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3  
4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF CLACKAMAS

6 SCOTT HANDLEY and JOEY HANDLEY,  
7 Petitioners,  
8 v.

9 LAKE OSWEGO CITY COUNCIL, JASON  
10 LOOS, Lake Oswego City Attorney, and  
11 MARTHA BENNETT, Lake Oswego City  
Manager,

12 Respondents.  
13  
14

No.

**PETITION FOR REVIEW OF  
BALLOT TITLE AND  
EXPLANATORY STATEMENT  
(ORS 250.296)**

**PETITION FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE  
RELIEF (ORS 28.010)**

NOT SUBJECT TO MANDATORY  
ARBITRATION

FEE AUTHORITY: ORS 21.135

15 **NATURE OF ACTION**

16 1.

17 This is a Petition to Review the Ballot Title and Explanatory Statement prepared  
18 by the Lake Oswego City Council, in consultation with a private political consulting  
19 team Praxis Political, for a charter amendment it is referring to the voters. This measure  
20 was approved and referred to the voters by Respondents on August 3, 2021, after a  
21 citizen-initiated measure qualified for the ballot, Measure 3-568. This Petition for  
22 Review is brought pursuant to ORS 250.296 and ORS 28.010.

23 **PARTIES**

24 2.

25 Petitioners, Scott and Joey Handley are the Chief Petitioners for Measure 3-568  
26 (formerly designated as IP 2020IN-1), an initiative to designate certain city parks as

1 “Nature Preserves” and protect them from certain development. They are electors  
2 living in City of Lake Oswego. They therefore have standing to file this Petition for  
3 Review. ORS 250.296.

4 3.

5 Respondent, Lake Oswego City Council is the governing body of the City of Lake  
6 Oswego and, through their political consultant, prepared the ballot title and explanatory  
7 statement for this competing city-referred measure. Respondent Jason Loos is the Lake  
8 Oswego City Attorney and Martha Bennett is the Lake Oswego City Manager. Pursuant  
9 to Lake Oswego City Code 11.04.367, one of them is responsible for preparing the  
10 Explanatory Statement.

#### 11 **FACTS**

12 4.

13 On or about November 14, 2019, Petitioners Scott and Joey Handley filed a  
14 prospective initiative petition with the Lake Oswego City Records, the elections official  
15 for the City of Lake Oswego. A true and correct copy of that initiative is attached as Ex.  
16 A to this petition.

17 5.

18 On or about December 2, 2019, the City Attorney prepared a ballot title for  
19 2020IN-1. Petitioners are grassroots organizers without expertise in the ballot title  
20 review process. Rather than spend time challenging the ballot title, they focused on  
21 gathering signatures. A true and correct copy of the initiative petition used to collect  
22 signatures, including the ballot title, is attached as Ex. B.

23 6.

24 On or about June 9, 2021 and June 21, 2021, Petitioners submitted their petition  
25 with 4,588 and 124 signatures, respectively. On June 23, 2021, the Clackamas County  
26 Election Office determined that 2020IN-1 qualified for the November 2021 ballot.

1 7.

2 On or about August 3, 2021, Respondent Lake Oswego City Council adopted a  
3 resolution referring to voters a competing charter amendment. A true and correct copy  
4 of the resolution referring the proposed charter amendment and supporting documents  
5 are attached as Ex. C. to this Petition.

6 8.

7 On or about August 4, 2021, that charter amendment and ballot title for the City's  
8 competing referral were filed with the City Recorder, who is the elections officer for the  
9 City of Lake Oswego. A true and correct copy of that filing is attached as Ex. D to this  
10 petition.

11 9.

12 This Petition for review is filed within seven business days of the title being filed  
13 with the City Recorder and is therefore timely pursuant to ORS 250.296.

14 10.

15 As set out more fully in Petitioners' Memorandum in Support of this Petition, all  
16 sections of the ballot title fail to comply with the requirements of ORS 250.035(1)(c). For  
17 example, the caption does not reasonably identify the subject of the measure but rather  
18 uses grand generalizations of intent – "allows access to nature" -- that are obvious  
19 politically motivated. This bias can be clearly seen when contrasted to the caption  
20 written by the City Attorney for 2020IN-1: "Restricts improvements on certain Lake  
21 Oswego park properties." The subject of both measures is to limit development in  
22 certain city-owned parks to preserve them for public enjoyment and use. There is no  
23 reason, other than sloganeering, for the caption to describe them so differently. That  
24 bias continues throughout the ballot title.

25 ///

26 ///

11.

Petitioners seek the following alternative Ballot Title and Summary:

**CAPTION:** Limits certain development in “natural areas” of city parks, designated later.

**QUESTION:** Should Lake Oswego’s Charter be amended to: limit certain development in “natural areas” of city parks, designated later; allow modification?

**SUMMARY:** This city-referred charter amendment limits development in later-designated “natural areas” of Springbrook Park; Cooks Butte Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks. City Council must adopt map of “natural areas” within 60 days of ratification.

"Natural areas" are managed to protect water quality, wildlife habitat, wildfire prevention, aesthetic values, and ecological function and to allow trails for walking, hiking, wheelchairs/mobility devices, horseback riding and non-motorized bicycles. Measure prohibits construction of new athletic facilities, public roads, and certain telecommunications facilities. Allows maintenance of existing facilities/structures/roads provided footprint does not increase. Parking lots, non-public roads and “other uses and facilities” allowed after adoption of Master Plan, with public involvement. Removes certain development limitations for Springbrook Park. If this measure and citizen-initiated Measure 3-568 both pass, measure with most vote wins.

12.

The Explanatory Statement drafted by Respondent City Council fails to meet the requirements of ORS 251.345. It is not an “impartial, simple and understandable statement explaining the measure and its effect.” *See also*, Form SEL 801 (providing for explanatory statement of “500 words that impartially explains the measure and its effect.” Rather, it reads as a political advertisement, with three full paragraphs describing the purported public input and what City leaders “intended” by referring this measure.

///



Petitioners seek the following alternative Explanatory Statement for the City-Referred Measure<sup>1</sup>.

Measure X repeals and replaces Chapter X of the existing Charter to "preserve, protect, restore, and maintain the scenic and aesthetic qualities, ecological functions, water quality and wildlife habitat of Natural Areas that are owned by the City of Lake Oswego while also allowing for their use and enjoyment." The measure was referred to the voters by the Lake Oswego City Council after a citizen-initiated Measure X seeking to create and protect "Nature Preserves" qualified for the ballot.

Measure X requires the City Council to adopt a map designating "natural areas" within the following city-owned parks within 60 days of ratification: Springbrook Park; Cooks Butte Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks.

Under Measure X, the following activities are allowed in designated "Nature Areas."

- Maintenance, stewardship, and education activities that promote ecological restoration and enhancement, eliminate invasive species, restore native species, and mitigate fire hazards.
- Maintenance and renovation of trails for walking, hiking, wheelchairs and mobility devices, horseback riding, and non- motorized bicycle travel.
- Construction of new trails after an environmental assessment and review by the Parks, Recreation Natural Resources Advisory Board.
- Construction, maintenance, renovation, and replacement of picnic and sanitary facilities, boardwalks, benches, and interpretive displays where appropriate.

The Charter Amendment would prohibit construction of new athletic facilities, commercial logging, construction of new public streets and roads, and construction or installation of certain telecommunications facilities in designated Natural Areas.

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<sup>1</sup> The competing city-referred measure has not yet been assigned a measure number. Accordingly, petitioners refer to it in the draft materials as "Measure X."

1 Other uses and facilities related to restoration or access to Natural  
2 Areas area allowed if City Council adopts a property-specific  
3 master plan for the designated area. The Council must engage the  
4 public in the development of the master plan, including  
5 Neighborhood Associations and all property owners within 300  
6 feet of the Natural Area.

7  
8 This Charter Amendment replaces and reduces existing protections  
9 for Springbrook Park.

- Removes prohibition on developing parking lots.
- Revises prohibition to develop any "road or trail for motorized travel" to mean prohibition to develop any "public street and road".
- Removes prohibition on the removal of any tree for the construction or development of any parking lot, road, or trail for motorized travel.

10 The Lake Oswego City Council referred this competing measure to  
11 the ballot after citizens filed their initiative with sufficient  
12 signatures to qualify for the ballot as Measure X. If both this  
13 measure and the citizen-initiative Measure 3-568 are approved,  
14 only the measure with the greater number of affirmative votes will  
15 become effective.

#### 16 **PRAYER FOR RELIEF**

17 14.

18 As relief, Petitioners request that the Court issue a judgment finding that the  
19 Ballot Title and Explanatory Statement prepared by Respondents do not comply with  
20 the statutory standards set out in ORS 250.296 and ORS 251.345. In addition, they  
21 request that the court rewrite the ballot title as proposed by Petitioners. Regarding the  
22 Explanatory Statement, they request that the court strike it in its entirety or rewrite it as  
23 proposed by Petitioners.

24 Dated this 13<sup>th</sup> day of August, 2021.

25 BENNETT HARTMAN, LLP

26 s/Margaret S. Olney

Margaret S. Olney, OSB 881359

margaretbennetthartman.com

Of Attorneys for Petitioners

Phone: (503) 227-4600

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **PETITION FOR REVIEW OF**  
3 **BALLOT TITLE AND EXPLANATORY STATEMENT (ORS 250.296):**

4 Jason T Loos, OSB #165999  
5 Lake Oswego City Attorneys  
6 380 A Avenue  
7 PO Box 369  
8 Lake Oswego, Oregon 97034  
9 Email: [jloos@ci.oswego.or.us](mailto:jloos@ci.oswego.or.us)

Kari Linder  
City Recorder/City Elections Officer  
[klinder@lakeoswego.city](mailto:klinder@lakeoswego.city)  
[CityRecorder@lakeoswego.city](mailto:CityRecorder@lakeoswego.city)

Of Attorneys for Respondents

10  
11 by the following indicated method or methods:

- 12 ☐ by **mailing** a copy in a sealed, first-class postage-paid envelope, addressed  
13 to the attorney(s) listed above, and deposited with the United States Postal  
14 Service at Portland, Oregon, on the date set forth below.
- 15 ☐ by **hand delivering** a copy thereof to the attorney(s) listed above, on the  
16 date set forth below.
- 17 ☐ by **faxing** a copy to the fax number listed above.
- 18 X by **emailing** a copy thereof to the attorney(s) at the email address(s) shown  
19 above, on the date set forth below.
- 20 ☐ by **electronic** means through the Court's Case Management/Electronic  
Case File system, which will send automatic notification of filing to each  
person listed.

