



# Oregon

Theodore R. Kubongoski, 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 005-09

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 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: Laura Weigel, 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**

**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 09-0043**

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:

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".

The Glenmorrie Neighborhood Association worked with City of Lake Oswego staff to create a new overlay zone that will apply to the Glenmorrie neighborhood, which is exclusively zoned R-15. There are three code provisions in the overlay: side yard setback plane, 50% hardscape maximum and required landscaping and buffering.

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: **Glenmorrie Neighborhood**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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. 005-09 (18022) [16272]

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

Metropolitan Service District (Metro)

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Local Contact: **Laura Weigel**

Phone: **(503) 675-3730** Extension:

Address: **PO Box 369**

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

City: **Lake Oswego**

Zip: **97034**

E-mail Address: **lweigel@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. 2546**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING CHAPTER 50 OF THE LAKE OSWEGO COMMUNITY DEVELOPMENT CODE TO ADD NEW ARTICLE 50.08B RELATING TO THE GLENMORRIE R-15 OVERLAY DISTRICT, AND ADOPTING FINDINGS LU 09-0043-1733.**

The City of Lake Oswego ordains as follows:

**Section 1.** Section 50.05.005 of the Lake Oswego Code is hereby amended to add the new text shown in **bold, underlined type** as follows:

**Section 50.05.005 Zoning Districts.**

The City is divided into the following zoning designations:

<b>Residential</b>	<b>Map Designation</b>
Residential – Low Density	R-15
Residential – Low Density	R-10
Residential – Low Density	R-.7.5
Residential – Medium Density (FAN)	R-6
Residential – Medium Density	R-5
Residential – High Density	R-3
Residential – High Density (WLG)	R-2.5
Residential – High Density	R-2
Residential – High Density	R-0
Waterfront Cabanas	WR
Design District (Old Town)	DD

<b>Mixed Residential/Commercial</b>	<b>Map Designation</b>
Residential – High Density (WLG)	R-2.5/W
WLG Office Commercial/Town/ Home Residential	OC/R-2.5
WLG Office Commercial / Neighborhood Commercial	OC/NC
<b>Commercial</b>	<b>Map Designation</b>
Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research & Development	CR&D
Mixed Commerce	MC

<b>Industrial</b>	<b>Map Designation</b>
Industrial	I
Industrial Park	IP
<b>Public Use</b>	<b>Map Designation</b>

Public Function	PF
<b>Overlays</b>	<b>Map Designation</b>
Planned Development	PD
Resource Conservation	RC
Resource Protection	RP
Willamette River Greenway	GM
<b>Neighborhood Overlays</b>	
<b>Glenmorrie R-15 Overlay District</b>	<b>GO</b>

**Section 2.** The Lake Oswego Code is hereby amended to add a new Article 50.08B as follows:

**Article 50.08B Glenmorrie R-15 Overlay District.**

**50.08B.005 Purpose.**

The purpose of the overlay is to ensure that new residential development occurs in a way that is compatible with the unique character of the Glenmorrie Neighborhood by not adversely impacting the privacy of adjacent neighbors and by preserving the country character.

**50.08B.010 Applicability.**

This article applies to all land within the Glenmorrie Overlay District, as shown on LOC Appendix 50.08B.010-A.

**50.08B.015 Relationship to Other Standards.**

To the extent that any requirement of this Article imposes a regulation relating to the same matter as a regulation in LOC Article 50.08, this Article shall prevail.

**50.08B.020 Limitation on Certain Elements.**

No more than 50% of a lot shall be covered with any of the following elements: structures, patios, paving or impervious walks. However, pervious decks and natural-appearing constructed ponds shall not be included within this limitation. Where a paved area contains mixed non-plant and plant elements, only the non-plant portions of the area shall be included within this limitation. (See LOC Appendix 50.08B.020-A for illustrations of natural-appearing constructed ponds and paved areas with mixed non-plant and plant elements.)

