



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/15/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lake Oswego Plan Amendment  
DLCD File Number 011-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 01, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Paul Espe, City of Lake Oswego  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

# Notice of Adoption

☐ In person ☐ electronic ☐ mailedDATE  
STAMP

DEPT OF

JUL 12 2013

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Lake Oswego**Local file number: **LU 08 0059a & LU 12-0046**Date of Adoption: **6/18/2013**Date Mailed: **7/11/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/15/2012☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Comprehensive Plan Zoning Map and Community Development Code to expand the boundaries of the West Lake Grove Design District by adding the northerly portion of TL 4300 (Map 21E07DD) and changing its designation to WLG OC (Office).

Amend the Comprehensive Plan and Zoning Map for TL's 4400, 4500 and 4600 MAP 21E07DD AND TL 9300, MAP 21E07DC to to a uniform designation of WLG OC.

Revise LOC 50.05.005 Figures A-D and J-M in the Code to include TL 4300 and eliminate the parking overlays.

Does the Adoption differ from proposal? Yes, Please explain below:

1. LU 08-0059A and LU 12-0046 (companion applications) have been consolidated under one ordinance (attached) and one final DLCD notice.
2. The City Council amended the original proposal by adding only the northerly portion of Tax Lot 4300 to the WLGDD and allowing the southerly portion to remain R-7.5 (Single-Family).

Plan Map Changed from: **R-7.5 & WLG R-2.5**to: **WLG OC**Zone Map Changed from: **R-7.5 & WLG R-2.5**to: **WLG OC**Location: **Lake Grove Area Upper Dr & Boones Ferry**Acres Involved: **2.65**Specify Density: Previous: **17.4 units per acre @8,000 sq ft**New: **0 units per acre**

Applicable statewide planning goals:

**1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19**

DLCD File No. 011-12 (19555) [17525]



☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: **Paul Espe**

Phone: (503) 697-6577 Extension:

Address: **PO Box 369**

Fax Number: **503-635-269**

City: **Lake Oswego**

Zip: **97034-**

E-mail Address: **pespe@ci.oswego.or.us**

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

**ORDINANCE No. 2592**

**AN ORDINANCE OF THE CITY OF LAKE OSWEGO CITY COUNCIL AMENDING THE COMPREHENSIVE PLAN AND ZONING MAPS AND THE COMMUNITY DEVELOPMENT CODE TO EXPAND THE BOUNDARIES OF THE WESTLAKE GROVE DESIGN DISTRICT BY ADDING THE NORTHERLY PORTION OF TL 4300, CHANGE THE PLAN AND ZONE DESIGNATIONS FOR TAX LOTS 4400 and 4500, MAP 21E07DD AND TL 4600 AND 9300 MAP 21E07DC AND REVISE LOC APPENDICES LOC 50.05.005 FIGURES A-D AND J-M IN THE COMMUNITY DEVELOPMENT CODE (LU08-0059A AND LU 12-0046)**

WHEREAS, a notice of public hearing for consideration of this Ordinance was duly given in a manner required by law; and,

WHEREAS, public hearings were held before the Planning Commission on March 11, 2013 and March 25, 2013; and the Lake Oswego City Council on May 21, 2013, to review these amendments; and,

WHEREAS, the Planning Commission did deliberate, adopt findings of fact and conclusions, and recommend that Ordinance 2592 be approved by the City Council of the City of Lake Oswego.

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings, Conclusions and Order (LU 08-0059A and LU 12-0046) in Attachment A.

**Section 2.** The Community Development Code LOC 50.05.005 Figures A-D and J-M of the West Lake Grove Design District are hereby amended to include all but the southerly 110 feet of Tax Lot 4300, Map 21E07DD, as shown in Attachments B-K.

**Section 3.** The Comprehensive Plan Map and Zoning Map Designations of Low Density Residential (R-7.S) for Tax Lot 4300, Map 21E07DD, are hereby amended to Office Commercial (WLG-OC) for all but the southerly 110 feet as shown on Attachments B and C.

**Section 4.** The Comprehensive Plan Map and Zoning Map Designations of WLG OC and WLG R-2.5 on Tax Lots 4400 and 4500, Map 21E07DD and the Comprehensive Plan Map Designations on Tax Lots 4600 and 9300 Map 21E07DC, are hereby amended to change the WLG-R-2.5 designation of the southwest side of tax lot 4400, the southeast corner of tax lot 4500, the east side of tax lot 4600 and the south side of tax lot 9300 to a uniform designation of WLG-OC, as shown on Attachments B and C.

**Section 5.** The driveway parking lot access for the WLGDD (LOC 50.005.005 Figure C) is hereby amended, and the off-street parking lot designations (Parking Reserve) are hereby eliminated, as shown on Attachment F.

**Section 6.** Effective Date of this Ordinance: Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30<sup>th</sup> day after its enactment.

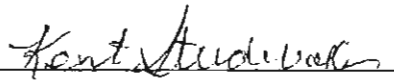
Read by title only and enacted at the regular meeting of the City Council of the City of Lake  
Oswego Held on 18th day of June 2013.

AYES: Mayor Studebaker, Bowerman, Gudman, Gustafson, Jordan, Kehoe,  
O'Neill

NOES: None

ABSTAIN: None

EXCUSED: None

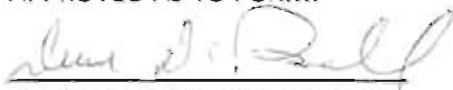
  
Kent Studebaker, Mayor

Dated: June 20, 2013

ATTEST:

  
Cate Schneider, City Recorder

APPROVED AS TO FORM:

  
David D. Powell, City Attorney

**BEFORE THE CITY COUNCIL**  
**OF THE CITY OF LAKE OSWEGO**

A REQUEST FOR COMPREHENSIVE PLAN }  
AND COMMUNITY DEVELOPMENT CODE } LU 08-0059A/LU 12-0046-1818  
AMENDMENTS ON BOONES FERRY ROAD } (CITY OF LAKE OSWEGO)  
AND UPPER DRIVE }  
} FINDINGS & CONCLUSIONS  
[ORDINANCE No. 2592] }

