (5.a.) related to maintaining and updating the public water system. She agreed to find out what the suggestor meant when they suggested saying 'proposed new development' instead of just 'new development.' Mr. Johnson suggested it could be referring to planning to extend water to the edge of the subdivision and stubbing it there in order to ensure water was available to adjacent future development, as Policy 5.b. called for. Ms. Selden agreed 5.a. should refer to 'all' new development.

Mr. Johnson observed the provision calling for paying all fees and charges (5.d.) was not really land use policy. Mr. Bunch suggested that there could be one overarching policy in the Plan that supported land use related fees and charges paid by developers to ensure they paid their proportionate fair share. Staff would remove 5d.

96. Require all development in Lake Oswego to connect to the municipal water system unless the City and a water provider agree that adequate service can be provided more practically by the provider's facilities the development is within the service boundaries of another water district and that district is authorized to provide municipal water service within the City's Urban Services Boundary pursuant to Intergovernmental Agreement.

Ms. Selden advised this policy would allow a development to hook up to a local water district the City had an Intergovernmental Agreement (IGA) with instead of the City's service. The City had IGAs with many water districts. Some IGAs needed to be updated. Mr. Johnson noted he was impressed with the number of IGAs the City held, which was unique among jurisdictions. Councilor Gudman advised they all needed to be looked at on a regular basis and not ignored until something went wrong. Staff agreed to put that on the action item list.

118. Recognize that the City is the ultimate provider of water service within the Urban Services Boundary.

This was an existing policy. It addressed times when IGAs were worked out with other water service providers. Staff agreed to add 'Lake Oswego' to 'City.' Mr. Johnson anticipated this policy would address circumstances such as when a water district could no longer provide the service that's required and could not pay for improvements. The City could end up taking it over by annexing and requiring the improvements because that was the city's ultimate responsibility.

New Policy 9. Promote the principles of sustainability in the planning, design, construction, and operation of the municipal water system.

The group discussed whether to use the term 'sustainability' and then agreed this policy would call for operating the municipal water system to promote efficiency and longevity of the system. Staff planned to put the definition of Sustainability in the front of the Plan.

New Policy 10. Promote and participate in regional and subregional relationships with other agencies regarding water supply planning and management.

This policy acknowledged relationships like the one Lake Oswego had with Tigard.

New Policy 11. Prior to annexation, require properties to connect to a municipal water supply when it is physically and legally available and encourage abandonment of any existing domestic wells according to State standards.

The public health and safety issue related to wells was their potential to contaminate the municipal water supply and ground water. Public Works staff wanted to discourage people from having wells and encourage them all to connect to the municipal supply. Staff had found that the state limited the City's ability to regulate wells but the City could require property owners to connect to the City system in order to annex. The City Attorney will need to look at that. Mr. Bunch related that some jurisdictions required the home to be disconnected from a well, but allowed the owner to use well water for irrigation and other purposes as long as the well was modified or upgraded to state standards. Mr. Johnson advised state law meant the City could not tell owners they could not have a well. He saw a Building Code solution. Community water service to the house could be a requirement for an occupancy permit. Then the well might be used for irrigation. That helped avoid wasting of processed water. Staff asked the CAC for their thoughts on requiring annexing properties to connect to municipal service, and encouraging abandonment of wells. Ms. Oelrich noted that this approach is new; she annexed five years ago and did not have to connect to City water. At that time, abandonment of the well was encouraged, but today the property is still on well water. Councilor Gudman asked if a city property owner who wanted to use less processed water could put in a well. Staff advised the City had no permitting process for wells. Mr. Johnson advised water rights were managed by the state.

○ **Stormwater & Water Resources Quality Overview**

Ms. Weigel anticipated the CAC would look at specific goals and policies at the next meeting. In preparation for that she presented an overview. The federal Clean Water Act imposed requirements to keep pollutants out of waterways. The DEQ dictated how cities managed surface water. The requirements were outlined in the MS4 Permit Lake Oswego shared with twelve other jurisdictions. Lake Oswego implemented them through the Clean Streams Plan and the City's surface water management program. The city was crafting an updated surface water management code and a related manual. Ms. Gronowski clarified that water was 'stormwater' as it fell from the sky and became 'surface water' after it landed. Ms. Weigel advised that staff was going to combine two sections in the 1994 plan: water quality resources and stormwater into one topic; surfacewater management. She clarified that she had not mentioned Metro because the MS4 Permit was driven by federal regulations. Mr. Johnson suggested the Soil and Water Conservation District was a good resource to take advantage of.

PUBLIC COMMENT

Skip Ormsby expressed concern that the Birdshill neighborhood was not being allowed to participate in many processes that could impact the neighborhood. He talked about things that would impact

that area. One of his concerns was that population and infrastructure had not been related to his satisfaction. He suggested that one thing to consider was the issue of fluoridation.

Mike Duyn, a Boones Ferry Road property owner, noted how long it had taken to create the IPO zone there. He saw a disconnect between planning and economic development/business growth that affected property values. He advised that the 100-acre area could be developed into a dynamic, exciting, mixed use, area at relatively minimum cost to the city. He advised that retail would attract jobs and retail use needed higher exposure and better access than office buildings and apartment complexes did. He observed Lake Oswego was a consumption oriented community - not an industrial oriented community. He commended CAC for their work.

CAC COMMENTS

Councilor Gudman cited an *Oregonian* article that talked about Portland's lack of direction, priorities, and funding of transportation. He contrasted that with Lake Oswego's approach. Its CIP listed and prioritized all of the capital projects and identified which were funded and which were not. He indicated that citizens of Lake Oswego might have disagreements, but the result of citizen committees and staff was good work. He invited everyone to attend the February 12 town hall meeting.

ADJOURNMENT

Mr. Johnson adjourned the meeting at approximately 6:00 p.m.

DRAFT