



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/08/2013

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 012-12

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: Monday, April 22, 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
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DEPT OF

APR 01 2013

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

Jurisdiction: **City of Lake Oswego**Local file number: **LU 12-0047**Date of Adoption: **3/19/2013**Date Mailed: **3/29/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/29/2012☒ 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".

Map and text amendment (LOC 50.05, Flood Management Area) to adopt the Federal Emergency Management Agency (FEMA) Letter of Map Revision (LOMR) dated April 9, 2012, effective August 24, 2012 and the related Revised Flood Insurance Rate Map (FIRM) 41005C, Panel 0012D, 0013D, 0014D and 0016D; to amend the City's Flood Management Area Map to reflect the revisions laid out in the LOMR; to amend text referencing the Flood Management Area Maps. .

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **NA**to: **NA**Zone Map Changed from: **See Above**to: **See Above**

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

☒ ☒ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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. 012-12 (19564) [17401]

DLCD file No. _____

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

Metro

Local Contact: **Denny Egner, Assistant Planning Dir** Phone: **(503) 697-6576** Extension:
Address: **PO Box 369** Fax Number: **503-635-269**
City: **Lake Oswego** Zip: **97034-** E-mail Address: **degner@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**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Effective: April 18, 2013

ORDINANCE NO. 2603

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING LOC SECTION 50.05.011 (FLOOD MANAGEMENT AREA) BY AMENDING THE FLOOD MANAGEMENT AREA MAP FOR PORTIONS OF OSWEGO CREEK AND ALL OF OSWEGO LAKE (FIGURES 50.05.011-A, B, C, AND D), AND ADOPTING FINDINGS (LU 12-0047).

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

WHEREAS, public hearings were held before the Planning Commission on December 10, 2012 and the Lake Oswego City Council on March 5, 2013; and,

WHEREAS, the City of Lake Oswego is a participating community in the National Flood Insurance Program (NFIP); and,

WHEREAS, LOC 50.05.011.4 specifies that, where amendments to the Flood Management Area Map are due to changes to the Special Flood Hazard Areas depicted on Flood Insurance Rate maps of the National Flood Insurance Program, the City amendment would be dependent on successful compliance with the map revision process of the National Flood Insurance Program (40 CFR 65); and,

WHEREAS, Federal Emergency Management Agency (FEMA) approved a Letter of Map Revision (LOMR) for a portion of Oswego Creek and all of Oswego Lake, FEMA published their decision, and the 90 day appeal period ended August 24, 2012 after which the LOMR became effective and the map revision process of the National Flood Insurance Program (40 CFR 65) was successfully completed; and,

WHEREAS, these amendments are consistent with LOC Article 50.05.011 (Flood Management Area), and Chapter 7, (Flood Hazards) of the City of Lake Oswego Comprehensive Plan; and,

WHEREAS, the purpose of the following amendments is to comply with the Federal Emergency Management Agency regulations relating to flood insurance;

The City of Lake Oswego ordains as follows:

Section 1. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions attached as Attachment A.

Section 2. Section 50.05.011 of the Lake Oswego Code is hereby amended by replacing Figures 50.05.011-A, B, C, and D with Figures 50.05.011-A, B, C and D, respectively, in Attachment B.

Section 3. Effective Date of this Ordinance: Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day following its enactment.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 19th day of March, 2013.

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

NOES: None

ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor

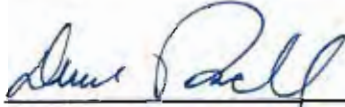
Dated: March 20, 2013

ATTEST:



Catherine Schneider, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR AMENDMENTS TO) LU 12-0047
COMMUNITY DEVELOPMENT CODE ARTICLE) (CITY OF LAKE OSWEGO)
50.05.011 (FLOOD MANAGEMENT AREA))
[ORDINANCE No. 2603]) FINDINGS & CONCLUSIONS
)
)
)

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of Lake Oswego Community Development Code Article 50.05.011 to revise the Flood Management Area Map.