DATED this 13<sup>th</sup> day of August, 2021.

21 BENNETT HARTMAN, LLP

22 s/Margaret S. Olney  
23 Margaret S. Olney, OSB 881359  
24 margaretbennetthartman.com  
25 Of Attorneys for Petitioners  
26 Phone: (503) 227-4600

**Prospective Petition :** Protect Lake Oswego's natural parks for the enjoyment of all residents, visitors & future generations

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[Attachment]

This initiative repeals and replaces "Chapter X - Park Development Limitations" in Lake Oswego's City Charter, Chapter 1, with expanded limitations for fifteen natural parks, including Springbrook Park, and recommits the Lake Oswego community to protecting these natural areas with development limited to only that necessary for the enjoyment of these open spaces.

## **Chapter 1 - LAKE OSWEGO CHARTER**

### **CHAPTER X. PARK DEVELOPMENT LIMITATION**

#### **Section 41. Purpose.**

The purpose of this Chapter is to preserve Springbrook Park ~~(and any other parks which may be designated as subject to this Chapter)~~ all designated Nature Preserves that are owned by the City of Lake Oswego, inclusive of the fifteen natural parks specified in this Chapter, as natural areas for the enjoyment of all residents of and visitors to Lake Oswego. This Chapter shall be interpreted liberally to achieve this purpose.

(Amended November 7, 1978.)

#### **Section 42. Definitions.**

As used in this Chapter:

Athletic Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in sports or athletics. Fields for baseball, soccer, or football and courts of tennis are examples of Athletic Facilities.

Telecommunications Facility means any area, field, or building which is graded, leveled, constructed, or equipped for use in telecommunications or broadband communication. Antennas, Cellular Towers, Radio Masts and Towers, Satellite Dishes, and Emergency Communications Systems are examples of Telecommunications Facilities. This includes Telecommunications Facilities for both public or private use.

Bryant Woods Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Bryant Woods Park" (19.7 acres, more or less, to the North of Childs Road located at the corner of Childs Road and Canal Road at 4301 Childs Road).

Canal Acres means the park land owned by the City of Lake Oswego which is commonly referred to as "Canal Acres" (27.3 acres, more or less, to the South of Childs Road, to the West of Canal Road, and to the East of Sycamore Avenue, located at 19300 Canal Road).

Cooks Butte Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Cooks Butte Park" (43 acres, more or less, located at 2100 Palisades Crest Drive).

Cornell Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Cornell Natural Area" (3.2 acres, more or less, to the East of Cornell Street, to the South of Larch Street, located at 16920 Cornell Street).

**Prospective Petition :** Protect Lake Oswego's natural parks for the enjoyment of all residents, visitors & future generations

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Glennmorrie Greenway means the park land owned by the City of Lake Oswego which is commonly referred to as "Glennmorrie Greenway" (1.3 acres, more or less, to the East of Pacific Hwy, to the North of Glennmorrie Terrace, located at 16540 Pacific Hwy).

Hallinan Woods means the park land owned by the City of Lake Oswego which is commonly referred to as "Hallinan Woods" (3.8 acres, more or less, located at 1103 Obrien Street).

Iron Mountain Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Iron Mountain Park" (51 acres, more or less, to the North of Iron Mountain Blvd, located at 2401 Iron Mountain Blvd).

Kerr Open Space means the park land owned by the City of Lake Oswego which is commonly referred to as "Kerr Open Space" (10 acres, more or less, to the South of SW Stevenson Street, to East of Grouse Terrace, to the North of Walking Woods Drive, to the West of Icarus Loop)

Lamont Springs Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Lamont Springs Natural Area" (0.5 acres, more ore less, to the South of Lakeview Blvd, and to the East of Bryant Road, at the corner of Lakeview Blvd and Bryant Road, located at 4600 Lakeview Drive).

River Run means the park land comprised of two parcels (River Run East and River Run West), owned by the City of Lake Oswego which is commonly referred to as "River Run" (10.8 acres, more or less, to the East of Canal Road, to the North of the Tualatin River, located at 19690 River Run Drive and 3770 Rivers Edge Drive).

Southshore Natural Area means the park land owned by the City of Lake Oswego which is commonly referred to as "Southshore Natural Area" (9.2 acres, more or less, located at 1201 South Shore Blvd).

Springbrook Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Springbrook Park" (52 acres, more or less, to the South of Country Club Road, to the West and North of Wembley Park Road, and to the East of Boones Ferry Road). The term "Springbrook Park" does not include the City of Lake Oswego existing indoor tennis facility and adjoining parking lot.

Stevens Meadows means the two park lands owned by the City of Lake Oswego which is commonly referred to as "Stevens Meadows" and the "Stevens Homestead" (27.8 acres, more or less, located at 18600 Shipley Drive and 1551 Childs Road, respectively).

Waluga Park - West means the park land owned by the City of Lake Oswego which is commonly referred to as "Waluga Park - West" (22.8 acres, more or less, to the East of Inverurie Drive, to the North of SW Oakridge Road, to the West of Waluga Drive).

Woodmont Natural Park means the park land owned by the City of Lake Oswego which is commonly referred to as "Woodmont Natural Park" (6.8 acres, more or less, at the corner of Atwater Rd and Atwater Lane, located at 13600 Atwater Lane).

Nature Preserve means natural area parks or open spaces owned by the City of Lake Oswego that are managed or maintained to retain their natural condition and prevent habitat deterioration. Nature Preserves that are subject to the limitations of this Chapter, which upon ratification will initially include, Bryant Woods Park, Canal Acres, Cornell Natural Area, Cooks Butte Park, Glennmorrie Greenway, Hallinan Woods, Iron Mountain Park, Kerr Open Space, Lamont Springs Natural Area, River Run, Southshore Natural Area, Springbrook Park, Stevens Meadows, Waluga Park - West, and Woodmont Natural Park.

**Prospective Petition :** Protect Lake Oswego's natural parks for the enjoyment of all residents, visitors & future generations

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#### **Section 43. Limitations on Development.**

The City of Lake Oswego shall insure that all development within Springbrook Park a Nature Preserve is consistent with the preservation of Springbrook Park a Nature Preserve as a natural area available for public enjoyment.

To facilitate public access and use, the City of Lake Oswego may build trails for hiking, jogging, horseback and bicycle riding, may provide benches and interpretive displays, and may provide picnic and sanitary facilities within Springbrook Park a Nature Preserve. To access and use particularly fragile habitats, boardwalks may be built; however, trails shall refrain from using hard surface materials, such as asphalt and concrete, in order to remain consistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles within Springbrook Park a Nature Preserve. The City of Lake Oswego shall not cut (or allow any person to cut) any tree in Springbrook Park a Nature Preserve for the purpose of facilitating the construction or development of any Athletic Facility, any Telecommunications Facility, or any parking lot, road, or trail for motorized vehicles.

The City of Lake Oswego shall not construct or develop (or allow any person to construct or develop) any facility or any structure above ground that would impair or be inconsistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall not cut (or allow any person to cut) any tree in a Nature Preserve for the purpose of commercial logging.

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) a Nature Preserve for the purposes of ecological restoration that provides a safe and healthy natural area that is accessible for public enjoyment, provides a healthy habitat for wildlife, eliminates invasive species, restores native species, and mitigates fire hazards.

The City of Lake Oswego shall be allowed to maintain (or allow any person to maintain) any existing facility or existing structure, or any existing parking lot, road, or trail for motorized vehicles in a Nature Preserve constructed before **(date initiative is ratified)** that is above ground as long as that facility or structure, or parking lot, road, or trail for motorized vehicles is not altered in any manner that would further impair or be inconsistent with the natural conditions of a Nature Preserve.

The City of Lake Oswego shall be allowed to implement (or allow any person to implement) a park master plan for a Nature Preserve that was adopted before **(date initiative is ratified)**.

(Amended November 7, 1978.)

#### **Section 44. Effective Date.**

This Chapter carries an effective date of November 7, 1978 **(date initiative is ratified)**.

#### **Section 45. Severability.**

If a court should hold invalid or unconstitutional any clause or part of this Chapter, that holding shall not affect the remaining parts of this Chapter which are not held invalid or unconstitutional.

**Prospective Petition :** Protect Lake Oswego's natural parks for the enjoyment of all residents, visitors & future generations

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#### **Section 46. Application to Other Park.**

This Chapter shall apply to any other park (i) conveyed by property owners to the City of Lake Oswego with a "Nature Preserve" designation that shall carry with the property in perpetuity, (ii) nominated by the Parks, Recreation, and Natural Resources Board and/or the Director of Parks and Recreation designating such other park as a "Nature Preserve" and ratified by the City Council, (iii) ratified by voters specifically designating such other park as a "Nature Preserve", or (iv) acquired by a bond issue after the effective date of this Chapter if (and only if) the voters specifically designate such other park as subject to this Chapter. If any other park is designated as subject to this Chapter, then this Chapter shall apply to that park and if its name (preceded by the word "or" "and") were added after Springbrook Park throughout Section 43 to the Nature Preserve definition of this Chapter.

(Amended November 7, 1978 [Note: from November 7, 1978 until June 30, 1980, this Chapter was numbered XXV and included Sections 102 through 107]; Renumbered Chapter on July 1, 1980.)

#### **Section 46A. Maximum Height of Structures in Residential Areas.**

The City of Lake Oswego shall neither construct nor allow the construction of any structure which is more than 50 feet in height within a residential zone, except for the construction of a single symbolic appurtenance of a structure to 75 foot height. The City may, however, construct or allow the construction of a lighting structure which is more than 50 feet in height in a public park or school sports fields located in a residential zone. For purposes of this section the height of a structure or of a part or appurtenance of a structure shall be measured from the ground or sidewalk surface within a 5-foot horizontal distance of the exterior of the structure, provided such sidewalk or ground surface is not more than 10 feet above the lowest grade as defined by city ordinance; or, if such sidewalk or ground surface is more than 10 feet above lowest grade, height shall be measured from a point 10 feet higher than the lowest grade, to the top of the highest element of the building or structure.

(Amended May 19, 1987; March 24, 1992.)

