



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

11/24/2008

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 004-08

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: Friday, December 05, 2008

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Paul Espe, City of Lake Oswego
Gloria Gardiner, DLCD Urban Planning Specialist
Doug White, DLCD Community Services Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

NOV 17 2008

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 08-0049 (Ord. 2522)
Date Mailed 11/14/08 **Date of Approval** 11/04/08
Date Proposal was Provided to DLCD 10/23/07

Type of Adopted Action (Check all that apply)

Comprehensive Plan Amendment **Land Use Regulation Amendment** **New Land Use 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 approved a legislative text amendment to the Lake Oswego Comprehensive Plan to Amend Goal 14, Policy 11 requiring annexation prior to the receipt of public services. This amendment is in response to those properties that need to connect to sewer, but cannot immediately annex because they are not adjacent to a city boundary. The proposed amendment will allow the extension of city sanitary sewer service to an unincorporated property within 300 feet of an existing city sewer line where the system serving the subject property is failing and the county has directed connection to the sewer system.

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: N/A **New Plan Designation:** N/A

Previous Zone: N/A **New Zone:** N/A

Location: citywide

Acreage involved:

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: N/A **New Density:** N/A

DLCD # 004-08(17019)

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:

Paul Espe, Associate Planner
City of Lake Oswego
P. O. Box 369
Lake Oswego, OR 97034
(Phone) 503-697-6577

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 2522

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING GOAL 14 (URBANIZATION) POLICY 11 OF THE LAKE OSWEGO COMPREHENSIVE PLAN TO ALLOW THE EXTENSION OF CITY SEWER SERVICE TO UNINCORPORATED PROPERTIES WHERE THE SEPTIC SYSTEM IS FAILING AND CERTAIN CONDITIONS ARE SATISFIED, AND ADOPTING FINDINGS (LU 08-0049-1688).

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

WHEREAS, public hearings were held before the Planning Commission on September 8, 2008 and before the Lake Oswego City Council on October 21, 2008;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 08-0049-1688) attached as Exhibit 1.

Section 2. Goal 14 (Urbanization) Policy 11 of the City's Comprehensive Plan is hereby amended by removing text shown in ~~strike out~~ and adding new text shown in **bold, underlined type** as follows:

a. Except as provided in section (b), Unincorporated property shall be required to annex prior to the receipt of City sanitary sewer service.

b. Any of the properties designated in Figure 30 may be provided with City sanitary sewer service prior to annexation if all of the following conditions are met:

- i. The property is within the Lake Oswego Urban Services Boundary;**
- ii. An existing sanitary sewer line operated by the City, to which connection can be made in accordance with subsection (iv) below, is within 300 feet of the property;**
- iii. The County has found that the septic system serving the property is failing and the County has directed connection to a sanitary sewer system;**
- iv. The plan for extension of a sanitary sewer line to be connected to the City sanitary sewer line has been approved by the City Engineer; and**
- v. Immediate annexation of the property is not feasible and the Owner has executed a consent for future annexation.**

c. City water service to unincorporated property shall require prior annexation or execution of a consent for future annexation. In no case will consent for future annexation be accepted where immediate annexation is feasible.

Section 3. Goal 14 (Urbanization) Policy 11 of the City's Comprehensive Plan is hereby amended to incorporate Figure 30 (attached as Exhibit 2) illustrating the properties eligible for City sanitary sewer service prior to annexation.

Enacted at the regular meeting of the City Council of the City of Lake Oswego held on 4th day of November, 2008.

AYES: Mayor Hammerstad, Turchi, McPeak, Groznik, Hennagin, Johnson, Jordan

NOES: none

ABSTAIN: none

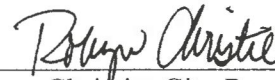
EXCUSED: none



Judie Hammerstad, Mayor

Dated: 11/13/08

ATTEST:



Robyn Christie, 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 A COMPREHENSIVE) LU 08-0049-1688
PLAN TEXT AMENDMENT TO GOAL 14,) (City of Lake Oswego)
(URBANIZATION) POLICY 11;)
ORDINANCE No. 2522) FINDINGS AND CONCLUSIONS

NATURE OF APPLICATION

This is a proposal for a legislative amendment to the Lake Oswego Comprehensive Plan to Amend Goal 14, Policy 11, which requires annexation prior to the receipt of City sanitary sewer services. The proposal is intended to address the issue of properties that need to connect to sewer because of failing septic systems, but which cannot immediately annex because they are not adjacent to a city boundary. The proposed Comprehensive Plan amendment would allow the extension of city sanitary sewer service to an unincorporated property that is within the City's Urban Services Boundary, and that is within 300 feet of an existing city sewer line, if the system serving the subject property is failing and the county has directed connection to the sewer system.

