



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

01/15/2013

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 010-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Sunday, January 20, 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: Debra Andreades, City of Lake Oswego
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Gary Fish, DLCD Transportation Planner

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FORM

2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed
DATE
STAMP

DEPT OF

JAN 07 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-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

Jurisdiction: **City of Lake Oswego**
2599

Local file number: **LU 12-0032/Ordinance**

Date of Adoption: **12/18/2012**

Date Mailed: **1/4/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **New Land Use Regulation**

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

Amends Comp. Plan & Community Develop. Code (CDC) creating new District Plan for Foothills area. New FMU zone text would permit creation of pedestrian-oriented mixed use neighborhood allowing mix of housing, neighborhood oriented retail & office uses. Develop. standards in CDC will implement purpose of new District Plan, expand boundaries of existing Town Center to include Foothills District & designate as Multi-Modal Mixed Use area in line with Transportation Planning Rule (OAR 660-012-0060).

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

- Proposed FMU zone not applied to any property, and hence no zone change enacted on any portions of district currently zoned I, PF, PNA & R-0/EC.
- Proposed exemption from floodplain development standard's "balanced cut and fill" withdrawn.

Plan Map Changed from: : **I, P, PNA, EC and EC/R**

to: **FMU**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **see attached map**

Acres Involved: **40.36**

Specify Density: Previous: **None-industrial**

New: **None (Comp Plan only)**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☒	☐	☒	☒	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 010-12 (19483) [17304]

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

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:

Metro

Local Contact: **Debra Andreades, Senior Planner**

Phone: (503) 635-0292 Extension:

Address: **PO Box 369**

Fax Number: **503-635-269**

City: **Lake Oswego**

Zip: **97034-**

E-mail Address: **dandreades@ci.oswego.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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. 2599

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL TO IMPLEMENT THE FOOTHILLS FRAMEWORK PLAN (ADOPTED JULY 24, 2012), AMENDING THE COMPREHENSIVE PLAN MAP, THE COMPREHENSIVE PLAN TEXT, AND SECTIONS OF LOC CHAPTER 50 (NEW FMU ZONE STANDARDS) FOR THE FOOTHILLS AREA, AND ADOPTING FINDINGS (LU 12-0032-1796).

WHEREAS, in 2010, the City Council approved a Predevelopment Agreement with Williams, Dame and White (WDW) to create a Foothills Framework Plan and prepare related Comprehensive Plan text and map changes, and Community Development Code amendments for the Foothills District ("District").

WHEREAS, the Foothills Framework Plan was developed collaboratively with a Citizens Advisory Committee and property owners in the District based on the City Council's vision for redevelopment of the District. The Foothills Framework Plan was adopted on July 24, 2012, with recommendations for amendments to the Lake Oswego Comprehensive Plan and Community Development Code.

WHEREAS, the Planning Commission held a work session and public hearing, and on October 22, 2012, tentatively recommended, contingent upon the Council making a specific finding that the proposed amendments are in compliance with Metro's Title 3, that the City Council approve the proposed Lake Oswego Comprehensive Plan and Community Development Code amendments.

WHEREAS, the amendments to the Community Development Code implement the Foothills Framework Plan by establishing the FMU base zone, with zone standards that are consistent with the Foothills Special District Plan related to use, FAR, height, lot coverage, and setback limitations, and parking, and interim building design development standards. No properties are being rezoned to FMU at this time; the existing zoning will remain in place until property owners apply to be rezoned FMU and a development agreement is in effect that ensures future development will conform to the Foothills Special District Plan, including the street concept plan.

WHEREAS, the City Council considered this matter at a study session on November 13, 2012, and held a public hearing on November 27, 2012.

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 12-0032-1799) attached as Attachment A.

Section 2. As set forth in Attachment B, the Lake Oswego Comprehensive Plan is hereby amended to include a new Foothills Special District Plan containing goals and policies for the Foothills area.

Section 3. The Comprehensive Plan map is hereby amended to change portions of areas designated I, PNA, P, EC and R-O/EC to FMU and designate remnant areas of the I district near Tryon Creek to PNA as depicted in Attachment C.

Section 4. Goal 9 of the Comprehensive Plan is hereby amended as set forth in Attachment D.

Section 5. Lake Oswego Comprehensive Plan Goal 14 - Figure 27 is hereby amended to include the revised Town Center boundary depicted in Attachment E.

Section 6. As set forth in Attachments F and G, respectively, Lake Oswego Comprehensive Plan Goal 12 is hereby amended to include a new Policy 4-15 and a new Figure 21.

Section 7. As set forth in Attachments H and H-1, LOC Chapter 50 (Community Development Code) is hereby amended by adding the text shown in **bold, double-underlined type** and deleting the text shown by ~~striketrough~~, as follows:

Section 8. The Foothills Building and Site Design Standards, attached as Attachment I, are made an appendix to the Lake Oswego Community Development Code, as Appendix 50.06-A.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 18th day of December, 2012.

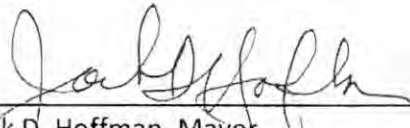
AYES: Mayor Hoffman, Gudman, Jordan, Moncrieff, Tierney

NOES: Kehoe, Olson

ABSENT: None

ABSTAIN: None

EXCUSED: None



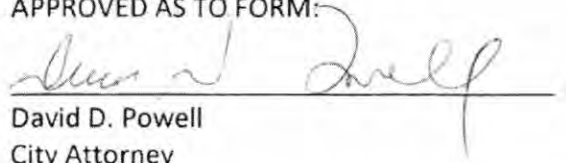
Jack D. Hoffman, Mayor
Dated: 12/19/12

ATTEST:



Catherine Schneider, City Recorder

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "David D. Powell", is written over a horizontal line.

David D. Powell
City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR AMENDMENTS TO THE)
 COMPREHENSIVE PLAN MAP, COMPREHENSIVE) LU 12-0032-1799
 PLAN TEXT AND COMMUNITY DEVELOPMENT) (CITY OF LAKE OSWEGO)
 CODE TO IMPLEMENT THE FOOTHILLS)
 FRAMEWORK PLAN) FINDINGS & CONCLUSIONS
)
 [ORDINANCE No. 2599])

NATURE OF PROCEEDINGS

The City is requesting amendments to the Comprehensive Plan Map, and text changes to the Comprehensive Plan, to create a Foothills Special District Plan, and amendments to the Community Development Code to create zoning standards for a new Foothills Mixed Use (FMU) zone. These amendments will implement the City Council's Foothills Framework Plan to facilitate creation of a mixed-use, pedestrian-friendly district in the Foothills area.

HEARINGS

The Planning Commission held public hearings and considered this application at its meetings of October 8 and October 22, 2012. The City Council held a study session on November 13, 2012, and conducted a public hearing on November 27, 2012.

