



Oregon

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

Date: April 10, 2015
Jurisdiction: City of Lake Oswego
Local file no.: LU 12-0011
DLCD file no.: 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/09/2015. 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 672 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



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

FOR DLCD USE
File No.: 003-12 {18873}
Received: 4/9/2015

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 12-0011**

Date of adoption: July 31, 2012 Date sent: April 9, 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): 03/09/12
- 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:

Local contact (name and title): Scot Siegel, Director of Planning and Building Services

Phone: 503/699-7474 E-mail: ssiegel@ci.oswego.or.us

Street address: 380 A Avenue 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 RC Overlay District to No overlay district. 2.3 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): Multiple properties, see Attach. B to Ordinance 2588.

- 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:

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:

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. 2588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING THE LAKE OSWEGO COMPREHENSIVE PLAN MAP AND ZONING MAP TO REMOVE A 2.3-ACRE RESOURCE CONSERVATION (RC) OVERLAY DISTRICT DESIGNATION FROM 18 PROPERTIES. (LU 12-0011-~~1782~~ 1791)

WHEREAS, the City initiated an amendment to the Lake Oswego Comprehensive Plan Map and Zoning Map to remove a 2.3-acre Resource Conservation (RC) Overlay District designation from 18 properties, as shown on the map in Attachment A; and

WHEREAS, the City followed the requirements of LOC 50.07.004.8.b.iii in processing the removal application in the same manner as a designation application, as a quasi-judicial Comprehensive Plan Map and Zoning Map amendment; and

WHEREAS, notice of the public hearings relating to consideration of this Ordinance was duly given in the manner required by law; and

WHEREAS, a public hearing was held before the Lake Oswego Planning Commission on April 23rd, 2012 at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission deliberated, adopted findings of fact and conclusions, and recommended that LU 12-0011 be approved by the City Council; and

WHEREAS, a public hearing was held before the City Council of the City of Lake Oswego on June 5th, 2012 at which the staff report, testimony, and evidence were received and considered;

The City of Lake Oswego ordains as follows:

Section 1. In support of this ordinance, the City Council adopts the Findings and Conclusions stated in Attachment C;

Section 2. The Lake Oswego Comprehensive Plan Map and Zoning Map are hereby amended to remove a 2.3-acre Resource Conservation (RC) Overlay District designation from the 18 properties identified in Attachment B, as shown on the map in Attachment A.


Read by title and enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 31st day of July, 2012.

AYES: Mayor Hoffman, Gudman, Jordan, Kehoe, Olson, Tierney

NOES: None

ABSTAIN: None

EXCUSED: Moncrieff



Jack D. Hoffman, Mayor


Dated: July 31, 2012

ATTEST:



