



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

October 11, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lake Oswego Plan Amendment
DLCD File Number 005-06



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: October 26, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Sidaro Sin, City of Lake Oswego

<paa> ya/



OCT 06 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION
Must be filed within 5 Working Days
See OAR 660-18-040

Jurisdiction City of Lake Oswego Local File No. LU 06-0039
Date Mailed 10/05/06 Date of Approval 10/03/06
Date Proposal was Provided to DLCD 07/31/06

Type of Adopted Action (Check all that apply)

Comprehensive Land Use New Land Use
Plan Amendment Regulation Amendment Regulation

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached"):

The City Council adopted a legislative amendment to the Comprehensive Plan text to modify the language of Goal 14, Policy 1. Specifically, the proposed language expands the scope of the policy by allowing expansion of the City's Urban Services Boundary (USB) to include those lands needed for development of public parks and recreation facilities, and to properties less than two acres that adjoin the USB on at least two sides.

Describe how the Adopted Amendment Differs from the Proposal (If it is the same, write "Same". If it was not proposed, write "N/A".):

Same

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation: New Plan Designation:
NA NA
Previous Zone: New Zone:
NA NA

Location: City-wide

Acreage involved: NA

Does this change include a Goal exception? Yes No

For Residential Changes, Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density New Density
N/A N/A

DLCD # 005-06 (15321)

If Notice of Proposal was not sent to DLCD 45 Days Prior to the Final Hearing Please Indicate Why:

_____ **Statewide Planning Goals are Inapplicable**
_____ **Emergency Circumstances Required Expedited Review**

List Statewide Goals Which May Apply:

Goal 14

List any State or Federal Agencies, Local Government or Local Special Service Districts Which May be Interested in or Impacted by the Adoption:

N/A

Direct Questions and Comments to:

Sidaro Sin, Associate Planner
City of Lake Oswego
P. O. Box 369
Lake Oswego, OR 97034
(Phone) (503) 503-697-7421

Send To: Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

Attach one (1) copy of the Adopted Action to this form and/or three (3) copies of Bound Materials and Maps larger than 8-1/2 by 11 inches.

Note: If more copies of this form are needed, please contact the DLCD office at 503-373-0050, or this form may be duplicated on green paper. Failure to provide notice of an adopted plan or land use regulation amendment results in an extension of the appeal period. Appeals may be filed within 21 days of the date the proposal is mailed to DLCD. Statutes require mailing within 5 days of the action becoming final (See OAR 660-18-040).

*****FOR DLCD OFFICE USE*****

DLCD File Number _____

ORDINANCE No. 2464

ORDINANCE NO. 2464. AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING THE TEXT OF THE LAKE OSWEGO COMPREHENSIVE PLAN TO MODIFY GOAL 14, URBANIZATION, POLICY 1, TO ALLOW EXPANSION OF THE URBAN SERVICES BOUNDARY TO INCLUDE PROPERTIES NEEDED FOR PUBLIC PARKS AND RECREATION FACILITIES AND PROPERTIES OF LESS THAN TWO ACRES THAT ADJOIN THE URBAN SERVICES BOUNDARY ON AT LEAST TWO SIDES, AND ADOPTING FINDINGS (LU 06-0039-1620).

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

WHEREAS, a public hearing was held before the Lake Oswego Planning Commission on July 31, 2006 at which the staff report, public testimony and other evidence was received and considered; and

WHEREAS, a public hearing on the Planning Commission recommendation was held by the City Council on September 5, 2006 at which the staff report, public testimony and the record of the proceedings were received and considered;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 06-0039-1620) as shown in Exhibit A.

Section 2. The Lake Oswego Comprehensive Plan, Goal 14, Urbanization, Policy 1 is hereby amended by deleting the text shown in ~~strikeout~~ and adding new text shown in **bold and double underlined**:

1. The City will not expand the Urban Services Boundary (USB) and will resist efforts to require expansion, except in: ~~those areas designated as Tier 1 Urban Reserves as of February 1998.~~

- a. **Those areas designated as Tier 1 Urban Reserves as of February 1998;**
- b. **Those areas needed for the development of public parks and recreation facilities; and**
- c. **Properties of less than two acres that adjoin the USB on at least two sides.**

Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 3rd day of October, 2006.