☒ Initiative or ☐ Referendum Petition

☐ County:

☒ City: LAKE OSWEGO

☐ District:

#### Ballot Title or Measure Title

→ Insert the final ballot title of the initiative or the title of the measure as enacted by the local governing body. If there is no title chief petitioners may supply one that must include the number of the ordinance/resolution being referred and the date the local governing body adopted the ordinance/resolution.

**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?

**SUMMARY:** This Charter amendment was placed on the ballot through an initiative petition.

- Applies initially to Bryant Woods Park, Canal Acres, Cooks Butte Park, Cornell Natural Area, Glenmorrie Greenway, Hallinan Woods, Iron Mountain Park, Kerr Open Space, Lamont Springs Natural Area, River Run, Southshore Natural Area, Springbrook Park, Stevens Homestead, Stevens Meadows, West Waluga Park, and Woodmont Natural Park.
- Designates these properties as "Nature Preserves."
- Prohibits above-ground facilities or structures that would impair or be inconsistent with natural conditions. Also prohibits hard-surface trails, parking lots, athletic fields or facilities, roads, trails for motorized vehicles, tree-cutting for certain purposes, and telecommunications facilities. 100
- Previously-constructed facilities or structures may be maintained if not altered in any manner that further impairs or is inconsistent with natural conditions. Allows soft-surface trails, benches, interpretive displays, and picnic and sanitary facilities. Allows the city to implement previously-adopted park master plans.
- Applies the same restrictions to any park property acquired in the future, if designated as a "Nature Preserve" by the conveying property owners, the city, or voters.

**Text** Proposed charter or ordinance or text of ordinance as enacted by local governing body.

☒ Available from Circulator


☐ Included below

#### Chief Petitioners Names and Residence Addresses

SCOTT HANDLEY  
18360 DELENKA LANE  
LAKE OSWEGO, OR 97034

JOEY HANDLEY  
18360 DELENKA LANE  
LAKE OSWEGO, OR 97034

#### Instructions for Circulators

- 1 Only active registered voters of the county, city or district may sign the petition.
  - 2 Have signers use a pen when signing petitions. Use a pen when you are certifying petitions.
  - 3 Only one circulator may collect signatures on any one signature sheet of the petition.
  - 4 You must personally witness all signatures you collect and you should not collect additional signatures on the petition sheet once you have signed and dated the circulator certification.
  - 5 **It is against the law for circulators to:**
    - Circulate a petition containing a false signature.
    - Make false statements to any person who signs the petition or requests information about it.
    - Attempt to obtain the signature of a person who is not qualified to sign the petition.
    - Offer money or anything of value to another person to sign or not sign the petition.
    - Sell or offer to sell signature sheets.
    - Write, alter, correct, clarify or obscure any information about the signers unless the signer is disabled and requests assistance or the signer initials after the changes are made.
    - Accept compensation to circulate a petition that is based on the number of signatures obtained.
-  **Warning** Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.


#### Instructions for Signers

- 1 Only active Oregon voters may sign the petition. Sign your full name, as you did when you registered to vote.
- 2 Fill in the date you signed the petition, your printed name and residence address in the spaces provided. Only you may complete your optional information.
- 3 Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.
- 4 Use a pen when signing the petition.
- 5 **It is against the law for signers to:**
  - Sign another person's name under any circumstances.
  - Sign a petition more than one time.
  - Sign a petition when you are not qualified to sign it.



Signature Sheet | Local ☒ Initiative ☐ Referendum


Petition ID 2020IN-1

 It is against the law to sign a petition more than one time. Signers of this page must be active registered voters of the jurisdiction at the time of signing.

☐ SOME Circulators ☒ NO Circulators for this petition are being paid.

To the Elections Official of:	
→ We, the undersigned voters, request this measure to be submitted to the residents of the jurisdiction listed below for their approval or rejection. A full and correct copy of this measure was made available for review and I have not previously signed a petition sheet for this measure.	
County	City LAKE OSWEGO District

Ballot Title Caption (Initiative) or Number of Ordinance or Resolution and Date Adopted (Referendum)
Restricts improvements on certain Lake Oswego park properties.

 Initial any changes the circulator makes to your printed name, residence address or date you signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Circulator Certification** This certification **must** be completed by the circulator and additional signatures **should not** be collected on this sheet once the certification has been signed and dated! I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 198.750, 221.031, 250.165, 250.265, 255.135). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature	Date Signed mm/dd/yy	Sheet Number Completed by chief petitioner
Printed Name of Circulator	Circulator's Address street, city, zip code	

Electronic Signature Sheet | Local Initiative Referendum

Petition ID 2020IN-1

It is against the law to sign a petition more than one time.

SOME Circulators NO Circulators for this petition are being paid.

Ballot Title or Measure Title

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?

SUMMARY: This Charter amendment was placed on the ballot through an initiative petition.

- Applies initially to Bryant Woods Park, Canal Acres, Cooks Butte Park, Cornell Natural Area, Glenmorrie Greenway, Hallinan Woods, Iron Mountain Park, Kerr Open Space, Lamont Springs Natural Area, River Run, Southshore Natural Area, Springbrook Park, Stevens Homestead, Stevens Meadows, West Waluga Park, and Woodmont Natural Park.
- Designates these properties as "Nature Preserves."
- Prohibits above-ground facilities or structures that would impair or be inconsistent with natural conditions. Also prohibits hard-surface trails, parking lots, athletic fields or facilities, roads, trails for motorized vehicles, tree-cutting for certain purposes, and telecommunications facilities. 100
- Previously-constructed facilities or structures may be maintained if not altered in any manner that further impairs or is inconsistent with natural conditions. Allows soft-surface trails, benches, interpretive displays, and picnic and sanitary facilities. Allows the city to implement previously-adopted park master plans.
- Applies the same restrictions to any park property acquired in the future, if designated as a "Nature Preserve" by the conveying property owners, the city, or voters.

Text Proposed charter or ordinance language or text of ordinance as enacted by local governing body.

Available from chief petitioners.

Chief Petitioner Names and Residence Addresses	
Scott Handley 18360 Delenka Lane Lake Oswego, OR 97034	Joey Handley 18360 Delenka Lane Lake Oswego, OR 97034

Instructions for Signers

- Only active registered voters of the county, city or district may sign a petition. Sign your full name, as you did when you registered to vote.
- Fill in the date you signed the petition, your printed name and residence address in the spaces provided. Only you may complete your optional information.
- Use a pen when signing the petition.
- It is against the law for signers to:
  - Sign another person's name under any circumstances.
  - Sign a petition more than one time.
  - Sign a petition when you are not qualified to sign it.

Signature	Date Signed mm/dd/yy	Sheet Number Completed by chief petitioner
Print Name	Residence Address street, city, zip code	



## 5.1

### COUNCIL REPORT

<b>Subject:</b> Resolution 21-29, Natural Areas Preservation Charter Referendum	
<b>Meeting Date:</b> August 3, 2021 <b>Report Date:</b> July 23, 2021	<b>Staff Member:</b> Martha Bennett, City Manager Ivan Anderholm, Parks Director  <b>Department:</b> City Manager's Office Parks and Recreation Department
<b>Action Required</b> <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<b>Advisory Board/Commission Recommendation</b> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b> Referendum has been shared and reviewed by the Parks, Recreation, and Natural Resources Advisory Board.
<b>Staff Recommendation:</b> Adopt Resolution 21-29.	
<b>Recommended Language for Motion:</b> Move to adopt Resolution 21-29.	
<b>Project / Issue Relates To:</b> n/a	
<b>Issue before Council (Highlight Policy Question):</b>  <input type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input checked="" type="checkbox"/> Not Applicable	

#### ISSUE BEFORE COUNCIL

Proposed Natural Areas Preservation Charter Referendum for November 2021 ballot.

#### BACKGROUND

During the <https://www.ci.oswego.or.us/> Council directed staff to prepare a Parks Referendum Measure for Council consideration. The proposed measure was to provide Council with an alternative to <https://>

During the <https://www.ci.oswego.or.us/>, Council adopted Resolution 21-23, receiving and filing Initiative Measure 20201N- 1. Beginning July 6, City Council has 30 days to decide whether Council would like to refer the initiative or refer the initiative and refer a competing measure to the voters.

## **DISCUSSION**

### *Community Engagement*

In order to prepare the proposed referendum, staff alongside a hired consultant, Praxis Political, underwent community engagement and outreach. The public engagement aimed to understand the community's priorities related to parks and natural spaces, as well as test measure characteristics and language that could be included.

We sought feedback on:

- Current protections for parks and natural spaces
- Methods for public input in the upkeep and preservation of our parks and natural spaces
- Ensuring equitable access to parks and natural spaces for all residents
- Complementing the preservation of parks and natural spaces with priorities such as public safety, infrastructure, and livability

To achieve this, Praxis hosted two community listening sessions, online community survey, direct outreach conversations to key stakeholders, and conducted phone polling to likely voters. In total, Praxis received 355 survey respondents, 26 outreach conversations, 405 phone polling of likely November 2021 voters, and 26 listening session participants.

### *Proposed Parks Referendum*

The proposed referendum reflects the feedback and insights gathered from the community engagement process.

Key themes that were added based on the community engagement:

- The preservation and maintenance of parks and natural spaces are a key aspect of the high quality of life in Lake Oswego.
- A desire to protect water quality and wildlife habitat.
- The importance of ensuring parks and natural spaces are accessible for people of various abilities.
- A focus on the need to prepare for climate change, particularly the need to prevent and contain wildfires, and protect wildfire response capabilities.

Additionally, the proposed referendum would prohibit construction of new athletic facilities, commercial logging, construction of new public streets and roads, and construction or installation of new telecommunications facilities in designated Natural Areas.

Lastly, the proposed referendum has a comprehensive definition of Natural Areas that can be applied to a number of City park and/or natural areas within a City park. The proposed measure requires the Council to adopt a map identifying protected areas (attachment 4) 60 days after passage by voters.

If both this measure and Initiative Measure 20201N- 1 are approved, only the measure with the greater number of affirmative votes will become effective

**FISCAL IMPACT**

To prepare for the option of the Parks Referendum for Council, staff hired Praxis Political for the community engagement process. If City Council moves forward with the Parks Referendum for the November 2021 ballot, the City will end all expenditures, including staff time, on the measure(s) effective immediately.

**RECOMMENDATION**

If Council agrees with the Caption, Question, Summary, and Explanatory Statement for the measure as is, staff recommends to move to adopt Resolution 21-29.