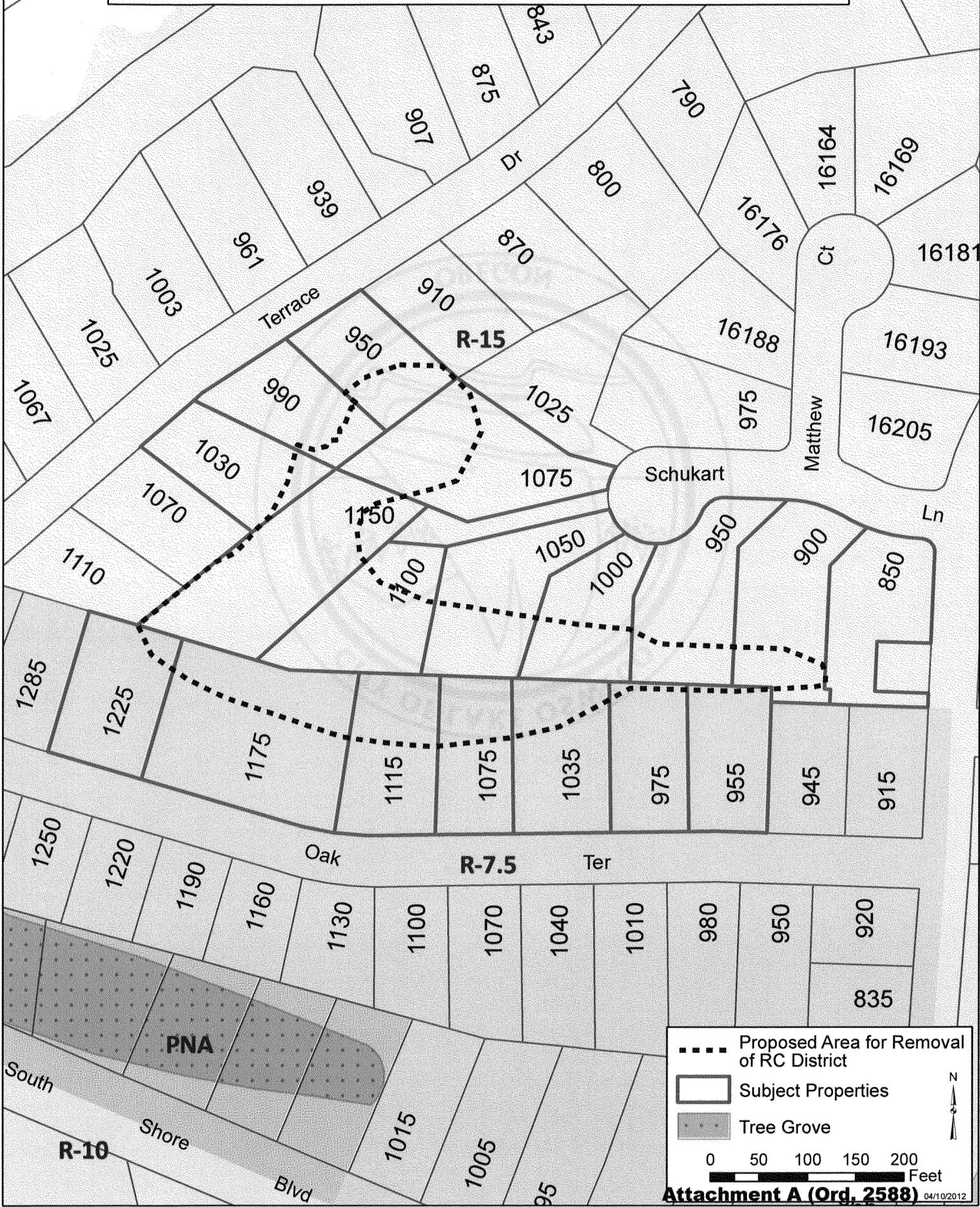
Cate Schneider, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

**Proposed Zoning Map and Comprehensive Plan Map
Amendments to Remove RC District Designation from TG-17**



Tree Grove TG-17 – Removal of Resource Conservation District (LU 12-0011)
 Owners and Location of Properties