**NATURE OF PROCEEDING**

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission on a request for the following comprehensive plan and Community Development Code (CDC) amendments by Randy Reeve, American Heritage Homes and Andrea Marek, RB Pamplin Corp. (LU 08-0059A):

1. Amendment of the West Lake Grove Design District boundary to include a one acre lot at 4855 Upper Drive (Tax Lot 4300), a vacant parcel.
2. Comprehensive Plan and Zoning Map amendments to change the Low Density Residential Designation (R-7.5) to WLG Office Commercial (WLG OC) on the northern portion of 4855 Upper Drive (Tax Lot 4300) and WLG R-2.5 on the southern portion.
3. Community Development Code amendments to eliminate parking reserves and building areas on 4905 Upper Drive (Tax Lot 4400) and 16710 Boones Ferry Road (Tax Lot 4500).
4. Comprehensive Plan Map amendments to change the WLG R-2.5 designation on the southwest corner of 4905 Upper Drive (Tax Lot 4400) and the southeast corner of 16710 Boones Ferry Road (Tax Lot 4600) to a designation of WLG OC.
5. Community Development Code text amendments for LOC Appendices 50.05 (Figures A-D and J-M), for 4855 (Tax Lot 4300) and 4905 Upper Drive (Tax Lot 4400) and 16710 Boones Ferry Road (Tax Lot 4500).

The recommendation also resulted from a request from the City of Lake Oswego for the following (LU 12-0046):

Comprehensive Plan Map amendments from a designation of WLG R-2.5 to a uniform designation of WLG OC on the south side of the property located at 16722 Boones Ferry Road (Tax Lot 9300) (21E07DC09300) and the east side of property located at 4925 Upper Drive (Tax Lot 4600) (21E07DD04600). These designations would extend into the proposed West Sunset Drive right-of-way, which currently carries no zoning designation. The proposal also includes removal of parking reserves and building areas shown in the Community Development Code.

## HEARINGS

The Planning Commission held hearings and considered these applications at its meetings of November 26, 2012 (opened and continued with no discussion); February 11, 2013 (opened and continued with no discussion); March 11, 2013 and March 25, 2013. The City Council held a public hearing to consider the Planning Commission's recommendation on May 21, 2013.

## CRITERIA AND STANDARDS

### A. City of Lake Oswego Community Development Code

LOC 50.07.003-1	Application for Development
LOC 50.07.003-15 and 16	Major Development Decisions and Legislative Decisions
LOC 50.01.001-2	Purpose
LOC 50.03.002 and 003	Use Tables - West Lake Grove Zone Districts
LOC 50.05.005-1	Purpose - West Lake Grove Design District Standards
LOC 50.05.005-4 (b)	Streets and Circulation - West Lake Grove Design District Standards

### B. City of Lake Oswego Comprehensive Plan

Goal 1	Citizen Involvement, Policies 1 and 2
Goal 2	Land Use Planning (Section 1 Land Use Policies and Regulations), Policies 1, 5(a)(b) i,ii (A, B, C, D, E, F, G, H)
Goal 10	Housing, Policies 1, 10, 11, and 14

Goal 12 Transportation, Subgoal 1, Major Street System, Policies 1, 2; Subgoal 3, Neighborhood Collectors and Local Residential Streets, Policy 5; Subgoal 4, Land Use and Transportation Relationships, Policy 4; Subgoal 11, Parking Policy 3

Goal 13 Energy Conservation, Policy 4

C. Lake Grove Neighborhood Plan

Goal 1 Citizen Involvement, Policies 2 and 3

Goal 9 Economic Development, Policies 1, 2, 6, 11

Goal 10 Housing, Policies 5(a-g)

Goal 12 Transportation, Policies 5, 6 and 8

D. Metro Urban Growth Management Functional Plan

E. Transportation Planning Rule

OAR 660-12-060(1) and (2)

F. Statewide Planning Goals

Goal 9 – Economic Development

**FINDINGS AND REASONS**

The City Council incorporates the staff reports and staff memoranda, dated November 20, 2012; February 7, 2013; March 1, 2013, March 22, 2013, April 22, 2013, May 9, 2013 and May 16 2013 for LU 08-0059A and LU 12-0046 (with all exhibits attached thereto), together with the findings and conclusions of the Planning Commission, as support for its decision, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplementary matter herein and the incorporated materials, the matter herein controls. To the extent they are consistent with the approval granted herein, the City Council adopts by reference its oral deliberations on this matter.

Following are the supplementary findings and conclusions of the City Council:



1 The City Council received testimony that the proposed expansion of the West Lake  
2 Grove Design District together with the accompanying zone designation changes would result in  
3 unacceptable traffic impacts to Upper Drive and nearby intersections. However, the City  
4 Council concurs with the Planning Commission findings that, based upon the 2008 Traffic  
5 Impact Analysis by DKS Associates, additional traffic from development allowed by the  
6 proposed amendments would not cause service levels to fall below Level of Service "E" during  
7 peak hours, that any substantial traffic degradation would result from background traffic levels  
8 that would occur with or without the proposed development, and that any traffic impacts that  
9 do result from the development would be minor. Evidence in the record also indicates that  
10 improvements anticipated as part of the Boones Ferry Road Refinement Plan are expected to  
11 improve the level of service of the Bryant Road/Boones Ferry intersection above that which  
12 would otherwise be expected to result from increases in background traffic. Neighborhood  
13 traffic impacts will be further alleviated by the proposed elimination of commercial driveway  
14 access to Upper Drive, and the requirement that commercial traffic from Tax Lots 4300, 4400  
15 and 4500 exiting onto the extension of West Sunset Drive will be required to exit to the north  
16 toward Boones Ferry Road, rather than south toward Upper Drive. The City Council finds that  
17 the proposal is consistent with the cited policies of Goal 12 of the Comprehensive Plan and the  
18 Lake Grove Neighborhood Plan relating to traffic impacts.