**ATTACHMENTS**

1. Resolution 21-29
2. Community Engagement Briefing Memo, Provided by Praxis
3. Parks Measure Side-by-Side Comparison Table
4. Proposed Parks Map of Natural Areas
5. Proposed Caption, Question, Summary, and Explanatory Statement

**RESOLUTION 21-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO SUBMITTING INITIATIVE MEASURE 2020IN-1 TO CITY ELECTORS AND REFERING A COMPETING MEASURE TO CITY ELECTORS.**

WHEREAS, Initiative Measure 2020IN-1 was received and filed by the Council on July 6, 2021 through Resolution 21-23; and

WHEREAS, ORS 250.325 requires the Council to “adopt or reject the measure unless the measure is required to be submitted to city electors under...state law”; and

WHEREAS, ORS 221.210 allows the people to initiate amendments to the charter of a city; and

WHEREAS, ORS 250.325 allows the Council to refer a competing measure at the same election as an initiated measure; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lake Oswego that:

**Section 1.** The above recitals are incorporated into this resolution.

**Section 2.** The Council declines to adopt Initiative Measure 2020IN-1 and shall submit the Measure to the electors on the November 2, 2021 election.

**Section 3.** The Council hereby adopts a competing measure for the November 2, 2021 election. Said measure is attached to this Resolution and adopted by reference.

**Section 4.** This Resolution shall take effect upon passage.

Considered and enacted at the regular meeting of the City Council of the City of Lake Oswego on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NOES:

EXCUSED:

ABSTAIN:

\_\_\_\_\_  
Joseph M. Buck, Mayor

ATTEST:

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Kari Linder, City Recorder

APPROVED AS TO FORM:

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Jason Loos, City Attorney

**CHAPTER X: PRESERVATION OF NATURAL AREAS.  
CITY COUNCIL REFERENDUM  
July 27, 2021**

**Chapter 1 - LAKE OSWEGO CHARTER CHAPTER X. PRESERVATION OF NATURAL AREAS**

**Section 41. Purpose.**

The purpose of this Chapter is to preserve, protect, restore and maintain the ecological functions, water quality and wildlife habitat, and the scenic and aesthetic qualities of Natural Areas that are owned by the City of Lake Oswego while also allowing for their use and enjoyment.

**Section 42. Definitions.**

As used in this Chapter:

Athletic Facility means any area, field, or building that is graded, leveled, constructed, or equipped for use in sports or athletics. Fields for baseball, soccer, or football and tennis courts are examples of Athletic Facilities.

Commercial Logging: Removal of trees for the purpose of selling timber or wood. Selective cutting to advance the overall health of the forest and promote ecosystem restoration is permitted.

Natural Area means a natural area park or open space owned by the City of Lake Oswego that is managed or maintained to retain or improve its natural condition, environmental value, ecological function, to prevent habitat deterioration, to prevent and adapt to climate change, and to reduce the risk of wildfire in the community. A natural area may provide a scenic, aesthetic appearance and provide passive recreational uses and educational opportunities. No later than 60 days after ratification of this Charter Amendment, the City Council shall hold a public hearing and adopt by ordinance a map of the Natural Areas of each of these park properties. At a minimum, this map will include Springbrook Park; Cooks Butte; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks.

Public Street and Road is defined as a public road, street, highway or other public way constructed or used for vehicular travel.

Telecommunications Facility means any building, antenna, tower, mast, pole or structure that is used for radio, cellular, broadband, or telephone communication. This includes any communications equipment attached to other structures such as street lights or buildings.

**Section 43. Limitations on Development.**

The City of Lake Oswego shall manage the Natural Areas to preserve and enhance the biological, hydrological, ecological and environmental functions and promote a healthy ecosystem. The City



**CHAPTER X: PRESERVATION OF NATURAL AREAS.**  
**CITY COUNCIL REFERENDUM**  
**July 27, 2021**

shall also manage Natural Areas in a way that protects their scenic and aesthetic qualities and provides access to nature for the public, consistent with their environmental values and ecological function.

The following facilities and activities are prohibited in Natural Areas: construction of new Athletic Facilities, Commercial Logging, construction of new Public Streets and Roads, and construction or installation of new Telecommunication Facilities.

The following activities are allowed:

1. Maintenance, stewardship and education activities that promote ecological restoration and enhancement, eliminate invasive species, restore native species, and mitigate fire hazards. This includes thinning and removal of hazard trees and removal of non-native nuisance and invasive species of plants.
2. Maintenance and renovation of trails for walking, hiking, wheelchairs and mobility devices, horseback riding, and non-motorized bicycle travel to allow public enjoyment of the Natural Areas. Trail construction should be appropriate for the natural conditions of the natural area and the anticipated use of the trail. Construction of new trails for the above purposes is allowed after an environmental assessment by the Lake Oswego Parks and Recreation Department, and review by the Parks, Recreation and Natural Resources Advisory Board (or any successor board).
3. Construction, maintenance, renovation and replacement of picnic and sanitary facilities, boardwalks, benches and interpretive displays, where appropriate.
4. Maintenance, renovation, or replacement of any existing facility or structure not specifically listed in 2 or 3 above, including any existing telecommunications equipment used to manage the City's utility infrastructure, and any existing road for motorized vehicles constructed before January 1, 2022 as long as the footprint of the facility, equipment, structure, street or road for motorized vehicles does not increase
5. The City of Lake Oswego shall be allowed to implement (or allow any person to implement) a park master plan for a Natural Area that was adopted before January 1, 2022.

Other uses and facilities related to restoration and access to Natural Areas are allowed only after the City Council adopts, by ordinance, a property-specific master plan for a Natural Area. The property-specific master plan must spell out proposed and facilities must include findings that these proposed uses and facilities are consistent with preserving the environmental qualities and ecological function of the Natural Area, while also providing public access and enjoyment. The City must involve the public in development of any property-specific master plan. This public involvement process must include written notice to all the City's recognized Neighborhood Associations, and written notice to property owners within 300 feet of the Natural Area as listed on the most recent property tax assessment roll, including an opportunity to offer input to the City's Parks, Recreation, & Natural Areas Board (or any successor board), and an opportunity to present testimony at a formal public hearing.

**CHAPTER X: PRESERVATION OF NATURAL AREAS.  
CITY COUNCIL REFERENDUM  
July 27, 2021**

**Section 44. Severability.**

If a court should hold invalid or unconstitutional any clause or part of this Chapter, that holding shall not affect the remaining parts of this Chapter which are not held invalid or unconstitutional.

**Section 45. Application to Other Natural Areas.**

The City Council may designate additional City-owned properties, or portions of properties, as subject to this Chapter by ordinance.

**Section 46. Accessibility Regulations.**

With regard to the design or materials for used facilities otherwise allowed by this Chapter, if there is a conflict between any provision of this Chapter and the requirements of the Americans with Disabilities Act, or any other applicable federal, state or local regulations relating to accessibility for people with disabilities, the requirements of those regulations will prevail.

**City of Lake Oswego 2021 Parks Referendum  
Community Engagement Briefing Memo  
Prepared by Praxis Political**

Throughout the month of July 2021, Praxis Political engaged the Lake Oswego community through direct outreach, an online survey, and the hosting of two listening sessions. In addition, Praxis provided communications support for the City on the subject of the parks referendum and coordinated a statistically representative poll of Lake Oswego residents.

**Summary of Engagement Activities**

**Direct Outreach Conversations**

Praxis developed an outreach strategy and conducted 26 individual outreach conversations with key community leaders and stakeholders. For this work, Praxis created an outreach email template and a discussion guide.

**Online Community Survey**

Praxis drafted, developed, and monitored an online survey, which was promoted across City channels, and was completed by 355 respondents.

**Listening Sessions**

Praxis hosted and facilitated two listening sessions that were promoted across City channels. The first listening session on July 15 had 12 resident-participants and the second session on July 19 had 14 resident-participants, for a total of 26 resident-participants across the sessions.

**Communications Support**

Praxis prepared information on the referendum and the community engagement efforts in the form of a one pager, a slide deck for use at the listening sessions, and language for promoting the online survey and listening sessions. Praxis will provide additional communications items, as identified by City staff, ahead of Council referral.

**Statistically Representative Poll of Lake Oswego Residents**

Praxis coordinated with Patinkin Research to conduct a multi-modal survey of 405 likely November 2021 voters in the City of Lake Oswego. The interviews were conducted via live phone (350 respondents) and text to web (55 respondents). Telephone interviews were conducted via both landline and cell phone. Cell phone interviews represent 51% of the telephone portion of the sample. Interviews were conducted July 7-11, 2021.

# City of Lake Oswego Prospective Parks Referral Community Engagement Report

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July 30, 2021

Prepared By  
**PRAXIS**  
Political 

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## EXECUTIVE SUMMARY

During the month of July 2021, Praxis was retained by the City of Lake Oswego to engage the community around a prospective referral the City Council is considering regarding protecting parks and natural spaces and establishing processes for making updates to those City owned properties. Praxis engaged the Lake Oswego community through the hosting of two public listening sessions, direct outreach to stakeholders, an online survey, and a statistically representative poll of Lake Oswego voters.

Through these engagement efforts, Praxis found strong public support for enhanced protections of the City's parks and natural spaces referral. Respondents were generally receptive to the approach contained in the draft referral measure being considered by the City Council. Praxis' recommendation is for the City Council to pursue referring the measure to voters, with a few small adjustments to best meet the interests of Lake Oswego residents.

## SUMMARY OF ACTIVITIES

**Listening Sessions:** Praxis hosted and facilitated two virtual community listening sessions that were promoted through the City's communications resources. The first listening session on July 15 had 12 resident-participants and the second session on July 19 had 14 resident-participants.

**Online Community Survey:** Praxis drafted, developed, and monitored an online survey, which was promoted through the community's communications resources, and was completed by 355 respondents.

**Statistically Representative Poll of Lake Oswego Residents:** Praxis coordinated with Patinkin Research to conduct a multi-modal survey of 405 likely November 2021 voters in the City of Lake Oswego. The interviews were conducted via live phone n=350 and text to web n=55. Telephone interviews were conducted via both landline and cell phone. Cell phone interviews represent 51% of the telephone portion of the sample. Interviews were conducted July 7-11, 2021.

**Direct Outreach Conversations:** Praxis developed an outreach strategy and conducted 26 individual outreach conversations with key community leaders and stakeholders. For this work, Praxis developed an outreach email template and a discussion guide.

