



Oregon

Theodore R. Kubongoski, 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

06/17/2014

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 009-13

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: Saturday, June 07, 2014

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: Jessica Numanoglu, City of Lake Oswego
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	009-13
File No.:	(20152)
	[17906]
Received:	6/13/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Lake Oswego

Local file no.: **LU 13-0067**

Date of adoption: 06/03/14 Date sent: 06/13/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/24/13
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jessica Numanoglu, Senior Planner

Phone: 503-635-0283 E-mail: jnumanoglu@ci.oswego.or.us

Street address: 380 A Avenue, PO Box 369 City: Lake Oswego Zip: 97034-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ . _____ acres. A goal exception was required for this change.
 Change from _____ to _____ . _____ acres. A goal exception was required for this change.
 Change from _____ to _____ . _____ acres. A goal exception was required for this change.
 Change from _____ to _____ . _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____ .

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 2639

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) TABLE 50.03.002.3, LOC 50.03.003.4.f, TABLE 50.06.002-3, AND LOC 50.10.003.2 TO PERMIT "FARM STANDS" IN THE NC, GC, AND EC ZONES AS BOTH A PRIMARY AND ACCESSORY USE, AS AN ACCESSORY USE IN OC, CR&D, AND FMU ZONES, AND ADOPT USE-SPECIFIC STANDARDS AND A DEFINITION OF "FARM STAND," AND ADOPTING FINDINGS (LU 13-0067).

Whereas, the Community Development Code does not currently list "Farm Stands" as a permitted use in any zone; and

Whereas, farms stands play an important role in providing community access to fresh, local foods;

Whereas, by limiting the size of "Farm Stands" in office and employment zones, the City will increase access to fresh foods for employees and residents in Employment Areas, and ensure that the use is limited to a size that is appropriate to serve the needs of businesses, employees and residents of Employment Areas;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 13-0067), 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:

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use | A = Accessory Use

[x] Table notes located at the end of the table

Use Cat.	Use Type	Commercial, Mixed Use, Industrial													Special Purpose			Use Specific Standards		
		NC [47]	G C	H C	OC [47]	EC [47]	CR &D	M C	WLG- [32]				FM U [32], [46]	I	I P	IPO [37]	C I		P F	PN A
									O C	RM U	R- 2. 5	RL W								
RESIDENTIAL USES																				
Household Living	****																			
COMMERCIAL USES													[45]							
Agricultural	Agri-cultural use																P			
	<u>Farm Stand</u>	<u>P/A</u>	<u>P/A</u>		<u>A</u>	<u>P/A</u>	<u>A</u>						<u>A</u>							
	Horti-culture, farming, silviculture																	P		

Notes	****																			

Section 3. Section 50.03.003.4 of the Lake Oswego Code is hereby amended to add a new subsection f., as shown in **bold, underlined type**, as follows:

50.03.003 USE SPECIFIC STANDARDS

4. COMMERCIAL

f. Farm Stands

(1) As an accessory use, farms stands are limited to one per site with a maximum size limit of 800 sq. ft. floor area.

Section 4. Table 50.06.002-3, Subsection (E) of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

TABLE 50.06.002-3: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required [1]

(E) COMMERCIAL	
1. Office, including business and management services except medical or dental	3.33 spaces per 1,000 sq. ft. G.F.A.
2. Medical and dental offices or clinics including accessory laboratories for medicine, dentistry, veterinarian practice or other practices of the healing arts	3.9 spaces per 1,000 sq. ft. G.F.A.
3. Bank	2.5 spaces per 1,000 sq. ft. G.F.A.
4. Supermarket	2.9 spaces per 1,000 sq. ft. G.F.A.
5. Convenience food store	2.2 spaces per 1,000 sq. ft. G.F.A.
6. Specialty food stores, such as coffee, bagels, juice bars (take-out food/drink primarily)	6.6 spaces per 1,000 sq. ft. G.F.A.
7. Eating or drinking establishment	13.3 spaces per 1,000 sq. ft. G.F.A.
8. Eating or drinking establishment with drive-up window	9.9 spaces per 1,000 sq. ft. G.F.A.
9. Barber shop, beauty salon, personal care services, such as nail, tanning, and therapeutic massage salons	4 spaces per 1,000 sq. ft. G.F.A. plus 0.5 space per station
10. Retail sales and rentals, except as otherwise specified herein ^[2]	3.3 spaces per 1,000 sq. ft. G.F.A.
11. Heavy equipment rentals, such as yard and tool equipment	1 space per 1,000 sq. ft. G.F.A. plus 0.5 per employee
12. Service or repair shop, such as electronic and home appliance repair, upholstery	1.6 spaces per 1,000 sq. ft. G.F.A.
13. Automotive repair garage and service station	1.6 spaces per 1,000 sq. ft. G.F.A. plus 0.5 per employee
14. Mortuary	1 space per 5 seats based on maximum auditorium capacity plus 1.5 space per employee
15. Martial arts, music, dance, gymnastics, yoga studios	1 space per 100 square feet G.F.A. of lesson activity floor area, plus 0.5 space per employee

[1] Gross floor area does not include any parking area.	
[2] <u>Farm stands: When accessory use, no additional parking spaces required.</u>	

Section 5. Section 50.10.003.2 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

50.10.003 DEFINITIONS

2. DEFINITIONS OF TERMS

Farm Stand

A temporary or permanent structure used for the sale of fresh produce and seasonal items, including flowers, holiday trees, and wreaths.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 3rd day of June, 2014.


