



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

05/06/2013

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 013-12

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, May 23, 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: Johanna Hastay, City of Lake Oswego  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

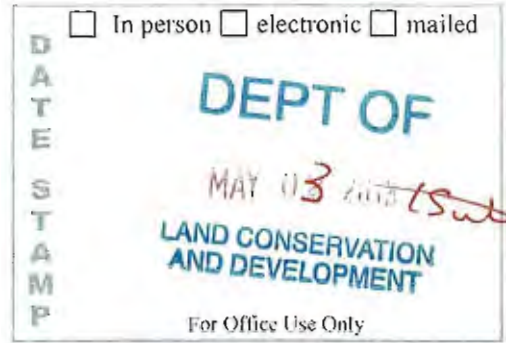


FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed



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 12-0051/ORD NO. 2611**

Date of Adoption: **4/16/2013**

Date Mailed: **5/2/2013**

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

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".

An amendment to the Lake Oswego Community Development Code (LOC) to allow "fitness, exercise, and sports facilities" less than 20,000 sq. ft. in floor area in the Industrial Park (IP) zone (amends Table 50.03.002.3) and IP Overlay (amends LOC 50.05.008.3.k.i) per Ordinance 2611.

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

The ordinance was amended so that "fitness, exercise, and sports facilities" greater than 20,000 sq. ft. will not be permitted as a conditional use.

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **n/a**

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.** \_\_\_\_\_

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

Metropolitan Services District (Metro)

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Local Contact: **Johanna Hastay, Associate Planner**      Phone: (503) 534-5740      Extension:  
Address: **PO Box 369**      Fax Number: **503-635-269**  
City: **Lake Oswego**      Zip: **97034-**      E-mail Address: **jhastay@ci.oswego.or.us**

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## **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.

**ORDINANCE NO. 2611**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) TABLE 50.03.002.3 AND LOC 50.05.008.3.k.i TO PERMIT "FITNESS, EXERCISE AND SPORTS FACILITIES" (LESS THAN 20,000 SQ. FT.) IN THE INDUSTRIAL PARK (IP) ZONE AND IP OVERLAY, AND ADOPTING FINDINGS (LU 12-0051).**

Whereas, the Community Development Code does not currently allow "Fitness, exercise and sports facilities" of any size in the IP zone and only if less than 5,000 square feet in floor area in the IP Overlay; and

Whereas, the purpose of the IP zone and IP Overlay is primarily to provide lands where light industrial, employment, and accessory uses can occur in a campus-like setting under controls to make activities mutually compatible and also compatible with existing uses bordering the district; and

Whereas, by allowing "Fitness, exercise and sports facilities" if less than 20,000 square feet in floor area within the IP zone and IP Overlay, the City will provide additional employment opportunities, increase access to amenities for employees in a high employment area, and ensure that the use has a positive economic impact on the community;

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 12-0051-1803), attached as Exhibit 1.

**Section 2.** Table 50.03.002.3 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

	NC	GC	HC	OC	EC	CR&D	MC	WLG-[32]			I	IP	IPO [37]	Special Purpose			Use Specific Standards
														CI	PF	PNA	
****																	
Fitness exercise and sports facilities, < 5,000 sq. ft. floor area [19]	P	P	P	P	P	P	P					<u>P</u>	<u>P</u>				
Fitness exercise and sports facilities, ≥ 5,000 sq. ft. and < 20,000 sq. ft. floor area [19]	C	P	C	C	C	P	P					<u>P</u>	<u>P</u>				
Fitness exercise and sports facilities, ≥ 20,000 sq. ft. floor area [19]		P	C	C		C	P										
****																	

**Section 3.** Section 50.05.008.3.k of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

**50.05.008 INDUSTRIAL PARK OVERLAY DISTRICT**

**3. PERMITTED USES**

k. Services – Amusement:

i. Fitness, exercise, and sports facilities (including clubs and studios), and other individual and group exercise/fitness facilities; e.g., studios, dance studios and schools, gyms, and martial arts schools; indoor pool; indoor athletic fields for organized competitive games; billiard and pool parlors; bowling alleys; and skating rinks, ice and/or roller rinks, all with less than **520,000** sq. ft. of floor area.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 16<sup>th</sup> day of April, 2013.