**Communications Support:** Praxis prepared information on the referral and the community engagement efforts in the form of a one pager, a slide deck for use at the listening sessions, and language for promoting the online survey and listening sessions.

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## MAJOR FINDINGS

The public was consistently supportive of steps to increase the protections and environmental management of the City's parks and natural spaces. Respondents nearly universally recognized the value of preserving these geographies for the enhancements they provide to the quality of life for local residents and value they provide in preserving the resiliency and health of the natural ecosystems.

Both quantitative and qualitative methods found strong support for the City's proposed parks referral. Residents and stakeholders want strong protections and preservation of their parks, while supporting the idea that the City must weigh the desire to protect natural spaces with the need for updates and maintenance, including restoration, stewardship, trails, and maintenance and renovation of existing facilities and structures.

The common themes that arose across all forms of engagement were:

- The protection and maintenance of parks and natural spaces are a key aspect of the high quality of life in Lake Oswego
- A desire to protect water quality and wildlife habitat
- The importance of ensuring parks and natural spaces are accessible for people of various abilities
- A focus on the need to prepare for climate change, particularly the need for preventative measures to prevent and contain wildfires, and protect wildfire response capabilities
- Overall happiness with the Parks and Recreation department, appreciation for community engagement opportunities, and a desire for more dynamic communications to have confidence their input is being valued

## KEY POLLING RESULTS

The poll assessed public opinions on which elements of preservation and management are most important to voters, as well as support for both the potential City Council measure referral and the citizens' initiative that will appear on the November 2021 ballot. Both parks measures begin with majority support. The City Council measure (69% yes; 20% no) starts out in a better position than does the citizen measure (56% yes; 27% no). City of Lake Oswego voters are interested in protecting the wildlife habitat and water quality within their parks. They are also eager to ensure equitable access to city parks for all residents, neighborhood connectivity via future trails, flexibility in regards to neighborhood livability planning, and adaptability in regards to potential challenges posed by climate change.

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## KEY COMMUNITY SURVEY RESULTS

When asked to prioritize a series of seven topics, “Protecting water quality and wildlife habitat” and “Protecting the ability to restore and preserve natural spaces in a changing climate” were the priorities most commonly ranked the highest. “Requiring public approval to conduct any needed updates or maintenance to existing taxpayer-funded facilities located within natural spaces” was the lowest rated priority.

In addition to responding to a set of ranking and multiple choice questions, respondents had the opportunity to give feedback through three short answer questions. Across these responses, common themes were: not wanting development, the desire to protect natural spaces and their habitat and the distinction between parks and natural spaces, the desire to preserve trees and tree canopies, equitable access in alignment with the Americans with Disabilities Act, methods for fire prevention and preparation for climate change, the importance of maintenance, and support for trails and trail systems.

## KEY COMMUNITY STAKEHOLDER RESULTS

Praxis worked with City staff to develop a list of key community organizations and leaders to engage about a prospective parks referendum. Praxis reached out to 74 people, including advocacy organizations across a broad spectrum (such as the Lake Oswego Chamber of Commerce and Disability Rights Oregon), active transportation organizations (such as The Street Trust and Oregon Walks), environmental organizations (such as Lake Oswego Sustainability Network and the Oregon Trails Coalition), all Friends of Parks groups, and all Neighborhood Associations.

From this outreach, Praxis scheduled and conducted 26 engagement conversations. Praxis held 30-minute interviews with each stakeholder to discuss their priorities for the preservation and maintenance of Lake Oswego’s parks and natural spaces, their opinions on both the parks-related citizens’ initiative and the City’s prospective parks referendum, and their thoughts on trail accessibility, climate change and restoration, growth and neighborhood livability, and emergency response, as it pertains to the City’s prospective measure.

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## KEY COMMUNITY STAKEHOLDER RESULTS - Continued

The full list of individuals interviewed is as follows:

- Al Calabria, Palisades NA
- Alexis Barton, Tryon Creek Watershed Council
- Bob Brown, Blue Heron NA
- Christian Huettemeyer, Hallinan Heights NA
- Dan Anderson, Lake Grove NA
- Duke Castle, Lake Oswego Sustainability Network
- Jan Castle, Lake Oswego Sustainability Network
- Ellen Steel, McVey/South Shore NA
- Jack Halsey, Oswego Lake Watershed Council
- Jay Hamacheck, Lakewood NA
- Liz Hartman, Lake Oswego Chamber of Commerce
- Matthew Kahl, Lake Oswego Chamber of Commerce
- Michael Buck, Friends of Iron Mountain Park
- Nancy Gronowski, Friends of Rogerson Clematis Garden
- Nicole Nathan, Lake Oswego Arts Council
- Paul Lyons, Friends of Springbrook Park
- Rebecca Maese, Lake Forest NA
- Richard Herman, Luscher Farms
- Ruth Bregar, Westridge NA
- Steph Noll, Oregon Trails Coalition
- Ashton Simpson, Oregon Walks
- Tom Stenson, Disability Rights Oregon
- Stephanie Wagner, Oswego Lake Watershed Council
- Christopher Duncan, Parks Board
- Terri Preeg Rigsby, Tryon Creek Watershed Council
- Glendon Leverich, Tryon Creek Watershed Council
- Doug McKean, Parks Board



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## KEY COMMUNITY STAKEHOLDER RESULTS - Continued

The key takeaways Praxis had from these stakeholder engagement conversations are as follows:

### The public is happy with the City, particularly the Parks and Recreation department

“There are over 24 Friends Groups. We all work together– the city, all the friends groups, and lots of volunteer groups. I trust [the city] and when there’s a problem, the parks department is right on it.”

*“I’m pretty satisfied with how the city parks and recreation, and the city in general, how they have created and maintained parks. I’m very satisfied with it.”*

### Accessibility was a high priority for nearly every person interviewed

*“As someone who is on a scooter with a broken ankle, I was very glad to have had those hard surfaces. We need those to ensure access for all people. It’s a very tough thing [to access park spaces] if you don’t have the option to put in the infrastructure.”*

*“I think the city should do exactly that [maintain accessibility in parks and natural areas]. What they need to do is find hardened surfaces that are pervious, so that water can filter through to the groundwater, but also so that it doesn’t absorb any of the chemicals or anything around... there shouldn’t be any type of motorized device with gas, oil, or chemicals to leak into the soil. The previous surfaces have to be hardened because, again, you can’t discount users who use mobility devices or those who need any even surface to walk on because of health issues. It’s all about equity.”*

### Several respondents indicated a preference for the City’s proposed referral

*“I agree with the city. With urban growth boundaries and everything in the future of city management, development must happen in some capacity. A key thing as an example is widening a path so a wheelchair is accessible. I don’t know that the citizens understand how restrictive the citizens’ initiative can be.”*

*“There are problems with the language that are unclear and that can be used to really limit some of the things that could be done to protect or enhance them in the future. Urban spaces require active management to preserve them, you can’t just leave them alone.”*

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## KEY COMMUNITY STAKEHOLDER RESULTS - Continued

### Opinion was somewhat divided on how to handle parking at parks and natural spaces

“Local parks don’t need parking. The bigger parks should probably have parking lots. To say you can’t put parking in is counterproductive.”

*“I think you want to plan - and this is planning of the natural spaces - so that you plan the spaces so that you have parking that is available to allow access that has the least amount of impact on neighbors. For some of these areas, you will have some impact. But you can plan to minimize impact and structure parking to get people off the streets. Everyone needs to remember these natural spaces belong to everyone in the city.”*

*“I would say no to adding more parking lots. We should not cede natural area acreage instead of parking. There is enough parking on the streets and next to parks, not really needed.”*

### Respondents were generally supportive of making space and developments for emergency response infrastructure

*“We need the equipment to respond, so to restrict those things is short-sighted and the thinking is very simplistic.”*

*“Nobody wants the antennas in the backyard, but they are necessary. The problems with the ice storm last winter showed the real problems. On the other hand, it’s important to design towers that have as small a footprint as possible.”*

### Those interviewed overwhelmingly believed it was the City’s job to conduct any needed updates or maintenance to existing taxpayer funded facilities located in parks and natural spaces, while also believing that major changes should be put to the voters

*“The citizens should be able to comment on these things without a new charter amendment every time. I don’t want to see my tax dollars at work that way.”*

*“If there’s a major design change or you’re switching a natural area over to a developed sports field- that needs to go to the voters. If we’re talking about maintaining a trail or replacing a bridge, that should just go to the parks and rec department. The city staff needs the ability to react to emergency situations.”*

*“I think the voters should not have a say. I think that that’s why we have a city manager and a parks staff. It’s one thing to vote on a bond or funding or limit and change definitions of what’s allowed in parks and natural areas. But if the city wants to upgrade a bathroom facility, that is just a big waste of everybody’s time and money to have people vote on that.”*

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## KEY COMMUNITY STAKEHOLDER RESULTS - Continued

### Some expressed interest in more active outreach to community partners

“One sort of historic perspective regarding natural areas and the city’s investment in programming does remind me that in the past, the city of Lake Oswego had more employees working on natural areas and parks. That meant that long established organizations and stakeholders such as ourselves would have deeper relationships with them.”

## KEY COMMUNITY LISTENING SESSION RESULTS

The two virtual listening sessions were attended by 26 residents who offered opinions on the state of existing parks and natural spaces protections, the values that should inform City approaches to management of these areas, and the merits of the proposed citizens’ initiative and City ballot measure referral.

Participants engaged in an activity to identify the values they thought should be prioritized in the work of the City. Of the twelve priorities listed, the most popular priorities were:

- Natural Preservation
- Ecological Integrity
- Wildlife & Wildlife Corridors
- Minimizing Use of Pesticides and Herbicides (Toxins) and Preserving Old Trees
- Embracing the Historical Perspectives and Knowledge of First Peoples to this area

Participants also offered their feedback on a series of topics ranging from ecological preservation, residential livability, climate change, equitable access, and more. Key takeaways from these conversations included:

*“I think in general, the city has done a pretty good job of protecting and advancing natural areas and habitat values. It needs more protection and involvement, and we also have to balance the ability of people to access these areas to use them in the way that they’re intended.”*

*“We need to get back to a fuller integrity of the parks, we need the personnel to do it, but we need the knowledge layers of how best to do it, that know the best management practices to do it. I think you will see a unanimity in the city of that value.”*

*“The parks don’t regenerate on their own. And that takes a lot of human power to replant, to keep them hydrated, to adjust to new conditions and threats. The weather is unpredictable... I don’t think species are thriving, I think they’re coping. We’re in exploratory territory, and we need flexibility and options to get these places to be healthy.”*

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## KEY COMMUNITY LISTENING SESSION RESULTS - Continued

“I appreciate that people are fired up about protecting natural spaces as much as I am, and I appreciate the [citizen] initiative for that reason. I just think that it can be improved.”

