



Oregon
Theodore R. Kulongoski, 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

09/20/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lake Oswego Plan Amendment
DLCD File Number 014-12

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: Tuesday, October 08, 2013

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Leslie Hamilton, City of Lake Oswego
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
STAMP

DEPT OF
SEP 18 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Lake Oswego**

Local file number: **LU 12-0054-A**

Date of Adoption: **5/21/2013**

Date Mailed: **9/17/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City Council approved Ordinance 2612-A, amending LOC Chapter 50 (Community Development Code) for the Purpose Of Clarifying, Correcting and Updating Various Provisions, and Adopting Findings (LU 12-0054)

Does the Adoption differ from proposal? Yes, Please explain below:

The City Council elected to separate the recommended amendments to the Mixed Commerce (MC), Campus Research & Development (CR&D) and Industrial Park (IP) zones into Ordinance 2612-B.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Citywide**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>								

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DCLD File No. 014-12 (19632) [17614]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metropolitan Services District (Metro)

Local Contact: **Leslie Hamilton**

Phone: (503) 635-0292 Extension:

Address: PO Box 369

Fax Number: 503-635-269

City: Lake Oswego

Zip: 97034-

E-mail Address: lhilton@ci.oswego.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 2612-A

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF CLARIFYING, CORRECTING AND UPDATING VARIOUS PROVISIONS, AND ADOPTING FINDINGS (LU 12-0054).

WHEREAS, through the application of the Community Development Code and related code provisions, the public and Planning Division staff have found that some sections of the Lake Oswego Code, Chapter 50 (Community Development Code) could be improved by removing ambiguous and conflicting language, correcting provisions, adding clarifying text which is consistent with past interpretations, and updating the Community Development Code; and

WHEREAS, in 2012 a downtown revitalization analysis identified initiatives to promote a mixed-use district, and Council directed staff to pursue four recommended code amendments, including amendments to the color review process and the requirement for awnings on commercial buildings; and

WHEREAS, the City Council elects to separate from the recommended amendments the MC and CR&D zone amendments regarding maximum permitted square footage of commercial retail uses on a site, relating to compliance with Metro Title 4, and will consider the Planning Commission's recommendation and conduct a public hearing on those amendments at a later date;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 12-0054-1812), attached as Exhibit 1.

Section 2. The Lake Oswego Code, Chapter 50 (Community Development Code) is hereby amended by deleting the text shown by ~~strike through~~ type and adding new text shown in double underline type as set forth on Exhibit 2. (Sections or subsections within LOC Chapter 50 that are not marked for deletion or addition are neither amended nor deleted by this Ordinance.)

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.

Section 4. Effective Date of Revisions to LOC 50.06.004.2.b.v.

The revisions to LOC 50.06.004.2.b.v, as renumbered, above shall take effect upon the effective date of a new LOC 42.03.130 Vision Clearance Triangle section.

Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 21st day of May, 2013.

AYES: Mayor Studebaker, Bowerman, Gudman, Gustafons, Jordan, Kehoe, O'Neill

NOES: None

ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor

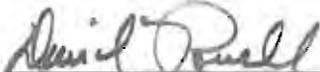
Dated: 5/21/13

ATTEST:



Catherine Schneider, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

BEFORE THE CITY COUNCIL

OF THE CITY OF LAKE OSWEGO

A REQUEST FOR AMENDMENTS TO THE)
 COMMUNITY DEVELOPMENT CODE TO) LU 12-0054-1812
 CLARIFY AND UPDATE VARIOUS SECTIONS) (CITY OF LAKE OSWEGO)
)
 [ORDINANCE No. 2612-A]) FINDINGS & CONCLUSIONS

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to approve amendments to the Lake Oswego Community Development Code (CDC) to clarify and update various sections, as well as to correct errors and to eliminate ambiguities and redundancies.

HEARINGS

The Planning Commission held two public hearings and considered this application at its meetings of January 28 and February 11, 2013. Oral testimony was received from the public at the January 28, 2013 hearing. The City Council held a study session on this matter on March 19, 2013, and held a public hearing to consider the Planning Commission's recommendation on April 16, 2013.

CRITERIA AND STANDARDS

A. City of Lake Oswego Community Development Code

LOC 50.07.003.16.a	Legislative Decisions Defined
LOC 50.07.003.15.c	Public Notice and Opportunity for Public Comment
LOC 50.07.003.16.d	Planning Commission Recommendation Required
LOC 50.07.003.16.e	City Council Review and Decision

1 B. City of Lake Oswego Comprehensive Plan

- 2 Goal 1: Citizen Involvement, Policies 1 and 5
3 Goal 2: Land Use Planning, Section 1 Land Use Policies and Regulations, Policy 23
4 Goal 9: Economic Development, Polices 6, 8, 20 and 21

5 **FINDINGS AND REASONS**

6 The Council incorporates the January 28, 2013 Staff Report, the March 19, 2013
7 Council Report and the April 5, 2013 Council Report, with all exhibits, as support for its decision.

8 Proposed amendments addressing compliance with Metro Title 4 have been
9 separated and will be considered by the City Council at a later date under Ordinance 2612-B.
10

11 As set forth in detail in the incorporated materials, the City Council finds that the
12 proposal meets all applicable approval standards, including, without limitation, applicable
13 provisions of the Lake Oswego Comprehensive Plan and the Lake Oswego Community
14 Development Code.
15

16 **CONCLUSION**

17 The City Council concludes that LU 12-0054 (separating for later consideration
18 amendments addressing compliance with Metro Title 4) complies with all applicable criteria
19 and should be approved. The Council also concludes that proposed Ordinance 2612-A, which
20 implements LU 12-0054, should be enacted.
21
22
23
24
25
26

Chapter 50 COMMUNITY DEVELOPMENT CODE

50.01.001 TITLE AND PURPOSE

2. PURPOSE

a. Generally Applicable Purposes

This Code has been drafted in accordance with the policies set forth in the Comprehensive Plan for the City of Lake Oswego. It is the general purpose of this Code, therefore, to provide the principal means for the implementation of the Comprehensive Plan. To fulfill this general purpose this Code is intended to:

