



# Oregon

Theodore R. Kubongski, 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

8/19/2010

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 004-09

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: Wednesday, September 01, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Andrew Gulizia, City of Lake Oswego  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DEPT OF**

**AUG 12 2010**

**LAND CONSERVATION  
AND DEVELOPMENT**

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 09-0034**

Date of Adoption: **June 15, 2010**

Date Mailed: **August 11, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 10/16/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Community Dev. Code Text**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zoning Code Text Amendment to the Campus Research & Development (CR&D) Zone for Metro Title 4 compliance. Amend LOC 50.11 to limit the following uses in the CR&D zone to 60,000 square feet or less: 1) Delicatessen – with no table service, 2) Bakery – where baked foods manufactured elsewhere are sold on the premises, and 3) Restaurants – with or without associate lounges.

Does the Adoption differ from proposal? Please select one

same

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

to: **N/A**

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

to: **N/A**

Location: See Ordinance

Acres Involved: **54**

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...

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. 004-09 (17892) [16271]

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

Metro

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Local Contact: **Andrew Gulizia, Associate Planner**

Phone: (503) 675-3732 Extension:

Address: PO Box 369

Fax Number: 503-635-0269

City: Lake Oswego

Zip: 97034

E-mail Address: [agulizia@ci.oswego.or.us](mailto:agulizia@ci.oswego.or.us)

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## 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.

**ORDINANCE No. 2552**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE), SECTION 50.11.010 TO LIMIT THE SQUARE FOOTAGE OF DELICATESSENS, BAKERIES, AND RESTAURANTS IN THE CAMPUS RESEARCH AND DEVELOPMENT (CR&D) ZONE, AND ADOPTING FINDINGS (LU 09-0034-1732).**

Whereas, the City of Lake Oswego is required by Metro to demonstrate compliance with Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan; and

Whereas, Title 4 requires the City to impose limits on the square footage of retail uses in designated areas; and

Whereas, the Community Development Code does not currently limit the square footage of certain retail uses in areas regulated by Title 4;

NOW THEREFORE, the City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions, LU 09-0034-1732 attached as Exhibit 1.

**Section 2.** Section 50.11.010 (2)(C), (E) and 4 (A) of the Lake Oswego Code is hereby amended by adding the text shown in double underlined type as follows:

**50.11.010 Uses.**

<b>Uses:</b>	<b>P</b>	<b>C</b>	<b>X</b>
	Permitted uses.	Uses permitted upon the grant of approval of a conditional use permit.	Uses specifically prohibited.

\* \* \* \* \*

**2. Retail Sales - Food:**

\* \* \* \* \*

C. Delicatessen, no table service.

<b>Uses:</b>	<b>P</b>	<b><u>Special District Limitations for Permitted Use</u></b>
	NC, GC, HC, OC, EC, CR&D and MC	<u>(Not to exceed 20,000 sq. ft. floor area in CR&amp;D zone)</u>

\* \* \* \* \*

E. Bakery - where baked foods manufactured elsewhere are sold on the premises.

Uses:	P	Special District Limitations for Permitted Use
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D zone)

\* \* \* \* \*

4. Retail Sales - Restaurants, Drinking Places:

A. Restaurants, with or without associated lounge.

Uses:	P	Special District Limitations for Permitted Use
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D zone)

\* \* \* \* \*

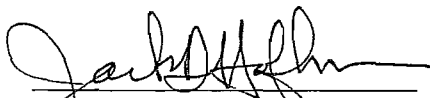
Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 15 day of June, 2010.

AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Olson, Moncrieff, Tierney

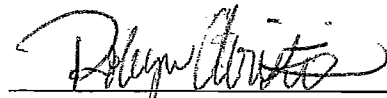
NOES: none

ABSENT: none

ABSTAIN: none

  
\_\_\_\_\_  
Jack D. Hoffman, Mayor  
Dated: 6/15/2010

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Powell, City Attorney

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

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A REQUEST TO AMEND THE TEXT ) LU 09-0034-1732  
OF THE LAKE OSWEGO COMMUNITY ) (City of Lake Oswego)  
DEVELOPMENT CODE, CHAPTER 50 )  
RELATED TO CAMPUS RESEARCH ) FINDINGS AND CONCLUSIONS  
AND DEVELOPMENT (CR&D) ZONE )  
[ORDINANCE No. 2552] )

**NATURE OF PROCEEDING**

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15 This matter came before the City Council pursuant to a recommendation by the Lake  
16 Oswego Planning Commission to amend the text of the Lake Oswego Community Development  
17 Code, Chapter 50, Section 50.11.010 to limit the following uses in the Campus Research and  
18 Development (CR&D) Zone to 20,000 square feet:

- 19 1. Delicatessen – with no table service.
- 20 2. Bakery – where baked foods manufactured elsewhere are sold on the premises; and
- 21 3. Restaurants – with or without associated lounges.

22  
23 The text amendments will bring the CR&D Zone into compliance with Metro Title 4.

24 **HEARINGS**

25 The Planning Commission held public hearings and considered this application at its  
26 meetings of February 22, 2010 and March 8, 2010. The City Council held a public hearing to  
27 consider the Planning Commission’s recommendation on May 18, 2010.

28 **CRITERIA AND STANDARDS**

- 29 A. City of Lake Oswego Comprehensive Plan:  
30 Goal 2: Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 23  
31 Goal 11: Economic Development, Policies 20 and 21  
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- 33 B. Metro Urban Growth Management Functional Plan  
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C. City of Lake Oswego Community Development Code:

- LOC 50.75.005 Legislative Decision Defined.
- LOC 50.75.015 Required Notice to DLCD
- LOC 50.76.020 Jurisdiction of Hearing Body
- LOC 50.77 Application Requirements
- LOC 50.79.030 Major Development Classification
- LOC 50.83 Hearings Before a Hearing Body

**FINDINGS AND REASONS**

The City Council incorporates the staff Council Report, dated April 27, 2010 for LU 09-0034 (with all exhibits), the February 10, 2010 Staff Report to the Planning Commission (with all exhibits), together with all supplemental reports, and the Findings and Conclusions of the Planning Commission in this matter as support for its decision. To the extent they are consistent with the approval granted herein, the City Council also adopts by reference its oral deliberations in this matter as further findings in support of this decision.

The proposed CR&D Zone amendments, which limit delicatessens, bakeries, and restaurants in the Campus Research and Development (CR&D) Zone to 20,000 square feet of floor area, will bring the zone into compliance with the Employment Land requirements of Metro’s Urban Growth Management Functional Plan, Title 4 (Industrial and Other Employment Areas), which requires that retail uses be limited to 60,000 square feet or less. Currently, delicatessens, bakeries and restaurants have no size limitations in the CR&D Zone. The proposed amendments provide the opportunity for an administrative amendment to the Metro Title 4 map to address an inconsistency with the City zoning map. Metro’s map currently designates a portion of the zone as Industrial Land. The proposed Code change will support the City’s

1 request to amend the Title 4 map to apply the Employment Land designation to these properties,  
2 so that non-industrial office commercial development may continue to be allowed.

3 **CONCLUSION**

4 The City Council concludes that LU 09-0034-1732 complies with all applicable criteria  
5 and is consistent with applicable Lake Oswego Comprehensive Plan Policies and with Metro  
6 Title 4.



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DEPT OF

AUG 12 2010

LAND CONSERVATION  
AND DEVELOPMENT



City of Lake Oswego  
PO Box 369  
Lake Oswego, OR 97034

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