“It’s curious as to why we have a [city] referendum against something the citizens qualified after eighteen months of outreach efforts by hundreds of volunteer neighbors around all Lake Oswego to get this initiative on the ballot.”

“We have parks full of tinder. We have a real fire risk, not a pretend fire risk and it’s a serious matter. To mitigate that, we need to have the ability for ATV’s or some other kind of equipment to get in there and make sure that, if we had a fire, that it could be attended to. That may also require some building of certain facilities. So, to ban any kind of construction above ground may be an overreach.”

“There are always going to be new demands that arise as the world changes. I think as the leadership approaches how we evolve as a city, there need to be certain givens– just things that are non-negotiable, and we need to decide what those are. For me, one of those is maintaining natural open spaces, and I think the citizen initiative is asking for that vote.”

“I don’t understand why, if we do have some trees die off, why we can’t– if a tree is gone– replace it with some other tree. Having a canopy above it helps it survive its infancy. That’s why after a fire you see deciduous forest take over and then the way we get to a climax forest is the deciduous forest allows the climax forest to grow, and eventually the conifers take over. It seems like we could let nature take its course more, and supplement where needed.”

## RECOMMENDATIONS

Based on the quantitative data and the input we received from the community, Praxis recommends the Lake Oswego City Council refer their proposed measure with a few small adjustments to best meet the interests of the community, namely:

- A greater emphasis on long-term accessibility for residents of various abilities;
- The inclusion of wildfire prevention and containment practices;
- An increased reach of the parks and natural spaces covered in the referendum, reflective of the community’s strong support for protection and preservation.

# City of Lake Oswego Charter Amendment Survey

**PATINKIN  
RESEARCH  
STRATEGIES**



## Methodology:

- A multi-modal survey of n=405 likely November 2021 voters in the City of Lake Oswego was conducted via live phone n=350 and text to web n=55. Telephone interviews were conducted via both landline and cell phone. Cell phone interviews represent 51% of the telephone portion of the sample.
- The sample was randomly selected from TargetSmart's enhanced voter file and quotas and weights were set based on age, gender, party registration, and precinct to reflect a likely November 2021 municipal electorate.
- Interviews were conducted July 7-11, 2021.
- The overall credibility interval (the theoretical margin of error for a blended-methodology poll that relies partially on telephone-based probability sampling, and partially on non-probability based text to web sampling) is +/-4.9%. The credibility interval for subgroups varies and is larger.
- Regions are defined by precinct:
  - Downtown: Precincts 151 / 156
  - Northwest: Precincts 155 / 159 / 3806
  - South: Precincts 153 / 154 / 157 / 160



# The Charter Amendments



## Charter amendment language tested:



*This November, there may be two amendments on the ballot in the City of Lake Oswego that revise the city's charter regarding parks and natural areas. I'm going to read both to you.*

**CITIZEN'S PETITION:** *One charter amendment reads as follows: "Restricts improvements on certain Lake Oswego park properties. Should the Lake Oswego City Charter be amended to restrict improvements on certain city park properties?" Having heard this, would you vote "yes" to approve or "no" to reject this Charter Amendment?*

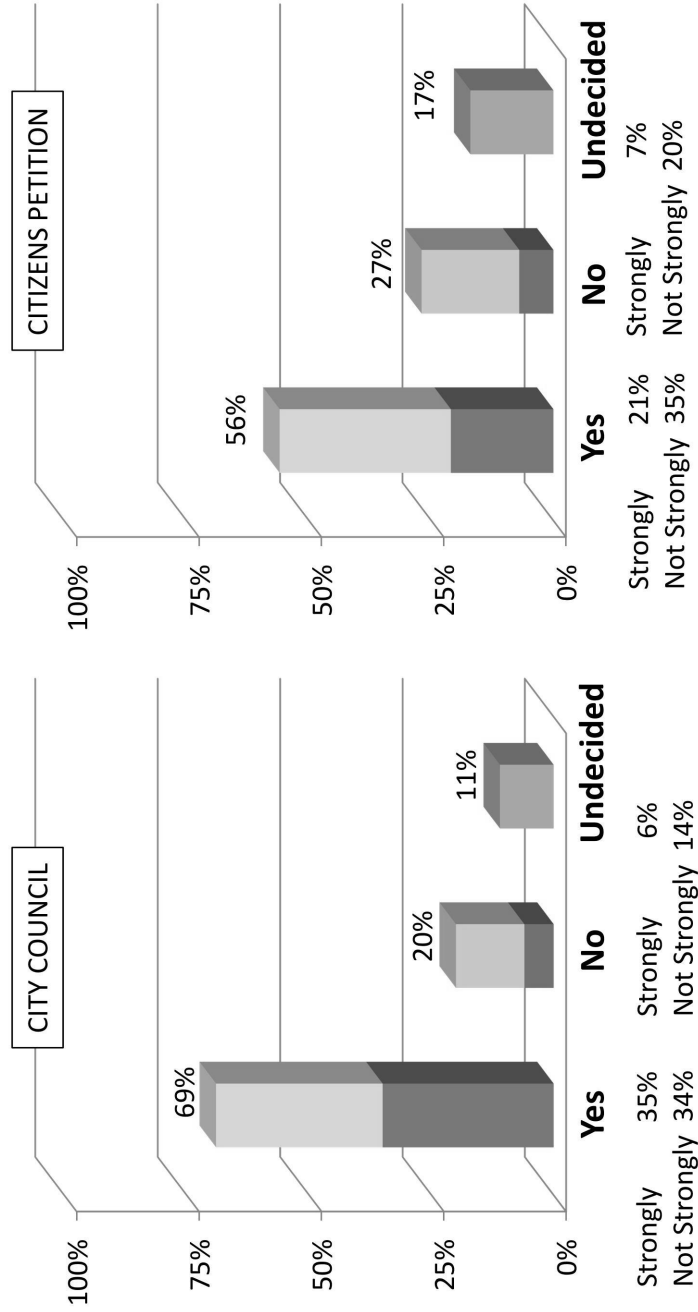
**CITY COUNCIL PROPOSAL:** *One charter amendment reads as follows: "Amends Charter; protects natural areas; allows access to nature. Shall the City of Lake Oswego amend its Charter to protect natural areas, habitat, water quality, and access to nature?" Having heard this, would you vote "yes" to approve or "no" to reject this Charter Amendment?*



# While both amendments garner a majority, the City Council proposal begins 13-points higher than the Citizen's Petition



Intensity of feeling is also much higher for the Council proposal.



## Majorities back both proposals regardless of gender, age, or educational attainment



Levels of support for the City Council proposal outpace those for the Citizen's Petition among all major demographic subgroups.

	City Council Proposal			Citizen's Petition		
	Yes	No	Margin	Yes	No	Margin
<b>Men</b>	69%	21%	+48	51%	31%	+20
<b>Women</b>	70%	21%	+49	62%	24%	+38
<b>Under age 50</b>	76%	15%	+61	65%	23%	+42
<b>Over age 50</b>	67%	21%	+46	53%	28%	+25
<b>Over age 70</b>	63%	23%	+40	60%	23%	+37
<b>No college education</b>	61%	24%	+37	58%	26%	+32
<b>College+</b>	75%	17%	+58	55%	28%	+27
<b>TOTAL</b>	69%	20%	+49	56%	27%	+29

*Having heard this, would you vote "yes" to approve or "no" to reject this Charter Amendment?*

Partisanship scales as we'd expect for the City Council Proposal, though both amendments begin with double-digit margins of support regardless of ideological bent



	City Council Proposal			Citizen's Petition		
	Yes	No	Margin	Yes	No	Margin
<b>Democrats (reg.)</b>	72%	18%	+54	60%	23%	+37
<b>NAV (reg.)</b>	65%	19%	+46	45%	33%	+12
<b>Republicans (reg.)</b>	66%	25%	+41	56%	30%	+26
<b>Democrats (ID)</b>	73%	18%	+55	61%	24%	+37
<b>Independents (ID)</b>	59%	16%	+43	42%	30%	+12
<b>Republicans (ID)</b>	67%	25%	+42	55%	30%	+25
<b>High propensity voters</b>	71%	19%	+52	57%	27%	+30
<b>Medium propensity voters</b>	54%	29%	+25	53%	29%	+24
<b>TOTAL</b>	69%	20%	+49	56%	27%	+29

*Having heard this, would you vote "yes" to approve or "no" to reject this Charter Amendment?*

## Significantly higher support citywide for the City Council proposal



	City Council Proposal			Citizen's Petition		
	Yes	No	Margin	Yes	No	Margin
<b>Kids @ home</b>	73%	18%	+55	64%	21%	+43
<b>No kids @ home</b>	68%	21%	+47	53%	29%	+24
<b>Downtown</b>	71%	19%	+52	49%	31%	+18
<b>Northwest</b>	65%	20%	+45	56%	25%	+31
<b>South</b>	70%	21%	+49	63%	25%	+38
<b>Homeowners</b>	72%	19%	+53	54%	29%	+25
<b>Renters</b>	59%	22%	+37	63%	19%	+44
<b>TOTAL</b>	69%	20%	+49	56%	27%	+29

*Having heard this, would you vote "yes" to approve or "no" to reject this Charter Amendment?*



## The most popular aspects of either amendment focus on protecting wildlife and water quality



	Favor, strongly	Favor, not strongly	Net "favor"
Protects wildlife habitat	60%	27%	87%
Protects water quality	58%	30%	88%
Ensures equitable access to parks and natural spaces for all residents	47%	34%	81%
Connects neighborhoods with designated pathways	44%	35%	79%
Allows for effective planning for neighborhood livability	43%	38%	82%
Protects the ability to restore and preserve natural spaces in a changing climate	43%	38%	81%

*I'm going to read you some possible aspects of both the City Council's and the Citizen Petition's charter amendments. After each, please tell me whether you favor or oppose that particular aspect. If you aren't sure, you can tell me that, too and we will move on.*