- i. Protect and promote the public health, safety, convenience and general welfare;

- xi. Provide standards to regulate the impacts of development upon soils, trees and vegetation, ~~distinctive areas~~ sensitive lands and other natural features;

50.01.004 ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION

6. EFFECT OF CONDITIONS OF APPROVAL OR DEVELOPMENT OR DESIGN REGULATIONS IMPOSED PRIOR TO ANNEXATION

a. Purpose

The purpose of this section is to require owners of nonconforming uses, structures, or parcels annexed into the City of Lake Oswego to continue to comply with the use, design or development standards imposed by the prior jurisdiction until such time as the use, structure, or parcel is modified or developed under City development standards.

e. Modification of Conditions of Approval

The owner's obligation to comply with the conditions of approval of a development permit issued by a prior jurisdiction may be modified following annexation of the parcel into the City boundaries the same as if the conditions were imposed by the City, in the same manner as provided in LOC 50.07.003.11, Modification of Development Permits, ~~except that "hearing body or City Council" shall be construed to mean the final approving authority of the prior jurisdiction.~~ Except to the extent a condition of

EXHIBIT 2

approval is modified pursuant to this subsection, the prior jurisdiction's use limitations, and development or design regulations shall continue to apply to the use, structure or parcel.

50.02.001 RESIDENTIAL DISTRICTS

2. RESIDENTIAL-MEDIUM DENSITY ZONES

a. Districts

The residential-medium density zone districts are R-6, R-5, and R-DD.

b. Purpose

i. R-5 and R-DD Zone

To provide lands for single- and multi-family residential development with densities ranging from seven to eight dwelling units per gross acre.

ii. R-DD Zone

- (1) The purpose of the R-DD zone is to assure that single-family homes are protected from noise, light, glare and reduction in privacy to the maximum extent possible during the area's transition to higher density residential use, to facilitate good architectural design and site planning that maintains residential choices of unit size, cost and other amenities and supports the economic feasibility of new construction and development, and to assure protection and compatibility of all land uses, including commercial, residential, park, open space and historic sites.
- (2) The R-DD zone is intended for use in low density residential districts that are undergoing transition to increased densities, and that have scenic, historic, natural or residential features that should be preserved and integrated with new development.

iii. R-6 Zone

50.02.002 COMMERCIAL, INDUSTRIAL, MIXED USE ZONE

2. SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

b. Standards Applicable in Specific Zones

EXHIBIT 2

i. MC and CR&D Zones

~~iii. EC₂ and MC Zone Limitations Regarding Large Scale Commercial Use~~

~~(1) In the EC zone, the cumulative square footage of a single commercial business on a site shall not exceed 35,000 sq. ft.~~

~~(2) In the MC zone, the cumulative square footage of a single commercial business or building on a site shall not exceed 60,000 sq. ft.~~

iiiv. Specific Standards in the Industrial and Industrial Park Zones

(1) Each industrial area identified on the City's Comprehensive Plan Map also is described in LOC 50.11.002: Appendix B. The specific conditions for each area are by this reference made a part of this Code and are conditions and limitations of each zone.

(2) Manufacturing, repairing, compounding, processing or storage uses permitted in the I zone shall operate in continuing compliance with the requirements of Oregon Administrative Rules Chapter 340 and City Codes and regulations.

(3) Research facilities, testing laboratories, manufacturing, processing or assembling of products, and incidental retail uses in the IP zone shall not emit noise, smoke, glare, vibration, fumes or other environmental effects which adversely affect people, property or uses beyond the property lines of the IP site.

~~(4) In addition, incidental retail uses are considered part of the manufacturing business and are not allowed additional signage.~~

~~(5)~~ (4) Incidental retail uses in IP sites within 200 ft. of residentially zoned property may be open from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 a.m. on Friday and Saturday.

c. Standards Applicable to Specific Locations

~~iv. Block Located in the EC District Bounded by A Avenue, 2nd Street, Evergreen Road and 3rd Street~~

~~Development on the block located in the EC district bounded by A Avenue, 2nd Street, Evergreen Road and 3rd Street is not subject to the height limitation stated in LOC 50.04.001.4, Commercial, Mixed Use, and Industrial Zones, if the following conditions are satisfied;~~

EXHIBIT 2

~~(1) The use of the structure is a mixed use containing dwelling units.~~

~~(2) The street level commercial uses are designed to provide a "village atmosphere" by the use of landscaping, emphasis on pedestrian access and small scale retail uses. The structure contains parking areas made available to the public and other uses in the area.~~

~~iv. Boones Ferry Road/Jean Road Site~~

~~****~~

~~v. Jean Way Site~~

~~****~~

~~vii. Boones Ferry Road/Opposite Jean Way Site~~

~~****~~

50.03.002 USE TABLE

3. COMMERCIAL, MIXED USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE 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	Commercial, Mixed Use, Industrial												Special Purpose			Use Specific Standards		
		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]	CI		PF	PNA
									OC	RMU	R-2.5	RLW							
RESIDENTIAL USES																			
Household Living	Residential use	P/G	P	P	P		P [36]						P [1]						NC and GC zones: 50.03.003.1.e-f
	Residential use at R-0 density	C	P	P	P	P	P												NC, GC and EC zones: 50.03.003.1.e-f
	Residential use at R-3 and R-5 density	C	P	P	P		P												NC and GC zones: 50.03.003.1.e.i (1)
	Residential use at R-7.5, R-10 and R-	P	P	P	P														NC and GC zones: 50.03.003.1.e.i

EXHIBIT 2

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		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]	CI		PF	PNA
									OC	RMU	R-2.5	RLW							
	15 density																	(2)	
	Attached, residential townhome uses										P	P	P					50.03.003.1	
	Dwelling for a caretaker or watchman working on the property												P	P	P				