**50.08B.025 . Plantings and Buffering.**

1. Applicability: A Plantings and Buffering Plan shall be submitted when a building permit is required for:

- a. Construction of new structures.
  - b. Remodeling that increases the footprint of an existing structure by more than 400 square feet;
- or
- c. Construction of a retaining wall 4 feet tall or higher.

2. Plantings and Buffering Plan

a. At the time of submission of the building permit application, the applicant shall file either a Plantings and Buffering Plan or a waiver under subsection (c) below.

b. The Plantings and Buffering Plan shall meet the following requirements:

- i. Plant Units, as described in LOC Appendix 50.07-G, Standard Units A through D, plus Alternative Glenmorrie Standard Unit E consisting of 25 – 3 feet high shrubs, shall be provided parallel and adjacent to the side yard and rear yard planes of the proposed structure or retaining wall as follows:

(A) If a structure exists on an abutting lot: one plant unit for every 50 linear feet of the side yard and rear yard planes of the proposed retaining wall or structure plus the abutting plane of the structure on the abutting lot;

(B) If no structure exists on an abutting lot: one plant unit for every 50 linear feet of the side yard and rear yard planes of the proposed retaining wall or structure extended 10 feet beyond the structure or retaining wall.

(See illustration in LOC Appendix 50.08B.025-A)

ii. Where the linear measurement of the side or rear yard plane (plus the 10-foot extension, if required) is less than 50 feet, or where dividing the linear measurement into 50-foot segments results in a remainder segment of less than 50 feet, the planting density for that plane or remainder segment shall consist of a corresponding percentage of a Planting Unit. If the percentage results in a fraction of a plant, the fraction shall be rounded up to the next whole number.

iii. Where required Plant Unit areas overlap, the plants in the overlapped area may satisfy both Plant Unit requirements.

iv. Existing plants may be used to fulfill Plant Unit requirements.

v. Native plants are encouraged (Consult Lake Oswego's Master Plant List).

c. Waiver. If the abutting property owner consents in writing, a Plantings and Buffering Plan shall not be required for the side or rear yard of the proposed structure or retaining wall abutting the consenting owner's property.

4. Installation and Maintenance of Plantings.

a. Plantings consistent with the Plantings and Buffering Plan shall be installed prior to the earlier of:

i. A request for final inspection;

ii. Occupancy of the dwelling or substantial use of the structure; or

iii. Completion of the retaining wall.

b. The required plantings shall be successfully maintained for a period of not less than three years.

**Section 3.** The Appendix to the Lake Oswego Community Development Code (LOC Chapter 50) is hereby amended by adding LOC Appendix 50.08B.010-A, as shown on attached Exhibit 1, LOC Appendix 50.08B.020-A, as shown in Exhibit 2, and LOC Appendix 50.08B.025-A as shown on attached Exhibit 3.

**Section 4.** The City Council hereby adopts the Findings and Conclusions LU09-0043-1733 attached as Exhibit 4.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 15<sup>th</sup> day of June, 2010.

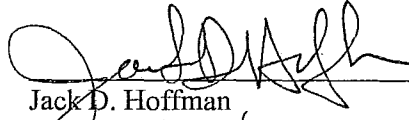
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AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Olson, Moncrieff, Tierney

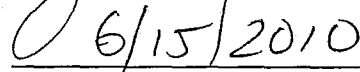
NOES: none

ABSENT: none

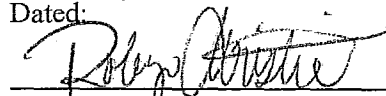
ABSTAIN: none

  
\_\_\_\_\_  
Jack D. Hoffman

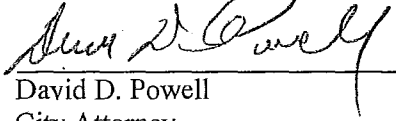
Dated:

  
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6/15/2010

ATTEST:

