

**From:** Clara Howell chowell@pamplinmedia.com  
**Subject:** RE: Lake Oswego Review  
**Date:** December 11, 2019 at 9:36 AM  
**To:** Scott Handley scott@loveloparks.org



Hi Scott,

Yes sorry, I was on deadline and quite busy. Thank you for all that information, thanks for keeping me updated. I think our next story would likely be done the road, focused on if it passes/you get enough signatures.

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**From:** Scott Handley <scott@loveloparks.org>  
**Sent:** Wednesday, December 11, 2019 9:33 AM  
**To:** Clara Howell <chowell@pamplinmedia.com>  
**Subject:** Re: Lake Oswego Review

Hi Clara,

I didn't hear back from you. I hope you received my reply to your inquiry below.

-Scott

Sent from my iPhone

On Dec 9, 2019, at 2:05 PM, Scott Handley <[scott@loveloparks.org](mailto:scott@loveloparks.org)> wrote:

Hi Clara,

Nice to hear from you! Our Thanksgiving was nice and quiet with friends. I hope your Thanksgiving was good as well!

You were one of my action items this week :-)

Yes! Our prospective initiative petition to Protect Lake Oswego Natural Parks is proceeding through the submission process. The petition was submitted on Thursday, Nov 14th. Determined to meet constitutional requirements on Nov 21st. And, given a ballot title (caption, question, summary) by the City Attorney on Dec 2. We anticipate having the downloadable and in-person petition signature forms certified by this Friday, Dec 13, and begin circulating.

An interesting component in this local initiative process is that the community does not get to propose the ballot title for their own initiatives. For local initiatives, the City Attorney (in this case, David Powell) determines the ballot title. It's a bit strange since a community-led initiative, such as ours that is revising the City Charter, could be seen as a conflict of interest. There is a process to appeal a ballot title to the Clackamas County Circuit Court. That process is not a very well documented and involves more time, effort, and resources (attorneys/money) without a guarantee of a favorable outcome. This appeal process would appear to discourage the community from

...appeal process means appeal to encourage the community from appealing ballot titles. More on this in a moment...

## **Background**

in 1978, the community led a similar petition for ballot initiative effort to adopt a City Charter amendment preserving Springbrook Parks as a natural area and preventing the City from developing it into a major athletic facility. The ballot title per City Resolution R-78-53 was: "Shall the City Charter be amended for the purpose of preserving Springbrook Park as a natural area?" City officials attempted to influence the community to not adopt the amendment but was overwhelmingly struck down by a 3-1 vote, resulting in Chapter X - Park Development Limitation in the Lake Oswego City Charter. This chapter specifically preserves Springbrook Park, and Springbrook Park only, as a natural area. It has protected Springbrook Park several times over the years from the City attempting to expand the Tennis Center into Springbrook Park. Each time the City had to be reminded of their duty under the City Charter.

## **Protect Our Natural Parks**

The Save Cooks Butte effort exposed the fact that the Lake Oswego Code, specifically the Parks and Natural Areas (PNA) and Sensitive Lands (SL) sections, as well as property deeds are inadequate and insufficient in preserving Lake Oswego's natural area parks. In fact, these natural areas are vulnerable to "conditional uses," as we've seen directly with Cooks Butte. We discovered Chapter X while canvassing the Uplands Neighborhood to Save Cooks Butte. Residents shared their efforts to preserve Springbrook Park.

