



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/10/2011

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 002-10

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, March 24, 2011

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: Laura Weigel, City of Lake Oswego
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAR 04 2011

LAND CONSERVATION AND DEVELOPMENT

DATE
STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within **5-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 10-0040**

Date of Adoption: **03/01/11**

Date Mailed: 03/03/11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 07/29/10

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".

Approved a request from the City of Lake Oswego for a legislative text amendment to the Lake Oswego Community Development Code (Code) to include a new section to the Community Development Code, Article 50.08C, the Lake Grove R-7.5/R-10 Overlay District. The amendment is proposed by the City of Lake Oswego, at the request of the Lake Grove Neighborhood Association. The Lake Grove Neighborhood Association worked with City of Lake Oswego staff to propose the text amendments.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: The R-7.5 and R-10 zoned areas within the boundaries of the Lake Grove Neighborhood Association.
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...yes

45-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. 002-10 (18436) [16545]

DLCD file No. _____

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

Metro

Local Contact: **Laura Weigel, Associate Planner**

Phone: **503-675-3730** Extension:

Address: **PO Box 369**

Fax Number: **503-635-0269**

City: **Lake Oswego**

Zip: **97034**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE No. 2558

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING CHAPTER 50 OF THE LAKE OSWEGO COMMUNITY DEVELOPMENT CODE TO ADD NEW ARTICLE 50.08C LAKE GROVE R-7.5 / R-10 OVERLAY DISTRICT, AND ADOPTING FINDINGS (LU 10-0040-1754).

The City of Lake Oswego ordains as follows:

Section 1. Section 50.05.005 of the Lake Oswego Code is hereby amended to add the new text shown in **bold, underlined type** as follows:

Section 50.05.005 Zoning Districts

The City is divided into the following zoning designations:

Residential	Map Designation
Residential – Low Density	R-15
Residential – Low Density	R-10
Residential – Low Density	R-7.5
Residential – Medium Density (FAN)	R-6
Residential – Medium Density	R-5
Residential – High Density	R-3
Residential – High Density (WLG)	R-2.5
Residential – High Density	R-2
Residential – High Density	R-0
Waterfront Cabanas	WR
Design District (Old Town)	DD

Mixed Residential/Commercial	Map Designation
Residential – High Density (WLG)	R-2.5/W
WLG Office Commercial/Town/ Home Residential	OC/R-2.5
WLG Office Commercial / Neighborhood Commercial	OC/NC

Commercial	Map Designation
Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research & Development	CR&D
Mixed Commerce	MC

Industrial	Map Designation
Industrial	I

Industrial Park	IP
Public Use	Map Designation
Public Function	PF
Overlays	Map Designation
Planned Development	PD
Resource Conservation	RC
Resource Protection	RP
Willamette River Greenway	GM
<u>Neighborhood Overlays</u>	
Glenmorrie R-15 Overlay District	GO
Lake Grove R-7.5/R-10 Overlay District	LGO

Section 2. A new Article 50.08C is hereby added to the Lake Oswego Community Development Code, Chapter 50 to read as follows:

Article 50.08C Lake Grove R-7.5/R-10 Overlay District

50.08C.005 Purpose.

The purpose of the overlay is to ensure that development in the Overlay District promotes the unique character of the Lake Grove Neighborhood.

50.08C.010 Applicability.

This article applies to lands zoned R-7.5 or R-10 within the Lake Grove Overlay District, as shown on LOC Appendix 50.08C.010-A.

50.08C.015 Relationship to Other Standards.

To the extent that any requirement of this Article imposes a regulation relating to the same matter as a regulation in LOC Article 50.08, this Article shall prevail.

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50.08C.020 Yard Setbacks.