CRITERIA AND STANDARDS

A. Oregon Statewide Planning Goals

Goal 1: Citizen Involvement
 Goal 9: Economic Development
 Goal 10: Housing
 Goal 12: Transportation

B. Transportation Planning Rule (Chapter 660, Division 12)

1 C. Regional Plans

2 Regional Transportation Functional Plan (RTFP) – Title 4: Regional Parking Management

3 3.08.410 Parking Management

4 Metro Urban Growth Management Functional Plan (UGMFP) – Title 3, Sections

5 3.07.310-3.07.310 – Water Quality, Flood Management and Fish and Wildlife
6 Conservation7 D. City of Lake Oswego Comprehensive Plan

8 Goal 1: Citizen Involvement

9 Goal 2: Land Use Planning

10 Section 1 Land Use Policies and Regulations

11 Section 2 Community Design and Aesthetics

12 Goal 5: Open Spaces, Scenic and Natural Areas and Historic Resources

13 Section 1 Fish and Wildlife Habitat

14 Section 2 Vegetation

15 Section 4 Stream Corridors

16 Section 5 Scenic Lands

17 Section 6 Open Space

18 Goal 6: Air, Water and Land Quality

19 Section 2 Water Resource Quality

20 Goal 7: Areas Subject to Natural Disasters and Hazards

21 Section 1 Flood Hazards

22 Goal 9: Economic Development

23 Goal 10: Housing

24 Goal 11: Public Facilities and Services

25 Section 2, Storm Water Management

26 Section 3, Water Treatment and Delivery

Section 4, Wastewater Collection and Delivery

Goal 12: Transportation

Goal 1 – Major Street System

Goal 4 – Land Use and Transportation Relationships

Goal 6 – Walking

Goal 7 – Bicycling

Goal 11 – Parking

Goal 13: Energy Conservation

Goal 14: Urbanization

Goal 15: Willamette River Greenway

25 E. City of Lake Oswego Community Development Code (LOC Chapter 50)

26 LOC 50.01.003.3

Jurisdiction of Hearing Body

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

FINDINGS AND REASONS

The City Council incorporates the staff report dated October 1, 2012, staff memoranda dated October 11, October 16 (parts 1 and 2) and October 19, 2012, with all exhibits attached thereto, and the November 19, 2012 Council Report as support for its decision, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplementary matter herein and the staff report, the matter herein controls. To the extent they are consistent with the approval granted herein, the City Council adopts by reference its oral deliberations on this matter.

Following are the supplementary findings and conclusions of this Council:

Contrary to the staff recommendation, the Planning Commission recommended that the property at 415 N. State Street (the Buford property) should be included within the Foothills Special District Plan and should be designated Foothills Mixed Use (FMU) on the Comprehensive Plan Map. The Commission reasoned that there should not be a "gap" in the Comprehensive Plan Map designation along State Street, and in the potential for an FMU zone designation. The City Council notes that it is necessary for the properties to the north and south of the Buford property to have an FMU designation because there are projects associated with these properties in the Foothills Special District Plan and the proposed Foothills Urban Renewal Plan. However, the City Council agrees with staff that, because there is no project in

1 either plan that is associated with the Buford property, it is unnecessary for that property to be
2 within the Special District Plan or to have the FMU Comprehensive Plan designation. The
3 Council finds that the Buford property should be removed from the proposed boundaries of the
4 Special District Plan.

5
6 The City Council finds that the concerns of Portland's Bureau of Environmental Services
7 (BES) regarding the Tryon Creek Wastewater Treatment Plant (see Exhibit G-3) are adequately
8 addressed with regard to the applicable criteria in that the City is working with BES as it updates
9 the BES public facilities plan to include performance and design standards.

10 The Planning Commission's recommendation of approval was contingent upon the City
11 Council making a finding that the proposed amendments (specifically the proposed exemptions
12 from balanced cut and fill requirements in the floodplain) are consistent with the requirements
13 of Metro's Title 3, thereby ensuring compliance with Goal 7 of the Comprehensive Plan.

14 Following the Planning Commission decision, the applicant/staff withdrew the proposed cut
15 and fill exemptions. The City Council finds that the proposal, with the cut and fill requirements
16 restored, is consistent with Metro Title 3. The Project Team recommended that the City pursue
17 a future change to floodplain regulations in the Foothills area in order to establish a mitigation
18 assessment program whereby property owners can comply with balanced cut and fill
19 requirements through participation in a program that funds a comprehensive mitigation project
20 through a phased accumulation of mitigation assessments. It was suggested that funding for
21 the mitigation project could come from three primary sources: tax increment financing (if the
22 mitigation program is made a project under the Foothills Urban Renewal Plan), Parks System
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1 Development Charges and the private development fees resulting from the mitigation
2 assessments.

3 The following additional adjustments were made to the Planning Commission's
4 recommendation following the City Council's study session:

- 5 • Adding language that references the pedestrian extension of A Avenue into the District;
- 6 • Community Development Code amendments:
 - 7 ○ Adding text regarding scale and character to the purpose statement of the FMU
 - 8 Zone standards;
 - 9 ○ Allowing hotels and motels to use the parking modifiers for transit and
 - 10 pedestrian access;
 - 11 • Adding the following uses to the FMU zone:
 - 12 ○ Music schools
 - 13 ○ Other educational uses associated with private or public institutions
 - 14 ○ Vocational schools
 - 15 ○ Veterinarian's facilities, totally enclosed
 - 16 ○ Delicatessen, table service permitted
 - 17 ○ Restaurant, with or without lounge
 - 18 ○ Specialty retail (antique stores, art galleries, jewelers).

19 The City Council finds that these adjustments are appropriate.

20 The record includes an October 2, 2012, letter from the Oregon Department of
21 Transportation (ODOT) raising concerns about potential safety issues resulting from queuing of
22 vehicles making left turns from State Street at the following intersections: A Avenue, Foothills
23 Drive and a future north portal into the Foothills area. ODOT also expressed concern about
24 possible left turn queuing from State Street to McVey Avenue. In response, the City will analyze
25 future operation and queuing at these intersections as part of the update to the City's
26 Transportation Systems Plan (TSP). Depending on the results of the analysis, the City will
include proposed safety improvements and a provision for monitoring, with triggers for

1 construction of those improvements in the City's TSP and in the City's Capital Improvements
2 Plan.

3 The City Council finds that the proposal, as modified to be consistent with these
4 findings, complies with all relevant criteria as detailed in the incorporated materials, including,
5 without limitation, all relevant Statewide Planning Goals, Lake Oswego Comprehensive Plan
6 Policies, the state Transportation Planning Rule, the Regional Transportation Functional Plan,
7 the Urban Growth Management Functional Plan, and relevant provisions of the Lake Oswego
8 Community Development Code.
9

10 **CONCLUSION**

11 The City Council concludes that LU 12-0032, as modified to be consistent with these
12 findings, complies with all applicable criteria and should be approved. The Council also
13 concludes that proposed Ordinance 2599, which implements LU 12-0032, should be enacted.
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Comprehensive Plan Amendment – Special District Plan Attachment B

Add the following special district plan to the Lake Oswego Comprehensive Plan. All text is new.

Special District Plans

Foothills Mixed Use District

BACKGROUND

The Foothills Mixed Use District lies between State Street, the Willamette River, Tryon Creek and the Oswego Pointe Condominiums. A southwesterly finger of the District continues between State Street and a driveway serving the Oswego Pointe Apartments and on the south, the Oswego Village Center shopping center. The area comprises approximately 40.4.

In November of 2011, the Lake Oswego City Council adopted the Foothills District Framework Plan to outline the vision for the redevelopment of a 40.4-acre mixed-used district to connect downtown with its public waterfront. In July of 2012, the City Council adopted amendments to the Framework Plan to reflect Council's decision to develop the District without a streetcar extension. (The amended Plan is referenced herein as the "Framework Plan.").