19 The proposed zone designation amendments, together with the resulting expansion of the  
20 West Lake Grove Design District (WLGDD), are necessary to allow development consistent with  
21 the WLGDD plan. The original assumption that properties to the south of Boones Ferry Road  
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1 would be consolidated for development has proven to be incorrect. Consequently, the planned  
2 extension of West Sunset Drive south of Boones Ferry would cause Tax Lots 4500 and 4600 to  
3 be fragmented and undevelopable. Similarly, the narrow width of Tax Lot 4400, together with  
4 the required 25-foot buffer from R 7.5 property, would inhibit effective development.

5 Furthermore, the current townhome designations (WLG R-2.5) on split portions of  
6 unconsolidated Tax Lots 4400, 4500, 4600 and 9300 are too small to be developed feasibly. The  
7 City Council concurs with the Planning Commission that consolidating West Lake Grove Office  
8 Commercial (WLG OC) zone designations on these properties, together with expansion of the  
9 WLGGDD boundaries (including the WLG OC zone designation) onto Tax Lot 4300, is necessary to  
10 facilitate needed commercial development in the District and to meet the District's circulation  
11 and parking objectives in a manner that is consistent with the applicable criteria.  
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14 Testimony was received urging that the southerly 110 feet of Tax Lot 4300 should retain its  
15 current R 7.5 zoning (and remain outside the WLGGDD), rather than being rezoned WLG R-2.5 in  
16 order to allow townhomes as recommended by the Planning Commission. The Planning  
17 Commission found that townhomes would provide a needed transition between the proposed  
18 expansion of commercial development to the north and the existing lower density residential  
19 development in the neighborhood. However, the City Council concurs with the applicant,  
20 several neighbors and the Lake Grove Neighborhood Association that townhomes are not  
21 consistent with the development pattern on Upper Drive and that, in this particular  
22 circumstance, neighborhood integrity would be better maintained through large lot, single-  
23 family development on that portion of Tax Lot 4300. Retaining the current R 7.5 zoning on the  
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1 southern 110 feet of the lot will allow development of two single-family homes that, as  
2 Neighborhood Association testimony put it, would better "seal" the existing neighborhood  
3 character than would townhomes, thereby promoting compatibility.

4       The City Council received testimony that submittals by the Lake Grove Neighborhood  
5 Association (LGNA) on this application was improper for reasons including that there was no  