Our petition for this ballot initiative keeps the Springbrook Park development limitations passed by voters in 1978 intact while revising Chapter X to:

- (a) include 15 additional natural areas (note: Stevens Meadows and Stevens Homestead are combined by definition)
- (b) include additional and/or clarified development limitations
- (c) allow maintenance in natural areas providing for a safe and healthy ecosystem
- (d) allow maintenance to existing structures and facilities
- (d) allow the City to execute already adopted park master plans
- (e) prohibit commercial logging
- (f) improve the process to add more natural area parks in the future

The Chapter's revisions are the direct result of a community outreach efforts:

- (i) conversations with residents, neighborhood associations, Director of Parks and Recreation, members of the Parks, Recreation, and Natural Resources Advisory Board
- (ii) review of City published documents, such as City's website, Lake Oswego Open Space Plan (adopted 2001), adopted Lake Oswego

Parks Plan 2025 (adopted 2012), various park master plans, and various park property deeds  
(iii) research on what other City's have done to protect their natural areas

The revisions to Chapter X are quite simple and written in plain English: <https://www.loveloparks.org/index.php/causes/protect-our-natural-parks/charter-amendment/>

You'll see that the revisions to Chapter X of the City Charter maintains the chapter's integrity but expands the chapter to preserve more Lake Oswego natural area parks. Protecting these natural areas is popular in the community. A NextDoor poll I conducted in October on amending the City charter to protect these natural areas had an 88% favorable response.

#### Ballot title

So now, getting back to the ballot title...one has to question the intention behind the City Attorney's choice of language for the community's ballot title that is vague and misleading:

CAPTION: Restricts improvements on certain Lake Oswego park properties.

QUESTION: Should the Lake Oswego City Charter be amended to restrict improvements on certain city park properties?

The actual text we have drafted for this initiative is derived from language written in the Charter and City park documents. The Chapter X revisions submitted for this initiative are what would be enacted if ratified by the voters, not the ballot title. City park documents describe and categorize parks as "developed" or "natural" (undeveloped). The City Attorney's caption and question omit "natural," equate the development limitations to "restricting improvements," and ignores the fact that the original ballot title given this chapter in 1978 was to "preserve" Springbrook Park as a "natural area" while the same is true in 2019 for these additional natural areas. These are natural areas that by definition in City parks documents do not have developed recreational facilities, etc. And, one could argue strongly that any above-ground structure, yet alone, telecommunications towers or commercial logging are not "improvements" to a natural area. In fact, improvements would be ensuring these natural areas are ecologically healthy and vibrant for wildlife, flora, and fauna to flourish — which we have included specifically in the revised amendment!

To be honest, the City Attorney's ballot title is disrespectful and offensive to the Lake Oswego community. It doesn't represent the conversation between Mr. Powell and I during the information session that I initiated shortly after submitting the prospective petition to the City. Mr. Powell not once offered nor reached out to discuss the ballot title before publishing it. Lake Oswego

citizens deserve better. A more appropriate title would have been "Shall the Lake Oswego City Charter be amended to preserve certain City natural area parks?" or even "Shall the Lake Oswego City Charter be amended to limit development in certain City natural area parks?" Consequently, we are considering our options with respect to this ballot title.

### **In Summary**

At the end of the day, I have 100% confidence the Lake Oswego community will not be fooled nor misled easily by the City's attempts to disguise the community's initiative as something other than what it is — preservation of our natural area parks. I'll be encouraging City Officials and Staff to support this initiative as it is the honorable and morally correct thing to do for their constituents. Such an action of support on the City's part would begin to restore the community's faith and trust in their leadership in representing this community's interests.

Let me know if you'd like anything clarified or to speak more about this initiative. This is definitely a significant community interest topic.

Best regards,  
Scott

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Scott Handley | Chief Petitioner  
Love Lake Oswego Parks Committee  
[scott@loveloparks.org](mailto:scott@loveloparks.org)  
<https://www.loveloparks.com>

On Dec 9, 2019, at 9:54 AM, Clara Howell <[chowell@pamplinmedia.com](mailto:chowell@pamplinmedia.com)> wrote:

Hi Scott,

Hope you had a nice Thanksgiving. I'm checking in because I saw on the City's webpage that the ballot was filed. Do you have an update on this?

Thank you,

**Clara Howell**  
*City reporter - Lake Oswego Review*  
O: 503-479-2384  
C: 971-227-5334