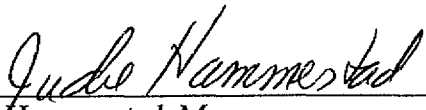
/ / /

AYES: Mayor Hammerstad, Hoffman, Graham, Groznik, McPeak, Turchi

NOES: none

ABSTAIN: none

EXCUSED: Peterson



Judie Hammerstad, Mayor

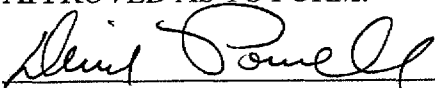
Dated: 10-4-06

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

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

| | |
|--------------------------------------|--------------------------|
| A REQUEST TO AMEND THE TEXT OF THE) | |
| LAKE OSWEGO COMPREHENSIVE PLAN) | LU 06-0039-1620 |
| TO MODIFY GOAL 14-URBANIZATION,) | (City of Lake Oswego) |
| POLICY 1 TO ALLOW EXPANSION OF THE) | |
| URBAN SERVICES BOUNDARY) | FINDINGS AND CONCLUSIONS |
| FOR PUBLIC PARKS AND RECREATION) | |
| FACILITIES) | |
| (ORDINANCE NO. 2464)) | |

NATURE OF PROCEEDING

This legislative proceeding is before the City Council is pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of the Lake Oswego Comprehensive Plan to modify the language of Goal 14, Urbanization, Policy 1. The proposed language would allow expansion of the City's Urban Services Boundary (USB) to include those properties needed for development of public parks and recreation facilities, and those properties smaller than two acres that adjoin the USB on at least two sides.

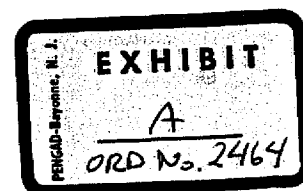
HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of July 31, 2006. The City Council held a public hearing and considered the Planning Commission's recommendation at its meeting of September 5, 2006.

CRITERIA AND STANDARDS

- A. **City of Lake Oswego Comprehensive Plan**
Goal 1 - Citizen Involvement,
Policies 1, 2, 5, 10

- 1 - FINDINGS AND CONCLUSIONS (LU 06-0039-1620)
[LU-06-0039-1617]



Goal 2 Land Use Planning (Section 1 Land Use Policies and Regulations),
Policies 1, 2, 3, 4, 8, 11, 15

Goal 8 Parks and recreation
Policies 1 (a,d), 2, 3, 7, 8 (a,b,c), 11, 18

Goal 14 Urbanization
Policies 1, 5 (a,b,c,d,e), 10, 13 (a,b)

B. Metro Urban Growth Functional Plan

Title 1 – Accommodation of Growth

Title 11 – Planning for New Urban Areas

C. Statewide Planning Goals

Goal 1 – Citizen Involvement

Goal 2 – Land Use Planning

Goal 8 – Recreation

Goal 14 – Urbanization

FINDINGS AND REASONS

As support for its decision, the City Council incorporates the staff Council Report dated August 15, 2006 for LU 06-0039 (with all exhibits), the Staff Report of July 13, 2006, the supplemental Staff Report of July 27, 2006 (with all exhibits), together with the findings and conclusions of the Planning Commission, the minutes of the Planning Commission meetings of July 31, 2006, and the record of the proceedings before the City Council. To the extent they are consistent with the approval granted herein, the City Council adopts by reference its oral deliberations.

The City Council concurs with the Planning Commission's finding that there is a demonstrated need for park and recreation facilities that cannot be met inside the City's current Urban Services Boundary (USB).

The purpose of the current Comprehensive Plan limitation on expansion of the USB in the Stafford Area is to control mass urbanization of that area. Amending the Plan to allow

expansion for development of needed park and recreation facilities is not contrary to that purpose; nor is amending the Plan to allow inclusion of small properties adjoining the USB on two sides, which has been proposed in order to avoid “notches” and to otherwise allow rational boundaries to be maintained.

CONCLUSION

The City Council concludes that LU 06-0039-1620 complies with all applicable criteria including, without limitation, all applicable Lake Oswego Comprehensive Plan Policies and Statewide Planning Goals and relevant provisions of the Metro Urban Growth Functional Plan.