



**Comprehensive Plan  
Citizen Advisory Committee  
Meeting # 37**

**June 13, 2013  
Main Fire Station, 300 B Avenue  
4:00 pm – 5:30 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), Shelly Alexander, Dorothy Atwood, Tom Brennan, Christopher Clee, Doug Cushing, Tom Fahey, Liz Hartman, Bob Needham, Teri Oelrich and Lynda O'Neill

**Members not in attendance:** Jim Johnson (Vice Chair), Bill Gaar, Nancy Gronowski, and David White

**Staff in attendance:** Sarah Selden and Ron Bunch

#### **PUBLIC COMMENT**

None.

#### **CAC COMMENTS**

Mr. Brennan recalled the CAC had held 36 meetings so far; they had moved five out of seven action areas forward; and there had already been much outreach. Now Mr. Bunch's Council Reports responding to the April 16 Council motion suggested many revisions. Mr. Brennan questioned how the amount of outreach they were going to do in such a short period of time would be proportional to the amount of outreach that had already been done during the last three years. He asked how staff was tracking the responses and if there had been any yet.

Mr. Bunch pointed to the list of groups to be copied at the bottom of the staff memo. He had already met with the neighborhood association chairs three times; with LONAC; and with the chair of the LO Stewards. The Planning Commission had asked him to put an outreach strategy together to reach out to the broader community. He understood the Council wanted the process to reach out to the broader community, because there was a perception that there was still some dissension in the community. The Council had asked staff to report back to them regarding the citizen involvement effort.

Ms. Atwood asked him to elaborate on the notion that there was dissension in the community. Mr. Bunch cited an example: LONAC had indicated they perceived the process to be insular; process driven by a previous Council. They did not feel they had really been involved in it. CAC members asked why they had not come to CAC meetings; if it was a consensus or if it was just a few members of LONAC; and if other groups besides LONAC were disagreeing with the CAC. Mr. Bunch explained he had LONAC attended meetings. He heard that they liked what the Council proposed. He heard from LO Stewards that they felt the process was closed to them. Mr. Bunch also referenced that most of the neighborhood chairs felt the same way.

Mr. Needham pointed out the CAC had held public meetings for three years. The Council should have advised them to attend these meetings if they wanted to be heard. He reasoned that "planning" was politics and because it was political, there would be dissent in the community. The CAC would never

make everybody happy. The turnaround was just politics and not rationally based on any facts other than what the Council had heard from a very small number of people.

Councilor Gudman expressed his view that the process had not been insular and everyone had been heard throughout. He remarked that there was a difference between being heard and being agreed with. There had been an extensive outreach effort to all groups and there would continue to be an extensive outreach effort to all groups. He acknowledged that they were never going to get agreement from everyone, although it would be nice if they did. He related that he had supported the change in direction because the road the process was going down, would have led to a Comprehensive Plan that had a very high probability of getting the City in trouble as a land use document. It was not that the information that had been generated during the process was not valuable – it was. It was not that the information and insights regarding where the community wanted to go as it went forward would not be used – it would be. But making what was meant to be a land use document a strategic plan had the potential to present serious legal implications for the City down the road. He related that the City of Portland had separate plans – a strategic, aspirational, plan and a land use plan. Land use experts had indicated to him that combining a strategic plan and a land use document set a city up for troubles down the road.

Mr. Brennan inquired what kind of trouble and with whom if this process was just updating a document that was already in place. He noted the new document might not be in standard format but the DLCD had approved that change. Would the state agency have to approve the changes recommended by Mr. Bunch?

Mr. Bunch responded to the issue of citizen engagement and then to the question about the legality of the Plan. He advised the Committee it was important to confront and deal with the issue that some groups were saying that they felt excluded. From a legal standpoint (speaking for the Deputy City Attorney) the existing Comprehensive Plan had many aspirational policies that were not implementable within the context of a land use plan. That was an issue. Land use plans provided the basis for land use regulations in the development code. The Plan could express visionary things, but when it had a statement that called for lots of public art in specific locations, or contained certain policies related to education institutions, those could be implicated in a land use decision, and the City could find itself in an appeal process. Mr. Bunch clarified that the DLCD did not approve format. It would review the Plan to see if it was consistent with state land use laws. A DLCD liaison served on the technical advisory committee. He advised that in a fairly active land use environment the Plan should be tight and consistent. His Council Reports discussed the review criteria. The CAC had done a good job and brought forth the issues that were important to the community. His concern was that when it got to the point where the Plan was proposed for adoption, many of those statements that they had worked so hard to develop would not be implementable. He had looked at what could be done to make them implementable. He cited the examples of the Arts and Education sections.

