



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

12/29/2010

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 004-10

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: Tuesday, January 12, 2010

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: Debra Andreades, 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

DATE
STAMP

DEPT OF

DEC 23 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 10-0041**

Date of Adoption: **12/7/10**

Date Mailed: 12/22/10

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".

Ordinance 2562, an ordinance of the Lake Oswego City Council amending Chapter 50 of the Lake Oswego Community Development Code regarding the definition of "congregate housing" in LOC 50.02.005, clarifying the qualification criteria for occupancy, and adopting findings LU 10-0041-1749

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ 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. 004-10 (18489) [16468]

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

Metro

Local Contact: **Debra Andreades**

Phone: **503-635-0292**

Extension:

Address: **PO Box 369**

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

City: **Lake Oswego**

Zip: **97034**

E-mail Address: **dandreades@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.

ORDINANCE No. 2562

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING CHAPTER 50 OF THE LAKE OSWEGO COMMUNITY DEVELOPMENT CODE REGARDING THE DEFINITION OF "CONGREGATE HOUSING" IN LOC 50.02.005, CLARIFYING THE QUALIFICATION CRITERIA FOR OCCUPANCY, AND ADOPTING FINDINGS LU 10-0041-1749.

Whereas, notices of the public hearings for consideration of this ordinance were duly given in the manner required by law; and

Whereas, a public hearing was held before the Planning Commission on October 11, 2010; and

Whereas, a public hearing was held before the Lake Oswego City Council on December 7, 2010, to review the Planning Commission's recommendation; now, therefore,

The City of Lake Oswego ordains as follows:

Section 1. Adoption of Findings and Conclusions. The City Council hereby adopts the Findings and Conclusions attached as Exhibit 1 (LU 10-0041-1749).

Section 2. The definition of "Congregate Housing" in Section 50.02.005 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, double underlined** type and deleting the text shown in ~~striketrough~~ type, as follows:

50.02.005 Definitions.

* * * * *

Congregate Housing. Multi-unit housing that:

(1) Consists of with self-contained apartments ~~that contain~~ with cooking facilities; and

(2) Complies with one of the following:

a. At least 80 percent of the apartments are occupied by at least one person 55 years of age or older; or

b. The housing ~~which supports~~ independent lifestyles for those ~~that~~ who have a life-function disabilities disability as defined in the federal Americans with Disabilities Act, including any amendments thereto, and who ~~due to age, medical, or mental condition, which do not require residential care or skilled nursing services;~~ and

(3) Congregate housing ~~p~~Provides varying levels of support services, such as meals, laundry, housekeeping, transportation, and social, recreation, cultural and education activities. The full range of services normally associated with a residential care facility, are not provided in association with congregare housing.

* * * * *


Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 7th day of December, 2010.

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

NOES: None

ABSENT: None


ABSTAIN: None



Jack D. Hoffman, Mayor

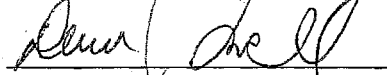
Dated: 12/13/10

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 OF THE)
THE LAKE OSWEGO COMMUNITY) LU 10-0041-1749
DEVELOPMENT CODE, CHAPTER 50,) (CITY OF LAKE OSWEGO)
RELATING TO THE DEFINITION OF)
CONGREGATE HOUSING) FINDINGS & CONCLUSIONS
[ORDINANCE No. 2562])

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 Section 50.02.005 relating to the definition of "Congregate Housing".

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of October 11, 2010. The City Council held a public hearing to consider the Planning Commission's recommendation on December 7, 2010.

CRITERIA AND STANDARDS

A. City of Lake Oswego Comprehensive Plan:

- Goal 1 Citizen Involvement, Policies 1 and 5
- Goal 10 Housing, Policies 14 and 19

B. City of Lake Oswego Community Development Code:

- LOC 50.75.005 Legislative Decision Defined.
- LOC 50.75.010 Criteria for 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

1 C. Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197

2
3 Goal 1 Citizen Involvement
4 Goal 10 Housing
5

6 **FINDINGS AND REASONS**

7 As support for its decision, the City Council incorporates the staff Council Report dated
8 September 27, 2010 for LU 10-0041 (with all exhibits), the September 30, 2010 Staff Report to
9 the Planning Commission (with all exhibits), together with all supplemental reports, and the
10 Findings and Conclusions of the Planning Commission in this matter.

11 The City Council concurs with the Planning Commission's recommendation that the
12 definition of Congregate Housing should be amended to clearly state that age-limited housing
13 (with at least 80 percent of the apartments occupied by at least one person 55 years of age or
14 older) qualifies as a separate category of Congregate Housing without the need to establish a
15 correlation or causative relationship between the designated age and life function disabilities.
16 As the City Council determined in its findings in AP 09-02-1701 (LU 07-0031), this is consistent
17 with the City Council's intent to include housing authorized under the provisions of the federal
18 Fair Housing Act when the definition was initially adopted. The age and percentage of
19 occupancy requirements in the proposed clarifying Code language mirror the Fair Housing Act
20 requirements for age-limited housing.

21 The City Council also concurs with the Planning Commission's recommendation that the
22 definition should be clarified to specify that Congregate Housing for persons with disabilities
23 refers to "disability" as defined in the federal Americans with Disabilities Act (ADA). Although

1 the current definition language suggests this by using terminology similar to that of the ADA
2 (“life function disabilities”), the proposed clarifying language will avoid uncertainty.

3 The City Council finds that the proposal meets all relevant statewide planning goals,
4 applicable provisions of the Lake Oswego Comprehensive Plan, and Lake Oswego Community
5 Development Code procedural requirements, as detailed in the incorporated September 30,
6 2010 staff report in LU 10-0041 and in the other incorporated materials.

7 **CONCLUSION**

8 The City Council concludes that LU 10-0041-1749 complies with all applicable criteria
9 and that the definition of “Congregate Housing” in LOC 50.02.005 should be amended to be
10 consistent with the Planning Commission’s recommendation.

11 ///

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12/22/2010
US POSTAGE

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\$01.56⁰



ZIP 97034
041L11209172



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

Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE Suite 150
Salem OR 97301-2540