

To: General Code
From: Evan Boone, Lake Oswego Deputy City Attorney
Re: Editorial Correction of Lake Oswego Code
Date: 3-19-24

Pursuant to LOC 10.02.016, the following editorial changes and corrections in the Lake Oswego Code are to be made, as they do not alter the sense, meaning, affect, or substance of any ordinance.

1. LOC Chapter 50 numbering scheme

As you have noticed, our Chapter 50 has a different numbering format than any other Chapter in our Code. The numbering scheme is:

Chapter 50 Numbering
50.07.003.13.a.ii(1)(a)(i)(A)

When in outline format, each have periods after, except at and after the (1). Level.

50.
 07.
 .003.
 13. xxxx
 a. xxxx
 ii. xxx
 (1) xxx
 (a) xxxx
 (i) xxxx
 (A) xxx

For example, in LOC 50.07.004.6.b, this is correct:

- b. **Master Plan Procedure.** The review of a master plan shall be subject to the following procedure below:
 - i. The public hearing notice shall follow the same requirements in LOC § 50.07.003.3.c, Notice for Public Hearing.

But not correct in LOC 50.07.003.17:

- 17. **Expiration of Development Permit.**
[Ord. No. 2579, Repealed and Replaced, 3-20-2012; Ord. No. 2832, Amended, 1-7-2020; Ord. No. 2853, Amended, 11-3-2020]
 - a. Except as otherwise provided in LOC §§ 50.07.005(5), 50.07.007(3), 50.07.007(4)(f), another provision of this Code, or as specifically stated as a condition of approval of a development permit, any permit issued under this Code shall expire three years following the final decision and effective date of any order constituting or approving the development permit unless:

These should be: 50.07.005.5, 50.07.007.3 and 50.07.007.4.f

We need a global search to correct the formatting to references of LOC Chapter 50 when they out to the 4th level.

2. Hyperlinking to internal Code Reference

In the example of LOC 50.07.003.17 above, note that two are bolded with hyperlinks, but LOC 50.07.007.4.f is not. Ideally the hyperlink references to LOC Chapter 50 would be direct to the subsection, e.g., the “f” subsection, to wit: 50.07.007.4.f But at least to the 4th level: 50.07.007.4.f

This requires a search of all references to LOC Chapter 50 subsections.

17. Expiration of Development Permit.

[Ord. No. 2579, Repealed and Replaced, 3-20-2012; Ord. No. 2832, Amended, 1-7-2020; Ord. No. 2853, Amended, 11-3-2020]

- a. Except as otherwise provided in LOC §§ 50.07.005(5), 50.07.007(3), 50.07.007(4)(f), another provision of this Code, or as specifically stated as a condition of approval of a development permit, any permit issued under this Code shall expire three years following the final decision and effective date of any order constituting or approving the development permit unless:

3. LOC 55.02.080 Intro

Typo: Missing T

An applicant for a Type II tree cutting permit shall demonstrate that the following criteria are satisfied. The City Manager may require an arborist’s report to address the criteria for a permit.

4. LOC 55.02.080(3) Indent alignment of Exceptions to Subsection 3

The exceptions located after (e) are exception to the entirety of Subsection 3, rather than just to subsection e. So the alignment of the lead-in sentence needs to be moved out. Given that the numbering of the exceptions starts over at a, if you wanted to underline “Exceptions,” that would be OK with me.

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Example of Correction:

3. Removal of the tree will not have a significant negative impact on the character or aesthetics of the neighborhood. This standard is met when removal of the tree(s) does not involve:
 - a. A significant tree;
 - b. Alterations to the distinctive features or continuity of the neighborhood skyline, as viewed from all public streets and properties within 300 ft. of the property;
 - c. A tree that serves as a visual screen between a residential zone and an abutting nonresidential zone, or between a low density residential zone and a medium or high density residential zone, or between a medium and high density residential zone;
 - d. A street tree; or
 - e. Greater than 50% of a stand of trees.

Exceptions: This subsection (3) is not applicable when:

- a. A tree is likely to or will continue to cause damage to a permanent, viable existing structure, or to infrastructure, such as utilities or paved landscape features, that cannot be remedied through reasonable tree maintenance or pruning; or
- b. Alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. In making this determination, the City may consider alternative site plans or placement of structures (development purpose) or alternate landscaping designs (outgrown landscape area; landscape plan) that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Lake Oswego Code;