PROCEEDINGS

The Planning Commission held a public hearing and considered this application at its meeting on September 8, 2008. On September 22, 2008 the Commission adopted findings recommending approval of the application. The City Council held a public hearing and considered this application at its meeting on October 21, 2008.

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1 CRITERIA AND STANDARDS

2 Section 50.75.010 of the Community Development Code sets forth the criteria for
3 legislative decisions involving map and code text amendments:

4 *A legislative decision is generally a policy decision which is up to the discretion of the*
5 *City Council, but shall:*

- 6 1. *Comply with any applicable state law;*
7 2. *Comply with any applicable Statewide Planning Goal or Administrative Rule*
8 *adopted pursuant to ORS Chapter 197; and*
9 3. *In the case of a legislative amendment to this Community Development Code,*
10 *comply with any applicable provision of the Lake Oswego Comprehensive Plan.*

11 The applicable laws, goals, policies, and code requirements are listed below.

12 A. City of Lake Oswego Comprehensive Plan

- 13 Goal 1: Citizen Involvement (Policies 1, 2 & 5)
14 Goal 11: Public Facilities & Services
15 Section 4, Wastewater Collection and Treatment (Policies 1(b) & 3)
16 Goal 14: Urbanization (Policy 11)

17 B. Statewide Planning Goals

- 18 Goal 1: Citizen Involvement
19 Goal 11: Public Facilities and Services
20 Goal 14: Urbanization

21 C. City of Lake Oswego Community Development Code

- 22 LOC 50.01.010 Purpose
23 LOC 50.05.005 Zoning Districts
24 LOC 50.05.010 Zoning Map
25 LOC 50.79.030 Major Development
26 LOC 50.77.007 Burden of Proof
LOC 50.77.030 Application Procedures
LOC 50.82.005-020 Review of Major Development Applications and Appeals
LOC 50.83.005-040 Hearings before a Hearing Body
LOC 50.75.005 Legislative Decision Defined
LOC 50.75.010 Criteria for Legislative Decision
LOC 50.75.015 Required Notice to DLCD
LOC 50.79.020 Planning Commission Recommendation Required
LOC 50.79.025 City Council Review and Decision

1 FINDINGS AND REASONS

2 The City Council incorporates the staff report, dated August 12, 2008, for LU 08-0049
3 (with all exhibits attached thereto), together with the Council Staff Report dated October 13,
4 2008, as support for its decision, supplemented by the further findings and conclusions set forth
5 herein. In the event of any inconsistency between the supplementary matter herein and
6 incorporated reports, the matter herein controls. To the extent they are consistent with the
7 approval granted herein, the City Council adopts by reference its oral deliberations on this matter.
8

9 Following are the supplementary findings and conclusions of the City Council:
10

11 The City Council concurs with the Planning Commission's findings that the proposed
12 amendment is an appropriate solution for those properties that need to connect to the City sewer
13 system because of septic system failure, but which cannot immediately annex because they are
14 not adjacent to the City's boundaries. However the City Council finds that the proposed
15 Comprehensive Plan Amendment should be limited at this time to those specific qualifying
16 properties that would be prevented from annexation by reason of the fact that the City cannot
17 annex the Childs Road right-of-way. The Council desires further analysis of the issues
18 associated with annexation and sewer service in the area before considering whether to apply this
19 policy change to other properties. The text of the proposed policy amendment should be
20 modified to reflect this limitation.
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CONCLUSION

The City Council concludes that LU 08-0049-1688, as modified to be consistent with these findings, complies with the Community Development Code, the City's Comprehensive Plan, the Statewide Planning Goals and all other applicable criteria.

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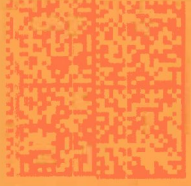
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11/14/2008

Mailed From 97034

US POSTAGE

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

*Department of Land Conservation & Dev.
635 Capital St. NE, Suite 150
Salem OR 97301-2540*