The Framework Plan contains a Vision Statement that characterizes the City's goals and objectives for development of the Foothills Mixed Use District.

The Foothills Mixed Use District is Lake Oswego's greatest opportunity to provide the community with a significant riverfront presence. Building upon the recent success of Downtown Lake Oswego, the District will develop in a manner that knits Downtown Lake Oswego, Tryon Creek, Old Town, the Willamette River and Oswego Lake together, and in the process will establish Lake Oswego's next great mixed-use neighborhood. The District will possess a thriving, comfortable and inviting pedestrian environment, with clear and convenient connections to surrounding areas. A mix of uses including a variety of housing options, local retail to support the neighborhood, complimentary office types, and open space and recreational opportunities will provide vital activity not only within the District but also across State Street into Downtown. Sustainability will be incorporated as a central tenet of the District, from the planning phase through construction and operations.

The design and development standards are designed to insure a primarily residential neighborhood with limited office and retail uses. The height limitations in the District are designed to accommodate the desired density while taking advantage of the topographical changes to protect views from Downtown towards the east. The floor area ratios work together with the height, building coverage and setback standards to encourage the desired density in the District and to create a walkable pedestrian environment that creates framed connections from surrounding areas to the River.

Goals

1. Encourage the development of a new mixed use zone in the Foothills District that permits primarily residential uses with complementary neighborhood serving retail and office uses.
2. Facilitate the development of increased densities and height in the Foothills District because of its unique topography and location adjacent to Downtown and rich transit options.
3. Encourage multi-family housing choices that will attract young families and older generations of Lake Oswegans in a variety of demographics.
4. Encourage lively and intense pedestrian activity. Encourage the development of strong pedestrian connections or series of connections between Downtown and the Willamette River.
5. Ensure that redevelopment in the Foothills District is consistent with the planned capacity of infrastructure.
6. Facilitate quality architectural design and site planning in the Foothills District that extends the human scale that typifies Downtown but encourages the development of attractive and unique characteristics which help Foothills District develop its own identity.
7. Ensure that redevelopment in the Foothills District applies standards for sustainable design in construction and operations.

Policies

1. The goals and policies of the Foothills District shall be implemented through the Foothills Mixed Use Zone and related planning programs.
2. Include the Foothills District within the Downtown Lake Oswego Town Center area and within an MMA (Mixed Use Multi-Modal Area) designated under the State of Oregon Transportation Planning Rule.
3. Residential Land Use

The Foothills District is intended to be a higher density mixed-use area with building heights up to 90 feet (limited to 45 feet within 100 feet of the centerline of State Street), no maximum building coverage, and floor area ratios that average 4:1.

a. Single family detached housing shall not be permitted in the District. Multi-family housing shall be permitted and encouraged at the maximum densities permitted within the District.

b. All residential uses, including residences for seniors, shall conform to the unique design and development standards for the District. Clear and objective code standards shall be used to regulate the maximum building setbacks, to encourage development in close proximity to the street, and to provide pedestrian amenities that reflect the pedestrian focus in this new neighborhood.

c. A setback buffer shall be used between the boundary of the Foothills District and existing and adjacent multi-family residential development in the Oswego Pointe Condominiums to ensure compatibility of use and light, air and solar access between the developments.

4. Range of Housing Options

a. The City should retain ownership of land or development rights in the Foothills District in order to provide opportunities for future affordable or workforce housing projects.

b. Encourage development of affordable housing within portions of the Foothills District. Affordable housing is considered housing that costs no more than 30% of the income of households making no more than 80% of the regional median income (\$58,400 in 2012)).

5. Commercial Land Uses

The commercial land uses in the Foothills District are limited in square footage in order to ensure that the District is primarily residential with neighborhood serving retail uses. Provide regulations to:

a. Limit retail commercial uses to not more than 5,000 square feet per use. Grocery stores are permitted if the floor area is not more than 35,000 square feet.

b. Allow a conditional use proceeding for retail uses other than grocery stores where the floor area is more than 5,000 square feet. For grocery stores, allow a conditional use proceeding for proposals over 35,000 square feet.

c. Do not limit the square footage for Lodging Facilities or office uses except such facilities are subject to the maximum Floor Area Ratio standards of the zone.

d. With the setback, use and square footage regulations, encourage the development of neighborhood serving retail uses on the ground floor along street frontages on B Avenue, Oswego Pointe Drive and Foothills Blvd.

6. Streets and Parking

a. Development within the District shall be consistent with the Foothills District Street Plan (Figure 1) and Standards under Chapter 42.

b. Create strong transportation connections to and from the District for all modes of travel.

c. Parking ratios in the District shall be designed to accommodate the uses while ensuring a pedestrian friendly environment that reflects the District's location adjacent to Downtown and multi-modal transportation options. Provide standards for parking as follows:

i. The maximum parking ratio for residential uses shall be no more than 1.6 spaces per unit with a minimum of no less than .5 spaces per unit.

ii. The maximum parking ratio for commercial uses shall be no greater than 3.0 spaces per 1000 square feet of floor area and no less than 1.0 space per 1000 square feet of floor area.

ii. For Lodging Facilities, the maximum parking ratio shall be no greater than 1.0 space per room with a minimum of .25 spaces per room.

d. Parking shall be located in a manner that preserves a high quality pedestrian environment and screens the parking from adjacent uses.

7. Development Review

Development in the Foothills District shall be subject to clear and objective design standards with the purpose of ensuring high quality design throughout the District. The code shall provide a process for departing from the clear and objective standards of the District where it is justified by the proposal.

a. Permit an adjustment to design standards to encourage design variety and acknowledge that objective development standards may not always anticipate superior design solutions.

b. The adjustment process shall ensure that purpose of the standard to be modified is met in a manner that is equal to or better than what the standard requires.

8. Willamette River Access and Foothills Park

Encourage the use of B Avenue, Foothills Blvd, A Avenue, Oswego Pointe Drive and the Curlicue Trail as pedestrian and/or bicycle connections to the Willamette River.

a. Development standards shall require a top floor setback for buildings above 75 feet to open up the view from State Street down B Avenue towards the River.

b. The B Avenue steps connecting the Downtown to Foothills Park shall be dedicated as a public park.

c. Through the Foothills District Street Plan and Standards, encourage a 70 foot right-of-way down B Avenue in recognition of its role as a major pedestrian, view, bicycle and vehicular connection to the River.

d. For buildings that front Foothills Park, encourage design standards that help frame the terminus of B Avenue and create a quality entrance to the park.

e. A pedestrian extension of A Avenue into the District is intended to provide a connection from downtown Lake Oswego to the Willamette River via Oswego Point Drive and the Curlicue trail.

9. Sustainability

Implement sustainability planning and design principles for the District.

a. Strive to meet the Leadership in Energy and Environmental Design standards for neighborhood development and strive to meet LEED certification or its equivalent for all vertical development.

10. Public Art

Create a District that includes public art.

a. Encourage each new or substantially remodeled building to include a location for the display of public or private art.

b. Work with the Arts Council of Lake Oswego to extend the *Gallery without Walls Program* to the Foothills District.

11. Floodplain Management Area

Provide flexibility while protecting life and property.

a. Ensure through expert technical analysis that proposed grading within the Foothills District does not result in a net rise to the FEMA 100-year water surface elevation.

