

Study Session Worksheet

Presentation Date: 04/03/12 **Approx Start Time:** 10:30AM **Approx Length:** 30 min.

Presentation Title: Lake Oswego UGB Amendment Application – Luscher Area Properties

Department: DTD- Planning and Zoning Division

Presenters: Martha Fritzie, Senior Planner
Mike McCallister, Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Lake Oswego has requested a statement from the county regarding an application submitted to Metro on March 15, 2012 for an urban growth boundary amendment (UGB) to include approximately 93 acres of land in the Luscher Farms area. The Board needs to issue a statement to Metro in support of, opposed to or taking no position on the proposed UGB expansion no later than April 9, 2012.

EXECUTIVE SUMMARY:

The City of Lake Oswego submitted a Major UGB Amendment application to Metro on March 15, 2012 to include approximately 93 acres of city-owned land into the UGB for use as park facilities. Per Metro Code, applications to add land to the UGB under the Major Amendment process are accepted once a year (March 15) and only for the following purposes: public facilities and services, public schools, natural areas, land trades and other non-housing needs. As part of this application, the City must submit a statement from the entity which currently has land use jurisdiction over the properties, which is Clackamas County.

The Board has met to discuss this matter twice (March 13, 2012 and March 20, 2012) and has expressed concern with supporting this application for the following reasons:

- Insufficient time to thoroughly review the request.
- Uncertainty about what concept planning and coordination activities Lake Oswego will do with West Linn, Tualatin, and the Stafford Hamlet with respect to this proposal and whether those activities would be sufficient to satisfy provisions in the intergovernmental agreement (IGA) between the County and Metro regarding urban and rural reserves.
- Uncertainty about whether Lake Oswego will continue to participate in local and regional planning efforts in the Stafford area once their immediate interests are satisfied, should this proposal be approved.

Due to these concerns, Planning & Zoning staff has drafted a letter for the Board's consideration for submittal to Metro. This letter (attached) states that the Board cannot support this application at this time, but would like to remain an active participant in the public process that will take place at Metro.

FINANCIAL IMPLICATIONS (current year and ongoing):

N/A

LEGAL/POLICY REQUIREMENTS:

Under the Metro Code (Title III, Ch. 3.01), a jurisdiction applying for a Major UGB Amendment must request a statement from the governing body with land use jurisdiction over the subject area, in this case Clackamas County. The County's statement may recommend approval, recommend denial or express no preference on the proposed UGB amendment. The governing body may also delegate the decision to its staff.

PUBLIC/GOVERNMENTAL PARTICIPATION:

N/A

OPTIONS:

1. Issue a statement in support of the proposed UGB expansion
2. Issue a statement in opposition to the proposed UGB expansion
3. Issue a statement taking no position on the UGB expansion
4. Defer to staff (Planning Director) to issue a statement regarding the proposed UGB expansion

RECOMMENDATION:

Staff respectfully recommends that the Board issue a statement to Metro by the April 9, 2012 deadline, per the attached draft.

ATTACHMENTS:

1. Draft letter from the Board to Metro regarding the proposed UGB expansion
2. Notice of incomplete application from Metro to Lake Oswego, requesting the County's statement
3. Email comments received by the County since March 20, 2012

SUBMITTED BY:

Division Director/Head Approval *Mike McCallister*

Department Director/Head Approval *M. B. Conrath 3/26/12*

County Administrator Approval _____

For information on this issue or copies of attachments, please contact
Martha Fritzie @ 503-742-4529 or mfritzie@clackamas.us

(letterhead)

April 03, 2012

Metro Planning Staff
c/o Dennis Egner
City of Lake Oswego
380 A Avenue
PO Box 369
Lake Oswego, OR 97034

RE: Statement Regarding Lake Oswego's Application for Major Modification to the UGB

To whom it may concern:

At this time, the Clackamas County Board of Commissioners (BCC) cannot support Lake Oswego's proposal to expand the Metro urban growth boundary (UGB) to include approximately 93 acres of city-owned land. The Board has discussed the matter and remains concerned about several issues:

- We have been given insufficient time to thoroughly review and respond to this request.
- It is unclear what concept planning and coordination activities Lake Oswego will do with West Linn, Tualatin, and the Stafford Hamlet with respect to this proposal and whether those activities would be sufficient to satisfy provisions in the intergovernmental agreement (IGA) between the County and Metro regarding urban and rural reserves.
- It is uncertain whether Lake Oswego will continue to participate in local and regional planning efforts in the Stafford area once their immediate interests are satisfied, should this proposal be approved.

