



**Comprehensive Plan  
Citizen Advisory Committee  
Meeting # 29**

**October 25, 2012  
Lake Oswego 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:** Sally Moncrieff (Chair), Dorothy Atwood, Tom Brennan, Christopher Clee, Doug Cushing, Bill Gaar, Nancy Gronowski, Liz Hartman, Bob Needham, and Lynda O'Neill

**Members not in attendance:** Jim Johnson (Vice Chair), Katie Abbott, Tom Fahey, Teri Oelrich, and David White.

**Staff in attendance:** Sarah Selden, Beth St. Amand, Kirstin Greene (Cogan Owens Cogan), and Julia Metz (intern)

## **PUBLIC COMMENT**

None.

## **CAC COMMENTS**

Mr. Cushing and Ms. St. Amand had attended the Council work session on Economic Vitality. Some Councilors might not be comfortable with some word changes the CAC had made. Ms. St. Amand would prepare a brief explaining the reasoning behind the changes in language. Council had asked staff to look into it a request to downzone properties in Forest Highlands. Mr. Clee reported his neighborhood was still very concerned that the proposed residential zoning policy would lead to spot zoning within the neighborhood. They were also concerned that some current Comprehensive Plan language about maintaining zoning in neighborhoods was missing from the draft plan. Councilor Moncrieff observed the community was still uneasy about the policy and the CAC needed to communicate what the draft policy actually said. The staff was had developed a Comp Plan process overview and would share that with the CAC.

## **REGULAR BUSINESS**

- **Agenda Review & Announcements**

The CAC welcomed its newest member, Lynda O'Neill. The November 29 meeting would be the last meeting in 2012. The next two meeting dates were January 17 and 31. The website had been updated to include new pages for each action area where all information on the process and materials for that action area can be found. Staff planned to attend the November 19 SAB meeting. Members were asked to read the September 27 meeting Summary and email Ms. Selden any corrections.

## **Complete Neighborhoods and Housing Update**

The Council hearing on Complete Neighborhoods and Housing was November 20. Ms. Selden thanked Ms. Hartman, Mr. Cushing and Mr. Brennan for serving on the work group that revised the residential zoning policy. She described the revisions. The existing policy was very general about where changes to higher density zones could happen and used terms like 'near' and 'in close proximity.' It said 'maintain the following residential land use designations and locational criteria' but this does not mean no zone changes can happen. The CAC wanted to make the existing policy

clearer. Its original approach was to focus the opportunity for medium density residential along some higher classification streets (arterials, major collectors and neighborhood collectors) that are within walkable distance (half-mile) of vision districts (employment districts, town centers and neighborhood centers). Last month the Planning Commission had considered the initial CAC recommendation and suggested revisiting the policy to find a better approach. Staff showed some maps the work group used to work through policy alternatives. When the work group looked at the map illustrating the eligible high-density areas from the original revision they found there were not that many eligible parcels. When looking at the eligible medium-density properties, they saw some that may be along arterials, but were in very low density neighborhoods where it did not make sense to have medium-density. They also saw non-eligible parcels that did not quite touch a major roadway where a change might make sense, and thus would not meet the requirement to be "along" those roadways. They found there was an adjacency factor to be considered. It would prevent the spot zoning people were concerned about. The work group's conclusion was that in order to be eligible for either medium or high density the area had to be near the prescribed roadway; adjacent to an area with similar or higher intensity zoning. High density should be adjacent to high density residential or commercial/vision districts. Medium density should be next to medium density residential, high-density residential or a vision district, and it could be along neighborhood collectors as well as arterials and major collectors. The Planning Commission had just looked at that recommendation and thought it was a good improvement. The Commission had suggested some additional changes. 1) It could be near a transit center; 2) The medium and high density policies should be reformatted and combined in order to simplify the way they read; and 3) The preamble to these policies should refer to the additional criteria for a zone change in the Land Use Planning action area:

**'When reviewing request for a residential zone change the city shall apply the following locational criteria to support the city's housing goals. All zone change requests must also comply with the criteria outlined in the land use planning action area policies. '**