COMMERCIAL USES																			

	Bakery									P								Seating area 700 sq. ft. or less	
	Bakery, baked foods manufactured elsewhere sold on premises	P	P	P	P	P	P	P										CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area	
Food and Beverage Services	Bakery, manufacturing – where on-site baked foods are sold within the building, <5,000 sq. ft.	P	P	P		P	P	P											
	Bakery, manufacturing – where on-site baked foods are sold		P			P		P											

EXHIBIT 2

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		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]	CI	PF		PNA
									OC	RMU	R-2.5	RLW							
	within the building, >5,000 sq. ft.																		
	Bar or cocktail lounge, no restaurant; use with retail malt beverage license		P	P		P		P											
	Concession facilities																P		
	Delicatessen (table service permitted)													P [38]					
Food and Beverage Services (continued)	Delicatessen, no table service	P	P	P	P	P	P	P	P	P [6]									
	Food markets, over 25,000 sq. ft. floor area		P/C [7]	P		P [8]		P [9]											
	Food markets, under 25,000 sq. ft. floor area	P	P	P		P		P											
	Restaurant with or without associated lounge	P	P	P	P	P	P	P		P [10]									
	Restaurant without													P [38]					
																		MC zone: Not to exceed 20,000 sq. ft. floor area	
																	P	IPO zone: Not to exceed 2,000 sq. ft. floor area	
																		CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area	
																		CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area	
																		IPO zone: Not to exceed	

EXHIBIT 2

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE																			
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		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]	CI		PF	PNA
									OC	RMU	R-2.S	RLW							
	associated lounge																	2,000 sq. ft.	
	Restaurant, take out only; or which includes a drive-in window		C [11]	P															
	Specialized food stores (such as coffee shop or juice bar)	P	P	P		P		P		P					P [38]			MC zone: Not to exceed 20,000 sq. ft. floor area IPO zone: Not to exceed 2,000 sq. ft. in floor area	

Commercial Services	Business services, including auctioneers, bail bonds, drafting, detective agencies, notary public and other like services	P	P	P	P	P	P	P							P				

	Laundries and cleaning places	P	P	P		P	P	P					P [14]	P [15]	P [15]				

	Personal services	P	P	P	P	P	P	P				P			P [2]			WLG RLW zone:	

EXHIBIT 2

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE																				
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		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]	CI		PF	PNA	
									OC	RMU	R-2.5	RLW								
	{such as hair salons and personal care}																	5)	50.04.001.4.b.1 (1)	

	Tailor shops and related services	P	P			P	P	P							P					
Retail Sales	Incidental retail uses													P	P				Max. 3,000 sq. ft. total per site; 50.02.002.2.b.1 v(4) and (5)	
	Over 20,000 sq. ft. floor area [20]		P/C [21]			P [22] [8]		P [23] [9]												
	10,000 – 20,000 sq. ft. floor area [20]		P	P		P	P	P												
	Under 10,000 sq. ft. floor area	P [20]	P [20]	P [20]	P [20]	P [20]	P [20]	P [20]							P [39]					
	General retail sales, under 5,000 sq. ft. in WLG OC zone								P [24]											
	Orthopedic equipment and supplies, rental, sale and service		P				P	P	P							P				IPO zone: Less than 20,000 sq. ft. floor area
	Retail establishments [25]														C	C				IP zone: Not to exceed 20,000 sq. ft. of floor

EXHIBIT 2

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE																			
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		N C	GC	HC	OC	EC	CR &D	MC	WLG- [32]				I	IP	IPO [37]		CI	PF	PNA
									OC	RMU	R-2.5	RLW							
																		rea	
	Specialty retail (antique stores, art galleries, jewelers) in WLG								P [34]				P					WLG RLW zone: 50.04.001.4.b.i	
	Sign shop		P			P							P	P [3]	P [3]				

	<p>[1] At a net site density of 2,500 sq. ft./lot area per unit area allowed in conjunction with office uses in the same building.</p> <p>****</p> <p>[8] Not to exceed 35,000 sq. ft. per business (See also LOC 50.02.002.2.b.iii.).</p> <p>[9] Not to exceed 60,000 sq. ft. per building or business. (See also LOC 50.02.002.2.b.iii.).</p> <p>****</p>																		
	<p>[22]-Not to exceed 35,000 sq. ft. floor area per business [Reserved].</p> <p>[23]-Not to exceed 60,000 sq. ft. floor area per building or business [Reserved].</p> <p>****</p> <p>[36]-Residential use at R-7.5, R-10, and R-15 density not permitted in the CR&D zone [Reserved].</p> <p>****</p>																		

50.03.003 USE REGULATIONS AND CONDITIONS

1. RESIDENTIAL USES – HOUSEHOLD LIVING

e. Residential Uses in Commercial Zones

EXHIBIT 2

i. GC and NC

(1) At R-0, R-3 and R-5 Density

~~(a) In the NC zone, residential use at R-0, R-3, or R-5 density is a conditional use.~~

~~(b) Except as specifically allowed in LOC 50.02.002.2, Specific Standards for Commercial, Mixed Use, and Industrial Zones, a residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use with the following exception: A residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the Lake Grove Village Center Overlay District (see Village Character Map, LOC Figure 50.05.007-D).~~

(2) At R-7.5, R-10, and R-15 Density

A residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use.

~~g. Single Family Dwellings in R-7.5, R-10 and R-15 Zones in First Addition Neighborhood~~

~~Single family detached dwellings in the R-7.5, R-10 and R-15 zones and permitted accessory structures associated with such dwellings located within the boundaries of the First Addition Neighborhood Association, as they now exist or hereafter may be amended by ordinance of the City Council, shall be developed and altered pursuant to the standards for such dwellings contained in this Code.~~

50.03.004 ACCESSORY STRUCTURES AND USES

2. ACCESSORY STRUCTURES

b. Reduction of Side or Rear Yard Setbacks for Accessory Structures

i. Regular Lot. On a non-flag lot, a rear yard setback may be reduced to three ft. and a side yard setback may be reduced to five ft. for an accessory structure in a residential zone if the structure complies with the following criteria:

(1) The accessory structure is erected more than 40 ft. from any street. For the purposes of this subsection, an alley shall not be considered a street. The side and rear setbacks for a detached

EXHIBIT 2

garage obtaining access from an alley may be reduced to three ft. or to the degree the garage maintains access that provides an outside front wheel turning radius of at least 25 ft., whichever is greater.