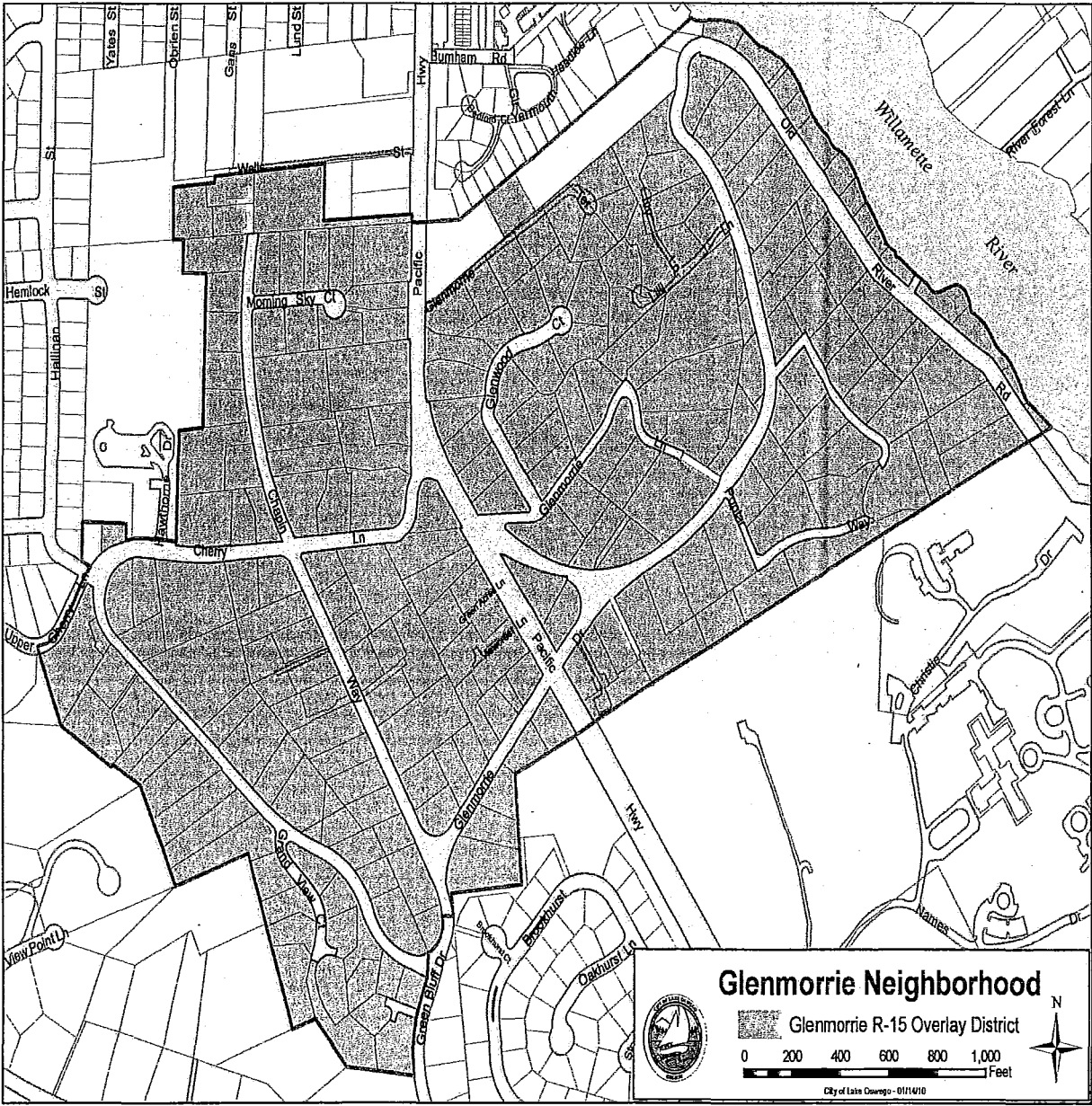
  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David D. Powell  
City Attorney