Ms. Selden advised that either iteration of the policy the CAC had proposed was more stringent than the existing Comprehensive Plan policy. Chair Gaar commented that neighborhoods should understand that this policy was not a zone change, but only maintained the opportunity for a zone change. The requestor would still have to comply with all of the other provisions related to making a zone change. He suggested that while neighborhoods seemed to be concerned that a change to higher density would impact the neighborhood, they might want to allow the opportunity for residents to downsize into clustered housing (cottages with a common courtyard) and still live in their community. He noted the proposed policy would create transitions of density so it did not pop up in the middle of a residential neighborhood where it did not belong. Mr. Brennan observed the CAC had taken care of the bubble on the maps that had created public concern.

Ms. Greene observed the CAC had done some really hard work. The concept map made sense. They were trying to get closer to the 2035 Vision map; accommodating a pretty moderate level of growth; and protecting existing neighborhoods by focusing growth where it was most appropriate. Councilor Moncrieff thanked the members of the work group for excellent work. Ms. Hartman and Mr. Brennan volunteered to attend the Council hearing with Ms. Selden.

- **Community Health and Public Safety:**
  1. **Food Systems Goals and Policies**

Ms. Weigel had updated the background report. Ms. Selden discussed Attachment 2.a. Survey Results related to the following questions:

9. *Which of the following activities or tools do you think are essential to a healthy local food system? (multiple choice, more than one answer allowed).*

The responses showed there was a lot of support for the Farmers Market; Supermarkets with locally produced food; and local and school gardens.

*10. How important is it to have access to healthy food at locations within walking distance of the 2035 Neighborhood Villages and Town Centers? (sliding scale, one answer allowed).*

The larger percentage of responders indicated it was somewhat to very important. Staff clarified that 'walking distance' was considered to be between one-quarter and one-half mile, or about a 20 minute walk.

Ms. Selden discussed Attachment 3: Access to Local Food / Draft Goals and Policies (October 17, 2012). The goal and policies supported the vision. The policies reflected the survey results.

### **Community Health and Public Safety Vision Statement**

**Our community is a safe place to live and supports lifelong active and healthy living. We have excellent public safety response systems that work together with an involved community to ensure peace and safety. There are opportunities for active lifestyles and to obtain locally grown food that promotes the health and social interaction of our residents.**

**Goal: Provide the opportunity for residents to access a variety of healthy and local food options.**

- 1. Supplement the availability of healthy foods in the city by supporting farmers' markets, fresh food stands and community gardens that are compatible with the surrounding uses.**
- 2. Ensure that employment centers, town centers and neighborhood villages have healthy food\* options within walking distance (half mile).**
- 3. Provide the opportunity for residents to produce healthy foods.**

**Definition: Healthy Food includes produce, fish, meat and dairy.**

The CAC discussed the definition. Mr. Clee had advised against trying to define what healthy food was because that would be contentious. Ms. Gronowski observed the point was to avoid processed foods and eat fresh and local food. Ms. Selden observed 'healthy and local food' might be canned. Mr. Brennan suggested saying Healthy Food was 'healthy, fresh and local.'

Policy 1.Discussion. CAC members were not sure 'Supplement' or 'Encourage' was the right word and considered saying 'Provide' before they agreed to Mr. Needham's suggestion to say,