- (2) For an accessory structure ~~less~~ greater than four ft. in height, the accessory structure is detached from other buildings by three ft. or more.
- (3) The accessory structure does not exceed a height of ten ft. nor an area of 600 sq. ft. footprint.

50.04.001 DIMENSIONAL TABLE

The following dimensional regulations apply to the base zones as identified in each table. These dimensions may have exceptions or modifications as identified in LOC 50.04.003.1, Additional Dimensional Exceptions.

1. RESIDENTIAL LOW DENSITY ZONES

a. Dimensional Standards

Development in the R-7.5, R-10, and R-15 zones shall conform to the dimensional standards in Table 50.04.001-1 except as modified below.

TABLE 50.04.001-1. RESIDENTIAL – LOW DENSITY ZONES DIMENSIONS				
	R-7.5	R-10	R-15	Comments/Additional Standards
DENSITY				50.04.001.1.b

YARD SETBACKS				50.04.001.1.e
Primary Structure				
Front (ft.)	25	25	25	
Side Adjacent to Street (ft.)				
Arterial/Collector	20	20	20	

EXHIBIT 2

TABLE 50.04.001-1- RESIDENTIAL – LOW DENSITY ZONES DIMENSIONS					
		R-7.5	R-10	R-15	Comments/Additional Standards
Local		15	15	15	
Interior Side (ft.)	Height ≤ 18 ft.	Total 15, 5 min.	10	10	
	Height > 18 ft.	10	15	15	
Rear (ft.)		30	30	30	
Accessory Structure					
Front (ft.)		25	25	25	
Side Adjacent to Street (ft.)					
Arterial/Collector		20	20	20	
Local		15	15	15	
Height ≤ 18 ft.	Side	5	10	10	
	Rear	10	15	15	
Height > 18 ft.	Side	10-5	15-10	15-10	
	Rear	15	15	15	

<p>[1] For purposes of this section, <u>When subdivisions are proposed</u>, the number of lots required shall be determined by dividing the net developable <u>square footage acre</u> by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for all Zones.</p> <p>[2] Net developable <u>footage acre</u>, divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density</p>					

EXHIBIT 2

TABLE 50.04.001-1: RESIDENTIAL – LOW DENSITY ZONES DIMENSIONS				
	R-7.5	R-10	R-15	Comments/Additional Standards
will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.				

2. RESIDENTIAL MEDIUM DENSITY ZONES

a. Dimensions

Development in the R-DD, R-5, and R-6 zones shall conform to the dimensional standards in Table 50.04.001-3 except as modified below:

TABLE 50.04.001-3: RESIDENTIAL – MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
DENSITY				50.04.001.2.b
Minimum [1]	80% of max	80% of max	SF Subdivisions: 5 lots/acre; Duplex Subdivisions: 10 units/acre; Multi-Family Subdivisions: 14 units/acre	
Maximum (units/acre)	--	[2]	[2],[3]	

<p>[1]When subdivisions are proposed in the R-5 and R-6 zones or multi-family development is proposed in the R-5 zone, the number of lots or dwelling units required in the R-5 and R-6 zones shall be determined by dividing the net developable square footage acre by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for All Zones. When subdivisions are proposed in the R-DD zone, the density is computed by multiplying the net developable acreage by either five, ten, or 14 per the applicable type of development. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5.</p>				

EXHIBIT 2

TABLE 50.04.001-3: RESIDENTIAL – MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
<p>[2] Net developable footage acre divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.</p> <p>****</p>				

e. Yard Setback – Additional Standards

i. R-5 Yard Setback Standards

(1) Required Setbacks

TABLE 50.04.001-4: YARD SETBACK REQUIREMENTS			
Structure Type	Front (ft.)	Side (ft.)	Rear (ft.)
Attached Dwelling	10	10 – exterior wall 0 – attached wall	10
Detached Dwelling			
< 18 ft. in height	20	5 – Side Yard 10 – Street Side Yard	20
> 18 ft. in height	20	10	20
Other Types of Primary Structures and All Accessory Structures	10	10	10

g. Height – Additional Standards

EXHIBIT 2

iv. R-DD Additional Height Standards

(1) Primary Structures

Average height may increase to 40 ft. over the entire site, with no individual structure exceeding 50 ft., in the following circumstances:

- (a) The lot or lots developed are 1/2 acre or greater in area; and
- (b) 25% or more of the gross site area is constrained by steep slopes, floodplain, or mapped sensitive lands; and
- (c) Any portion of structures taller than 35 ft. are is set back at least 50 ft. from a public street.
- ~~(d) On any lot in the R-DD zone which is closer than 60 ft. to a lot carrying a residentially zoned lot other than R-DD, R-0, R-3 or R-5, the structure height shall not exceed 35 ft.~~

(2) Detached Single-Family Dwelling/Greater Height Due to Greater Setback

In addition to the building base height exceptions in this section, the building base height for detached single-family dwellings may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the minimum code standards for the zone.

