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**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF LAKE OSWEGO**

*Approved*

A REQUEST TO REORGANIZE CHAPTER 50 ) LU 11-0036 - 1772  
OF THE LAKE OSWEGO CODE INCLUDING ) (CITY OF LAKE OSWEGO)  
MINOR TEXT AMENDMENTS, AND CONFORM ) FINDINGS, CONCLUSIONS & ORDER  
COMPREHENSIVE PLAN AND ZONING MAPS )

NATURE OF APPLICATION

Legislative amendments to the Lake Oswego Code and Comprehensive Plan and Zoning Maps to:

1. Adopt a new Chapter 50 consolidating, reorganizing, and making minor text amendments to the following chapters or articles of the Lake Oswego Code:

Chapter 50 – Community Development Code  
Chapter 57 – Solar Access  
Chapter 58 – Historic Preservation  
Article 45.15 – Fences of Chapter 45, Building Code,

2. Rename the following zoning districts for clarity and consistency (there are no changes to regulations or density proposed):

DD zone (Old Town Design District) to be renamed R-DD  
WR zone (Waterfront Cabana District) to be renamed R-W  
R-2.5 to be renamed WLG R-2.5 (West Lake Grove R-2.5)  
WLG OC/R-2.5 to be renamed WLG RMU (West Lake Grove Residential Mixed Use)  
WLG OC/NC to be renamed WLG OC (West Lake Grove Office Commercial)  
WLG R-2.5/W to be renamed WLG RLW (West Lake Grove Live/Work)

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of December 12, 2011.

CRITERIA AND STANDARDS

A. City of Lake Oswego Comprehensive Plan:

Goal 1 Citizen Involvement, Policies 1 and 5  
Goal 2 Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 23

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 2 Land Use Planning

5  
6 CONCLUSION

7  
8 The Planning Commission concludes that *LU 11-0036* is in compliance with all applicable criteria.

9  
10 FINDINGS AND REASONS

11  
12 The Planning Commission incorporates the staff report, dated November 29, 2011, on *LU 11-0036* (with  
13 all exhibits attached thereto) as support for its decision, supplemented by the further findings and  
14 conclusions set forth herein. In the event of any inconsistency between the supplementary matter herein  
15 and the staff report, the matter herein controls. To the extent they are consistent with the approval  
16 granted herein, the Commission adopts by reference its oral deliberations on this matter.

17  
18 Following are the supplementary findings and conclusions of this Commission:

- 19  
20 1. The Commission finds that the Community Development Code (CDC) and related chapters have  
21 been amended and expanded numerous times over the years and are complex in terms of content,  
22 format, and organization, making it difficult for the user to navigate and understand. The Commission  
23 finds that the proposed code reorganization presents the existing content of the CDC and related  
24 chapters in a more logical, concise and user-friendly manner.  
25  
26 2. During the staff presentation, it was explained that some minor changes to LOC 50.07 and formatting  
27 errors in other areas of the draft code needed to be corrected prior to the adoption of the Findings,  
28 Conclusion and Order. Staff provided the Commission a packet consisting of pages 387-425 of the  
29 draft code with yellow highlighting showing the proposed changes to LOC 50.07. The Commission  
30 authorized the Chair and Vice Chair to review proposed edits with staff for inclusion in the final draft  
31 of the reorganized code to be adopted by the Commission with the Findings, Conclusion and Order.  
32 The Commission accepts the Chair's and Vice Chair's recommendation to approve the edits included  
33 in the December 2011 version of the Reorganized Code, as summarized in the December 30, 2011,  
34 errata sheet (Exhibit F-4).  
35  
36 3. The Commission finds that the Code Reorganization Variance is an important element of the Code  
37 Reorganization process to assure that the revisions are limited to reorganization and reformatting of  
38 the relevant sections of the Code and does not result in any substantive changes to the CDC and  
39 related codes. The Code Reorganization Variance is available to an applicant in cases where the  
40 code reorganization inadvertently eliminated or changed a development right that would have been  
41 permitted prior to the reorganization of Chapters 50, 57, 58, and LOC Article 45.15.

42  
43 The Commission recommends to the City Council that the application fee for the Code  
44 Reorganization Variance be free or a nominal cost to the applicant since a successful Code  
45 Reorganization Variance would be granted upon finding that there was inadvertent error in the code  
46 reorganization process, resulting in a change in the revised Chapter 50 through no fault of the  
47 applicant.

48  
49 ORDER

50  
51 IT IS ORDERED BY THE PLANNING COMMISSION of the City of Lake Oswego that:

- 52  
53 1. The Planning Commission recommends that *LU 11-0036*, with Ordinance 2579 (Exhibit A-1.1) and  
54 the revised December 2011 version of the Reorganized Code (Attachment B of Exhibit A-1.1) be  
55 approved by the City Council. [The Chair and Vice-Chair are authorized to approve clerical  
56 corrections to Attachment B of Exhibit A-1.1 before it is printed for the City Council.]

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Notes:

1. The footnotes contained in the Reorganized Code are not a formal part of the RECOMMENDATION of this Commission, and are therefore not formally recommended by the Commission to the City Council for approval, but rather are included for informational purposes only.
2. The ~~strikeouts~~ and underlined additions as shown in Attachment B of Exhibit A-1.1 are accepted by the Commission, and Attachment B shall be recommended to the City Council with those additions and deletions made.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Lake Oswego.

DATED this 9th day of January 2012.

Jon Gustafson /s/  
Jon Gustafson, Chair  
Planning Commission

Iris McCaleb /s/  
Iris McCaleb  
Administrative Support

ATTEST:

**PRELIMINARY DECISION - December 12, 2011**

AYES: Gaar, Glisson, Gustafson, Prager  
 NOES: None  
 ABSTAIN: None  
 RECUSE: None  
 EXCUSED: Bhutani, Johnson, Jones  
 ABSENT: None

**ADOPTION OF FINDINGS AND ORDER - January 9, 2012**

AYES: Bhutani, Gaar, Glisson, Gustafson, Johnson  
 NOES: None  
 ABSTAIN: None  
 RECUSE: None  
 EXCUSED: Prager  
 ABSENT: None