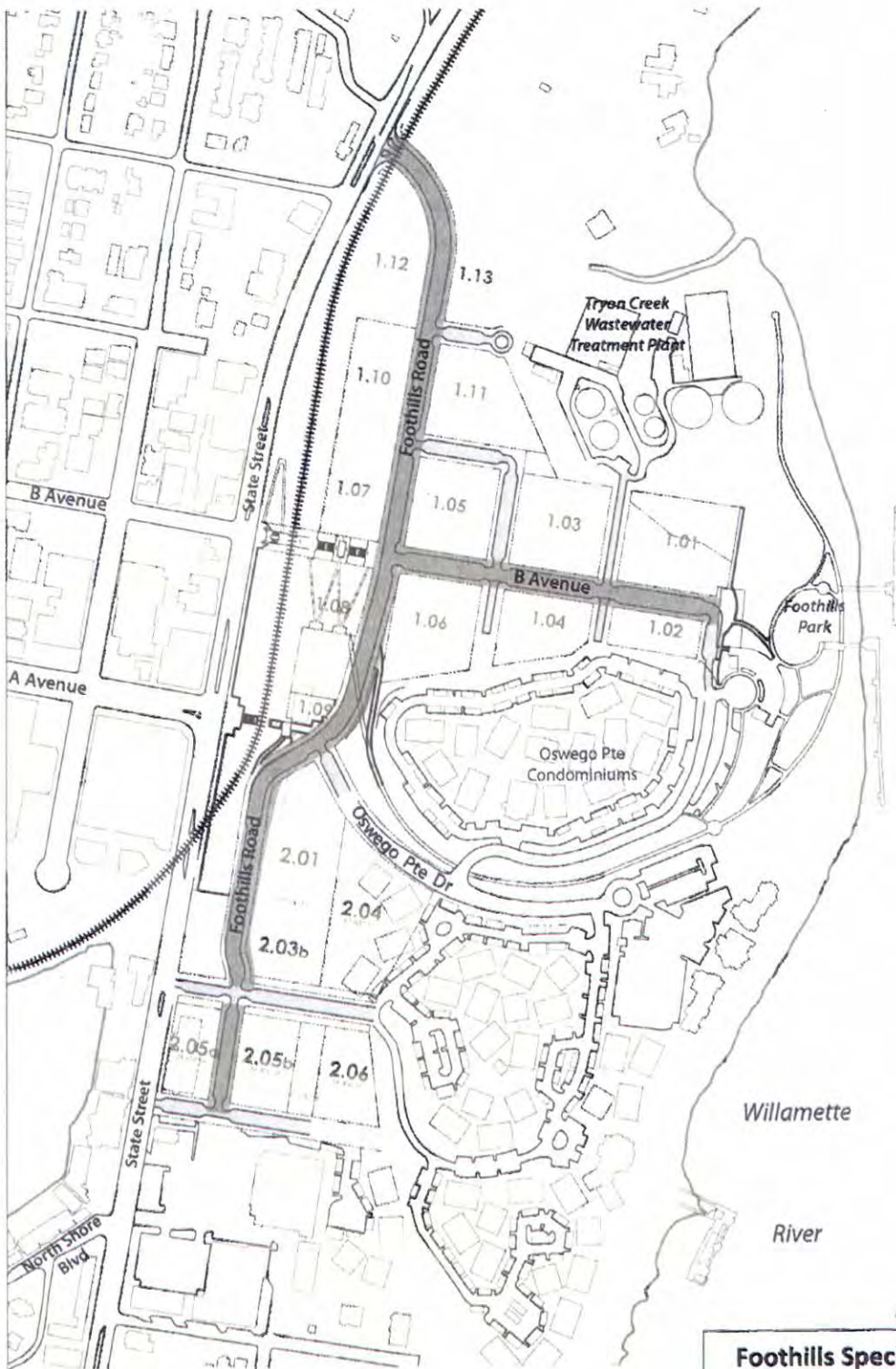
[Street Plan – Figure 1 on next page]

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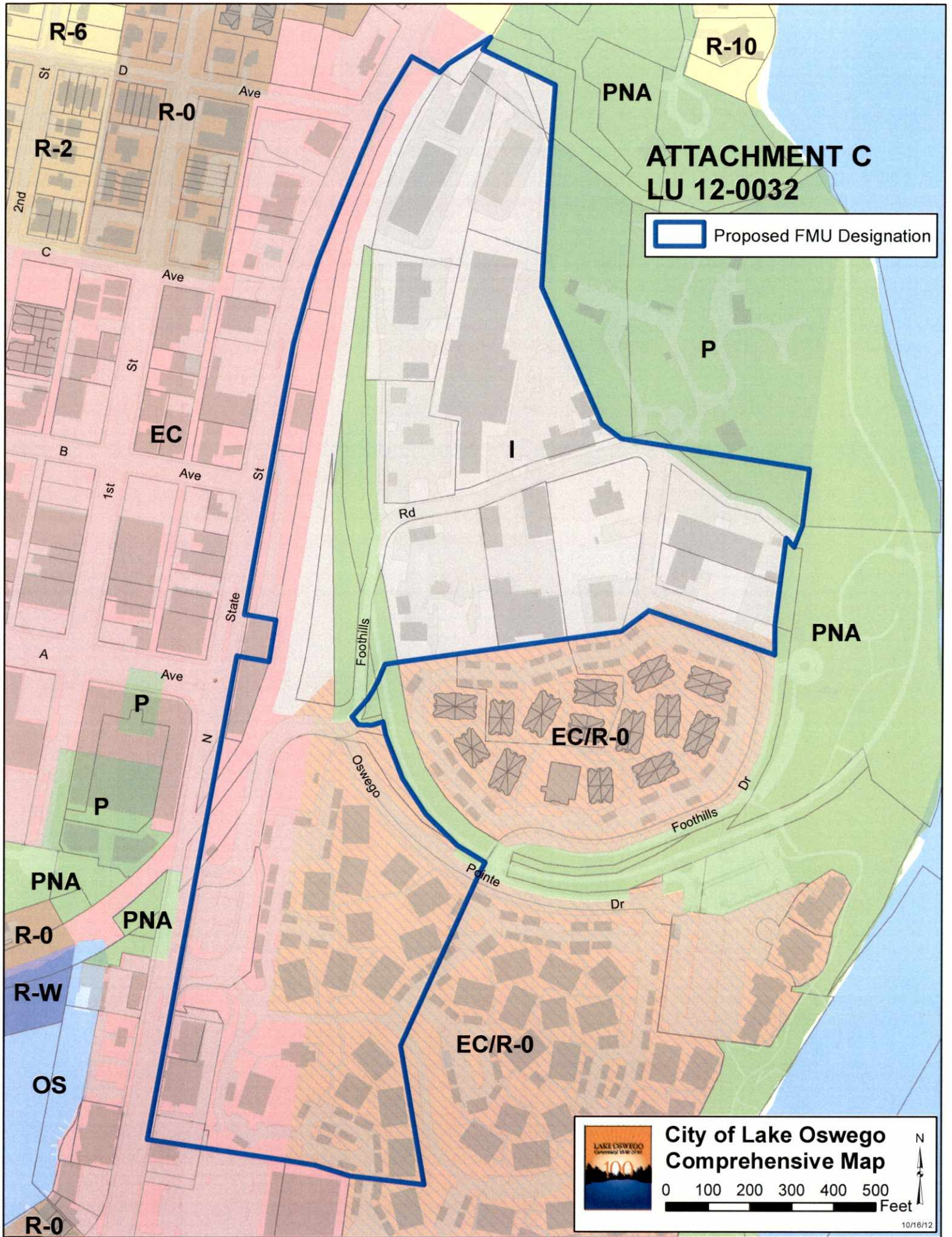
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Figure 1.
Foothills Special District Plan
Conceptual Lot and Street
Pattern