LOC APPENDIX 50.08B.010-A

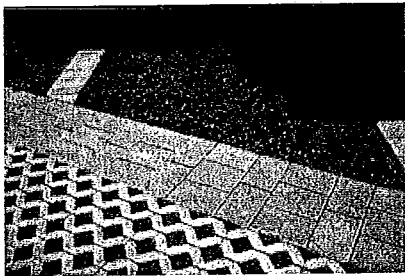
Glenmorrie R-15 Overlay District





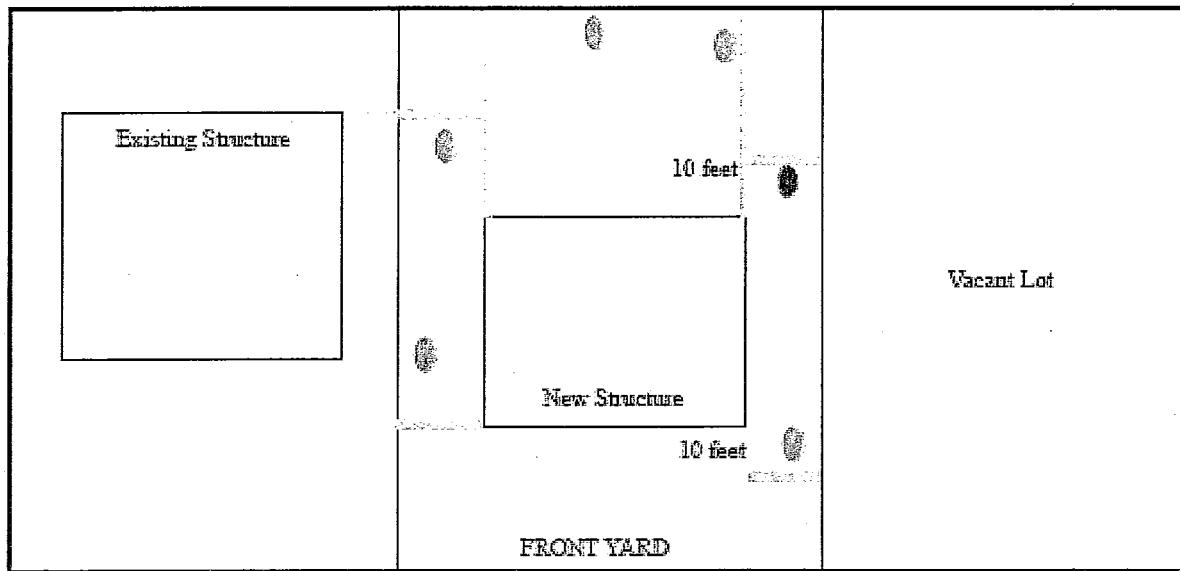
LOC APPENDIX 50.08B.020-A

**Illustrations:  
Mixed Paved Areas and Natural-Appearing Ponds**



LOC APPENDIX 50.08B.025-A

Illustration: Plant Unit Placement



● Plant Unit    ● Unit required due to vacant lot

--- Area where units are required

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST TO AMEND THE TEXT ) LU 09-0043-1733  
OF THE LAKE OSWEGO COMMUNITY ) (City of Lake Oswego and)  
DEVELOPMENT CODE TO ADD ) Glenmorrie Neighborhood)  
THE GLENMORRIE OVERLAY DISTRICT )  
LOC ARTICLE 50.08B ) FINDINGS AND CONCLUSIONS  
[ORDINANCE No. 2546] )

NATURE OF PROCEEDING

This legislative proceeding is before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to implement the Glenmorrie Neighborhood Plan by adding new section 50.08B to the Lake Oswego Community Development Code, creating the Glenmorrie R-15 Overlay District.

HEARINGS

The Planning Commission held a public hearing and considered this application on March 8, 2010. The City Council considered the Planning Commission’s recommendation at a study session on April 6, 2010 and at a public hearing on May 18, 2010.