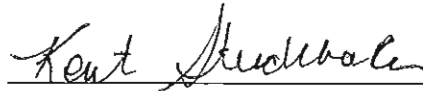
AYES: Mayor Studebaker, Bowerman, Gudman, Gustafson, Kehoe, Jordan, O'Neill

NOES: None

ABSENT: None

ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor

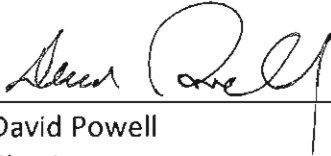
Dated: April 14, 2013

ATTEST:



Cate Schneider, City Recorder

APPROVED AS TO FORM:



David Powell  
City Attorney

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR TEXT AMENDMENTS TO THE )  
COMMUNITY DEVELOPMENT CODE TO ALLOW ) LU 12-0051-1803  
FITNESS, EXERCISE AND SPORTS FACILITIES ) (CITY OF LAKE OSWEGO)  
IN THE IP ZONE AND IP OVERLAY IF )  
LESS THAN 20,000 SQ. FT. IN FLOOR AREA ) FINDINGS & CONCLUSIONS  
)  
[ORDINANCE No. 2611] )

**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, the Use Table (LOC 50.03.002-2) and IP Overlay District permitted uses (LOC 50.05.008.3.k.i) to allow fitness, exercise and sports facilities less than 20,000 square feet in floor area in the IP zone and the IP Overlay District.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of February 11, 2013. The Planning Commission adopted findings and conclusions, together with a recommendation, on February 24, 2013. The City Council held a public hearing to consider the Planning Commission’s recommendation on March 19, 2013.

**CRITERIA AND STANDARDS**

- A. City of Lake Oswego Comprehensive Plan
  - Goal 1: Citizen Involvement – Policy 1
  - Goal 2: Land Use Planning Section 1 Land Use Policies and Regulations, Policy 23
  - Goal 9: Economic Development – Policies 1 and 6
  - Goal 12: Transportation – Subgoal 1 Major Street Systems, Policy 1
- B. Metro Urban Growth Management Functional Plan
  - Title 4: Industrial and Other Employment Areas, Metro Code Sections 3.07.410-3.07.450

1  
2 C. City of Lake Oswego Community Development Code (LOC Chapter 50)

- 3       LOC 50.03.002-3       Commercial, Mixed Use, Industrial and Special Purpose District  
4                                    Use Table  
5       LOC 50.05.008.3.k.i   Industrial Park Overlay District  
6       LOC 50.07.003.16.a   Legislative Decisions Defined  
7       LOC 50.07.003.16.c   Required Notice to DLCDC  
8       LOC 50.07.003.16.d   Planning Commission Recommendation Required  
9       LOC 50.07.003.16.e   City Council Review and Decision

10 **FINDINGS AND REASONS**

11       As support for its decision, the City Council incorporates the cover memorandum and  
12 staff report to the Planning Commission, both dated February 1, 2013, the staff memorandum  
13 to the Planning Commission dated January 7, 2013, for LU 12-0051, the Findings and  
14 Conclusions of the Planning Commission in this matter, and the staff Council Report dated  
15 February 27, 2013, with all exhibits, together with the following supplemental findings. In the  
16 event of any inconsistency between the supplemental findings expressly made herein and the  
17 incorporated matters, the matter herein controls.

18       The City Council finds that fitness, exercise and sports facilities could serve as amenities  
19 to the existing businesses in the IP zone and IP Overlay District and to the future high  
20 employment district envisioned for this area. Additionally, the City Council finds that allowing  
21 such uses will have minimal impact on the abutting residential neighborhoods and existing  
22 infrastructure, including the street system. Finally, increasing the flexibility of allowed uses  
23 within this zone encourages redevelopment of local properties, adaptive reuse of existing  
24 buildings, and a stronger local economy.

25       The City Council finds that the proposal meets all relevant provisions of the Lake  
26 Oswego Comprehensive Plan, the Metro Urban Growth Management Functional Plan and the



1 Lake Oswego Community Development Code procedural requirements, as detailed in the  
2 incorporated materials.

3 **CONCLUSION**

4           The City Council concludes that LU 12-0051 complies with all applicable criteria and  
5 should be approved. The Council also concludes that proposed Ordinance 2611, which  
6 implements LU 12-0051, should be enacted.  
7

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05/02/2013

**US POSTAGE**

FIRST CLASS MAIL  
**\$01.32<sup>0</sup>**



ZIP 97034  
041L11209172

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