**'Support farmers' markets, fresh food stands and community gardens that are compatible with the surrounding uses.'**

Ms. Selden advised that most of the comments related to food stands related to the Parson's Farm food stand on Kruse Way that was looking for a new home. Mr. Gronowski observed the use would have to be compatible with surrounding uses. Staff recalled the Luscher area. Ms. Greene related that things were changing. The Kaiser Sunnyside location had been allowing Thompson Farm to have a fresh food stand there twice a week. It could be allowed in a commercial or employment area. Councilor Moncrieff recalled that Oregon City had an open air market across from Tony's Fish Market. Ms. Selden advised the current code streamlining/updating process was looking at how fresh food stands would fit in the table of permitted uses in commercial zones. Mr. Cushing related that the City of Portland was looking at having a market like Seattle's. It would fit in a commercial zone. Mr. Brennan said the policy should be about increasing the options. Ms. Atwood and Mr. Brennan were concerned that saying 'Supplement' could imply only the City was doing this function. Staff observed that Lake Oswego was the only city that supported a Farmers' Market directly. They were separate, non-profit, organizations in other cities. Additional CAC comments included concern about having a policy that resulted in parks being the only place to have these uses; food carts; how this could open Lake Oswego up to a lot of new businesses; and getting some arms around 'compatibility.'

Ms. Selden addressed the question about allowing fresh food stands in parks. The background analysis talked about temporary uses allowed by the code. There were a lot of variables to that. Ms. Greene advised the CAC could draft the policy and leave a 'placeholder' to be filled during implementation of the code. Mr. Clee clarified 'Support' meant City and private support. Ms. Greene asked if everyone was ok with how the policy was worded for now. There was no dissent.

Policy 2. Discussion. Based on the preceding discussion Ms. Selden observed that 'healthy food options' would mean 'fresh and local.' Ms. Greene observed the group agreed with Chair Gaar's suggestion to replace 'Ensure' with 'Provide opportunities for'. The revised policy reads:

**Provide the opportunity for employment centers, town centers and neighborhood villages to have healthy, fresh and local food options within walking distance (half mile).**

Policy 3. Discussion. Ms. Hartman suggested replacing 'healthy' with 'fresh'. Councilor Moncrieff observed that many people raised chickens today and that was allowed. Mr. Brennan suggested the policy should be 'Encourage residents to grow food'. The City might consider offering incentives for residents to grow their own food. Staff confirmed that the City spelled out how many animals a resident could have and where. They could look through the code during implementation to ensure there were not any barriers to it. Mr. Needham observed that if the City restricted gardens in R-5 or below that would be counter to this policy. Mr. Brennan suggested an example of City encouragement could be making compost available. Ms. Greene suggested it could be offering a guide on the website. Ms. Greene recalled they had talked about growing/raising animals. Ms. Atwood suggested using the words 'grow and raise.' Ms. Green noted the policy was going to be: **'Encourage residents to grow and raise healthy, fresh, food.'**

## **2. Energy Policy Discussion (continued from 9/27)**

Staff was going to present these policies to the Planning Commission in November. Ms. St. Amand and Ms. Atwood had gone to an SAB meeting to ask them about environment-related policies. The group discussed Attachment 4.a. Summary of Comments from the Sustainability Board (10-15-12).

**The SAB questioned why 'and communications' was removed from Goal 1 and Policy 1.** They advised that communication technology such as high bandwidth saved transportation energy by reducing trips through communications infrastructure. They suggested updated terminology be used in Policy 1 that would refer to 'energy systems.' Ms. St. Amand asked the CAC if 'and communications' should be added back into the goal and policy. She recalled the CAC had decided it would be addressed in its own section, but it could be addressed in this section as well. She suggested the revised policy could say, **'Ensure the availability of energy and communications systems to all development.'**

Ms. St. Amand confirmed that there was no definition of 'energy systems' yet and it would be appropriate to have one. The new term captures traditional utilities as well as future on-site systems. She explained that staff was using 'Ensure' rather than 'Require' in order to move away from putting requirements in the Comprehensive Plan that should be in code; and because they did not want the policy to be used to force anyone to go off the grid, decentralize energy, or to use a different type of energy. 'Ensure' also meant removing code barriers. Mr. Needham observed using 'ensure' meant the City would not be forced to do something itself, or force developers to do it. Mr. Cushing agreed that 'ensure' would offer a lot more flexibility. Someone might come along with new technology that would create an energy system for 400 homes in Stafford that did not require extending power lines out there. Ms. Gronowski inquired what the difference was between energy services and energy systems. Ms. Greene observed the proposed language would basically allow for different types of energy when they were available.