The yard setbacks within the Lake Grove Overlay District shall be as follows:

Lake Grove Overlay District Yard Setbacks.							
Zone	Primary and Accessory Structures		Primary Structures			Accessory Structures	
	Front Yard	Side Yard Adjacent to a Street	Other Side Yards		Rear Yard	Side and Rear Yards	
			Portions of Structures ≤ 18 feet in height	Portions of Structures > 18 feet in height	30 feet	Structures ≤ 18 feet in height	Structures > 18 feet in height
R-7.5	25 feet	20 feet on arterial and collector, 15 feet on local	10 feet*	10 ft	30 feet	5 feet, side 10 feet, rear	10 feet, side 15 feet, rear
R - 10	25 feet	20 feet on arterial and collector, 15 feet on local	10 feet	15 feet	30 feet	10 feet, side 15 feet, rear	15 feet

***Different than 50.08.030**

All other provisions of LOC 50.08.030 are applicable.

Section 50.08C.025 Limitation on Certain Elements

1. No more than 50% of a lot shall be covered with any of the following elements: structures, patios, paving or impervious walks. However, pervious decks and natural-appearing constructed ponds shall not be included within this limitation. Where a paved area contains mixed non-plant and plant elements, only the non-plant portions of the area shall be included within this limitation. See LOC Appendix 50.08C.05-A for examples.

Section 3. The Lake Oswego Community Development Code Chapter 50 Appendix is hereby amended by adding the Lake Grove Overlay District map as shown on attached Exhibit 1 (LOC Appendix 50.08C.010-A).

Section 4. The Lake Oswego Community Development Code Chapter 50 Appendix is hereby amended by adding the Lake Grove Hardscape Appendix, shown below as LOC Appendix 50.08C.005-A:

LOC Appendix 50.08C.005-A

Illustrations of Examples of combinations of hardscape and greenscape



(Use of Interlocking pavers)

Combination of hardscape and greenscape

Section 5. The Lake Oswego City Council hereby adopts the Findings and Conclusions (LU 10-0040-1754) attached as Exhibit 2.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 1st day of March, 2011.