HEARINGS

The Planning Commission held a public hearing and considered this application at its December 10, 2012 meeting, and adopted findings and a recommendation on January 14, 2013. The City Council held a public hearing on this matter on March 5, 2013.

CRITERIA AND STANDARDS

Oregon Statewide Planning Goals

Goal 7: Natural Hazards

Metro Urban Growth Management Functional Plan

Title 3: Water Quality, Flood Management and Fish and Wildlife Conservation

City of Lake Oswego Comprehensive Plan

Goal 1: Citizen Involvement - Policies 1, 2, & 5

Goal 7: Natural Disasters and Hazards (Section 1 Flood Hazards) - Policies 1, 3, & 11

City of Lake Oswego Community Development Code

LOC 50.05.011.4.a Map Administration/Revision of FIRM

LOC 50.07.003.16.a Legislative Decision Defined

LOC 50.07.003.16.b Criteria for Legislative Decision
LOC 50.07.003.16.c Required Notice to DLCD
LOC 50.07.003.16.d Planning Commission Recommendation Required
LOC 50.07.003.16.e City Council Review and Decision

FINDINGS AND REASONS

As support for its decision, the City Council incorporates the November 30, 2012 staff report for LU 12-0047 (with all exhibits), the February 25, 2013 staff Council Report, and the Findings and Conclusions of the Planning Commission in this matter, together with the following supplemental findings.

The proposal is to amend the City's Flood Management Area maps to be consistent with recent revisions to the Federal Flood Insurance Rate Map (FIRM). As a result of improvements made in 2011, the spillway on the Oswego Lake dam is capable of a more rapid discharge of flood waters. Consequently, a subsequent study conducted by the Federal Emergency Management Agency (FEMA) resulted in federal map revisions to reflect a four-foot reduction in the Base Flood Elevation for properties on Oswego Lake, Blue Heron Canal, Lakewood Bay and West Bay. Lowering the mapped Base Flood Elevation reduces the number of properties that will be required to maintain flood insurance as a condition of federally backed home loans. It will also reduce the area subject to floodplain regulations, such as the requirement that floor levels of new residential construction be one foot higher than the base flood elevation.

As detailed in the Incorporated materials, the City Council finds that the proposal as recommended by the Planning Commission complies with the criteria of LOC 50.05.011.4.a. in that the City Flood Management Area map amendments are in response to changes by a Letter of Map Revision from FEMA dated April 9, 2012, the map revision process of the National Flood

1 Insurance Program has been followed (40 CFR 65), and FEMA has amended the Federal
2 Insurance Rate Map by the Letter of Map Revision process.