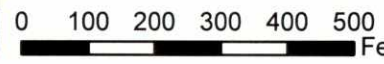


Foothills Special District Plan

Conceptual Lot and Street Pattern



**City of Lake Oswego
Comprehensive Map**



Comprehensive Plan Amendment – Goal 9 Text Attachment D

Section 1: *Amendments to Figures:* Delete Figure 15, Willamette River Industrial District Map

Section 2: Goal 9 of the Lake Oswego Comprehensive Plan is amended as follows. Deleted text is shown as stricken and new text is shown in **bold, underlined type**.

Goal 9: Economic Development

BACKGROUND

Statewide Planning Goal 9: Economic Development

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens.”

Statewide Planning Goal 9 requires that comprehensive plans address the economic health and vitality of the state and provide opportunities in the local community for economic activity. To meet the requirements of Goal 9, cities and counties must analyze economic patterns, including strengths and weaknesses, based upon state and national trends. Policies for economic development opportunities must be addressed in the plan. Further, cities and counties must provide for an adequate supply of sites for industrial and commercial development, and that land must be appropriately located and zoned for the intended uses.

Statewide Planning Goal 9 recommends that communities take into account the availability of public facilities and services needed for future commercial and industrial development as well as the carrying capacity of air, land and water resources. The Goal also places a priority on the vitality of existing businesses as a means of strengthening the local economy.

Lake Oswego’s economy is an integral part of the economy of the Portland Metropolitan Area. The City’s economy, like that of the region, is influenced by state, national and increasingly, global economic factors.

Many of the state and national trends, as well as other economic factors affecting Lake Oswego, were documented in 1988 as part of the City’s compliance with State Periodic Review* requirements. This information is contained in a study entitled, “An Analysis of Commercial and Industrial Land Use and Employment in Lake Oswego, Oregon,”

August 1988. This analysis was updated in 1994 as part of the City's review and update of the Comprehensive Plan.

Lake Oswego's economic vitality is influenced by many factors, including:

- Livability of the City, especially the quality of the City's residential areas and the availability of housing.
- The type, quality and cost of city and other public services.
- The quality of Lake Oswego's schools and the educational level of its residents.
- The presence of businesses to serve the needs of local area residents and other business, and to provide jobs for those residing in the community.

Population Growth and Characteristics

The U.S. Census Bureau listed Lake Oswego's 1990 population at 30,576. This represented an increase of 33.7% over the 1980 Census figure of 22,686. By 1993, the population had reached 32,555. Metro projects that by 2010 the City's population will be about 45,374. Much of this growth will take place through annexation within the City's unincorporated Urban Services Boundary.

Lake Oswego is distinguished in the State of Oregon and Clackamas County by the level of education and income of its residents. Lake Oswego's educational levels are considerably above both Oregon and Clackamas County: As of the 1990 Census, over half (50.9%) of the City's population 18 years of age and older, had a college degree, as compared with 18.8% and 21.6% for Oregon and Clackamas County, respectively.

A high educational attainment level is one reason Lake Oswego's median household income exceeds Oregon's and Clackamas County's. The City's 1989 median household income, from the 1990 U.S. Census, was \$51,499. This compares with \$27,250 for the State of Oregon and \$35,419 for Clackamas County.

There are also some differences in how Lake Oswego residents are employed versus others in the Metro region and the state. According to the 1990 Census, Lake Oswego had a higher percentage of residents employed within professional and managerial occupations compared to the state and Clackamas County. The City had significantly lower proportions of residents employed in manufacturing and retail trade, and significantly higher proportions of residents employed in finance, insurance and real estate.

Business and Employment Characteristics

In the ten year period from 1984 to 1994, Lake Oswego had a 115% increase in the total number of businesses licensed by the City, with an 87% increase of persons employed in those businesses. This indicates that business development and jobs have both grown faster than population for almost the same ten year period.

Businesses in Lake Oswego tend to be small and have gotten somewhat smaller over the past ten years. In 1984 the average business, excluding home occupations, had 4.29 employees. This decreased to 3.78 by 1994. These changes are most likely due to two phenomena which have become widespread in the United States during the past decade - downsizing and technological change. Perhaps, partly as a result of these factors, the number of home occupations rose from 270 in 1984 to 633 in 1994, a 134% increase. Home occupations now represent about 10% of all those employed in city-licensed businesses.

The 1990 census indicated that more than half, 16,631 persons, of Lake Oswego's total population of 32,555 were employed. Like most suburban communities, considerable commuting takes place to and from Lake Oswego for employment purposes. However, Lake Oswego has a considerable local employment base. The census and data derived from City business licenses indicates that approximately 7,400 people are employed within the City.

Industrial growth in the Lake Oswego area has been far exceeded by commercial and office development. Comparatively, it is a smaller part of Lake Oswego's overall job base.

Commercial Land Uses

In 1994 there were about 540 acres of commercial and industrial land within Lake Oswego's Urban Services Boundary. Most of this land has been developed. There are approximately 40 acres of vacant commercial land within the unincorporated portion of the City's Urban Services Boundary, mostly within the Kruse Way/Centerpointe Business District. Within the City limits, there are an additional 27 acres of vacant commercial and seven acres of vacant industrial land. All of the above vacant sites are small parcels ranging in size from .25 to 5.0 acres. In addition, it is estimated that there are about 40 acres of underutilized* commercial land within the City that offer opportunities for more intense development.

The characteristics of Lake Oswego's six commercial business and two light industrial districts are summarized as follows:

1. Kruse Way/Centerpointe Business District

With the exception of the recession of 1980-83, Lake Oswego and proximate areas of western Clackamas County experienced significant economic development in the form of new office and retail space during the 1980s and early 1990s. The Kruse Way/Centerpointe area east of Highway 217 and I-5 (Figure 7), became a premier location for new corporate office buildings and supportive uses such as hotels, restaurants and other services. This area not only provides the opportunity for Lake Oswego residents to work closer to home but also serves as a major employment center in the southwestern Portland Metropolitan Area.

The 1990 census estimates that there are more than 4,000 jobs located in the Kruse Way/Centerpointe area. Two to three million square feet of development potential remains in this business district.

Land use designations for the Kruse Way/Centerpointe Business District fall within three categories: Highway Commercial*, Office Campus* and Campus Research and Development.*

Much of the Kruse Way portion of this area is in the unincorporated portion of Lake Oswego's Urban Services Boundary. Pursuant to the 1988 "Settlement and Annexation Agreement"* among major property owners, Unified Sewerage Agency and the City, the area was developed as part of Clackamas County. The Agreement requires annexation of Kruse Way properties to Lake Oswego upon building occupancy.