Until such a time as these concerns can be adequately addressed the BCC cannot support this proposal. The BCC does intend to take advantage of continued opportunities to participate in the process as this application is reviewed and evaluated by Metro.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Charlotte Lehan
Chairperson

cc: Michael McCallister, Planning Director, Clackamas County (via email)

(letterhead)

March 27, 2012

Metro Planning Staff
c/o Dennis Egner
City of Lake Oswego
380 A Avenue
PO Box 369
Lake Oswego, OR 97034

RE: Statement Regarding Lake Oswego's Application for Major Modification to the UGB

To whom it may concern:

At this time, the Clackamas County Board of Commissioners (BCC) is taking no position Lake Oswego's proposal to expand the Metro urban growth boundary (UGB) to include approximately 93 acres of city-owned land. The BCC has discussed the matter and remains concerned about several issues:

- It is unclear what concept planning and coordination activities Lake Oswego will do with other cities, the Stafford Hamlet and other stakeholders with respect to this proposal and whether those activities would be sufficient to satisfy the planning coordination requirements in the intergovernmental agreement (IGA) between the County and Metro regarding urban and rural reserves. Ideally, that coordination would take place before Metro considers a specific UGB proposal. The County views the IGA requirements as going well beyond the notice and comment requirements of Statewide Planning Goal 2.
- It is uncertain whether Lake Oswego will continue to participate in local and regional planning efforts in the Stafford area once their immediate interests are satisfied, should this proposal be approved.

It is likely that these issues can be resolved with further discussion among the stakeholders, and we understand the City is reaching out to begin those discussions. However, given the short time the County has had to review and respond to the City's request, we cannot support it at this time. Further discussions could well lead the County to change its position.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Charlotte Lehan
Chairperson

cc: Michael McCallister, Planning Director, Clackamas County (via email)



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March 23, 2012

Mr. David Donaldson
City Manager
City of Lake Oswego
PO Box 369
Lake Oswego, OR 97034

Dear David:

This letter is to inform you that the Lake Oswego petition for an Urban Growth Boundary Major Amendment is not complete. Under Metro Code Section 3.07.1430(E), the petitioner must remedy any identified deficiencies within fourteen (14) days of this notification. The city has until 5:00 p.m. on Monday, April 9, 2012 to complete and submit the item listed below. If the item listed below is not submitted to Metro within the stated timeframe, the incomplete petition will be dismissed and the petition fee will be returned.

The following item was found to be missing from the petition packet:

1. Metro Code Section 3.07.1430(D) requires a written statement that recommends approval or denial of the application from the governing body with land use jurisdiction over the area. Please have Clackamas County provide a written statement on the petition.

The submittal requirements for a UGB Major Amendment application do not include a concept plan as one of the items necessary to determine that the application is complete. However, Metro Code Section 3.07.1110(A) requires the county, the city expected to provide urban services and Metro to develop a concept plan, which must be completed prior to inclusion of the land in the UGB and to determine the date for completion of the concept plan. In addition, the Principles for Concept Planning of Urban Reserves, which is Exhibit B to the Intergovernmental Agreement between Metro and Clackamas County to Adopt Urban and Rural Reserves states the following:

- A concept plan for any Urban Reserve area must be approved by the county, the city or cities who will govern the area and Metro, with ample opportunities for public involvement, including recognized citizen involvement entities, such as community planning organizations, hamlets and neighborhood associations. Concept plans will recognize community-based planning efforts such as the Stafford Hamlet Values & Vision Statement.
- The following cities shall be invited to participate in concept planning of the following Urban Reserves:
 - Area 4A (which includes the subject area) – Tualatin, Lake Oswego and West Linn

If you have any questions about the Major Amendment submittal requirement, the concept planning requirements contained in the Metro Code and the Reserves IGA, or the general procedures for the Major Amendment process, please call me at 503-797-1840.

Sincerely,

Tim O'Brien, AICP
Principal Regional Planner

c: Mary Dorman, Angelo Planning Group
Councilor Carlotta Collette, Metro District 2

Martha Bennett, Metro Chief Operating Officer
Robin McArthur, Metro Planning & Development Director

Fritzie, Martha

From: BCCMail
Sent: Thursday, March 22, 2012 8:41 AM
To: Bernard, Jim; Damon, Jamie; Lehan, Charlotte; Liningier, Ann; Savas, Paul
Cc: McCallister, Mike; Fritzie, Martha
Subject: Joyce Gruber: Lake Oswego Tennis Center

From: Joyce & Steve Gruber [<mailto:gogrube@comcast.net>]
Sent: Wednesday, March 21, 2012 4:21 PM
To: BCCMail
Subject: Lake Oswego Tennis Center

To whom it may concern:

Tennis is a wonderful sport in which the young and old can play!! The City of Lake Oswego purchased the Luscher Farms land and Rassehk property with tax payer money to be used for recreational use, urban agriculture, and open space protection. The majority has spoken as there is a huge demand for more tennis courts. I urge you to incorporate these properties within the urban growth boundary.