3 **CONCLUSION**

4 The City Council concludes that the proposal as recommended by the Planning
5 Commission meets all applicable criteria, including relevant provisions of the Oregon Statewide
6 Planning Goals, the Metro Urban Growth Management Functional Plan, the Lake Oswego
7 Comprehensive Plan, and the Lake Oswego Community Development Code, as detailed in the
8 incorporated materials, and further concludes that LU 12-0047 should be approved.
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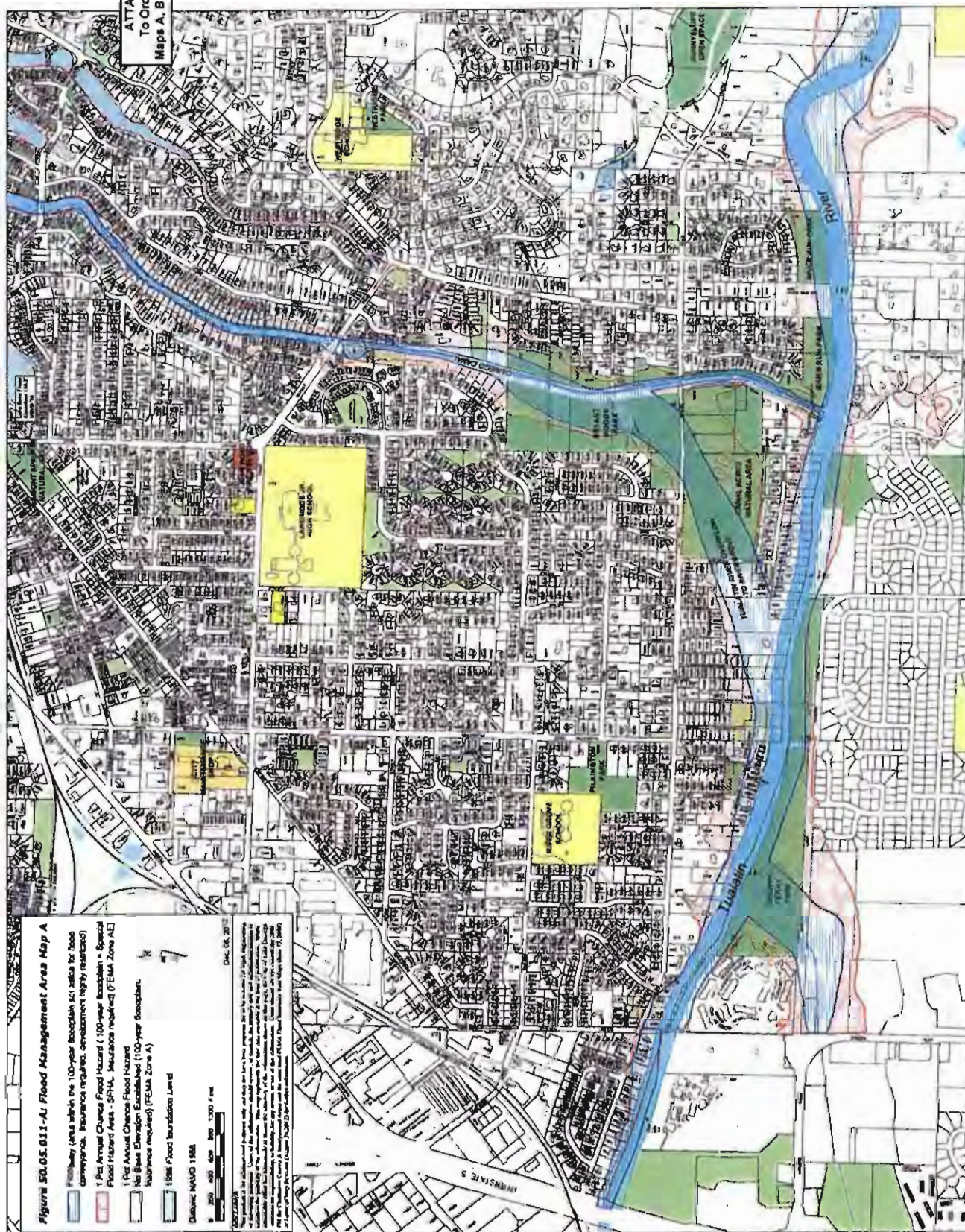