AYES: Tierney, Jordan, Moncrieff, Gudman

NOES: Olson, Kehoe

ABSENT: Mayor Hoffman

ABSTAIN ^{none}

~~Jack D. Hoffman, Mayor~~

Bill Tierney, Council President

Dated: 3/1/11

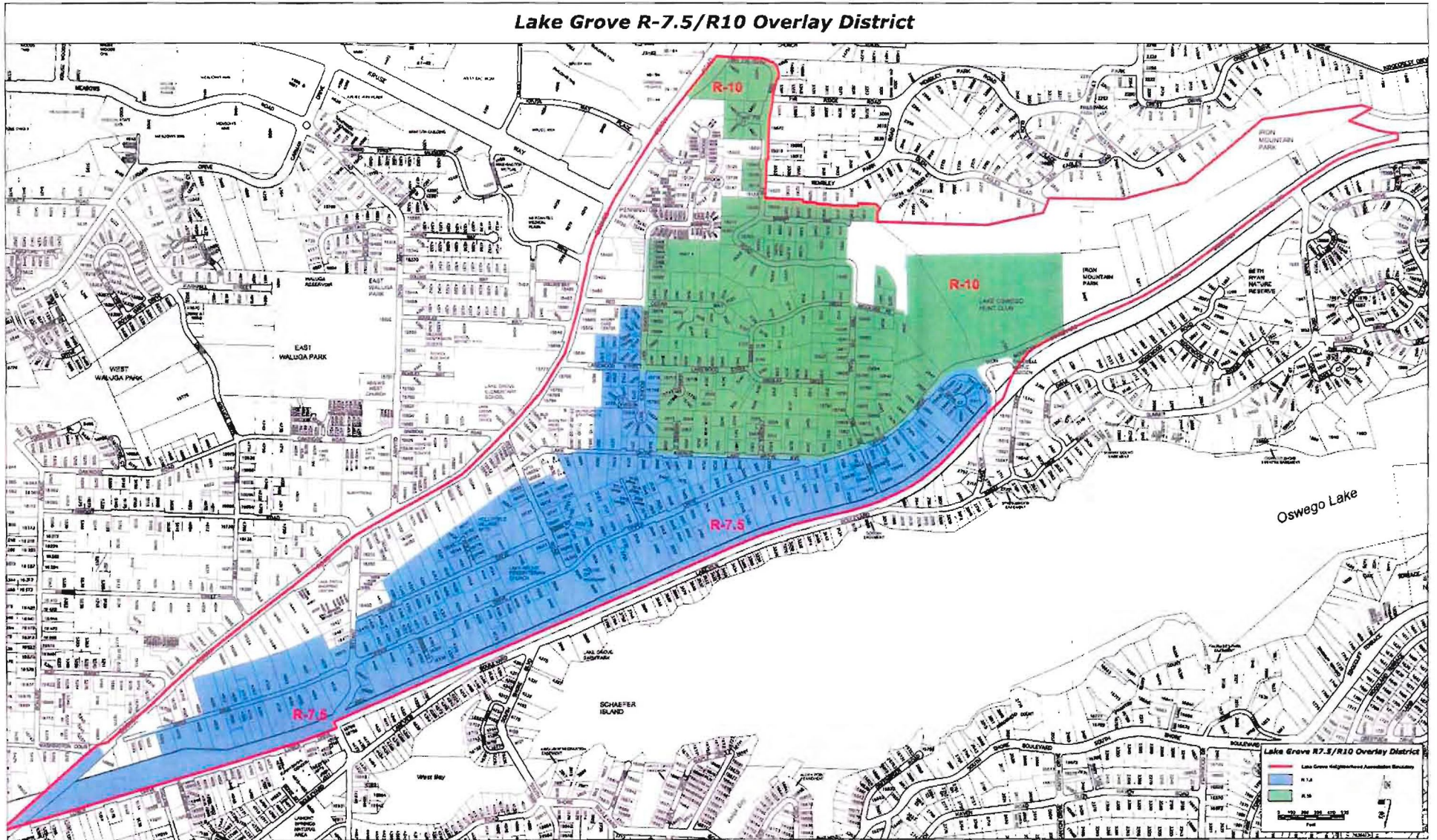
ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell
City Attorney

EXHIBIT A
APPENDIX 50.08C-010
LAKE GROVE R-7.5/R-10 OVERLAY DISTRICT



BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR A LEGISLATIVE TEXT) LU 10-0040-1754
AMENDMENT TO THE COMMUNITY) (*City of Lake Oswego and Lake Grove*
DEVELOPMENT CODE TO INCLUDE THE) *Neighborhood*)
LAKE GROVE OVERLAY DISTRICT)
[Ordinance No. 2558]) FINDINGS AND CONCLUSIONS

NATURE OF PROCEEDING

This is a proposal for a legislative text amendment to the Lake Oswego Community Development Code (Code) to include a new Article 50.08C -- the Lake Grove R-7.5/R-10 Overlay District. The amendment is proposed by the City of Lake Oswego, at the request of the Lake Grove Neighborhood Association.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on September 13, 2010. The City Council held a study session on this matter on November 30, 2010, and held a public hearing on February 1, 2011.

CRITERIA AND STANDARDS

A. City of Lake Oswego Comprehensive Plan

Goal 2: Land Use Planning

Section 1 Land Use Policies and Regulations, Policy 4b and 24
Section 2 Community Design and Aesthetics, Policy 1

Special District Plans

Lake Grove Neighborhood Plan

Goal 2: Land Use Planning: Residential Goal and Policy 3
Goal 10: Housing: Goal and Policy 1, 3

B. Metro Urban Growth Management Functional Plan

Title 1: Accommodation of Growth

C. Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 2: Land Use Planning

D. Lake Oswego Community Development Code Procedural Requirements

LOC 50.01.010	Purpose
LOC 50.75.005	Legislative Decisions Defined
LOC 50.75.010	Criteria for a Legislative Decision
LOC 50.75.015	Required Notice to DLCD
LOC 50.75.020	Planning Commission Recommendation Required
LOC 50.75.025	City Council Review and Decision
LOC 50.75.030	Effective Date of Legislative Decision

FINDINGS AND REASONS

The City Council incorporates the staff Council Reports for LU 10-0040 dated November 22, 2010, and December 17, 2010 (with all exhibits), and the August 20, 2010 Planning Commission Staff Report (with all exhibits), and the May 13, 2010 Memorandum to 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 and the incorporated matters, the supplementary matter controls. To the extent they are consistent with the approval granted herein, the City Council also adopts by this reference its oral deliberations in this matter

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

The Planning Commission and the Lake Grove Neighborhood Association have presented separate proposals for an overlay district implementing the policies of the Lake Grove Neighborhood Plan.