6 vote of the membership on the LGNA position, that written comments by LGNA had been  
7 misidentified as "support" for the proposal, that the neighborhood association improperly  
8 failed to specify a minority position, and that a person attending an association board meeting  
9 about this proposal was prevented from making a motion. LGNA representatives countered  
10 that no violation of the bylaws occurred for a number of reasons, including that there is no  
11 requirement for a vote of the entire membership before taking a position on an application,  
12 that there was no minority report because there was no minority position on the board, and  
13 that a person who was not a board member was properly not allowed to make a motion at the  
14 board meeting, but was nevertheless allowed to discuss the proposal. The City Council notes  
15 that neighborhood associations are independent organizations and that, generally, issues as to  
16 whether or not an association has followed its own bylaws in certain instances are a matter of  
17 neighborhood concern, not of the City. An exception would be where an association exhibits a  
18 pattern of acting contrary to the applicable requirements of the City's Citizen Involvement  
19 Guidelines to an extent that the City Council feels it is necessary to determine whether  
20 recognition should be withdrawn (which is not the case here). In any event, the question of  
21 whether or not the LGNA has followed its bylaws in taking a position on the current application  
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1 has no bearing on the Council's decision as to whether the application meets the relevant  
2 approval criteria.

3 Finally, testimony was received from the Citizens for Stewardship of Lake Oswego Lands  
4 (Lake Oswego Stewards) that the subject parcels include tree groves, and that there appears to  
5 be water nearby or on the site, but that there is no Resource Conservation or Resource  
6 Protection Overlay District on any of the properties. It was suggested that this evidenced the  
7 unfairness of the City's sensitive lands program, and indicates that resources will be ignored if  
8 potential designation would inhibit economic development or would apply to a Metro-  
9 designated town center. The City Council finds, as did the Planning Commission, that the  
10 current proposal does not include an application for a Sensitive Lands designation, and  
11 therefore such matters are not currently before the Council. However, the Council also notes  
12 that the City's Natural Resources Planner has provided a memo (Exhibit G-1) addressing the  
13 issues raised by the Lake Oswego Stewards.  
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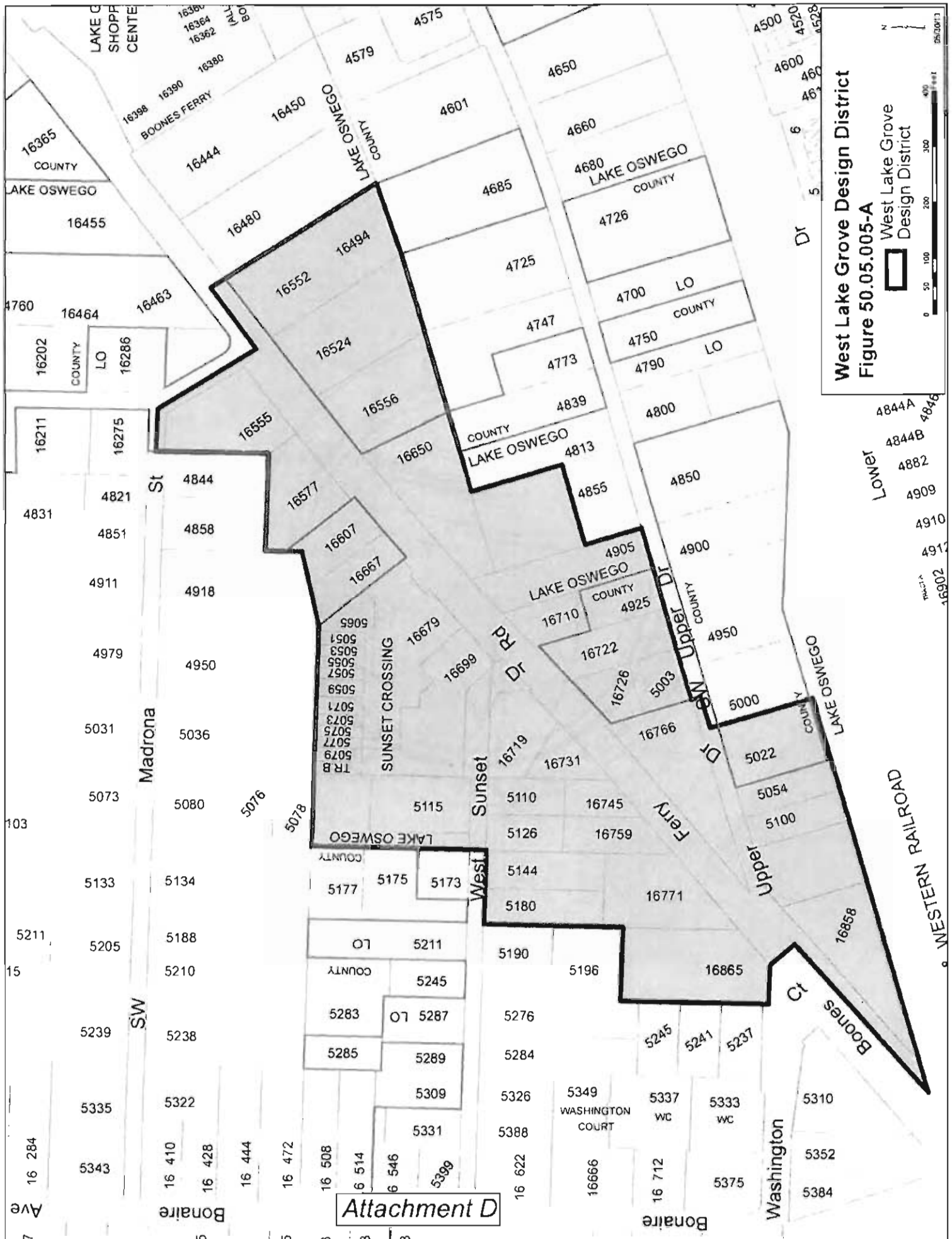
#### 16 CONCLUSION