Figure 50.05.011-A: Flood Management Area Map C

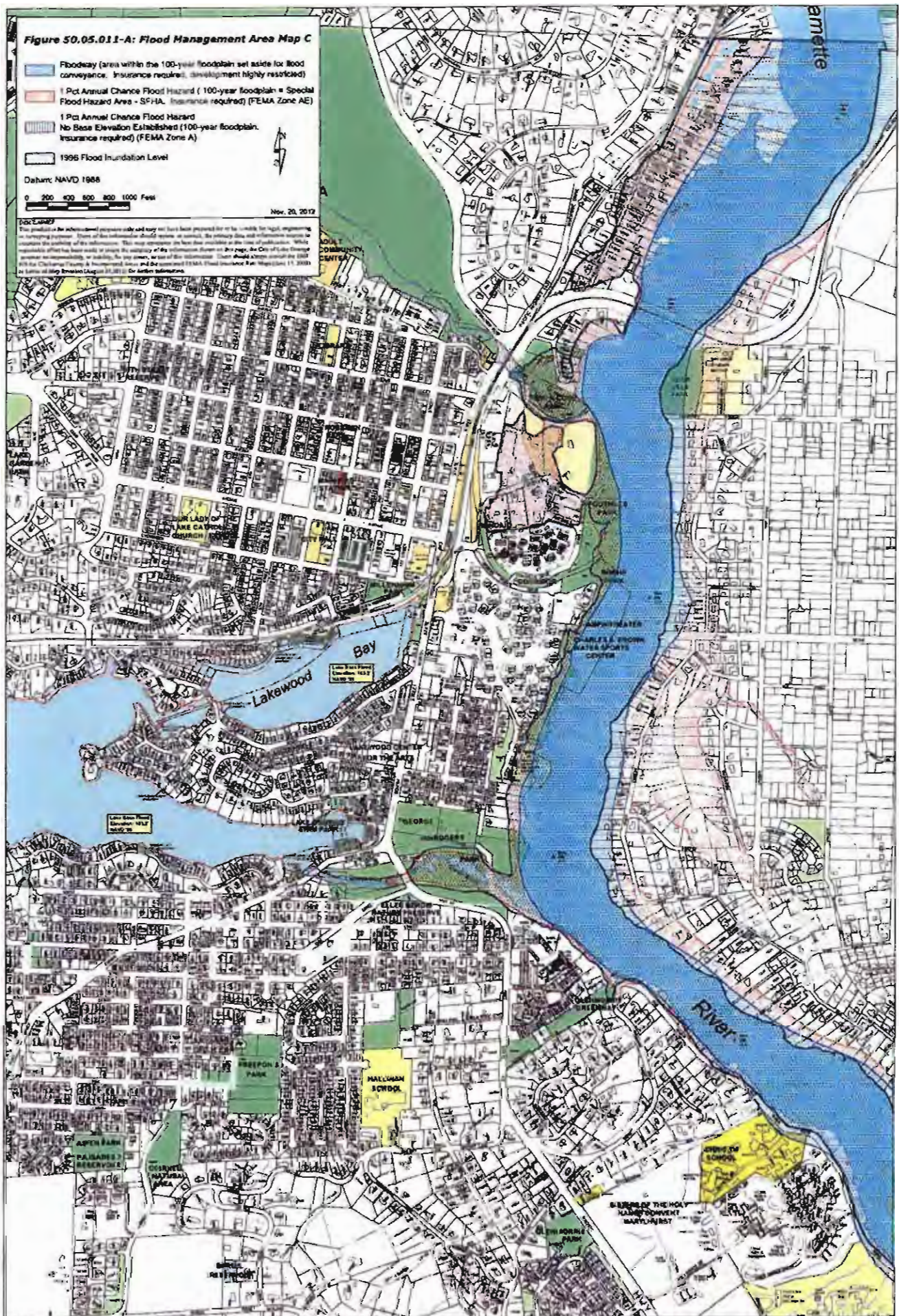
- Floodway (area within the 100-year floodplain set aside for flood conveyance. Insurance required, development highly restricted)
- 1 Pct Annual Chance Flood Hazard (100-year floodplain + Special Flood Hazard Area - SFHA. Insurance required) (FEMA Zone AE)
- 1 Pct Annual Chance Flood Hazard
No Base Elevation Established (100-year floodplain. Insurance required) (FEMA Zone A)
- 1996 Flood Inundation Level