Mr. Cushing questioned how groups could come in when they were almost all of the way through the process and say there was not enough citizen input. It was a simple matter of just coming to the meetings. Those who felt that way had been invited, but not shown up. He disagreed the outreach had not been broad enough when the CAC had been meeting for almost three years. He remarked that he was just a regular citizen who decided to dedicate his time to this process to help his fellow citizens. He was not driven by any group. For that reason when he heard certain groups and people complain, it made him question their integrity.

Mr. Needham suggested the Council should stop blaming the process and tell the truth that they did not like the result and were going to handle the process differently. He noted the CAC and thousands of people had been part of the process for three years. He suggested there was a small group that

would not even come to the meetings because they had the political ear of a recently elected Council. Ms. Atwood added that they might have come to a meeting but not agreed with what they heard. They were not the voice of the whole community. Councilor Gudman clarified that he did not blame the process.

Mr. Bunch and Councilor Gudman clarified that the process schedule now went out to October, so there would be more time. Mr. Bunch asked the CAC if they could stick with it through October. Councilor Gudman responded to concern that the process going forward would not reflect how the new Plan had evolved over the past three years. He pointed out the reports compared the existing Plan with the draft Plan and with the suggested revisions. The final result would be very good, reflect the tremendous work that had been done, and would not lose sight of the other aspirational goals that were built in.

Ms. Liz Hartman explained that she did not necessarily agree with how the communications had gone over the last few months, but she did know that from the very beginning they had told the neighborhood associations and the people that they would be reviewing each of the sections towards the end. There would be more input periods coming along. Looking at it that way made this just another input period to get more feedback. She did not think it should invalidate what they had done before.

Ms. Atwood explained the CAC would appreciate getting validation that it was a good public process. Some of the documents that had come out made it sound like it was not a valid process. The CAC was looking for validity, recognizing that there was more public process coming up. Councilor Gudman said he would be happy to say that he believed it was a valid public process. He reiterated that being heard was different from being agreed with. There had been a change of direction. He thanked staff for putting the new schedule together. He asked them to walk through the schedule.

Ms. Selden advised the schedule was still evolving and the proposed meeting dates were not firm yet. Staff would provide an analysis for each of the remaining action areas and present them to the City Council and then to the Planning Commission. At the same time the CAC would have an opportunity to conduct a similar review. She asked the CAC if they wanted to continue to meet for the purpose of providing feedback on the analysis presented to the City Council. CAC comments would be transmitted to the Planning Commission. The Commission was going to get into the substance of the next analysis on June 24. Did the CAC want to do this?

Ms. Atwood questioned what the purpose of CAC review would be if the Council had already reviewed it. Mr. Bunch recalled when the Council discussed the April 16 motion they had emphasized that they wanted feedback from the community. He acknowledged that almost all of the goals and policies had been through a review process already and received tentative approval by the prior Council. However, this was a new Council. He was the technician who had been directed to do the review and get feedback from the community on this Council's values and views and on the work that had already been done.

Mr. Cushing observed that he and the others were all volunteers. They had done their duty. He calculated that at his law firm's standard billing rate he would have billed \$50,000 for his time over the past three years. He indicated that it was way over the top to have to go to someone to find out why they were unhappy with it. He asked who had written the revised policies.

Mr. Bunch clarified that he was not writing policies - his review presented concepts for revised policies. For example, one of the things he had been directed to do was to do a technical analysis and identify what was land use related and what was not and try to "land-use-ize" as many of the

policies as possible. He had examined each and suggested language that was more land use related, but still incorporated the principles the CAC had discussed. To the extent possible he put statements that were not land use related or that were oriented toward a program that required a budget where they would not be lost, such as in action measures. The concepts were presented for the CAC to utilize in its process. If they felt strongly that there was an action item that needed to be a policy, they had an opportunity to say that during the next few months.

Ms. Atwood observed the civic process was backwards and not the typical order of citizens, then Planning Commission, then City Council. Councilor Gudman indicated he thought this was not inconsistent with the civic process she described. It was taking all the good work that had been done in the past three years, land-use-izing it, and putting it in a different format. The Council was asking for that and was not ignoring the Planning Commission and the CAC.