2. Lake Grove and Downtown Business Districts

Within Lake Oswego there are ample opportunities for residents to shop for both durable* and nondurable goods* within the Lake Grove (Figure 8), and Downtown General Commercial* (Figure 9), Business Districts.

Lake Oswego's other General Commercial area is the Lake Grove Business District located in the western portion of the City along Boones Ferry Road, south of Kruse Way. The original Lake Grove area was the center of a rural community, and has since grown and expanded both north and south along Boones Ferry Road. Businesses in this area are primarily of a community or neighborhood scale. Some limited office development has also occurred. In addition, the Lake Grove Grade School and a post office are located within, or in close proximity to the Lake Grove Business District.

The Downtown business district was once the focal point of the community. Today, the district is the location of City Hall, main post office, main fire station and other municipal services. In the past, it also served as the community's center for commercial shopping, banking and entertainment. State Highway 43, a major north/south connection between Interstate 205, West Linn, Lake Oswego and Portland serves the area and also provides a major connection to several of Lake Oswego's major streets. The Lake Oswego Redevelopment Agency (LORA) and the Lake Oswego Urban Renewal District were formed in the late 1980s to develop ways to revitalize the Downtown business district. This allowed tax increment financing to be used as a tool to fund redevelopment* efforts to alleviate conditions of blight and underutilization of valuable urban land. The East End Redevelopment District encompasses about 150 acres, consisting of Lake Oswego's traditional downtown commercial core, commercial areas fronting Oregon Highway 43 and a large mixed use office and multi-family development along the Willamette River.

3. Jean Road Commercial District

The Jean Road Business District consists of approximately 4.45 acres of General Commercial land located on the south side of the intersection of Boones Ferry Road and Jean Road (Figure 10). Special conditions have been imposed on the site to ensure that development creates an aesthetically pleasing entry into Lake Oswego.

4. Grimm's Corner, Rosewood, Mountain Park Districts

Grimm's Corner is a neighborhood commercial district located at the intersection of McVey Street and South Shore Boulevard (Figure 11). A variety of neighborhood commercial uses have developed over the years, including a grocery store, take-out restaurants, a nursery and garden supply business and a bowling alley. Grimm's Corner is surrounded by residential uses, however a National Guard Armory and fire station are located nearby. Unless resolved, traffic problems associated with the intersection and alignment of South Shore Boulevard and McVey pose significant development problems for this commercial district.

5. Rosewood

The Rosewood Business District is a small neighborhood commercial center located in the southwestern portion of the City, at the intersection of Jean and Pilkington Roads (Figure 12). That portion on the west side of Pilkington is in the City limits; the east side is still in unincorporated Clackamas County. The land in the City was developed fairly recently, while that in the county was developed in the 1950s. The area is surrounded by multi-family residential on the north and east; single family on the south, and by commercial and industrial uses on the west.

6. Mountain Park Districts

Several neighborhood commercial centers were planned as part of the Mountain Park Planned Unit Development to provide for a range of retail, personal services, restaurant and cultural activities (Figure 13). Limited office development also provides for professional business and financial services, institutional and other uses. The scope of commercial development in Mountain Park has been considerably scaled back from what was originally envisioned when the project was approved. A considerable portion of what was intended as commercial land has been developed for residential uses.

The most significant commercial site in the Mountain Park area is the Oswego Town Square site. This development is located at the intersection of Monroe Parkway and Boones Ferry. The site is completely developed and offers convenience shopping along with some specialized retail stores which have a

community wide draw. Other small neighborhood commercial sites in Mountain Park are located at the intersections of Kerr Parkway and Hidalgo Street and Jefferson Parkway and Mt. Jefferson Terrace. Also there are two small sites which accommodate office commercial uses at the intersections of Jefferson Parkway and Kingsgate and Carman Drive and Touchstone.

7. Industrial Land Uses

Lake Oswego has no heavy industry. The Lake Grove industrial park is at the southern end of Boones Ferry Road and east of I-5 (Figure 14).

The industrial park accommodates several light industrial businesses. These firms consist of technical/professional offices, warehousing and distribution and printing.

~~The Willamette River industrial area (Figure 15), accommodates uses such as the Tryon Creek Sewage Treatment Plant, a Portland General Electric substation, wood products storage area, tree service, and automobile repair. This area diminished considerably in size when a cement plant was removed in the late 1980s to make way for Oswego Pointe, a large mixed use office-commercial and high density housing project. This industrial area is generally located between the Willamette River, Highway 43, the northern City limits and Oswego Pointe.~~

Summary of Major Issues

Following are some of the issues and changed circumstances and conditions that were considered in the update of this element of the Comprehensive Plan.

- Lake Oswego's business and employment growth has occurred more rapidly than population growth in the past ten years.
- Lake Oswego's businesses have become smaller in terms of numbers of employees. Home occupations are becoming a larger source of business growth.
- Lake Oswego residents are highly educated and for that reason are a source of managerial and professional employment in the community and region.
- Most of the City's commercial and industrial lands have been developed.
- Opportunities exist for redevelopment of commercial and industrial lands.
- Commercial and office employment have grown much faster than manufacturing employment.

- Quality of life in Lake Oswego contributes significantly to the City's economic health and vitality.
- Significant redevelopment has occurred in the Downtown business district through the East End Redevelopment District.

GOALS, POLICIES AND RECOMMENDED ACTION MEASURES

GOAL

The City shall provide for economic development opportunities which enhance the prosperity and livability of the community.

POLICIES

1. Designate adequate commercial and industrial land to:
 - a. Supply goods and services to the population within Lake Oswego's Urban Services Boundary;*
 - b. Provide close-to-home employment opportunities; and,
 - c. Maintain and improve the health of the local economy.
2. Applications for a Zoning Map/Comprehensive Plan Map amendment to change the designation of an area from residential to commercial or industrial shall be governed by the following procedures and criteria: [PA 5-97/ZC 4-97-1259; 5/5/98]
 - a. No application shall be accepted during the neighborhood planning process for the affected neighborhood or neighborhoods or for two years after the date of the City Council's approval of a Neighborhood Association's application to begin the planning process, whichever is less.
 - i. For the purposes of this policy, "affected neighborhood" means the recognized Neighborhood Association or Community Planning organization in which the property proposed to be rezoned is located. If the subject property is located in two or more neighborhoods, all neighborhoods in which a portion of the subject property is located shall be considered affected neighborhoods. If the subject property is located in one neighborhood but the rezone is requested to expand an existing commercial or industrial use located in another neighborhood, both neighborhoods shall be considered affected neighborhoods.