## Second tier aspects are also extremely popular



	Favor, strongly	Favor, not strongly	Net "favor"
Would require a vote of the people in order to conduct any needed update or maintenance to existing taxpayer funded facilities located within newly designated Nature Preserve land	43%	30%	73%
Prevents the use of City owned nature preserve land for the construction of athletic facilities	41%	36%	77%
Ensures access to natural areas for public safety and other essential city services	40%	40%	80%
Preserves the ability to construct and maintain critical emergency and 9-1-1 response communications equipment on city owned land	40%	40%	80%
Preserves adaptability to changing needs of the community and our environment	36%	42%	78%
Locks up city owned land	33%	35%	68%

*I'm going to read you some possible aspects of both the City Council's and the Citizen Petition's charter amendments. After each, please tell me whether you favor or oppose that particular aspect. If you aren't sure, you can tell me that, too and we will move on.*

Side-By-Side Comparison –City Measure compared to Love LO Parks Measure

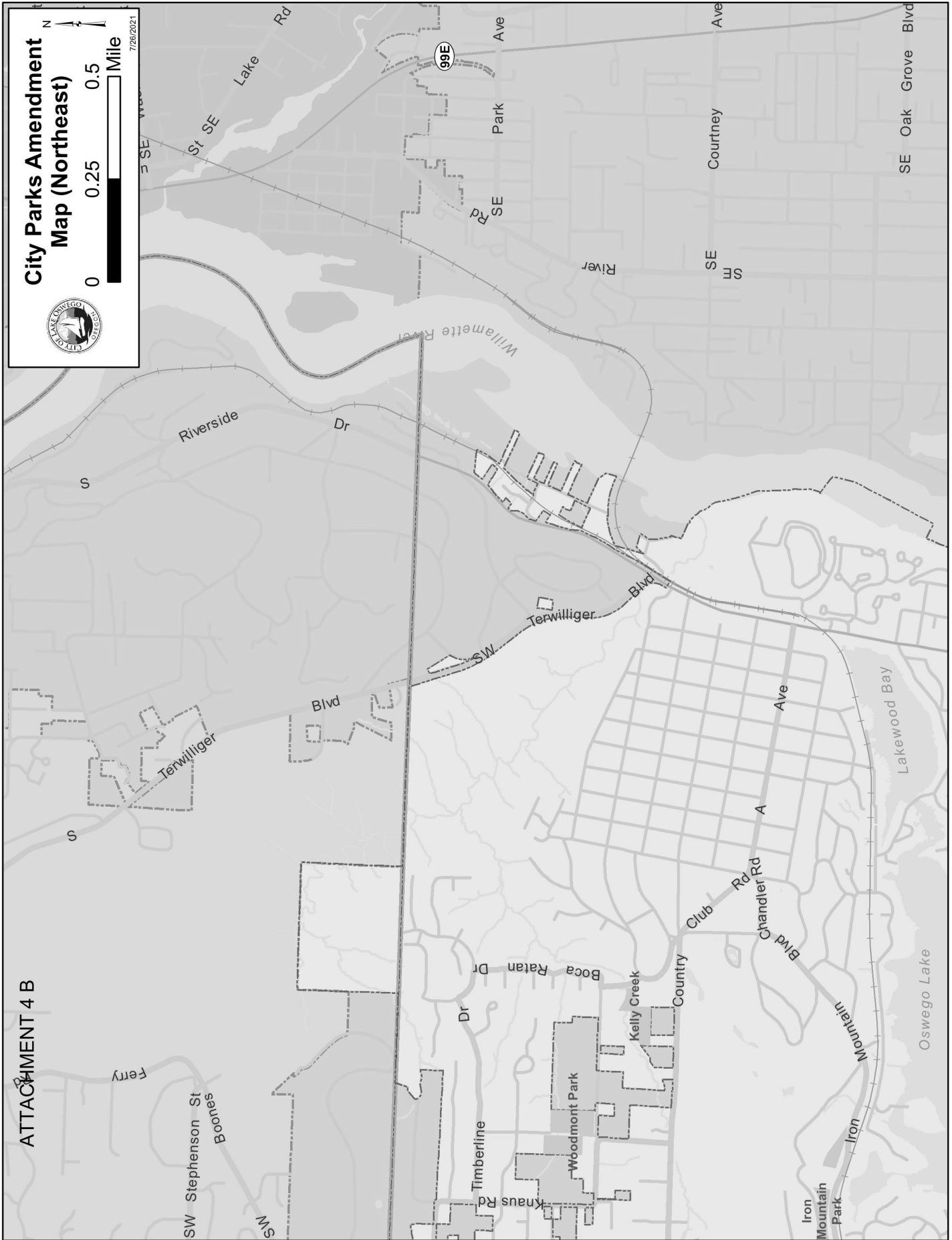
Provision	Initial City Measure	Love LO Parks Measure
Parks Covered	Springbrook Park; Cooks Butte Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks.  Requires the Council to adopt a map identifying protected areas 60 days after passage	Springbrook Park; Cooks Butte Park; Iron Mountain Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway, Kerr Open Space, Lamont Springs, River Run I and II, Southshore, and the natural areas of West Waluga Park  Defines the acreage of each park and natural space
Definitions	Defines Natural Area as a property that is managed to retain or improve its natural condition, environmental values and ecological functions. Natural Areas also may provide a scenic, aesthetic appearance and provide passive recreational uses and educational opportunities.	Defines Nature Preserve as parks or open spaces that are managed or maintained to retain their natural condition and prevent habitat degradation
Prohibits	<ul style="list-style-type: none"> <li>• New athletic facilities</li> <li>• Commercial logging</li> <li>• New public streets and roads</li> <li>• New telecommunication facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Athletic facilities</li> <li>• Telecommunications facilities</li> <li>• Parking lots</li> <li>• Roads or trails for motorized vehicles</li> <li>• Commercial logging</li> <li>• Hard surface trails</li> <li>• Additional emergency response routes to fight wildfires</li> </ul>
Allows	<ul style="list-style-type: none"> <li>• Maintenance, stewardship and education activities that promote ecological restoration and enhancement, eliminate invasive species, restore native and drought resistant species, and mitigate fire hazards.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance for the purpose of ecological restoration, safe public access, healthy habitat, eliminates invasive species, restores native species, and mitigates fire hazards.</li> </ul>

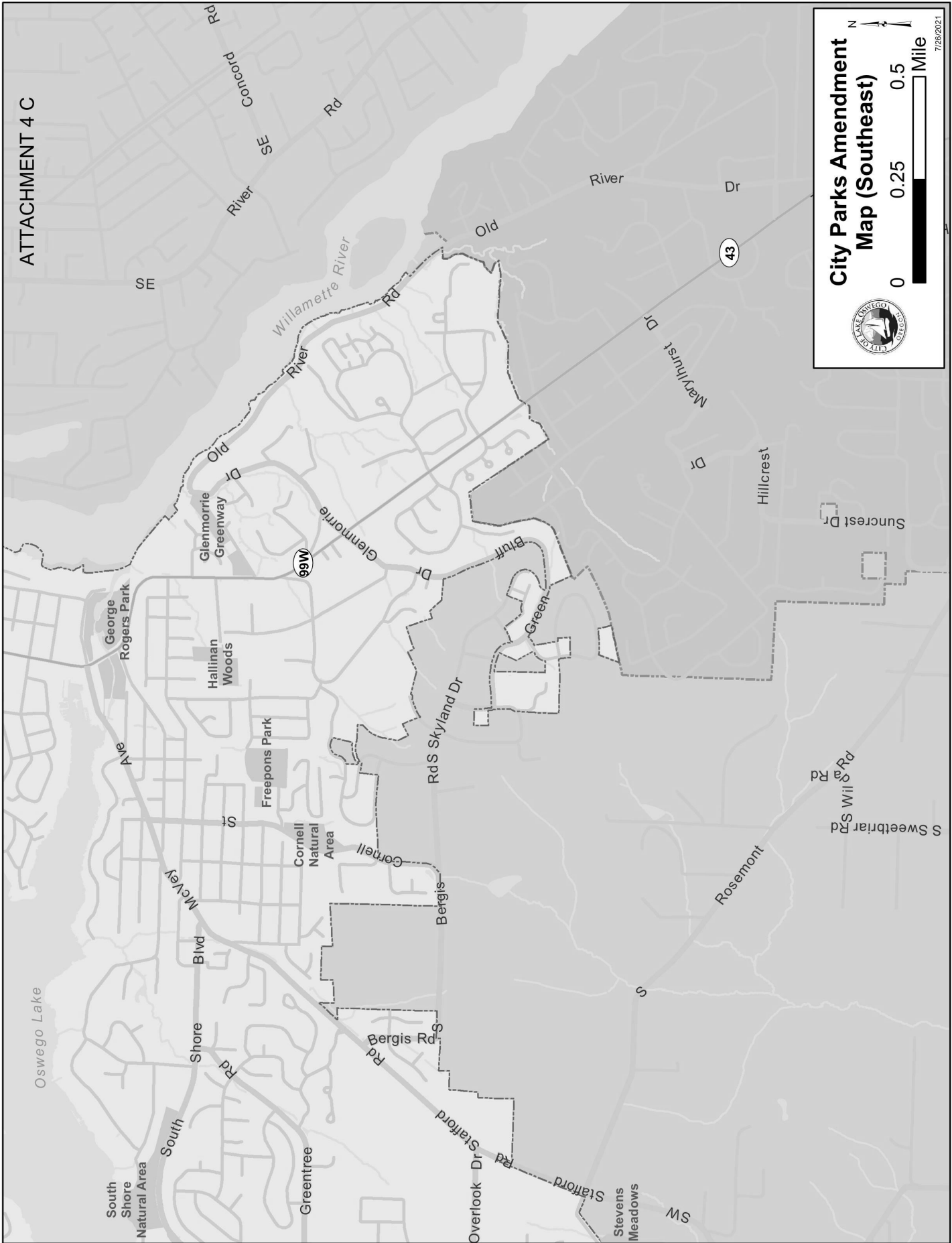


	<ul style="list-style-type: none"> <li>• Thinning and removal of hazard trees and removal of non-native nuisance and invasive plants.</li> <li>• Construction, maintenance, and renovation of trails for walking, hiking, wheelchairs and mobility devices, horseback riding, and non-motorized bicycle travel to allow public enjoyment of the Natural Areas</li> <li>• Construction of picnic, sanitary facilities, boardwalks, benches and interpretive displays</li> <li>• Maintenance, renovation, or replacement any existing facility or structure</li> <li>• Implementation of a park master plan for a Natural Area that was adopted before January 1, 2022</li> </ul>	<ul style="list-style-type: none"> <li>• Soft-surface trails for hiking, jogging, horseback and bicycle riding.</li> <li>• Benches and interpretive displays</li> <li>• Picnic and sanitary facilities</li> <li>• Boardwalks.</li> <li>• Maintenance of any existing facility, structure, parking lot, road, or trail</li> <li>• Implementation of any parks master plan adopted before this charter amendment is ratified.</li> </ul>
Special Allowance	May allow other development such as lighting or parking lots only after the City adopts a property-specific master plan. Property-specific master plans require extensive public involvement	Any property-specific changes in the future require voter approval.
Americans with Disabilities Act	States that if this provision is in conflict with the ADA, the City should follow the ADA	Silent on ADA
Max Height in Residential areas	Keeps existing limits	Keeps existing limits