3. RESIDENTIAL HIGH DENSITY ZONES

a. Dimensions

Development in the R-W, R-3, R-2, and R-0 zones shall conform to the development standards in Table 50.04.001-11 except as modified below:

TABLE 50.04.001-11: RESIDENTIAL – HIGH DENSITY ZONES DIMENSIONS					
	R-W	R-3	R-2	R-0	Comments/Additional Standards
DENSITY					50.04.001.3.b
Minimum	80% of max. [1]	80% of max. [1]	12 lots or units/acre [2]	20 lots or units/acre [2]	
Maximum (units/acre)	[3]	[3]	--	–	

EXHIBIT 2

TABLE 50.04.001-11: RESIDENTIAL – HIGH DENSITY ZONES DIMENSIONS						
	R-W	R-3	R-2	R-0	Comments/Additional Standards	

YARD SETBACKS					50.04.001.3.e	
Primary Dwelling (Detached)						
Front (ft.)	0	20	Table 50.04.001-13	20		
Side Adjacent to Street (ft.)	0	10		10		
Side (ft.)	Height < 18 ft.	0		5	5	
	Height > 18 ft.	0		10	10	
Rear (ft.)	0	20		20		
Primary Dwelling (Attached)						
Front	0	10	Table 50.04.001-13	10		
Side	0	10 (exterior wall); 0 (attached wall)		10		
Rear	0	10		10		
Other Types of Primary Structures and All Accessory Structures						
Front (ft.)	0	10	Table 50.04.001-13	10		
Side Adjacent to Street (ft.)	0	--		--		
Arterial/Collector	0	--		--		
Local	0	--		--		

EXHIBIT 2

TABLE 50.04.001-11: RESIDENTIAL – HIGH DENSITY ZONES DIMENSIONS						
		R-W	R-3	R-2	R-0	Comments/Additional Standards
Height ≥ 18 ft.	Side	0	10		10	
	Rear	0	10		10	
Height > 18 ft.	Side	0	10		10	
	Rear	0	10		10	

<p>[1]When subdivisions are proposed in the R-W and R-3 zones or multifamily development is proposed in the R-3 zone the number of lots or dwelling units required shall be determined by dividing the net developable acre by the minimum lot size or units required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections, and Encroachments.</p> <p>[2]When subdivisions are proposed in the R-2 or R-0 zones or multifamily development is proposed in the R-0 zone, minimum density. This number is computed by multiplying the net developable acreage by either 20 or 12 per the applicable zone. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections and Encroachments.</p> <p>****</p>						

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

c. Additional Standards and Exceptions

i. EC Zone Height Measurement [1]

EXHIBIT 2

TABLE 50.04.001-18 EC MAXIMUM HEIGHT [1]	
Structure Location	Max. Height (ft.)
Lot Abuts R-DD Zone	40
Structure is within 120 feet of a lot zoned R-6 or R-7.5	35 for the portion of the structure within 120 ft. of a lot zoned R-6 or R-7.5 [2]
Structure is within 120 feet to 240 feet of a lot zoned R-6 or R-7.5	45 for the portion of the structure within 120 ft. to 240 ft. of a lot zoned R-6 or R-7.5 [2]
Development on the block bounded by A Avenue, Second Street, Evergreen Road and Third Street	No height limit [3]
All other lots and those portions of structures beyond 240 ft. of a lot zoned R-6 or R-7.5	60
<p>Notes:</p> <p>[1] Except the block described in LOC 50.02.002.2.c.iv, Specific Standards for Commercial, Mixed Use, and Industrial Zones [Reserved].</p> <p>[2] The measured distance is exclusive of intervening public right-of-way if any exists.</p> <p>[3] Provided the following conditions are satisfied: (1) the use of the structure is a mixed use containing dwelling units; (2) the street-level commercial uses are designed to provide a "village atmosphere" by the use of landscaping, emphasis on pedestrian access and small scale retail uses; and (3) the structure contains parking areas made available to the public and other users in the area.</p>	

50.04.004 SOLAR ADJUSTMENTS

1. EXEMPTIONS FROM SOLAR DESIGN STANDARD

A development is exempt from the requirements of LOC 50.06.007.1.d, Solar Design Standard, if the **hearing body reviewing authority** finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from LOC 50.06.007.1.d to the extent the **hearing body reviewing authority** finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with the solar access requirements.

EXHIBIT 2

2. ADJUSTMENTS TO SOLAR DESIGN STANDARD

The ~~hearing body reviewing authority~~ shall reduce the percentage of lots that must comply with LOC 50.06.007.1.d, Solar Design Standard, to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply:

50.05.004 DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

2. APPLICABILITY

Except as otherwise expressly provided below, the following developments within the Downtown Redevelopment District (shown in Figure 50.05.004-C) are subject to the requirements of this section:

- a. Construction of a new building;

~~d. Construction or modification of a sign (LOC Chapter 47 only).~~

6. BUILDING DESIGN

Building elements shall be designed to create a village character through compliance with the following requirements:

- a. Lake Oswego Style Required

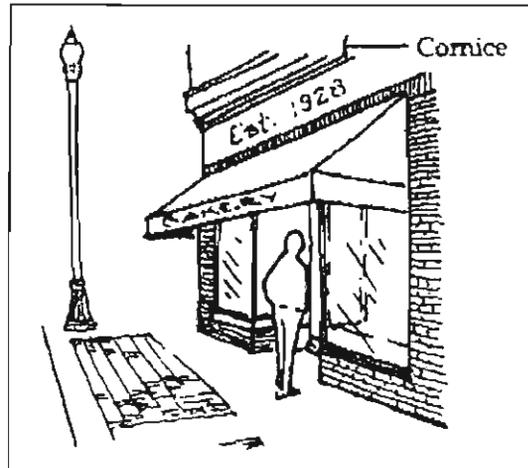
Buildings shall be designed using building design elements of the Lake Oswego Style to create distinctive buildings which have richly textured, visually engaging facades. See LOC 50.11.001, Appendix A – Lake Oswego Style.

- g. Awnings and Canopies for Weather Protection

Buildings with more than one story shall provide Awnings or canopies ~~shall be provided for weather protection~~ extending six ft. from window walls. Awnings shall be shed type with opened or closed ends as shown in Figure 50.05.004-F: Awning Design and Brick Pavement Panel. Curved awnings shall not be allowed. Awnings may have a front valance.