- ii. For the purposes of this policy, “neighborhood planning process” means the period of time from the City Council’s decision to approve a Neighborhood Association’s application to begin the planning process until the Neighborhood Plan is adopted and in effect. If there is more than one affected neighborhood, and both neighborhoods are in the neighborhood planning process, the two-year deadline period shall run from the latest application approval date.
- b. In order to obtain approval, the applicant shall demonstrate compliance with the policies and standards of an adopted Neighborhood Plan of an affected neighborhood. If more than one neighborhood plan is applicable and the policies conflict, the conflicting policies shall be balanced as provided in the Introduction to the Comprehensive Plan.
- c. In addition to compliance with any applicable neighborhood planning policies as provided in subsection (b) , the applicant shall demonstrate compliance with all Comprehensive Plan Goals and Policies applicable to industrial and/or commercial plan/zone map amendments. Such applicable Goals and Policies include, but are not limited to, the following:
 - i. Location in relation to arterial or collector streets; consistency with adjacent land use patterns or ability to buffer, screen and blend dissimilar land uses. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 14];
 - ii. Capacity of public facilities and services. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 14];
 - iii. Encourage land use patterns which reduce dependency on the automobile but which are also compatible with existing neighborhoods. [Goal 6, Air, Water and Land Resources Quality, Section 1, Air Resources Quality];
 - iv. Separate noise sensitive and noise-producing land uses; minimize noise impacts on surrounding properties and protect and maintain the quiet character of those areas of the community unaffected by major noise sources, and locate, design and buffer noise producing land uses to protect noise sensitive land uses. [Goal 6, Air, Water and Land Resources Quality, Section 4, Sound Quality, Policies 1, 4, and 5];
 - v. Regulate the type and intensity of land uses within areas subject to natural disasters and hazards. [Goal 7, Areas Subject to Natural Disasters and Hazards, Section 1, Flooding; Section 2, Earthquake

Hazards; and Section 3, Landslides, Erosion and Unstable Soils, Policy 2];

- vi. Prevent expansion of “strip commercial development”* [Goal 9, Economic Development, Policy 8];
- vii. Ensure neighborhood commercial * areas are conveniently located and minimize the need for automobile travel. [Goal 9, Economic Development, Policy 9(a.)];
- viii. Designate the Downtown and Lake Grove Commercial Districts as the primary centers of general commercial activity in Lake Oswego. [Goal 9, Economic Development, Policy 10];
- ix. Limit commercial development in the Lake Grove Business District to that which is intended to accommodate neighborhood and community needs* for goods and services. [Goal 9, Economic Development, Policy 16];
- x. Regional draw* businesses other than those providing specialized services and unique goods* shall not be located in the Downtown and Lake Grove Business Districts or in the Foothills Mixed Use District. [Goal 9, Economic Development, Policy 17];
- xi. Limit commercial development in the Grimm’s Corner and Rosewood Business Districts and the Foothills Mixed Use District to that which is intended to accommodate the frequently recurring needs* of the surrounding neighborhoods. [Goal 9, Economic Development, Policy 18];
- xii. Limit development within the commercial districts associated with the Mountain Park Planned Unit Development to that which serves the frequently recurring needs of Mountain Park residents, except; in those locations where site conditions, such as parcel size and direct access to the major street system, allow businesses to provide for community needs and to offer specialized goods and unique services. [Goal 9, Economic Development, Policy 19];
- xiii. Allow commercial and residential uses within the Centerpointe and Kruse Way Business District at densities, which support mass transit and which, take advantage of the regional transportation system. These activities may include:
 - l. Employee intensive businesses such as major regional office complexes, high density housing, and associated services and retail commercial uses, and;

2. Commercial activities, which meet the needs of the traveling public and other highway, oriented retail uses which require access to a large market area. [Goal 9, Economic Development, Policy 20];
- xiv. Do not allow regional, or larger, shopping centers* within the Centerpointe and Kruse Way Business District. [Goal 9, Economic Development, Policy 21].
- xv. The full range of public facilities and services shall be available to serve development allowed by a Plan/Zone Map amendment. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 1];
- xvi. Proposed Plan/Zone Map amendments shall be evaluated to determine their effect on the overall land supply and compliance with the Metro Housing Rule (OAR 660-07-000). [Goal 2, Land Use Planning, Policy 14(d)];
- xvii. Demonstration of public need for the change and that the proposed amendment will best meet identified public need versus other available alternatives. [Goal 2, Land Use Planning, Policy 14(f)];
- xviii. A proposed increase in land use intensity shall be accompanied by a detailed traffic analysis which finds that existing streets and intersections both on and off-site will accommodate the projected traffic increases, or; necessary improvements can be constructed which are in conformance with the Comprehensive Plan Transportation Map. [Goal 12: Transportation , Sub-Goal 4: Land Use and Transportation Relationships, Policy 4];
- xix. Commercial and industrial parking shall not intrude into adjacent residential neighborhoods. [Goal 10: Transportation , Sub-Goal 4: Land Use and Transportation Relationships, Policy 4];
- xx. The applicant shall demonstrate that development allowed by the proposed Plan/Zone map amendment will: be compatible with surrounding residential neighborhoods; preserve natural resources; protect water quality; provide for protection from natural hazards; and provide for efficient transportation and land use relationships including the accommodation of alternative transportation modes or that these criteria can be accomplished pursuant to the criteria contained in the Zoning and Development Code;
- xxi. The applicant shall demonstrate consistency with Metro's Urban Growth Functional Plan and compliance with the Oregon Transportation Planning Rule (Chapter 660, Division 12).

3. Require new commercial and industrial development to:
 - a. Provide the full range of required public facilities and services and pay commensurate system development charges;
 - b. Mitigate adverse impacts such as noise, traffic and visual aesthetics, on adjacent land uses through methods such as buffering, screening, parking controls, height, bulk and scale limits;
 - c. Comply with design and aesthetic standards to ensure compatibility with surrounding land uses and Lake Oswego's overall community character;
 - d. Participate in the development of a street system which provides efficient connection to higher order streets and to other activity centers;
 - e. Develop transit opportunities appropriate to the scale and character of the project;
 - f. Provide for a safe and convenient pedestrian and bicycle circulation system to and within the development;
 - g. Provide adequate, but not excessive parking for customers and employees; and,
 - h. Preserve natural resources and provide required open space.
4. Require unified site plans* for all new industrial and commercial development which show:
 - a. Projects at full development including identification of all phases;
 - b. The locational, design and transportation relationships of proposed development with the rest of the business district and with surrounding land uses;
 - c. Measures necessary to mitigate adverse impacts on the transportation system and on adjacent land uses; and,
 - d. Design compatibility with surrounding land uses in regard to elements such as scale, bulk, materials, colors and landscaping.
5. Allow home occupations* subject to regulations that ensure compatibility with the surrounding residential neighbors.
6. Support redevelopment of existing vacant and underutilized industrial and commercial lands rather than designating additional lands for these purposes.