| Tax Lot ID | Owner | Address | City | ZIP Code | Area (sf) | Area (acres) |
|--------------|--------------------------------|------------------|-------------|------------|-----------|--------------|
| 21E09DA01500 | ASCHENBRENNER J M CO-TRSTEE | 1225 OAK TER | LAKE OSWEGO | 97034-4666 | 15,053.71 | 0.35 |
| 21E09DA01600 | SHAW SHARON S | 1175 OAK TER | LAKE OSWEGO | 97034-4658 | 30,198.95 | 0.69 |
| 21E09DA01700 | BARBER JOHN W & AMANDA B | 1115 OAK TER | LAKE OSWEGO | 97034-4658 | 15,443.57 | 0.35 |
| 21E09DA01701 | FORTE IVA I TRUSTEE | 1075 OAK TER | LAKE OSWEGO | 97034-4662 | 12,408.21 | 0.28 |
| 21E09DA01800 | BARBER WILLIAM ROY & JEAN C | 1035 OAK TER | LAKE OSWEGO | 97034-4662 | 15,747.00 | 0.36 |
| 21E09DA01900 | GRIFFIN JOHN W & BARBARA K | 975 OAK TER | LAKE OSWEGO | 97034-4664 | 12,248.56 | 0.28 |
| 21E09DA02000 | GROSSE KEITH & GABRIELLE | 955 OAK TER | LAKE OSWEGO | 97034-4664 | 12,523.62 | 0.29 |
| 21E09DA07200 | MARKANTES PETER C & CONNIE A | 1075 SCHUKART LN | LAKE OSWEGO | 97034-4634 | 21,555.62 | 0.49 |
| 21E09DA07300 | RUSSELL JOHN F & JULIE P | 1150 SCHUKART LN | LAKE OSWEGO | 97034-4697 | 24,612.52 | 0.57 |
| 21E09DA07400 | EFT JOHN H TRUSTEE | 1100 SCHUKART LN | LAKE OSWEGO | 97034-4697 | 15,886.69 | 0.36 |
| 21E09DA07500 | VIKE CHRISTOPHER J | 1050 SCHUKART LN | LAKE OSWEGO | 97034-4634 | 18,508.75 | 0.42 |
| 21E09DA07600 | DAVITT JAMES S & KAREN C | 1000 SCHUKART LN | LAKE OSWEGO | 97034-4634 | 13,611.13 | 0.31 |
| 21E09DA07700 | FORSYTHE DONALD W & JAMIE | 950 SCHUKART LN | LAKE OSWEGO | 97034-4676 | 17,919.98 | 0.41 |
| 21E09DA07800 | MICHELL STEVEN T & ROBIN G | 900 SCHUKART LN | LAKE OSWEGO | 97034-4676 | 18,911.01 | 0.43 |
| 21E09DA07900 | LEE RANDY G TRUSTEE | 850 SCHUKART LN | LAKE OSWEGO | 97034-4686 | 15,383.33 | 0.35 |
| 21E09DA08200 | BRIVIC MITCHELL S | 1030 TERRACE DR | LAKE OSWEGO | 97034-4689 | 12,910.93 | 0.30 |
| 21E09DA08300 | ROY MICHAEL P TRUSTEE | 990 TERRACE DR | LAKE OSWEGO | 97034-4637 | 12,447.77 | 0.29 |
| 21E09DA08400 | CODER DERRICK A & KRISTINE K S | 950 TERRACE DR | LAKE OSWEGO | 97034-4637 | 12,200.03 | 0.28 |

Attachment B
Ord. 2588

BEFORE THE CITY COUNCIL

OF THE CITY OF LAKE OSWEGO

1
2
3 A REQUEST FOR AMENDMENTS TO THE)
4 COMPREHENSIVE PLAN MAP AND ZONING) LU 12-0011-1791
5 MAP TO REMOVE A RESOURCE CONSERVATION) (CITY OF LAKE OSWEGO)
6 OVERLAY DISTRICT DESIGNATION FROM)
7 18 PROPERTIES) FINDINGS & CONCLUSIONS
8 [ORDINANCE No. 2588])

NATURE OF PROCEEDINGS

9
10 This matter came before the City Council pursuant to a recommendation by the
11 Planning Commission to amend to the Comprehensive Plan Map and Zoning Map to remove a
12 Resource Conservation (RC) Overlay District designation from 18 properties. The subject
13 properties contain portions of tree grove TG-17. TG-17 is proposed for removal from the
14 Sensitive Lands Atlas under LOC 50.07.004.8.b.i (2), which allows a designation to be removed
15 due to a mistake in the analysis of resource quality made during the original designation.
16

HEARINGS

17
18 The Planning Commission held a public hearing and considered this application at its April
19 23, 2012, meeting. The Commission adopted findings and a recommendation on May 14, 2012.
20 The City Council held a public hearing on this matter on June 5, 2012.
21