Mr. Needham indicated he thought Mr. Bunch had gone further than just using his technical expertise to identify what was land use related. Mr. Bunch explained that what he had produced was intended to be somewhere to start and something that would facilitate the process. Otherwise it would have just been an un-summarized mass of information that the group would have to go through. The CAC did not have to agree with the proposed policies. The City Council wanted the CAC's and the Planning Commission's recommendations.

Mr. Brennan saw it as a radical departure in format. That made it hard to imagine what it was going to look like at the other end. Mr. Bunch recommended the CAC go through the sections of policies. They could make a recommendation about format as well if they wished.

Ms. Atwood asked who would staff the CAC. Councilor Gudman related that Mr. Bunch would remain involved and Associate Planner Paul Espe would step in while Ms. Selden was on leave. Councilor Gudman responded to a concern that this would turn into a staff-driven process. He observed it had been that way from the start and during the past three years. That would continue with the change in direction to land-use-izing it.

CAC members talked about the list of groups in the staff memo. Keep Lake Oswego Great should be added. The Coalition of Lake Oswego was actually The Coalition for Lake Oswego. Mr. Bunch explained that he had compiled the list based on boards and commissions and groups he knew had participated in the process. Mr. Needham reported that the DRC had not received a copy. Ms. Selden related that the Planning Commission had asked for broader, community wide, public outreach. Staff would use the City website, including the *We Love LO* site and the CAC ListServe (with about 500 email addresses). Mr. Needham contrasted just posting it on the City website with doing a good job of reaching out and notifying people. Councilor Gudman asked CAC members to let staff know if they thought of any other groups that should be listed.

## **REGULAR BUSINESS**

- **Update on June 4 City Council Study Session and Upcoming Schedule**
- **Review and Discussion of Comprehensive Plan Analysis on Community Culture Goals and Policies Presented at the June 4 Council Meeting**

Mr. Bunch outlined the five components of the April 16, 2013 Council motion. Staff had been asked to: 1) identify which goals and policies were not related to land use; 2) list them and report on how those items could be addressed separately; 3) identify policies that directed the City to increase residential densities and/or add mixed-use to residential zones; 4) identify goals and policies that had budgetary implications; and 5) provide a tracking system so the proposed changes to the existing Plan could be well understood.

Mr. Bunch explained the premise for budgetary implications. Those were things that could cause the City to depart from its standard way of budgeting for things like land use, citizen engagement, public facilities and services, and would cost money and/or called for things like incentives or the City taking on a role that would have staffing consequences. He related that he had paid close attention to those things when the City crafted its first Comprehensive Plan and he had been asked to do the same thing this time. He explained how he had organized his review of policies in each section according to land use applicability, residential density, budgetary impacts and comparison with the policies in the existing Plan. The Commentary column talked about what needed to happen to the statement to implement Council's direction. He advised he had found the proposed goals and policies did not include a wide range of action measures that existed in the 1994 Plan, so he had included them for reference.

Mr. Bunch advised that some of the policies that had been developed did not rise to the definition of a policy. They were more action oriented. If the CAC wanted to keep them it was important to look at them more carefully or put them in an action measure type of category. For example, he had looked at proposed Community Culture Action Area - Civic Engagement Policy 10 (see May 21 Council Report, Attachment 1, page 9):

**Foster an environment where people feel safe and respected while expressing their viewpoints.**

That was a very important concept, but it was not directly related to land use. He suggested saying:

**Design and implement citizen involvement programs in ways that foster civility and respect for all who participate.**

Ms. Atwood noticed this page of the analysis mentioned that Policy 11 did not have a connection to land use. She could not find that policy. Ms. Selden clarified that was a mistake and there was no Policy 11.

Mr. Bunch pointed out that when he discussed concepts he went an additional step and distilled his thoughts into very specific, revised, statements that related to land use. In doing so he had made an effort throughout to include all of the concepts in the proposed draft policies. Some of the draft policies used conceptual words like 'respect' and 'care' for example.

Ms. Atwood inquired whether he had involved other staff in the work or if it was a one-person perspective. He related that Ms. Selden had access to it, but it was fundamentally the product of his own efforts and his desire to get it done in time. He acknowledged it was a matter of staffing at this point. He had provided the concepts and now they were out there for folks to look at and offer feedback on. He had done this for the five chapters. He noted that Chair Brennan's email to Councilor Gudman and Ms. Selden about the process had raised a good point. It might have been a mistake and be confusing to include an example of goals and policies that affect residential density in the Housing chapter.