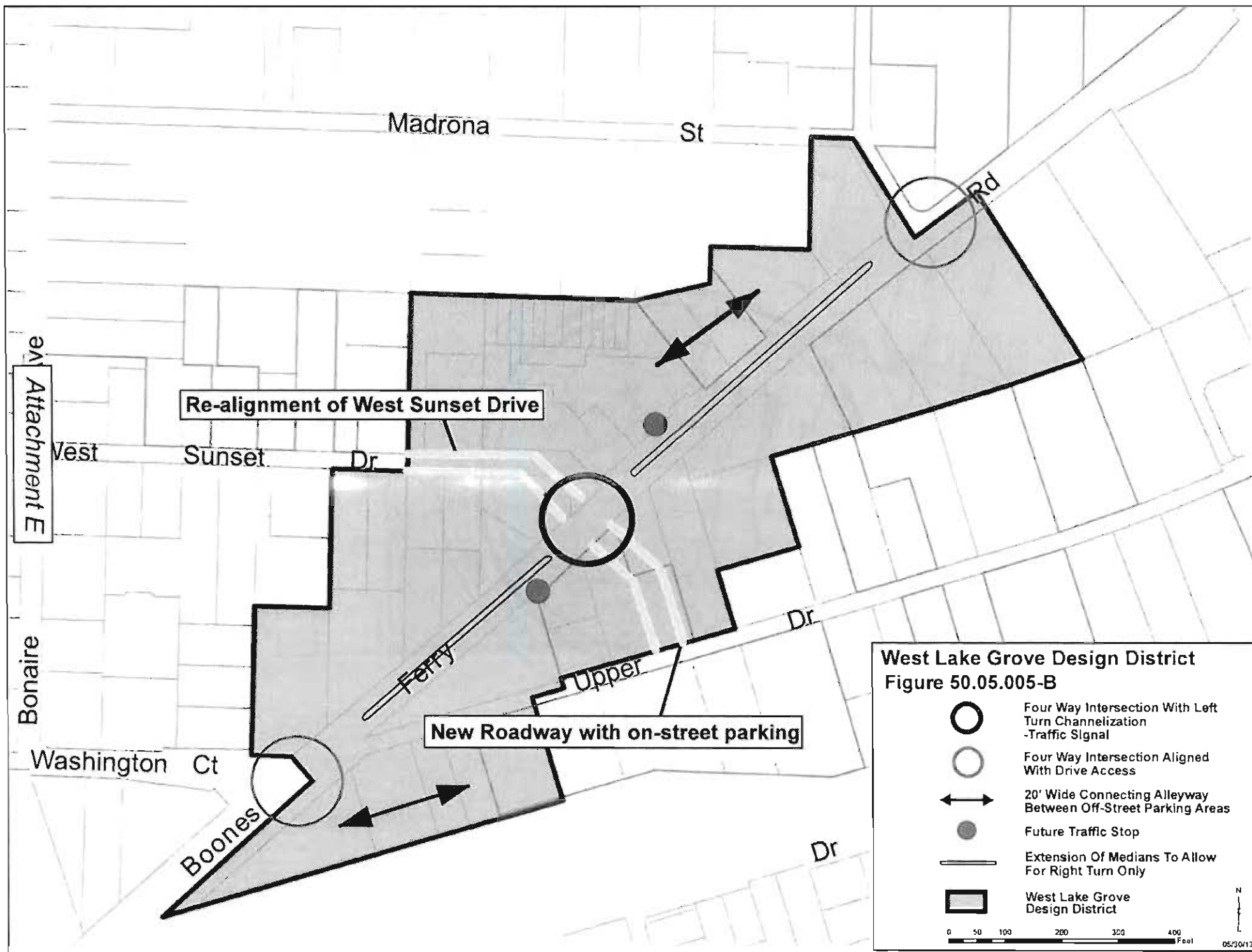
17  
18 The City Council concludes that LU 08-0059A and LU 12-0046 as recommended by the  
19 Planning Commission, but modified to retain the current R 7.5 zone designation on the  
20 southern 110 feet of Tax Lot 4300, and limiting the expansion of the West Lake Grove Design  
21 District Boundaries to the remaining northern portion of that tax lot, are in compliance with all  
22 applicable criteria and should be approved. The Council also concludes that proposed  
23 Ordinance 2592, which implements LU 08-0059A/LU 12-0046, should be enacted.  
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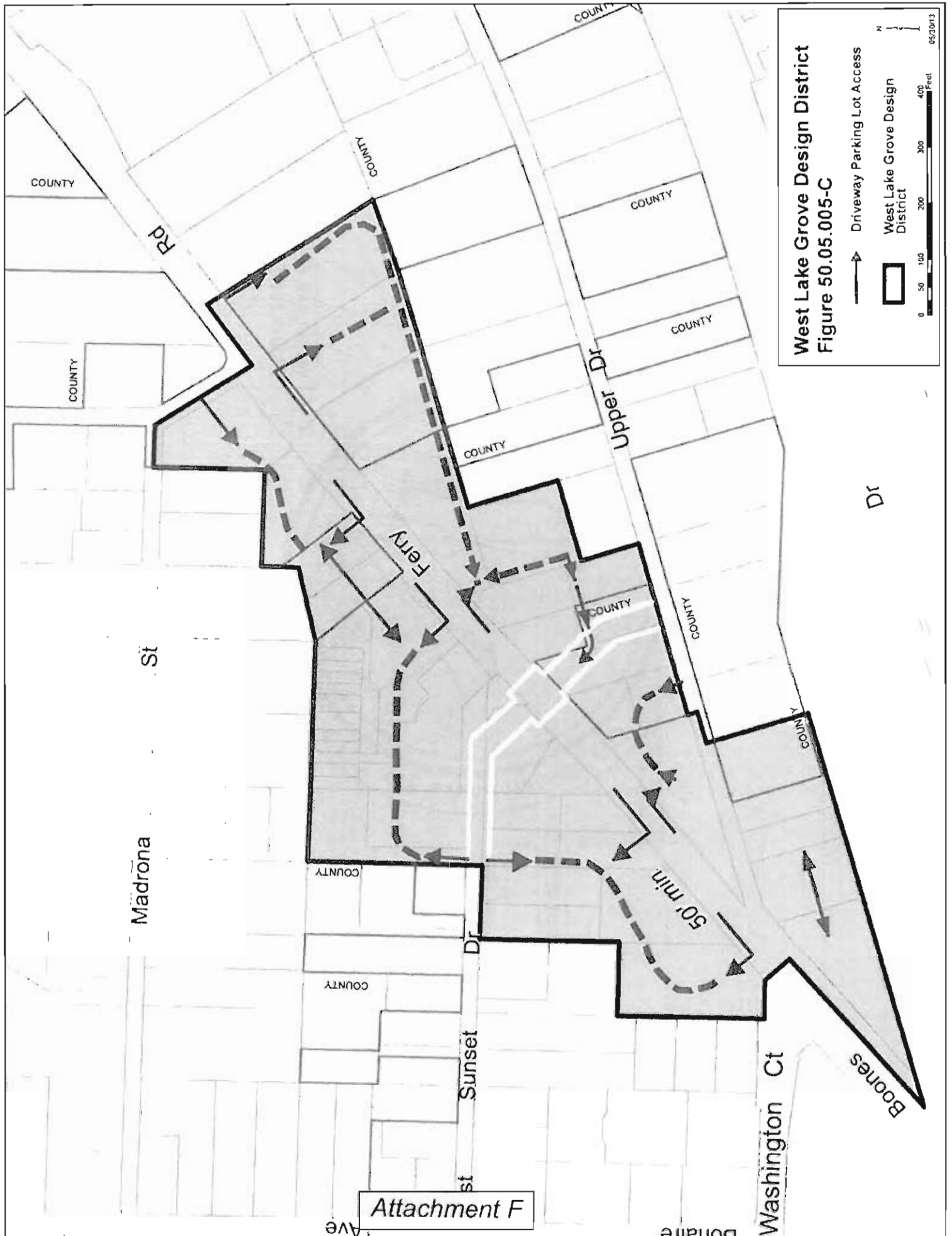