EXHIBIT 2

Figure 50.05.004-F: Awning Design and Brick Pavement Panel



50.05.005 WEST LAKE GROVE DESIGN DISTRICT

4. STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

a. General Requirements

Development which occurs within the West Lake Grove Design District shall create an aesthetically pleasing entry into Lake Grove through the following design elements:

f. Landscaping Standards

Landscape development shall reinforce the informal "village" scale and character of Lake Grove.

ii. Parking Area Landscaping, Buffering, and Screening

The overall design themes for parking lot landscapes shall emphasize development of a natural appearing landscape, which utilizes plant materials that are either native or have naturalized to the locale.

EXHIBIT 2

(2) Minimum Parking Lot Landscaping Standards

All parking lots shall be landscaped to conform to the following minimum standards:

- (a) Trees planted to meet the landscaping requirements for parking lots shall be deciduous shade trees of at least three in. in caliper which reach a minimum mature height of at least 30 ft. and have the canopy and structure necessary to cast moderate to dense shade.

(h) Entrances to parking areas shall be specifically indicated through pedestrian-scale signage and lighting.

~~k. Signage~~

~~Signs shall be limited to monument, blade and wall signs pursuant to LOC 47.10.410, Permanent Signage Requiring Permit Allowed in Commercial Zones. Entrances to parking areas shall be specifically indicated through pedestrian-scale signage and lighting.~~

l. Undergrounding of Utilities

All public and private utility services shall be placed underground.

m. Building Design

mm. Street and Pathway Lighting

nn. Outdoor Storage

oo. Stormwater Management

50.06.001 BUILDING DESIGN

3. R-6 RESIDENTIAL ZONE ADDITIONAL REQUIREMENTS

b. Front Porch Required

- i. All new primary dwellings shall include a covered front porch a minimum depth of six feet and a minimum width of either 50% of the building width, as measured within 40 ft. of the front lot line, or 15 ft., whichever is greater. See Figure 50.06.001-D: Minimum Front Porch Width.
- ii. Porch supports shall be provided and shall be wood or masonry or a solid material with the appearance of wood or masonry.

5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

- g. Building orientation shall be designed to encourage pedestrian access from public streets and make the street pedestrian friendly.

i. Applicability

(1) This subsection shall apply to:

- (a) New construction, including removal of existing structure buildings and construction of new structure buildings within existing footprint; and
- (b) Modifications of existing buildings that are not removed and reconstructed, and that expand the building footprint by more than 50% as measured cumulatively from the footprint existing on December 6, 2005.

(2) This subsection is not applicable to construction or modifications of structures within parks, or to non-habitable buildings.

50.06.003 CIRCULATION AND CONNECTIVITY

4. LOCAL STREET CONNECTIVITY

a. Applicability

This section is applicable to:

EXHIBIT 2

- i. Any development that results in the construction of a street, or
- ii. A land division that:
 - (1) Is located on a parcel or parcels of vacant or redevelopable land of 1.75 acres or more, or
 - (2) Abuts a parcel upon which there is a street that has been "stubbed" to the proposed development site,
- iii. Construction of a detached single-family dwelling, duplex, zero-lot line dwelling, multi-family dwelling, commercial, industrial, institutional or Public Function structure that :
 - (1) Is located on a parcel of parcels of vacant or redevelopable land of 1.75 acres or more, or
 - (2) Abuts a parcel upon which there is a street that has been "stubbed" to the proposed development site,

~~ii.—Construction of a detached single family dwelling, duplex, zero lot line dwelling, multi family dwelling, commercial, industrial, institutional, or Public Function structure; and is located on a parcel or parcels of vacant or redevelopable land of one and three fourths acres or larger.~~

~~iii.—Any construction of a detached single family dwelling, duplex, zero lot line dwelling, multi family dwelling, commercial, industrial, institutional, or Public Function structure, or any land division that abuts a parcel upon which there is a street that has been "stubbed" to the proposed development parcel.~~

- c. Standards for Approval of Development Which Requires the Construction of a Street

- d. Standards for Approval for a Land Division or Development of Construction of Structures that Does Not Require Construction of a Street ~~but are Located on a Parcel(s) 1.75 Acres or Greater in Size~~

~~When an applicant proposes construction of a structure subject to LOC 50.06.003.4.a.ii above that does not require the construction of a street, but is located on a parcel or parcels one and three-fourths acres or greater in size, t~~he Review Authority shall require:

- i. A future connectivity plan to be filed with the City and recorded in the applicable County Clerk records, ~~as a condition of development approval.~~ The future connectivity plan shall show how the location of future streets, access lanes, and accessways will provide for full development of the subject parcel as well as any abutting properties in order to meet the standards of LOC 50.06.003.4.c.ii-viii; and

EXHIBIT 2

- ii. Placement of structures in a manner that allows for the future street(s), access lanes, or accessways to be constructed, as well as an area sufficient to meet the required zone setbacks from the future streets.

50.06.004 SITE DESIGN

2. FENCES

a. Purpose

~~The purpose and intent of this subsection is to provide standards and regulations regarding the location, height, materials, maintenance and appearance of fences, walls, and retaining walls within the City of Lake Oswego.~~

ab. Applicability

bc. Location and Height

- v. Fences, walls, retaining walls, gates, and portals shall comply with the provisions of LOC ~~50.06.011~~ 42.03.130 (Vision Clearance).

vii. Retaining Walls within Residential Zones

- (1) ~~A R~~ Retaining wall ~~less than~~ four ft. ~~or less~~ in height may be located in the required setback; provided, that if there are multiple retaining walls within the setback, each retaining wall shall be located no closer than five ft. to another retaining wall, as measured from the back of one retaining wall to the front of the other retaining wall.

Exception: Retaining walls greater than 4 feet in height are permitted if the retaining wall forms a window well that complies with the depth and length requirements for an exception to "Height of Building", in LOC 50.10.003.3.