Mr. Brennan referred to May 21 Council Report, Attachment 1, Concepts for Revised Goals and Policies for Civic Engagement. He explained the CAC had come up with a kind of standardized way of using words and Mr. Bunch might not have had time to understand that as he was taking one stab at it. He suggested Mr. Bunch change 'utilize' to 'use.' He said he was not sure the CAC was going to use the word 'ensure' any more. He was concerned that the process no longer had the institutional

memory that had helped develop the proposed policies. Mr. Bunch advised they could use other words if they wished to and they could tell the City Council that they liked their own policies better.

Mr. Cushing commented on the revised policies. He observed that what Mr. Bunch was really drafting was a land use plan – not a comprehensive plan. Perhaps they should ask the Council if, when it directed staff to identify certain items, it was telling citizens they could talk about those, but they should not come to talk to the Council about something that was not land use related. He read aloud the definition of Comprehensive Plan in Attachment 2 of the May 21 Council Report.

**“Comprehensive Plan” means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive” means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.**

Mr. Cushing indicated he thought that Mr. Bunch had done more than ‘identify’ - he had gone a step beyond what the motion asked for and revised the Plan to limit it to land use. Mr. Cushing wanted the record to show that he suggested the Comprehensive Plan was intended to be comprehensive and should not be so limited. If the idea was that there was going to be another plan coming out of this, he was not sure he was up to working on it for another three years.

Mr. Bunch confirmed that he had started to list items unrelated to land use, as called for in the Council motion. There was a list in the May 21 Council Report, Attachment 3, Plan Statement with Land Use and Budgetary Impacts. He had done the same thing for Housing (see the June 4 Council Report, Attachment 2: 2010 – 2013 Planning Project – Complete Neighborhoods and Housing, Plan Statement with Non-Land Use and/or Budgetary Impacts. Councilor Gudman anticipated those lists would eventually be combined into one list.

Ms. Atwood recalled that the existing Comprehensive Plan was not as land use focused as the revised language Mr. Bunch suggested. Mr. Bunch agreed and said it was almost 20 years old. During that time a lot of court decisions and legal refinements of law had called for comprehensive plans to be more land use oriented. She asked if they said the 1994 Comprehensive Plan was not adequate or illegal. He advised they had not. The city probably could have continued with that plan with some minor amendments. She recalled that had been a suggestion by Mr. Coffee at one of their meetings.

Councilor Gudman noted there were several references in the existing Comprehensive Plan to the Library and the Arts. He said the Council did not want to lose those references. The material that had been gathered and the community input that had been received on all of the non-land-use-related topics was going to be put in a summary document that the Council would use.

Mr. Brennan and Ms. Atwood observed the CAC had created those policies for a Comprehensive Plan. If they were put in some other document he questioned whether it would get used. She was concerned it would not have the same legal standing as the Comprehensive Plan. Councilor Gudman advised the Council would use it as a source reference/guide similar to how master plans were used. He agreed it would not have the same standing as the Comprehensive Plan. He advised it would have the same standing as master plans and other city-adopted documents. He believed that was stated in

Item 5 in the Resolution on page 2. That was what he envisioned and would argue for. He encouraged the CAC to do so as well.

Mr. Bunch advised that the City could have policies in its Comprehensive Plan not specifically related to land use, but they could not be implemented directly.

Mr. Bunch suggested they look at an example. He referred to the Arts section of the May 21 Council Report, Attachment 1, page 21, 'Concepts for Revised Goals and Policies for "The Arts"'. He related he had not done a plan that contained arts policies. The existing Plan mentioned the Arts in narrative format. It was important to the CAC, so the question was how to implement it. The proposed goal was:

**Enhance and celebrate the City's commitment to the fine and performing arts by providing access to the arts throughout the city and by promoting arts for the economic and cultural value they add to the city.**

The land-use-related revised goal concept he suggested was:

**Provide the opportunity for artists, art activities and art related land uses to locate and flourish in Lake Oswego.**

Mr. Brennan exclaimed that was a huge change from the original goal. It was anemic. It took the heart out of the original goal. Mr. Bunch advised the City could not implement the original goal. He asked who provided access to the arts. CAC members recalled that the City put art and sculpture on its land; the City had a part in the Arts Commission; and music was part of the Parks and Recreation program. Mr. Bunch saw them as city operational policies and budget decisions (such as subsidizing the Arts Commission by giving it free rent using hotel/motel tax revenue) and not land use related. He advised the Comprehensive Plan had no basis to require the City to do anything that related to the arts. He confirmed that if the City wanted a performing arts center and that required rezoning the revised goal gave the City that ability. He acknowledged this was an extreme example. Arts were not essentially part of land use plans, but his suggested language was trying to do that.