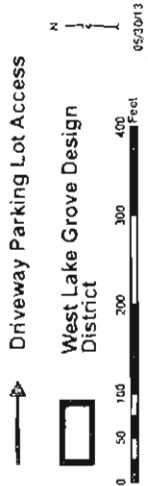


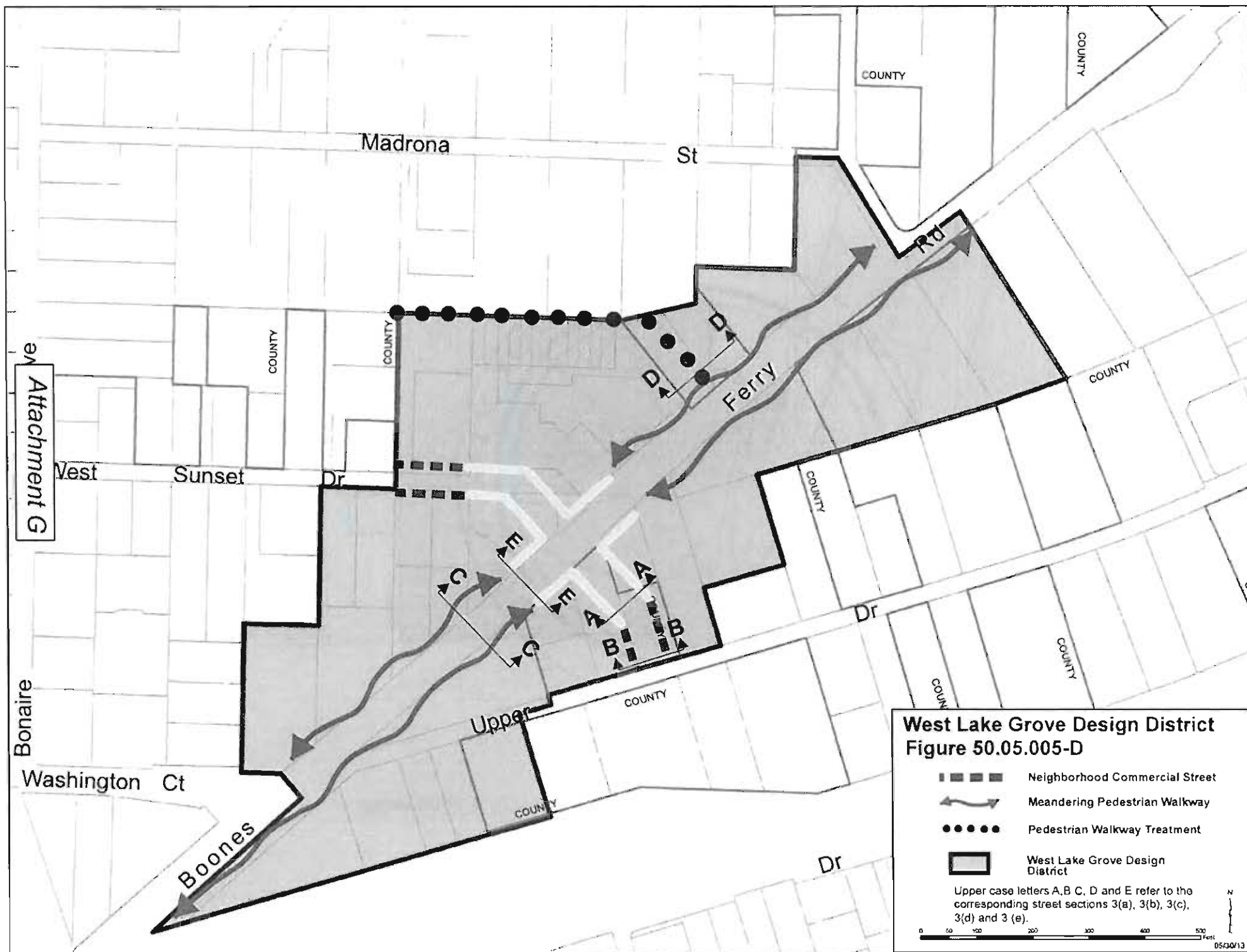


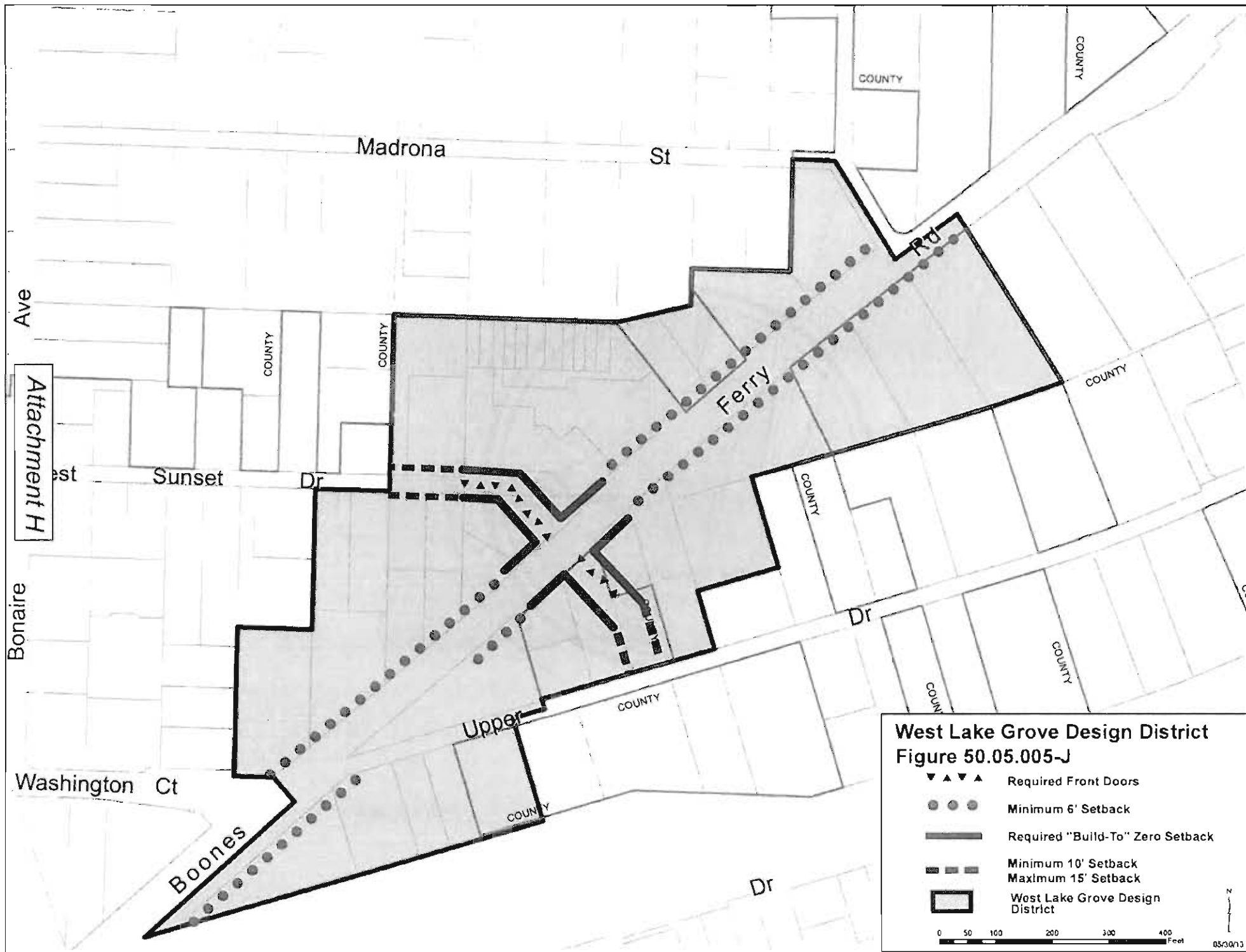