Both the Planning Commission and the Neighborhood Association recommend that minimum side yard setbacks be increased from five feet to ten feet for properties with a primary structure less than or equal to 18 feet in height. The City Council agrees with the neighborhood and the Commission that this change appropriately implements the requirements of Goal 10, Policy 6 of the Lake Grove Neighborhood Plan, which calls for residential development to contribute to the positive design character and qualities of the existing neighborhood through standards that include appropriate setbacks, buffering and screening. The Plan's neighborhood character statement describes houses that are "set within the landscape, instead of defining it," many of which "appear secluded and private from other buildings." The proposed setback change will help preserve this positive character.

The Planning Commission proposes that, instead of the overall 50% hardscape limitation recommended by the Neighborhood Association (below), the Lake Grove Overlay should require that driveway turnarounds be constructed from pervious materials, including pervious pavers and grass paving. The Commission noted that there are no city-wide standards addressing driveway turnarounds, and found that the requirement will help maintain the neighborhood character as described in the Neighborhood Plan. The Commission recommended that an overall hardscape limitation, such as the one urged by the Neighborhood Association, should be adopted city-wide so as to be uniformly applied, and noted that the hardscape definition originally proposed by the neighborhood differed from the definition in the Glenmorrie Overlay District. The Commission also questioned whether there was sufficient neighborhood support for a hardscape limitation.

The Neighborhood Association recommends that a hardscape limitation be imposed as follows:

No more than 50% of a lot shall be covered with any of the following elements: structures, patios, paving or impervious walks. However, pervious decks and natural-appearing constructed ponds shall not be included within this limitation. Where a paved area contains mixed non-plant and plant elements, only the non-plant portions of the area shall be included within this limitation.

The Neighborhood concludes that this limitation will increase storm water filtration, and will help to preserve neighborhood character by decreasing the amount of gray infrastructure. Unlike the initial recommendation, the currently-proposed language is identical to the wording of the hardscape limitation in the Glenmorrie Overlay District.

The City Council finds that the neighborhood's recommended hardscape limitation appropriately implements the portion of Goal 10, Policy 6 of the Lake Grove Neighborhood Plan that calls for ensuring that new residential development contributes to the positive design character and qualities of the existing neighborhood through the application of compatibility standards relating to the size of paved areas. While the City Council agrees with the Planning Commission that a city-wide hardscape standard should be explored, the Council finds that it is appropriate and beneficial for the neighborhood to have its local standard in place in the meantime. The Lake Grove and Glenmorrie hardscape language are identical, which will avoid confusion in applying the standard. Because impervious driveway turnarounds will be included within the improvements subject to the overall 50% hardscape limitation, the City Council concludes that there is no need to also adopt to the Planning Commission's proposed driveway turnaround standards.

To summarize, the City Council finds that a Lake Grove R-7.5/R-10 Overlay District should be adopted, and should include the increased side yard setback recommended by both the Planning Commission and the Neighborhood Association, as well as the version of the hardscape limitation recommended by the Neighborhood Association at the time of the City Council public hearing. The Council finds that there is no need to also include the driveway turnaround standards recommended by the Planning Commission.

CONCLUSION

The City Council concludes that LU 10-0040, as modified to be consistent with the Council's supplementary findings, complies with all applicable criteria and is consistent with applicable Statewide Planning Goals and Lake Oswego Comprehensive Plan policies, including the policies of the Lake Grove Neighborhood Plan.

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03/03/2011
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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*

DEPT OF
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