Mr. Bunch pointed out he had listed Action Measure Concepts under the revised goals and policies section. He suggested the CAC look at them as a broad range of things that would serve as reference points whenever the City got involved in the arts through activities such as Park's music series or worked with the Arts Commission. They were recommended action measures that could be in an Action Plan that should come after the Comprehensive Plan. The idea was to record them in this process so the City would not lose them. Later, an action plan could be developed to support the Comprehensive Plan and the other kinds of activities the City did. Action measures were intended to augment the Comprehensive Plan and aid strategic planning. He recalled the City wanted to support the schools. He advised there were things that were within the land use realm that could be in the Plan that related to schools; and there were ways to develop strategies to collaborate with the schools and the Chamber of Commerce and others that were not related to land use.

\*Ms. O'Neill departed the meeting.

Mr. Bunch referred to proposed Policy 3:

**Policy 3: Add interest and vitality to the pedestrian experience as well as increase economic development opportunities in Employment Centers, Town Centers, Neighborhood Villages and Commercial Corners by enhancing the streetscape,**

**gathering places, gateways and civic spaces through the thoughtful selection and placement of public art.**

He indicated that he believed this was translated into some kind of action measure concept. If not they needed to make sure it was. He advised the action measures in the current Comprehensive Plan were not implementable through the land use program. He confirmed that was not a problem. They could have action measures that were not implementable through the land use program in the Comprehensive Plan if they wished to put them there.

Ms. Atwood referred to revised Policy 2 and asked if the housing language was part of a new concept:

**Provide the opportunity for the siting of live-work artist housing to make it possible for art and craft professionals to both work and live in Lake Oswego.**

Mr. Bunch clarified it was not in the current policies. It was an example of a land use policy that would promote the arts. A lot of artists lived in their studios, sometimes in lofts in commercial districts. It was an example of how the policies could be translated.

\*Ms. Selden departed the meeting.

Councilor Gudman observed that Mr. Bunch had left the best way to make the changes open. He announced the next meeting would be on June 20. He suggested the CAC devote half of the next meeting to the next section, which was Healthy Ecosystems, and use the other half to continue to go through Mr. Bunch's review. The CAC could continue to use half of upcoming meetings to go through the review.

**PUBLIC COMMENT**

Cheryl Uchida inquired how the Comprehensive Plan update process would affect neighborhood plans and if those local plans would have to be revamped. Her neighborhood had worked with Planning staff to create goals and then develop the related policies, and recommended action measures.

Mr. Bunch confirmed staff had been looking for consistency with neighborhood plans during the process. So far, the proposed plan – which was land-use-sized - was consistent with what they had done. He would address consistency with neighborhood plans and the CDC in a report he would provide as they approached final adoption of the Comprehensive Plan.

Ms. Krebs inquired about the nature of representation of boards and commissions. She directed her questions to Mr. Needham. Did the representatives go back to report and to get input from their groups? Ms. Atwood said that was exactly what she did as the SAB representative and that was likely what the other representatives did. Sometimes boards had gone beyond that and sent additional representatives and submitted written comments. Mr. Needham explained it was a different situation when it came to the DRC because they were not an advisory body – the DRC adjudicated land use cases by applying the ordinances. He had volunteered to serve on the CAC in order to ensure the Plan was implemented in a way that made sense.

**CAC COMMENTS**

Mr. Cushing inquired why the CAC had not had an opportunity to meet the candidates for City Manager. Councilor Gudman explained one of them had requested confidentiality. The Council was going to meet with each of the candidates the next day and then deliberate.

## **ADJOURNMENT**

Councilor Gudman adjourned the meeting at 5:34 p.m.

## **ATTACHMENTS:**

1. June 7, 2013 Staff Memorandum: Council Direction Regarding Proposed Community Culture Action Area
2. City Council Report: Review of Proposed Lake Oswego Comprehensive Plan, Part 1 (May 21, 2013)
3. City Council Report: Review of Proposed Lake Oswego Comprehensive Plan, Part 2 (June 4, 2013)
- A. Comprehensive Plan Amendments Package 1: LU 13-0010

CAC June 13 Agenda Packet link: <https://www.ci.oswego.or.us/planning/comprehensive-plan-update-citizen-advisory-committee-cac-meeting-15>

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