- (2) Retaining walls ~~greater than~~ four ft. ~~and greater~~ in height shall be required to meet all setback requirements, ~~except as otherwise exempted. Property owners shall be required to obtain a building permit for retaining walls greater than four ft. in height or for any wall over two ft. that supports a surcharge.~~

EXHIBIT 2

- (3) Retaining walls shall not be permitted in any rights-of-way, except with prior approval of an encroachment permit.

viii. Fence Located on Top of or Near Retaining Walls

- (1) The combined height of a retaining wall and fence, where the fence is located either on top of or within five ft. of the face of the retaining wall on the upslope side, shall be less than eight ft., as measured from the lower side of the retaining wall.
- (2) No fence shall be located either on top of or within five ft. of the face of the retaining wall on the upslope side when either the retaining wall or the fence is located within ten ft. of a public or private street or an access easement which serves more than two lots.
- (3) When a fence is located on the top of a retaining wall, the fence shall be of a different class of material than the retaining wall, i.e., if the retaining wall is masonry, the fence must be wood or metal.

cd. Materials; Standards for Construction

- i. The unfinished or structural side of a fence or retaining wall shall face the owner's property unless written consent has been obtained from the respective ~~all~~ abutting property owners to face the unfinished or structural side of the fence towards the abutting property. For purposes of abutting public right-of-way, consent must be obtained from the City Manager, in another direction.

50.06.005 PARK AND OPEN SPACE CONTRIBUTIONS

1. APPLICABILITY

- a. Except as provided in LOC 50.06.005.1.b, this section is applicable to all major development, and to the following minor developments:
 - i. Construction or alteration of multi-family dwelling;
 - ii. Construction or alteration of major public facilities;
 - iii. Construction or alteration of commercial development;
 - iv. Construction or alteration of institutional development;
 - v. Construction or alteration of industrial development;

EXHIBIT 2

vi. Major Partitions and subdivisions, ~~when the parent lot is greater than 75,000 sq. ft.~~

b. The above developments located within the Downtown Redevelopment Design District shall comply with LOC 50.05.004.8 rather than the provisions of this section.

3. **STANDARDS FOR APPROVAL**

a. Amount of Open Space Required

iv. Subdivisions and major partitions of 75,000 sq. ft. or less shall provide open space for the following areas of the site:

50.06.007 SOLAR ACCESS

1. **SOLAR ACCESS FOR NEW DEVELOPMENT**

a. Purpose

The purposes of the solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

b. Applicability

The solar design standard in LOC 50.06.007.1.d shall apply to applications for a development to create lots ~~in the R-7.5, R-10, and R-15 zones and for development which creates lots~~ intended for single-family detached dwellings in any zone, except to the extent the hearing body reviewing authority finds that the applicant has shown one or more of the conditions listed in LOC 50.04.004.1, Exemptions from Solar Design Standard, and LOC 50.04.004.2, Adjustments to Solar Design Standard, exist and exemptions or adjustments provided for therein are warranted.

50.06.009 HISTORIC PRESERVATION

~~10. — ECONOMIC INCENTIVES~~

~~The City shall explore and consider the feasibility and advisability of the adoption of economic incentives for the benefit of the owners of historic resources.~~

50.07.003 REVIEW PROCEDURES

1. APPLICATION

a. Application for Development

e. Pre-Application Conference

- i. A pre-application conference with the City Manager is required for minor and major development permit applications, and must be scheduled by the applicant prior to submitting an application for development.

Exception: Exterior paint color review on non-historic landmarks.

- ii. A pre-application conference is not required for ministerial applications, but may be scheduled at the request of the applicant or when required by the City Manager.
- iii. The purpose of the pre-application conference is to discuss the proposal, the applicable criteria and the requirements for completing an application. A copy of an adopted neighborhood plan shall also be provided to the applicant, regardless whether its provisions constitute criteria for the proposed development or not.

An applicant may request one or more additional pre-application conferences in order to discuss any changes in the applicable criteria and application requirements that may occur between the date of the pre-application conference and the filing of the development permit application.

- iv. The development permit application must be filed within one year from the date of the pre-application conference; if the development permit application is not filed within one year, a new pre-application conference is required unless the applicant requests and the City Manager approves a waiver of the additional pre-application conference.

11. MODIFICATION OF DEVELOPMENT PERMITS

a. Modification of Approved Permit

For ministerial or minor development permits, modifications to a development permit are classified as the same type of development as the original permit and shall be reviewed under the applicable review criteria for that classification of development, except that the review criteria shall be limited to those criteria that are affected by the requested modification.

EXHIBIT 2

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

i. A minor development is a development which requires a permit from the City that requires a more discretionary level of review than a ministerial decision. "Minor development" is intended to include decisions defined as "limited land use decisions" pursuant to ORS 197.015(12).

ii. "Minor development" includes:

(1) In the R-DD zone:

(24) Exterior painting of any structure that was the subject of a Major or Minor Development Permit including all structures in the R-DD zone, with the exception of detached single-family dwellings, duplexes, zero lot line dwellings, or structures accessory to those dwelling types.

Exception: Exterior painting that is the same color palette as the existing color(s).

(25) Building paint color change on a historic landmark.

50.07.003 REVIEW PROCEDURES

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

e. Appeal

The appeal procedures for ~~Minor~~ development ~~determinations~~ ~~decisions~~ are provided ~~subject to appeal as provided~~ by LOC 50.07.003.7.b, Appeal of a Minor Development Decision, ~~except for Residential Infill Design Review applications that are not appealable.~~

EXHIBIT 2

50.07.004 ADDITIONAL SUBMISSION REQUIREMENTS

This section contains submission and review criteria for the procedures listed below. Where review criteria are important for an understanding of the substantive requirements of a section or limited in size they have been maintained with the substantive provisions.