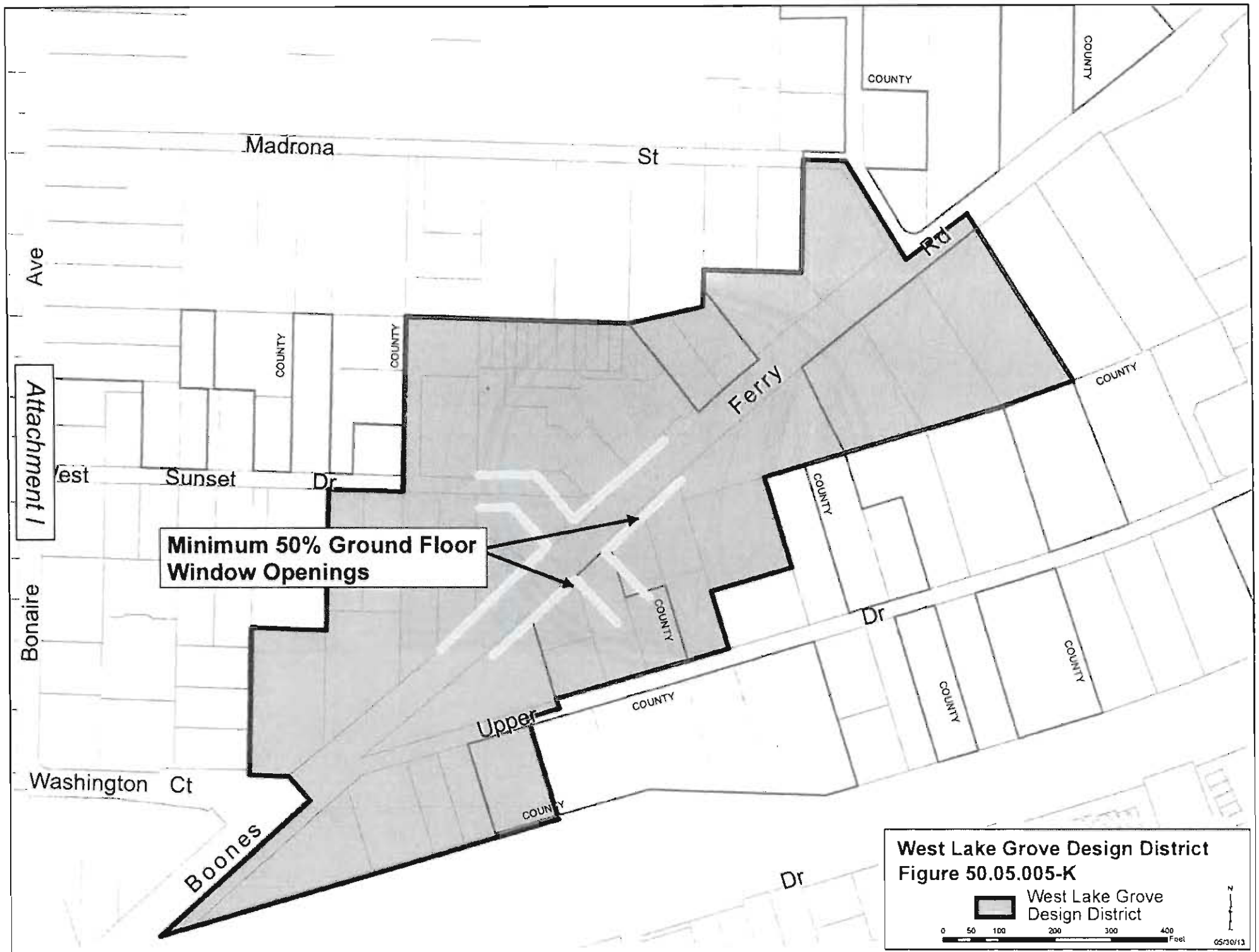
West Lake Grove Design District  
Figure 50.05.005-C