Ms. Greene saw a need for a document about the language to be used in the Comprehensive Plan so everyone would be on the same page. The existing Plan used very prescriptive language and often

said 'require.' Staff had been directed not to use it because it confused the Plan with the development code, which implemented the Plan. 'Require' meant something had to be done and 'ensure' implied there were different ways to get at it. She polled the CAC on how comfortable they were with the proposed language, 'Ensure the availability of energy and communications systems to all development.' The group collectively agreed they were comfortable with the language; however, Mr. Clee clarified he was not sure about how it would be implemented.

**Policy 3. 'Remove barriers to implementation of small-scale distributed energy generation, storage, and delivery systems.'**

The SAB suggested this policy. Ms. Atwood explained they anticipated people were going to be putting solar on their houses; sending power backwards; and the kind of situation Mr. Cushing had suggested might happen in Stafford. Large, centralized, infrastructure was often the most expensive approach. This would allow that flexibility and encourage different approaches to be approved in the future.

Ms. St. Amand confirmed that this policy could remove some code barriers, such as limits on the height of solar equipment. The implementation process would look through the code for those kinds of barriers. Councilor Moncrieff advised the utilities seemed to be anticipating it because they were asking for a ten year lock-in of franchise fees. Ms. Atwood suggested there did not necessarily have to be conflict. A property owner could allow the franchisee to use his/her roof space.

Ms. Greene asked the CAC if they were comfortable with the suggested language. Mr. Clee indicated the implications concerned him. This would apparently allow him to run a diesel generator in his back yard and impact his neighbors. Ms. St. Amand suggested the policy needed to add compatibility. She and Ms. Greene advised that a proposed code change to accommodate a new type of use and mechanism would be reviewed by the Planning Commission to ensure it was consistent with Comprehensive Plan policies, including compatibility requirements.

**Goal 2, Policy 3.a. Implement transportation strategies in the Connected Community policies to reduce local greenhouse gas emissions from light vehicle travel.**

The SAB questioned what 'light vehicle travel' meant. The CAC consensus was that the word 'light' should be removed.

**The SAB proposed having energy independence as a goal. That would mean that all of the energy consumed in the community would also be produced there.**

Councilor Moncrieff recalled it might be the net zero sustainability goal which was an established sustainability goal. Ms. Atwood observed it got people thinking in a different way. The question was whether or not it was appropriate in the Comprehensive Plan. Ms. Greene asked the CAC if the policy was too bold. Mr. Needham suggested it was. It was a good idea to try to foster small energy generating opportunities in the area, but to say be energy independent would make people question the draft. Ms. Hartman observed it was a wonderful, lofty, goal that might encourage someone to go out and invent something. However, if they included it in the Comprehensive Plan that meant that was an action and give it more teeth than they might want to give it. Mr. Cushing related his sense was that putting it in would cause more contention in the community than it was worth. Mr. Clee indicated he thought it was achievable through conservation. The policy should talk about conservation. His disagreed with the definition, 'all the energy consumed in the community that would be produced here.' It should say that the community would become energy neutral. Ms. O'Neill agreed conservation should be added. She suggested the energy independence goal should be the SAB's goal, but not necessarily a Comprehensive Plan goal. Mr. Needham agreed that conservation was always the first step. He disagreed that energy independence was feasible given the huge amounts of energy the community used, which included vehicles. Ms. Greene indicted staff would incorporate a focus on conservation and rework the definition around energy neutrality. They would explain in the timeframe for the Comprehensive Plan the City was aiming towards conservation and neutrality. Mr. Cushing remarked that he would not want to see it implemented as a requirement to build to LEED or net zero.

Ms. St. Amand clarified the list under Item 5 were not SAB suggestions, but feedback intended to give the CAC a sense of what the discussion with the SAB was about. She confirmed that the goals and policies would be presented to the CAC again before the hearing.

