



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 26, 2015  
Jurisdiction: City of Lake Oswego  
Local file no.: LU 15-0010  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 45 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-15 {23684}  
Received: 10/23/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Lake Oswego

Local file no.: **LU 15-0010**

Date of adoption: 10/20/15

Date sent: 10/23/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 03/13/15

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No  
If yes, describe how the adoption differs from the proposal:

The adoption amends the definition of Duplex, the Residential Use Table, and Clear and Objective Building Design Standards. The adoption does not include amendments related to a Multi-Dwelling Development Use or to amend the open space requirement in the R-0 zone.

Local contact (name and title): Sarah Selden, Senior Planner

Phone: (503) 697-6524

E-mail: [sselden@lakeoswego.city](mailto:sselden@lakeoswego.city)

Street address: PO Box 369

City: Lake Oswego

Zip: 97034-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

LOC 50.10.003.2: Definitions, LOC 50.03.002.2: Residential Use Table, LOC 50.06.007: Clear and Objective Housing Standards for Approval

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 2667**

**AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING THE LAKE OSWEGO COMMUNITY DEVELOPMENT CODE CLARIFYING THE DEFINITION OF DUPLEX, AMENDING THE CLEAR AND OBJECTIVE HOUSING STANDARDS, AND CORRECTING THE RESIDENTIAL USE TABLE.**

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

WHEREAS, a public hearing before the Planning Commission was opened on April 27, 2015, and immediately continued to June 22, 2015, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 15-0010-1871 be approved by the City Council; and

WHEREAS, a public hearing on LU 15-0010 was held before the City Council of the City of Lake Oswego on October 6, 2015, at which the staff report, testimony, and evidence were received and considered;

WHEREAS, the Council finds that the definition of “duplex” should be clarified so that it applies only to one duplex on a lot; and

WHEREAS, the Council finds that minor amendments to the Clear and Objective Housing Standards for townhouse, multi-family and residential mixed-use structures will simplify and improve the Code; and

WHEREAS, the Council further finds that amendments to the Residential Use Table are needed to correct inconsistencies in the Code.

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 15-0010), attached as Attachment 1.

**Section 2.** The Lake Oswego Code is hereby amended by adding the new text shown in double-underlined type and deleting text shown in ~~strikethrough~~ type in Attachment 2, dated July 10, 2015.

**Section 3. Severability.** The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 20<sup>th</sup> day of October, 2015.

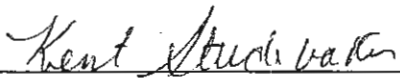
AYES: Mayor Studebaker, Manz, Gudman, O'Neill.

NOES: Gustafson, Buck.

ABSENT: None.

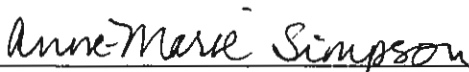
ABSTAIN: None.

EXCUSED: Collins.

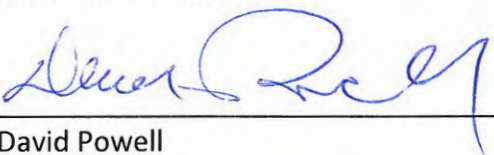
  
\_\_\_\_\_  
Kent Studebaker, Mayor

Dated: October 23, 2015

ATTEST:

  
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Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

  
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David Powell  
City Attorney

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BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST TO AMEND THE COMMUNITY DEVELOPMENT CODE TO AMEND THE DEFINITION OF DUPLEX, DEFINE AND ADOPT DEVELOPMENT STANDARDS FOR MULTI-DWELLING DEVELOPMENT TYPES; AND AMEND THE RESIDENTIAL USE TABLE	LU 15-0010 CITY OF LAKE OSWEGO  FINDINGS AND CONCLUSIONS
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**NATURE OF PROCEEDINGS**

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission, pursuant to an application by the City to amend the Community Development Code to:

- Clarify the definition of “duplex” (LOC 50.10.003.2);
- Add “multi-dwelling development” as a residential use (LOC 50.03.002) and adopt associated standards (LOC 50.06.001, 002, .003, .004);
- Amend the Open Space requirement for multifamily and multi-dwelling development in the R-0 zone (LOC 50.06.005); and
- Amend the Residential Use Table (LOC 50.03.002).

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meetings of June 22, 2015 and July 13, 2015. The City Council held a public hearing to consider the Planning Commission’s recommendation on October 6, 2015.

**CRITERIA AND STANDARDS**

A. City of Lake Oswego Comprehensive Plan:

Land Use Planning Goal:	<b>Development (Community Development Code)</b>
	Policy A-1.b
	Policy A-1.g
	Policy A-2
	Policy A-3

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**Development Review**

Policy B-5  
Policy B-10  
Policy B-13

**Design Standards and Guidelines**

Policy C-1  
Policy C-3  
Policy C-5

**Land Use Administration**

Policy D-1

Community Culture Goal:

**Civic Engagement**

Policy 1  
Policy 2

Complete Neighborhoods and Housing Goal:

Policy A-4  
Policy B-1

B. City of Lake Oswego Community Development Code:

LOC 50.07.003.3.c	Published Notice for Legislative Hearing
LOC 50.07.003.16.a	Legislative Decisions Defined
LOC 50.07.003.16.b	Criteria for Legislative Decision
LOC 50.07.003.16.c	Required Notice to DLCD
LOC 50.07.003.16.d.iii	Planning Commission Recommendation Required
LOC 50.07.003.16.e	City Council Review and Decision

**FINDINGS AND REASONS**

The City Council incorporates the Findings and Conclusions of the Planning Commission in this matter, together with the staff report dated April 15, 2015 and memoranda dated February 17, March 2 and March 19, 2015, with all exhibits attached thereto, as support for its decision, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplemental findings and the incorporated matters, the supplemental findings control.