CRITERIA AND STANDARDS

City of Lake Oswego Comprehensive Plan

- 22
23
24 A. Lake Oswego Development Code Procedural Requirements
25 LOC 50.07.003.7.a Review by Hearing Body
26 LOC 50.07.003.15.b.i Applicant's Evidence

| | | |
|---|-----------------------|-----------------------------------|
| 1 | LOC 50.07.003.15.b.ii | Staff Report |
| 2 | LOC 50.07.003.3.e | Notice for Initial Public Hearing |
| 3 | LOC 50.07.003.4.a-h | Hearings Before a Hearing Body |
| 4 | LOC 50.07.003.16.c | Required Notice to DLCD |

5 B. Sections Relating to the Removal of a Sensitive Lands Overlay District Designation

| | | |
|---|-------------------|--|
| 6 | LOC 50.07.004.8.b | Removing an Overlay District Designation |
| 7 | LOC 50.07.004.8.a | Criteria for Designating Property within an Overlay District |

8 **FINDINGS AND REASONS**

9 As support for its decision, the City Council incorporates the June 5, 2012 Council
 10 Report, with all exhibits, supplemented by the further findings and conclusions set forth herein.
 11 In the event of any inconsistency between the supplementary matter herein and the
 12 incorporated staff reports, the matter herein controls.

13 Following are the supplementary findings and conclusions of the City Council:

14 This matter is before the Council pursuant to a recommendation by the Planning
 15 Commission to amend the Comprehensive Plan Map and Zoning Map to remove a 2.3 acre
 16 Resource Conservation (RC) Overlay District designation from 18 properties that currently
 17 include portions of tree grove TG-17. LOC 50.07.004.8.b.i(2) allows removal of an Overlay
 18 District Designation if:

19 There was a mistake in the analysis of quality or quantity in the original designation of
 20 the resource and a re-application of the ESEE analysis demonstrates that the designation no
 21 longer meets the criteria. LOC 50.07.004.8.a.iii(2) provides that, to qualify for an RC Overlay
 22 District designation, a resource must meet the requirements of LOC 50.07.004.8.a.vi, and an
 23 Economic, Social, Environmental, and Energy (ESEE) Analysis must show that the resource is
 24 required to be protected.
 25
 26

1 LOC 50.07.004.8.a.vi states that a tree grove may be placed within an RC Overlay District
2 if it has:

- 3 (1) A HAS [Habitat Assessment Score] ranking of at least 35; or
- 4 (2) A "high" ranking for scenic values in the study; or
- 5 (3) Is associated with a stream corridor or wetland that has an RP ranking.

6 TG-17 was evaluated in 1994 and received a HAS ranking of 33. It nevertheless was
7 designated based upon a conclusion that it had high scenic value. However, this rating was a
8 mistake. It is inconsistent with the data recorded in the supplemental field ratings worksheet.

9
10 The Resources Areas Report states that a resource is considered to have high scenic
11 value if it ranks "high" in at least one of the following three categories and "medium" or higher
12 in at least one additional category:

- 13 a. Unusual or particularly attractive vegetation or feature(s)
- 14 b. High visibility for a large number of people
- 15 c. Screening value (e.g., incompatible or unsightly land uses)

16 TG-17 received "medium" rankings in all three categories, insufficient for a high scenic
17 value rating.

18 A reapplication of the ESEE analysis demonstrates that TG-17 does not meet the
19 required significance criteria.

20 Based upon the foregoing, the City Council finds that, because there was a mistake in
21 the analysis of quality or quantity in the original designation of TG-17 as being within an RC
22 Overlay District, and because a reapplication of the ESEE analysis demonstrates that the
23 designation does not meet the criteria, the RC Overlay District designation for TG-17 should be
24 removed.
25
26

1 **CONCLUSION**

2 The City Council concludes that LU 12-0011-1791 complies with all applicable criteria
3 and should be granted. The City Council also concludes that proposed Ordinance 2588,
4 amending the Comprehensive Plan Map and Zoning Map to remove the RC Resource Overlay
5 Designation from the 18 properties within TG-17, should be enacted.
6