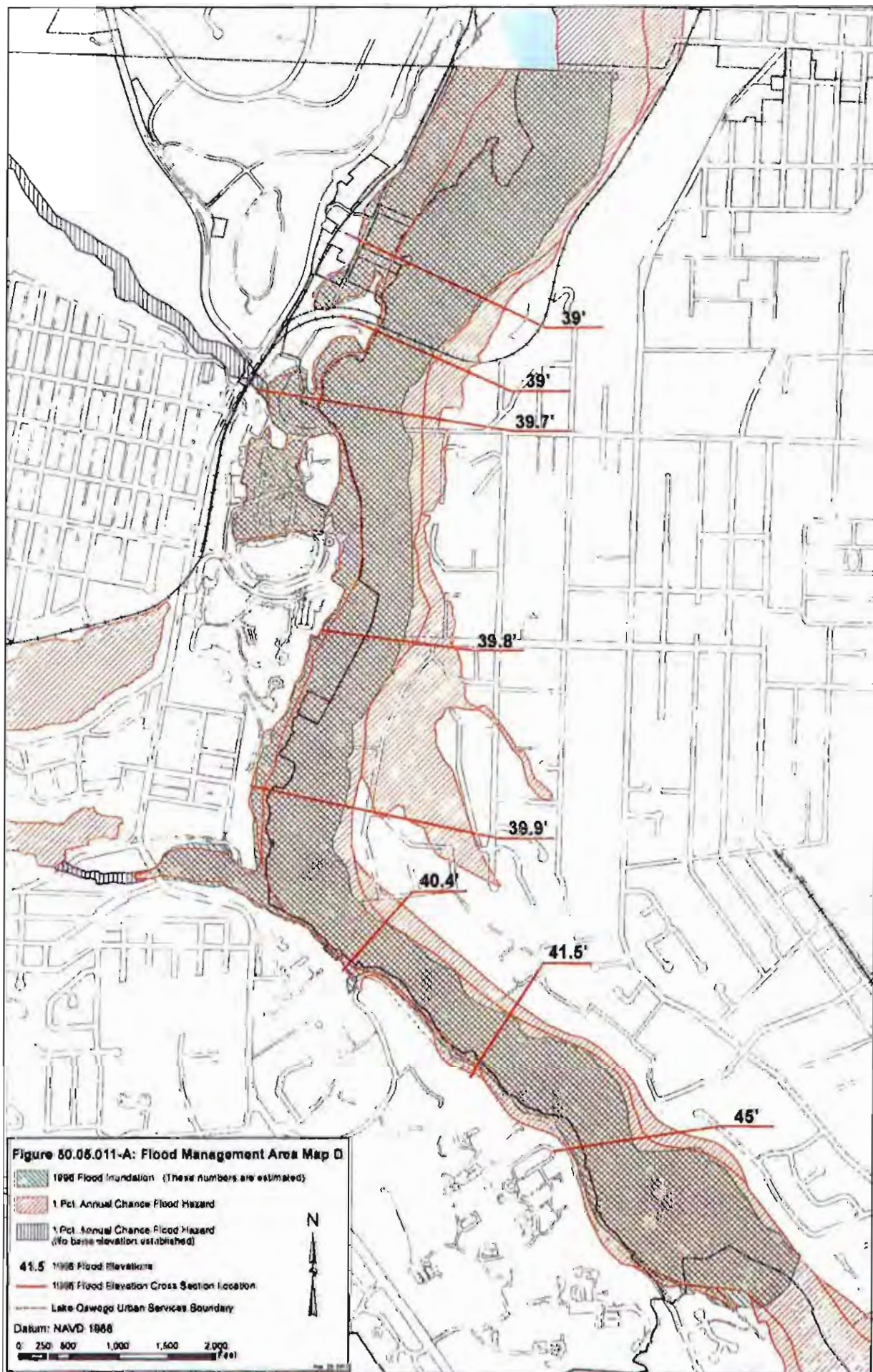
Datum: NAVD 1988

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Nov. 20, 2017

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering or other purposes. Users of this information should exercise due diligence. The engineer and/or other professionals responsible for the information. This map contains information that may be used in the future. While the engineer and/or other professionals responsible for the information, they do not warrant the accuracy, completeness, or suitability of the information. Users should consult the 1996 Flood Insurance Study and the 1996 Flood Insurance Rate Map (FIRM) for the City of Lakewood, Colorado, and the 1996 Flood Insurance Study for the City of Lakewood, Colorado, for further information.





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, OR 97034

Attention: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF
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LAND CONSERVATION
AND DEVELOPMENT



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