Following are the supplemental findings and conclusions of this Council:

Definition of Duplex

The City Council concurs with the Planning Commission that an amendment to the definition of "Duplex" to clarify that it means a single detached building on its own lot, as

1 concluded in Planning Director’s January 23, 2015 interpretation, is consistent with the intent  
2 of the Code and should be adopted.

3 Residential Use Table Amendments

4 The City Council finds that the proposed amendments to the Residential Use Table (LOC  
5 50.03.002) to correct inconsistencies resulting from the 2012 Code Reorganization are  
6 appropriate for the reasons stated in the incorporated Planning Commission findings. The  
7 Council also agrees with the conclusion of the Planning Commission to delete “Dwelling unit,  
8 any type” from the Residential Use Table and permit only those dwelling types expressly listed  
9 in the table.

10 Clear and Objective Building Design Standards

11 The Commission recommended amending the Clear and Objective Building Design  
12 standards in LOC 50.06.001.7 to add a requirement for a minimum 25% glazing on street or  
13 public space-facing elevations for townhouse or rowhouse development, similar to the 30%  
14 glazing currently required for upper stories on multi-family and residential mixed use  
15 structures. The City Council agrees, and finds that this supports the purpose of the Clear and  
16 Objective Building Design standards to create “visually interesting and attractive building  
17 facades.”

18 The requirement for arcades, roofs, alcoves, porticos or awnings on multi-family,  
19 residential mixed-use, and townhouse/rowhouse structures should be eliminated as it is  
20 redundant with the new standard for multi-family and residential mixed use structures adopted  
21 as part of the Clear and Objective Housing Standards, and was not intended to apply to  
22 townhouse/rowhouse structures.

23 Multi-Dwelling Development

24 The City Council agrees with the conclusion of the Planning Commission, as well as the  
25 testimony in the record, that the proposal to add “Multi-dwelling development” as a new type  
26 of residential use in the R-5, R-DD, R-3, and R-0 zones should not be adopted. Creating this new



1 housing type is inappropriate at this time because of uncertainties about potential  
2 development configurations and resulting impacts, coupled with the lack of evidence of a  
3 sufficient need for the change.

4 Park and Open Space Contributions in R-0 zone

5 The City Council also agrees with the Planning Commission that the proposal to reduce  
6 the required Park and Open Space Contributions in the R-0 zone for multi-family development  
7 from 20% to 10% of the gross land area on sites less than or equal to 16,000 sq. ft. in size  
8 should not be adopted. There is insufficient evidence of a need to make a special provision for  
9 smaller sites. The Council finds that the current open space requirement is appropriate.

10 CONCLUSION

11 The City Council concludes that LU 15-0010, as modified to be consistent with the  
12 recommendation of the Planning Commission, complies with all applicable criteria and should  
13 be approved. The Council also concludes that the A-1.1 version of proposed Ordinance 2667,  
14 which implements modified LU 15-0010, should be enacted.

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**50.10.003 DEFINITIONS**

**1. INTERPRETATION**

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**2. DEFINITION OF TERMS**

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"Duplex: A single detached building on its own a lot designed to contain two dwelling units and used for residential purposes."

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**50.03.002 USE TABLE**

**2. RESIDENTIAL USE TABLE**

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE												
P = Permitted Use   Blank = Not Permitted   C = Conditional Use												
[x] Table notes located at the end of the table												
Use Cat.	Use Type	Residential										Use Specific Standards
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3 [8]	R-2	R-0 [8]	
<b>RESIDENTIAL USES</b>												
Household Living	Dwelling unit, any type					P			P		P	
	Single-family detached dwelling	P [one per lot]				P	P	P	P	P	P	50.03.003.1
	Single-family dwellings erected on piling over the water of <del>Lake Oswego</del> <u>Oswego Lake</u>							P				
	Zero lot line dwelling	P	P	P	P	P	P		P	P	P	
	Dwelling, duplex					P	P		P	P	P	
	Dwelling, rowhouse					<u>P</u>	<u>P</u>		<u>P</u>	P	<u>P</u>	
	Multi-family dwelling					P	P		P		P	
	Manufactured homes (individual lot)	P	P	P	P	P	P	P	P	P	P	50.03.003.1.b
	Manufactured home parks and subdivisions					P			P	R	P	50.03.003.1.c
	Secondary dwelling unit	P	P	P	P	P	P		P	P	P	50.03.003.1.e

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## 50.06.001 BUILDING DESIGN

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### 7. CLEAR AND OBJECTIVE HOUSING STANDARDS FOR APPROVAL

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#### c. Design Standards

New buildings shall meet the following massing and compositional standards. The standards achieve the above purpose by requiring buildings to be articulated, avoiding large uninterrupted wall planes; have detailing that creates visual interest with appropriate proportions, rhythm, and scale; utilize attractive, high quality materials that are durable; and employ architectural styles that are contextually appropriate.

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#### ii. Standards for Townhouse/Rowhouse Structures

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(4) All building elevations facing a street or public space shall provide a minimum of 25% glazing. Glazing may be provided in windows or doors.

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- e. ~~Buildings shall incorporate features such as arcades, roofs, alcoves, porticos and awnings to protect pedestrians from the elements. These projections shall maintain a minimum vertical clearance of 13 ft. six in. where over fire lanes.~~

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