### **3. Urbanization Goals and Policies**

Ms. St. Amand reported public comments were split 51:48 regarding proactive annexation. For that reason annexation policies had not been changed much. The language had been modernized. 42% opposed urbanization in Stafford. That supported the existing Stafford aspiration statement. She discussed Attachment 5. Urbanization Goals and Policies.

#### **A. Urban Service Boundary and Urban Growth Boundary**

##### **A-2. In any areas where the Urban Service Boundary has been expanded, new development will be required to pay for the extension of urban services**

Many Section A policies had already been discussed during Inspiring Spaces and Places. Mr. Cushing expressed concern that A-2 went too far and could require the kind of exactions addressed in the Dolan v. City of Tigard court ruling. There had to be nexus between what was being exacted and the impact of the development. Staff planned to look at that. They would also check to see if there was a duplicate policy related to extension of sewer service in areas that were within the USB but outside city limits and if that language specified 'require'. Ms. O'Neill suggested addressing historical treasures that were surfacing during urbanization. Staff planned to check to see whether the Plan already had a policy like that that addressed historic resources where the City was expanding.

##### **A-5.c. Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation.**

Mr. Cushing explained a non-remonstrance agreement was a document a property owner would sign to say if the City was going to annex his property he accepted that. Staff planned to define the term and check with the City Attorney about whether they could make that sentence any clearer.

#### **B. Stafford Basin Policies**

##### **B.1. Support retention of the Upper Stafford Basin as a rural enclave within the region providing access to small community farms, sustainable agriculture, and parkland in close proximity to the city center.**

Ms. Hartman inquired why this referred to 'small community farms'. The CAC agreed to remove the word 'community'. They suggested the lower Stafford basin should be defined. Mr. Clee observed this precluded support of the lower Stafford basin. Councilor Moncrieff indicated that would be consistent with the aspiration statement.

##### **B-2. Support a rural buffer between the Stafford Basin and adjacent communities that allows agricultural and other supportive uses such as open space, and maintains the individual character of each community.**

Staff explained that Tualatin and West Linn were opposing making the area urban reserves, but some day it might become urban reserves. The next step would be concept planning. Mr. Brennan asked if 'other supportive uses' would include residential. Staff advised that during the Comprehensive Plan period they were looking at 'other supportive uses' and it could not be low density residential unless the community decided to expand the UGB. Councilor Moncrieff advised it could be park land because that was consistent with the buffer and parks were needed. Ms. Gronowski asked what 'and maintains the individual character of each community' referred to. Ms. St. Amand explained it indicated there should be a buffer separating Tualatin, West Linn and Lake Oswego so they did not all sprawl into the Stafford basin. Mr. Cushing related that the existing Stafford Hamlet might incorporate into a little city. Staff observed there might be a need to recognize existing uses. Ms. Atwood saw the Stafford basin as a rural area and asked what the 'rural buffer' was. Councilor Moncrieff advised it was not really rural, people just had the illusion it was a rural area. For example,

it contained a Street of Dreams. If Stafford incorporated it could build a city at any density level right to Rosemont Road. Ms. Atwood suggested saying, 'Support a rural buffer in the Stafford basin between Lake Oswego and neighboring cities...'

### **C. Annexation Policies**

#### **C.6. Provide incentives to encourage owners of property within the Urban Services Boundary to voluntarily annex to the City.**

Councilor Gudman inquired as to what the City should say to all the people who had voluntarily annexed in the past, without incentives. Mr. Needham remarked that if he was inside the USB and outside the Lake Oswego incorporated area and the City did not offer him any incentive he was not changing. Councilor Gudman suggested owners in that position were going to annex at some point anyway – they did not have a choice. Mr. Needham related that his experience serving on the DRC was that owners asked to be annexed to get a specific benefit for their property. Councilor Gudman suggested that could be sewer service. Mr. Brennan and Mr. Cushing asked staff to provide them with the history of annexations, including island annexations.

#### **PUBLIC COMMENT**

None.

#### **CAC COMMENTS**

None.

#### **ADJOURNMENT**

Councilor Moncrieff adjourned the meeting at 6:00 p.m.