AYES: Mayor Studebaker, Gudman, Gustafson, Hughes, Jordan, O'Neill

NOES: None

ABSENT: Bowerman

ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor

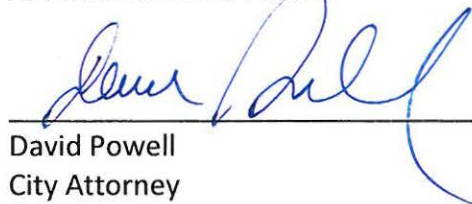
Dated: June 5, 2014

ATTEST:



Catherine Schneider, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney

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

A REQUEST FOR AMENDMENTS TO
COMMUNITY DEVELOPMENT CODE TO ALLOW
FARM STANDS IN CERTAIN ZONES.

LU 13-0067-1835

FINDINGS AND CONCLUSIONS

NATURE OF PROCEEDINGS

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission for legislative amendments to the Community Development Code (CDC, LOC 50.03.002.3 Use Table, and 5.10.003 Definitions), to allow "Farm Stands" in certain zones. The recommended amendments will allow Farm Stands in Neighborhood Commercial, General Commercial, and East End Commercial zones as both primary and accessory uses, and allow them only as accessory uses in Office Commercial, Campus Research and Development, and Foothills Mixed Use zones. A definition of "Farm Stand" would be added to LOC 50.10.003.2 Definition of Terms.

HEARINGS

The Planning Commission ("PC" or "Commission") held a public hearing and considered this application on February 24, 2014. The City Council held a public hearing to consider the Planning Commission's recommendation on May 20, 2014.

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

1 Goal 9: Economic Development, Policy 6
2 Goal 12: Transportation, Subgoal 1 Major Systems, Policy 1

3 B. Metro Urban Growth Management Functional Plan

4 Title 4: Protection of Employment Areas, Metro Code Section 3.07.440

5 C. City of Lake Oswego Community Development Code:

6 LOC 50.75.005 Legislative Decisions Defined
7 LOC 50.75.015 Required Notice to DLCD
8 LOC 50.75.020 Planning Commission Recommendation Required
9 LOC 50.75.025 City Council Review and Decision

10 **FINDINGS AND REASONS**

11 The City Council incorporates the January 28, 2014, Staff Report for LU 13-0067 with all
12 exhibits, the May 6, 2014, staff Council Report with all exhibits, and the March 10, 2014,
13 Findings, Conclusions and Order of the Planning Commission for LU 13-0067 as support for its
14 decision, supplemented by the further findings and conclusions set forth herein. If there is any
15 inconsistency between the Council's supplemental findings and the incorporated materials, the
16 supplemental findings control.

17 Following are the supplemental findings and conclusions of the City Council:

18 The Planning Commission recommended that the City Council approve several Code
19 amendments :

- 20 • Allowing farm stands in Neighborhood Commercial (NC), General Commercial (GC)
21 and East End Commercial (EC) zones as both primary and accessory uses;
- 22 • Allowing farm stands as accessory uses in Office Commercial (OC), Campus Research
23 and Development (CR&D) and Foothills Mixes Use (FMU) zones;
- 24 • Adding a definition of "Farm Stand" to the Community Development Code; and
- 25 • Adding standards that limit the number and size of accessory farm stands to one per
26 site and 800 square feet of floor area; parking would be required for farm stands
that are primary uses, but not for those that are accesssary uses.

1 The proposed amendments will make fresh, locally-grown food readily available,
2 benefitting citizens throughout the city, and providing a special benefit within employment
3 areas, where retail food sales are not currently permitted.

4 As outlined in the incorporated materials, the proposal meets all relevant criteria,
5 including applicable Lake Oswego Comprehensive Plan policies, the requirements of Metro
6 Code Section 3.07.440, and relevant provisions of the Community Development Code.

7 The amendments as originally proposed would have also allowed farm stands as
8 conditional uses in Campus Institutional (CI), Public Functions (PF) and Park and Natural Area
9 (PNA) zones. The Council agrees with the Planning Commission's decision not to recommend
10 implementing the proposed changes for those zones at this time, due to the need to more
11 thoroughly explore potential impacts in such areas. Staff is directed to provide additional
12 information to assist the Commission with this analysis.

13 The Council also agrees that staff should assist the Commission in considering a two-
14 track design review process for farm stands: a ministerial process with clear and objective
15 standards, and a minor development process with discretionary standards.

16 **CONCLUSION**

17 The City Council concludes that LU 13-0067 complies with all applicable criteria and
18 should be approved. The Council also concludes that proposed Ordinance 2639, which
19 implements LU 13-0067, should be enacted.