Thank you,
Joyce Gruber

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Fritzie, Martha

From: Thomas Holder [tholder@easystreet.net]
Sent: Tuesday, March 20, 2012 1:40 PM
To: BCCMail
Cc: Conroy, Marianne
Subject: UGB Support

Please add our names to the numbers who support the modifications requested by the City of Lake Oswego to the Urban Growth Boundary.

We are especially interested in furthering the Indoor Tennis Facility project, which cannot move forward without City control of the Rassekh property.

We also believe that the city will be good stewards of the other 80+ acres identified in the petition. Luscher Farm will remain as intended - a true gem in our Urban landscape.

Thank you in advance for your approval of the City's petition.

Respectfully,

Rebecca A. & Thomas N Holder
481 Iron Mountain Blvd.
Lake Oswego, OR 97034-2829
503-697-0995

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Fritzie, Martha

From: Douglas Jost [dougjost@gmail.com]
Sent: Tuesday, March 20, 2012 2:12 PM
To: BCCMail
Subject: UGB change for LO

I encourage you to support Lake Oswego's request to expand the urban growth boundary to include the city owned land known as Luscher Farm. This land is within the city limits of Lake Oswego and they have every intent to keep the land open to the public as a park. The city of Lake Oswego has a terrific reputation as good stewards of their land. This land can best be managed by the city of Lake Oswego.

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BEGIN-ANTISPAM-VOTING-LINKS

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END-ANTISPAM-VOTING-LINKS

Fritzie, Martha

From: Adams Family [aadamsfam4@gmail.com]
Sent: Wednesday, March 21, 2012 1:07 PM
To: BCCMail
Subject: Luscher Farm UGB request

Commissioners:

The Luscher Farm complex is the northern gateway to our community. To many it represents the spiritual heart of our community. Therefore any discussions regarding future planning for this area is of upmost importance to us. The Stafford Hamlet Board discussed several areas of concern regarding the City of Lake Oswego's desire to bring the Luscher Farm area into the UGB at our March 19 board meeting. Among them is our belief that when the Urban and Rural Reserves process was complete, there was an IGA agreement between Metro and Clackamas County that the Stafford Hamlet would be planned and incorporated as a whole unit, not in bits and pieces. The Hamlet Board's desire that the Hamlet not be nibbled away at the edges was reaffirmed, in a unanimous vote, last year when the Borland Neighborhood Association requested that the Borland Road area be submitted to METRO for a UGB expansion independent of the rest of our area. Further, the Hamlet Board has received no communication from the City of Lake Oswego what so ever regarding their plans for Luscher Farm. Nor have we seen the cities comp plan for this important area. In order to determine whether the L.O. plans for the farm are compatible with the Stafford Hamlet Vision and Value Statement we will be making an official request to the City of Lake Oswego to send a member of the LO planning staff to attend our next community-board meeting to review their plans with our board and our residents. Until the Stafford Hamlet Board has had the opportunity to review the City of Lake Oswego's plans for Luscher Farm we would respectfully request that the CCBC decline approval of this UGB application.

I am attaching the link to the Metro and Clackamas County Reserves IGA. Please note Exhibit B, #1 & #2 which address the agreement for concept planning to be done as a whole.

Thank you for your continued support of the Stafford Hamlet community and our Values and Vision.

Respectfully
David T Adams
Chair, Stafford Hamlet

http://library.oregonmetro.gov/files//clackamas_reserves_iga_march_3_2010.pdf

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Fritzie, Martha

From: darcymoore@comcast.net
Sent: Wednesday, March 21, 2012 8:29 AM
To: BCCMail
Subject: Luscher Area and the UGB

To whom it may concern: we are writing in support of Lake Oswego's request that the Luscher Area be included within the Urban Growth Boundary (UGB) to accommodate open space, park and recreational uses (including a new tennis center at the Rassekh property). The Rassekh property was inside the UGB, but exchanged for the property when Hazelia field was built. As citizens of Lake Oswego, we would like to see the city have control of the property it purchased with tax-payer money. The Luscher Area Master Plan meets the needs for open space, urban agriculture and recreational uses, but needs to be brought into the UGB to make this vision a reality. Thank you very much for your attention to this very important matter. Mike and Darcy Moore. 1120 Crestline Court, Lake Oswego, OR 97034. 503-635-4456

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