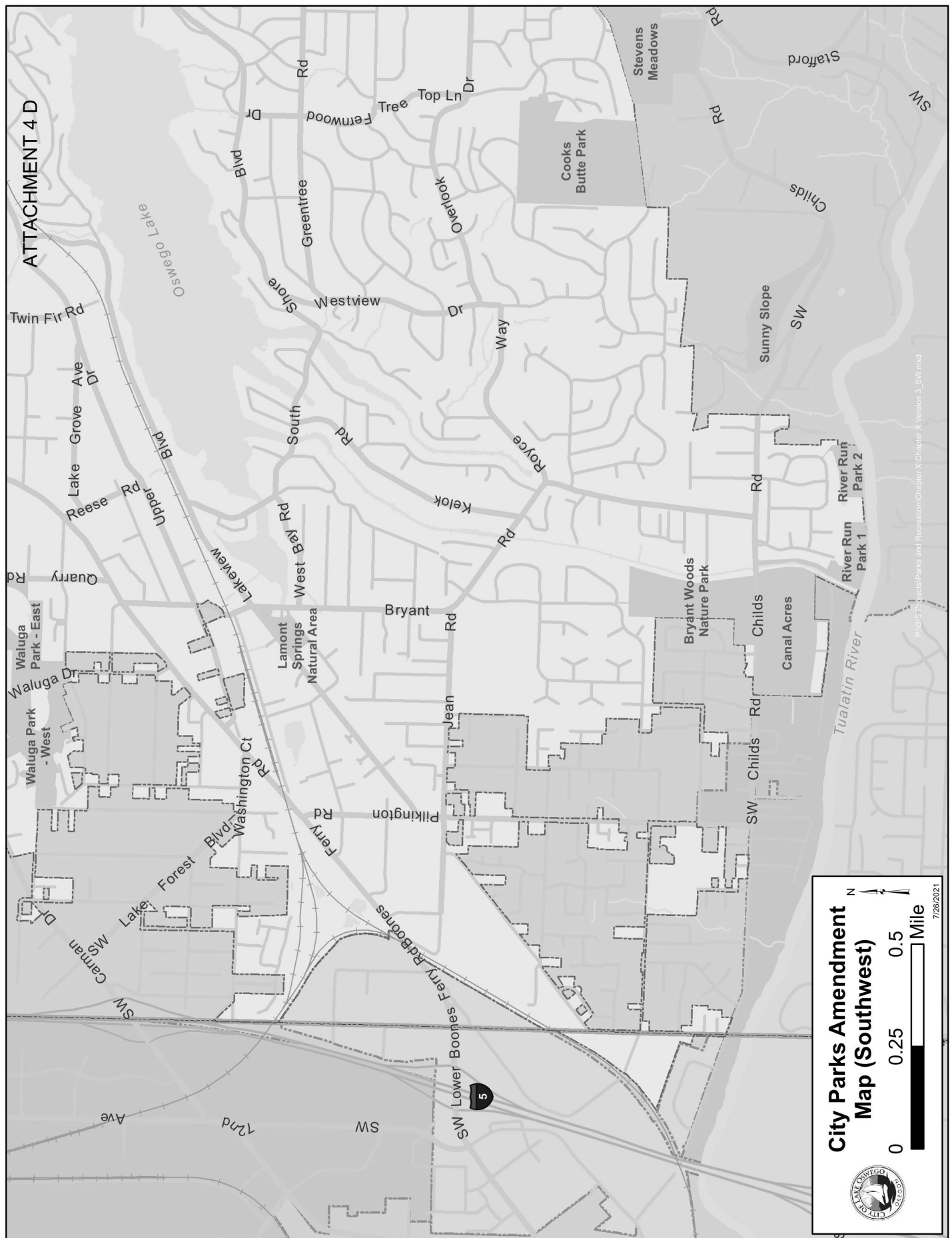








ATTACHMENT 4 C



**Caption:** Amends Charter; protects natural areas; allows access to nature.

**Question:** Shall the City of Lake Oswego amend its Charter to protect natural areas, habitat, water quality, and access to nature?

**Summary:**

This measure would revise Chapter X of the Lake Oswego Charter and rename it "Preservation of Natural Areas". This section of the City's Charter would ensure that Springbrook Park; Cooks Butte Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks are managed to protect water quality, wildlife habitat, wildfire prevention and containment, aesthetic values, and ecological function and to allow trails accessible to people with different physical abilities and needs. Athletic Facilities, new public roads, and telecommunications facilities are prohibited in Natural Areas. Restoration, stewardship, trails, and maintenance and renovation of existing facilities and structures are allowed. Other activities are only allowed after public involvement and adoption of a Master Plan. This section would replace the existing "Chapter X - Park Development Limitations," which applies only to Springbrook Park.

170 words

**Explanatory Statement**

The proposed "Preservation of Natural Areas" amendment of the City's Charter revises Chapter X of the existing Charter to "preserve, protect, restore, and maintain the scenic and aesthetic qualities, ecological functions, water quality and wildlife habitat of Natural Areas that are owned by the City of Lake Oswego while also allowing for their use and enjoyment."

Recognizing interest in increasing protections for parks and natural spaces in Lake Oswego, the City undertook a public engagement program to assess public attitudes and develop proposed changes to the City's Charter. The City's engagement program included an online survey promoted by the City that was completed by 355 residents; a statistically representative poll of 405 Lake Oswego voters; two public listening conversations attended by 26 local residents; and 26 individual conversations with community leaders and stakeholders from the community.

People in the community voiced a commitment to ensuring these places support a broad range of uses, while also protecting their natural integrity. The City also heard feedback on a citizen initiative to amend the Charter that will be presented to voters in the November 2021 election. While some supported the measure, others raised concerns about unintended consequences that would impair other public priorities for these spaces.

Several themes emerged including:

- The preservation and maintenance of parks and natural spaces are a key aspect of the high quality of life in Lake Oswego.
- A desire to protect water quality and wildlife habitat.
- The importance of ensuring parks and natural spaces are accessible for people of various abilities.
- A focus on the need to prepare for climate change, particularly the need to prevent and contain wildfires, and protect wildfire response capabilities.

Using this feedback, the City's elected leaders have proposed the Charter amendment that will allow:

- Maintenance, stewardship, and education activities that promote ecological restoration and enhancement, eliminate invasive species, restore native species, and mitigate fire hazards.
- Maintenance and renovation of trails for walking, hiking, wheelchairs and mobility devices, horseback riding, and non-motorized bicycle travel. Trail construction can only occur after an environmental assessment and review by the Parks, Recreation, and Natural Resources Advisory Board and must be appropriate to the conditions of a natural area.
- Construction, maintenance, renovation, and replacement of picnic and sanitary facilities, boardwalks, benches, and interpretive displays where appropriate.

The Amendment would prohibit construction of new athletic facilities, commercial logging, construction of new public streets and roads, and construction or installation of new telecommunications facilities in designated Natural Areas.

Other uses and facilities related to restoration or access to Natural Areas would only be allowed under the Amendment after City Council adoption of a property-specific master plan for the designated area. The Council must engage the public in the development of the master plan, including Neighborhood Associations and all property owners within 300 feet of the Natural Area.

If both this measure and Ballot Measure 20201N- 1 are approved, only the measure with the greater number of affirmative votes will become effective.

(491 words)





## **NOTICE OF RECEIPT OF BALLOT TITLE**

A ballot title prepared by the City Attorney was filed with the Lake Oswego Elections Officer on August 4, 2021. The prospective initiative petition complies with constitutional requirements.

Any registered voter may file a petition for review of the ballot title with the Clackamas County Circuit Court no later than August 13, 2021 (the 7<sup>th</sup> business day after the ballot title was filed with the City Elections Officer) under ORS 250.296. The voter must notify the City Elections Officer (City Recorder) in writing that the petition for review has been filed. That notice must be given by no later than 5:00 p.m. on the next business day following the day the petition for review is filed with the Circuit Court.

The ballot title is:

### **CAPTION:**

Amends Charter; protects natural areas; allows access to nature.

### **QUESTION:**

Shall the City of Lake Oswego amend its Charter to protect natural areas, habitat, water quality, and access to nature?

### **SUMMARY:**

This measure would revise Chapter X of the Lake Oswego Charter and rename it "Preservation of Natural Areas".

This section of the City's Charter would ensure that Springbrook Park; Cooks Butte Park; Woodmont Nature Park; Hallinan Woods; Stevens Meadow; Bryant Woods; Canal Acres; Cornell Natural Area; Glenmorrie Greenway; Kerr Open Space; Lamont Springs; River Run I and II; Southshore; Kelly Creek; Pennington Park; Sunny Slope; and the natural areas of West Waluga, East Waluga, George Rogers, Iron Mountain and Freepons Parks are managed to protect water quality, wildlife habitat, wildfire prevention and containment, aesthetic values, and ecological function and to allow trails accessible to people with different physical abilities and needs.

Athletic Facilities, new public roads, and telecommunications facilities are prohibited in Natural Areas. Restoration, stewardship, trails, and maintenance and renovation of existing facilities and structures are allowed.

Other activities are only allowed after public involvement and adoption of a Master Plan. This section would replace the existing "Chapter X - Park Development Limitations," which applies only to Springbrook Park.

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For more information contact the City Recorder/City Elections Officer at (503) 534-4225 or [CityRecorder@lakeoswego.city](mailto:CityRecorder@lakeoswego.city).