CRITERIA AND STANDARDS

A. City of Lake Oswego Comprehensive Plan

Goal 2: Land Use Planning

Section 1 Land Use Policies and Regulations, Policy 4b and 24

Section 2 Community Design and Aesthetics, Policy 1

Special District Plans

Glenmorrie Neighborhood Plan

Goal 2: Land Use Planning: Residential Goal and Policy 3

Goal 10: Housing: Goal and Policy 1, 3

David D. Powell, City Attorney  
City of Lake Oswego  
380 A Avenue – PO Box 369  
Lake Oswego, OR 97034

1 B. Metro Urban Growth Management Functional Plan

2 Title 1: Accommodation of Growth

3

4 C. Oregon Statewide Planning Goals

5 Goal 1: Citizen Involvement, Goal 2: Land Use Planning

6

7 D. Lake Oswego Development Code Procedural Requirements

8	LOC 50.01.010	Purpose
9	LOC 50.75	Legislative Decisions
10	LOC 50.75.005	Legislative Decisions Defined
11	LOC 50.75.1505	Criteria for a Legislative Decision
12	LOC 50.75.015	Required Notice to DLCD
13	LOC 50.75.020	Planning Commission Recommendation Required
14	LOC 50.75.025	City Council Review and Decision
15	LOC 50.75.030	Effective Date of Legislative Decision

16

17 **FINDINGS AND REASONS**

18 As support for its decision, the City Council incorporates the staff Council Reports, dated  
19 May 4, 2010 and March 29, 2010 for LU 09-0043 (with all exhibits), and the March 8, 2010  
20 Staff Report to the Planning Commission (with all exhibits), together with all supplemental  
21 reports, and the Findings and Conclusions of the Planning Commission. To the extent that they  
22 are consistent with the approval granted herein, the City Council also adopts by reference its oral  
23 deliberations in this matter.

24 The proposed ordinance as presented to the City Council would amend LOC 50.02.005 to  
25 create a new general definition of “hardscape” in the Community Development Code. Proposed  
26 Section 50.08B.020 of the Glenmorrie Overlay District would modify that term in the context of  
27 a proposed 50% hardscape limitation that would apply only to that neighborhood. The City  
28 Council finds that this is confusing and unnecessarily complex. The Council concludes that the  
29 proposed ordinance should be modified to eliminate the general definition of hardscape, and to

1 eliminate use of that term in the Glenmorrie Overlay text. Instead, LOC 50.08B.020 should list  
2 the specific elements that are limited to 50% of the lot, rather than characterizing them as  
3 “hardscape.”

4 In order to more closely meet the intent of the neighborhood, proposed Section  
5 50.08B.025(2)(b)(i)(1) should be modified to make it clear that, if there a structure exists on an  
6 abutting lot, required plant units should extend for the combined length of the plane of the  
7 proposed structure *and* that of the existing abutting structure.

8 Standard Plant Units A through D in LOC Appendix 50.07-G, recently adopted by the  
9 Council as part of the “Infill” Ordinance (No. 2524), are identical to the Standard Plant Unit plus  
10 Alternatives A through C originally proposed for the Glenmorrie Overlay. To avoid unnecessary  
11 duplication, the City Council finds that the chart proposed for Section 50.08B.025(2)(b) should  
12 be eliminated and replaced with a reference to the corresponding plant units in the Infill  
13 Appendix. That Section should then also refer to Glenmorrie Standard Unit E (the originally-  
14 proposed Glenmorrie Alternative D) in order to reflect the entire list of alternatives urged by the  
15 neighborhood.

16 The Glenmorrie Overlay as originally proposed included a section establishing a side  
17 yard setback plane specific to the neighborhood. Adoption of the Infill Ordinance has now  
18 established an identical, city-wide side yard setback plane. To avoid unnecessary duplication,  
19 the Glenmorrie-specific side yard setback provision should be deleted from the Overlay  
20 regulations.

21 //

22 //

1 **CONCLUSION**

2           The City Council concludes that LU 09-0043-1733, as modified to be consistent with  
3 these Findings, complies with all applicable criteria, including all applicable Lake Oswego  
4 Comprehensive Plan Policies.

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08/11/2010  
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ZIP 97034  
041L11209172

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*