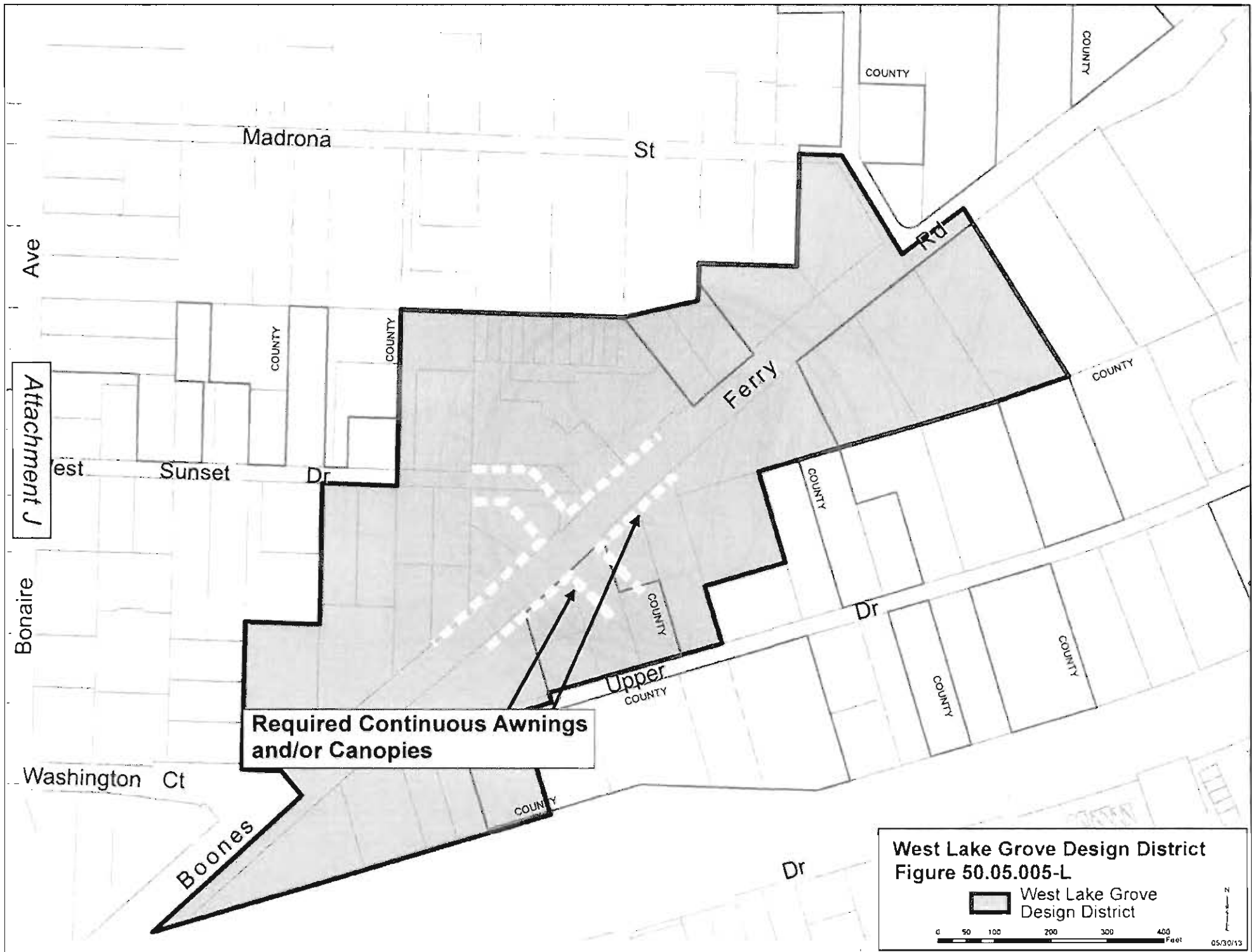


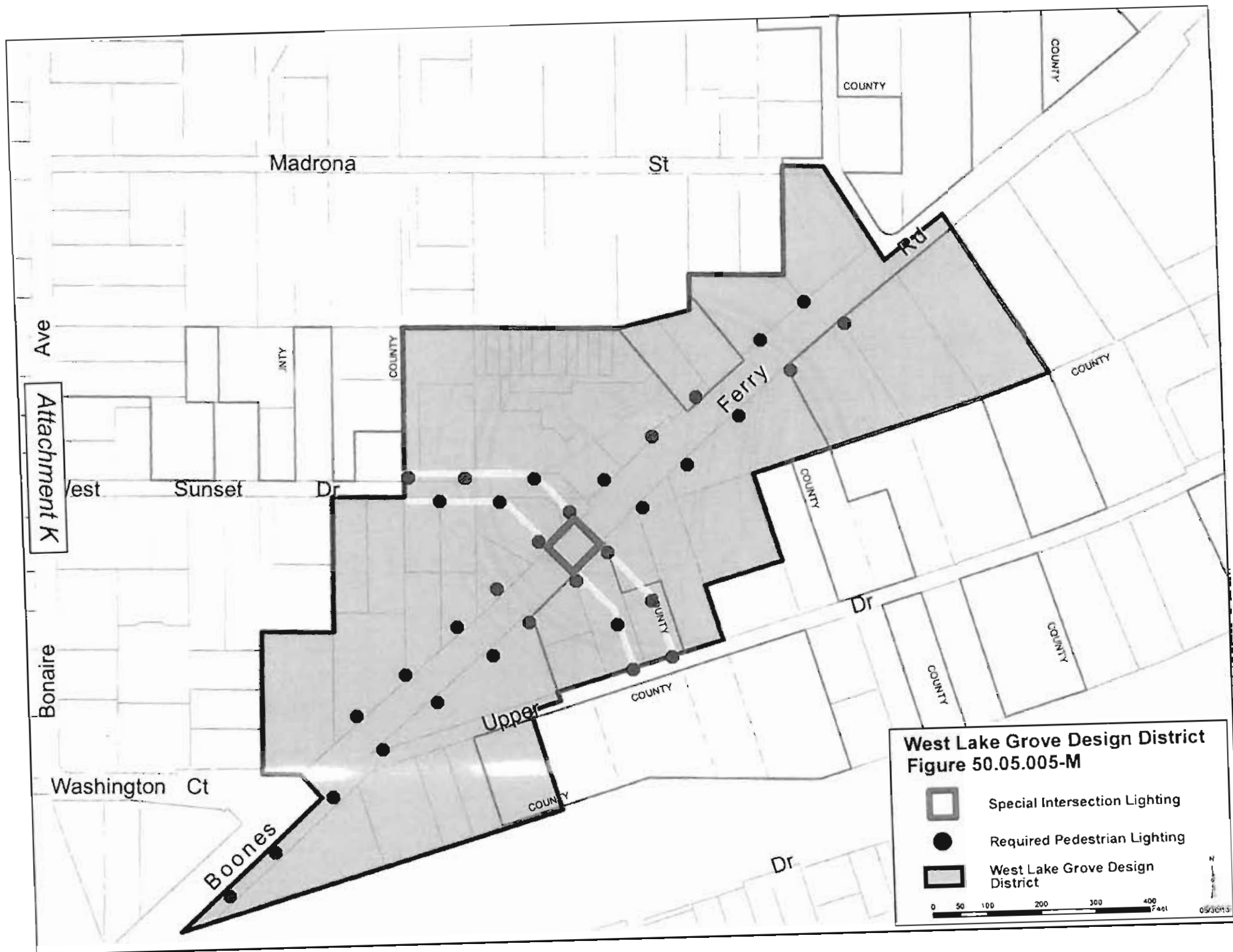












Catherine Schneider  
City Manager's Office  
City of Lake Oswego  
PO Box 369  
Lake Oswego, OR 97034



Attn: Plan Amendment Specialist  
Dept Of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540