

A SIDE-BY-SIDE COMPARISON: ORIGINS OF CITY’s REFERENDUM

Lake Oswego’s City Manager, Martha Bennett, presented City Council with draft text for a competing referendum for citizen initiative 2020IN-1 on June 15, 2021. On July 6th, City Council authorized the City Manager to conduct a “public” process to complete the proposal for consideration at a special meeting on August 3rd. The City hired PraxisPolitical to conduct a “public” process between July 7-31. As highlighted below between draft and ratified text, this so-called “public” process surprisingly did not influence any improvements to the draft City charter amendment proposal.

JUNE 15, 2021
DRAFT CITY CHARTER AMENDMENT PROPOSAL

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 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.

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 the following park properties owned by the City of Lake Oswego that are currently known as 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, and the natural areas of West Waluga, Iron Mountain and Freepons Parks. [Alternative: 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. (Note: text to be further refined if Council elects to pursue this alternative.)]

[Alternative: The City Council could list the specific parks, their general acreages, and their general location as in the initiative measure.]

(Defining parks, their acreage and their boundaries in the Charter places the custody of protections with voters and ensures these protections span changes in mayors, council, and staff. This is why Springbrook has been protected for over 40+ years)

AUGUST 3, 2021
CITY COUNCIL’S RATIFIED CHARTER AMENDMENT (MEASURE 3-575)

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.

(City Council chose not to enshrine parks, their acreage and their boundaries in the Charter in favor of mapping the “Natural Areas of these park properties” into a City ordinance that may be changed at any future City Council meeting with a 4:3 vote)

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

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.

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 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.

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

(Explicit definition for Springbrook Park deleted from final text. Explicit definition is what has protected Springbrook's 52 acres from over 40 years. Now, transfers to City ordinance that can be changed at any City Council with 4:3 vote in the future.)

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4. Maintenance, renovation, or replacement 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. [Note: text to be further refined.]
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 and 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.

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.

AUGUST 3, 2021
CITY COUNCIL'S RATIFIED CHARTER AMENDMENT (MEASURE 3-575)

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
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