

MEMORANDUM

March 31, 2010

TO: Mayor Galle and City Council Members

FROM: Tom Coffee, Consultant 

SUBJECT: Stafford Area Report

Overview

In March Metro and the Counties began the process of implementing the Intergovernmental Agreements they signed regarding the urban and rural reserves. The Clackamas County Planning Commission held a public hearing on March 8, 2010 on proposed amendments to the text and map of the County Comprehensive Plan designating the agreed upon urban reserves including all of Stafford. Also in March, the City of West Linn initiated discussions with Tualatin, Lake Oswego and an outside attorney regarding potential legal appeals in the event continued opposition to the urban reserve designation at the County, Metro and LCDC is unsuccessful.

County Planning Commission Hearing

Testimony was presented at the public hearing on behalf of the City of West Linn which requested that the Commission recommend denial of the proposed plan amendments that would designate Stafford as an urban reserve. The testimony pointed out that the County's own Citizen's Policy Advisory Committee, the Planning Commission itself and the Board of Commissioner's (until February 25, 2010) had all previously determined that the North Stafford Area should not be designated urban reserve. The testimony also cited previous testimony presented by the City of West Linn that the North Stafford Area did not meet the factors of designation as an urban reserve.

After the close of the hearing, the Planning Commission decided that they would make no recommendation concerning the plan amendments as they related to Stafford. They concluded that the Stafford Area was a policy question that the Board of Commissioners should decide. The Board of Commissioners is scheduled to have its public hearing on the plan amendments on April 21, 2010.

Final Steps in the Urban/Rural Reserve Process

The designation of North Stafford through the County and Metro plan and map amendment procedures will ultimately be reviewed by the Land Conservation and Development Commission for compliance with statewide planning goals and state law. This is because the legislation which created the urban/rural reserve process also stipulated that the adoption of urban and rural reserves would be subject the state's Post-Acknowledgement Plan Amendment Process. This means that the land use decisions of Clackamas County and Metro are to be reviewed by LCDC and cannot be appealed to LUBA.

If LCDC upholds the decisions of Clackamas County and Metro to designate the North Stafford Area as urban reserve, LCDC's decision may be appealed to the Appeals Court. The final decision-maker in this land use process will be LCDC. If any legal challenges are to be made of their potential designation of Stafford as an urban reserve, the evidence supporting such challenges should be presented prior to LCDC's final determination.

Metro will be having its hearing on the plan amendments in May or June and LCDC is expected to have its hearing in September.

Observation

At this point in the process the City of West Linn and its neighboring cities, Lake Oswego and Tualatin, should decide whether to retain legal counsel and prepare for the possibility of appealing the LCDC decision to the courts.