2. ~~FENCES~~ [Reserved]

a. ~~Complaint Procedures~~

- ~~i. If a complaint is received by the City that the structural side of a fence or retaining wall faces the public, the City shall require the property owner to provide evidence to City staff of the written consent of all abutting property owners to construct the fence or retaining wall in such a manner and shall provide design plans showing both sides of the fence or retaining wall in elevation and plan. Based upon the evidence provided, staff shall determine compliance with this Section. If the property owner is unable to provide such evidence, the City shall notify the property owner(s) in writing regarding corrective action requirements. Within 30 days of the date of mailing of the notice, the property owner(s) shall provide a corrective action plan subject to the approval of the City.~~
- ~~ii. Corrective action shall require the structural side of the fence or retaining wall to face the owner's property or the written consent of all abutting property owners as described in subsection (i), above.~~

6. PARKS AND NATURAL AREAS MASTER PLAN

e. Master Plan Modification

- i. Unless otherwise established through the master plan, modification of an approved master plan shall comply with LOC 50.07.004.6.a and c as applicable to the modification.
- ii. Minor modifications of the master plan may be approved by the City Manager, provided that such change:
 - (1) Meets all requirements of the development standards and other legal requirements; and
 - (2) Does not significantly affect other property or uses, nor significantly affect any public facility; and
 - (3) Does not affect any condition specifically placed on the development by action of the hearing body or City Council,

~~The criteria set forth in LOC 50.07.003.11 shall be used by the City Manager in determining whether the modification is minor.~~

EXHIBIT 2

- iii. Modifications of the master plan that are not minor modifications shall be processed in the same manner as a master plan (LOC 50.07.004.6.b).

50.07.005 CONDITIONAL USE PERMITS

4. MODIFICATION OF CONDITIONAL USE PERMIT

A request by the conditional use permit holder to substantially modify a conditional use permit shall be processed in the same manner as a request for a conditional use permit. Minor modifications of permits may be approved by the City Manager. ~~The criteria set forth in LOC 50.07.003.11 shall be used by the City Manager in determining whether a request to modify is substantial or minor.~~ provided that such change:

- (a) Meets all requirements of the development standards and other legal requirements; and
- (b) Does not significantly affect other property or uses; will not cause any deterioration or loss of any natural feature, process or open space; nor significantly affect any public facility; and
- (c) Does not affect any condition specifically placed on the development by action of the hearing body or City Council.

50.07.006 OVERALL DEVELOPMENT PLAN AND SCHEDULE

5. APPLICATION

~~a. The application shall be submitted at least 30 days prior to the requested hearing date.~~

~~b. Upon receipt of the application the City Manager shall review for completeness and shall accept or return with a written list of omissions within seven calendar days of the date of filing. The date of acceptance of the completed application shall be noted on all documents.~~

a. Submission Requirements

- i. Vicinity map.
- ii. Maps and narrative indicating present use of land, including all natural and man-made features. A survey is not required.
- iii. Maps and narrative indicating types and location of land uses to be provided including park and open space sites or other reserved land.
- iv. General layout of streets, utilities and drainage management measures including areas reserved for water improvements.
- v. General layout or siting of public transit, bicycle and pedestrian circulation.

EXHIBIT 2

- vi. Maps and/or narrative showing off-site improvements necessary to serve the proposed development.
- vii. An overall schedule of phasing; and the development to occur in each phase.
- viii. The City Manager may require additional information related to the particular circumstances of an ODPS. All maps except vicinity and detail maps shall be at the same scale.

~~d.—Application Review~~

~~Within seven calendar days after acceptance of the complete application the City Manager shall determine whether the information in the ODPS is adequate to allow the Planning Commission or the Development Review Commission to make the determinations required by LOC 50.07.006.7.a, below. If the information is insufficient the applicant shall be so informed by written notice listing the deficiencies. If the information is adequate the City Manager shall submit a report with comments, recommendations and recommended conditions to the Planning Commission or the Development Review Commission.~~

50.07.007 LAND DIVISIONS

2. FLAG LOTS

- e. Building and Site Design Standards

- iv. Access Lane Siting

The access lane shall be located no closer than five ft. to any existing ~~structures~~ dwellings.

50.09.002 ENFORCEMENT

1. DUTIES OF CITY MANAGER

- a. It is the duty of the City Manager to enforce the provisions of this Code.
- b. It shall be the duty of the City Manager to insure compliance with conditions of approval or postponement of any approvals or actions related to Sections 50.06.009, Historic Preservation.

6. COMPLAINT PROCEDURES AND CORRECTIVE ACTION - FENCES

EXHIBIT 2

a. Complaint Procedures

If a complaint is received by the City that the structural side of a fence or retaining wall faces the public, the City shall require the property owner to provide evidence to City staff of the written consent of all abutting property owners to construct the fence or retaining wall in such a manner and shall provide design plans showing both sides of the fence or retaining wall in elevation and plan. Based upon the evidence provided, staff shall determine compliance with this Section. If the property owner is unable to provide such evidence, the City shall notify the property owner(s) in writing regarding corrective action requirements. Within 30 days of the date of mailing of the notice, the property owner(s) shall provide a corrective action plan subject to the approval of the City.

b. Corrective Action

Corrective action shall require the structural side of the fence or retaining wall to face the owner's property or the written consent of all abutting property owners as described in subsection (i), above.

50.10.003 DEFINITIONS

2. DEFINITION OF TERMS

The following terms shall mean:

Height, Retaining Wall

The height of a retaining wall is determined by measuring the greater vertical distance from top of the retaining wall to the top of the footing, except that as applied to retaining walls that act as seawalls around Oswego Lake and its bays and canals, the height is determined by measuring the greater vertical distance from top of the retaining wall/seawall to the average water level of Oswego Lake Surface Elevation (elevation 98.6).

Lot, Steeply Sloped

A steeply sloped lot is a lot with a slope of 20% or more, when measured from the front lot line to the most distant point of the primary building footprint.

EXHIBIT 2

Owner

Where used in relationship to real property, "owner" means the legal owner of record or easement holder, or, where there is a recorded land sales contract in effect, the purchaser thereunder.

Resource Protection (RP) District Resource

A wetland or stream corridor and Protected Riparian Area protected by a RP District overlay zone pursuant to LOC 50.05.010, Sensitive Lands Overlay.



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Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540