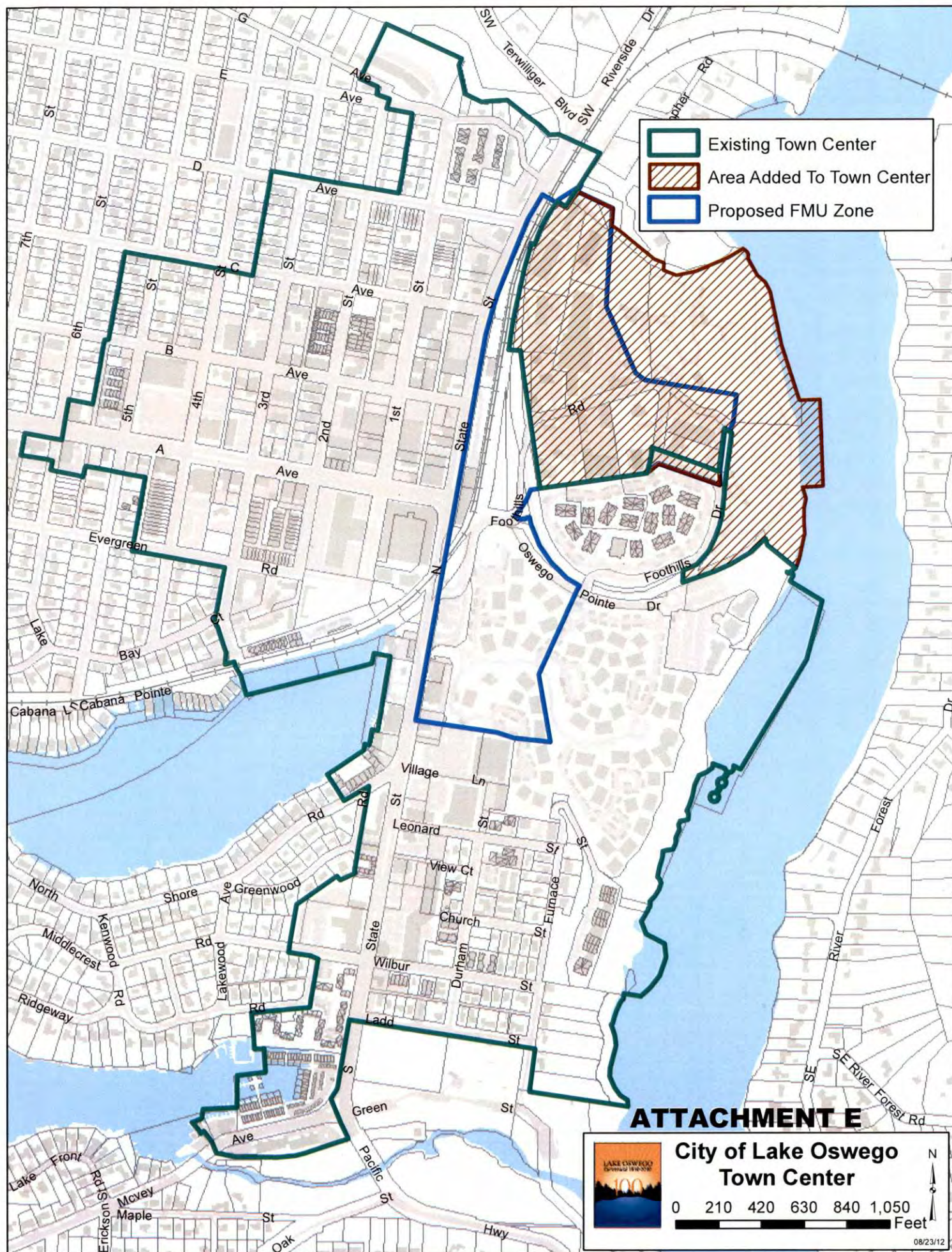
7. Ensure access to commercial and industrial development is taken from the major collector or arterial street system except when public safety requires access to be provided from other streets.
8. Prevent further expansion of “strip commercial development”* and encourage redevelopment of existing strip commercial areas to become more attractive and oriented toward pedestrians and transit.
9. Ensure neighborhood commercial* areas are:
 - a. Conveniently located and minimize the need for automobile travel;
 - b. Developed at a scale and in character with the area to be served; and,
 - c. Consistent with applicable and adopted Neighborhood Plans.
10. Designate the Downtown and Lake Grove Commercial Districts as the primary centers of general commercial* activity in Lake Oswego.
11. Require new commercial development, where possible, to develop joint street access, parking facilities, and pedestrian connections with other businesses to reduce land area requirements, traffic congestion, parking and safety problems.
12. Place new utilities, and where possible existing utilities, within commercial and industrial districts, underground.
13. Direct commercial and through traffic, other than that generated from adjacent neighborhoods, away from local residential streets.
14. Ensure all industrial and commercial uses comply with local, state and federal environmental standards.
15. Require all commercial and manufacturing operations, except those approved as a temporary use, including warehousing and storage, to be conducted either within enclosed buildings or screened from public view.
16. Limit commercial development in the Lake Grove Business District to that which is intended to accommodate neighborhood and community needs* for goods and services.
17. Allow mixed use development within the Downtown and the Lake Grove Business Districts and Foothills Mixed Use District to provide opportunities for commercial, entertainment, professional, cultural, public, and residential activities. Regional draw* business other than those providing specialized services and unique goods,* shall not be located in these districts.

18. Limit commercial development in the Grimm's Corner and Rosewood Business Districts and Foothills Mixed Use District to that which is intended to accommodate the frequently recurring needs* of the surrounding neighborhoods.
19. Limit development within the commercial districts associated with the Mountain Park Planned Unit Development to that which serves the frequently recurring needs of Mountain Park residents, except; in those locations where site conditions, such as parcel size and direct access to the major street system, allow businesses to provide for community needs and to offer specialized goods and unique services.
20. Allow commercial and residential uses within the Centerpointe and Kruse Way Business District at densities which support mass transit and which take advantage of the regional transportation system. These activities may include:
 - a. Employee-intensive businesses such as major regional office complexes, high density housing, and associated services and retail commercial uses; and,
 - b. Commercial activities which meet the needs of the traveling public and other highway oriented retail uses which require access to a large market area.
21. Do not allow regional or larger, shopping centers* within the Centerpointe and Kruse Way Business District.
22. Ensure that urban design and beautification projects in the Downtown Business District do not force through traffic to utilize local streets.

RECOMMENDED ACTION MEASURES

1. Work with Tri-Met to increase the level and quality of transit service to Lake Oswego's commercial and industrial districts.
2. Recognize that education is vital to the social and economic well-being of the citizens of Lake Oswego and the region.
3. Encourage other uses, in addition to traditional industrial activities within Lake Oswego's industrial districts as a means to increase employment opportunities within the City.
4. Work with the Lake Oswego Chamber of Commerce and other local business groups to promote discussion concerning land use and other regulations which could affect area businesses.
5. Coordinate with state and regional economic development agencies and groups to identify developments and trends which could affect Lake Oswego such as:

- a. Major public facility projects that have interjurisdictional consequences;
 - b. Metro, state and federal programs, regulations, and plans; and,
 - c. Investment and locational decisions by major employers.
6. Recognize and promote community events as having potential for positive economic impacts and as important for community identity.
7. Encourage a mix of commercial, residential, entertainment, cultural and public land uses within the City's general commercial and mixed use districts to enhance the vitality of these areas.
8. Ensure that parking standards for commercial and industrial land uses do not conflict with regional objectives of reducing automobile use and promoting transportation alternatives.
9. Develop and periodically update specific land use and transportation plans and implementing design and development standards for each of Lake Oswego's business and industrial districts.
10. Work with owners and tenants of existing industrial and commercial areas and adjacent neighborhoods to develop specific area plans for these districts to address:
 - a. Existing and future public facility and services needs and transportation requirements;
 - b. Design quality and appearance of industrial uses;
 - c. Mitigation of impacts on surrounding uses; and,
 - d. Protection of natural resources.
11. Encourage public uses of the Willamette River as part of Downtown business district and Foothills Mixed Use District redevelopment efforts.
12. Work with Tri-Met, Metro and other responsible agencies to develop a rail and bus service between Portland and Lake Oswego.
13. Define the City's role in regulating parking facilities in Lake Oswego's commercial business districts.
14. Encourage agreements among property owners, the City, and adjacent neighborhoods as a means to control business district parking encroachment into adjacent residential areas.



Comprehensive Plan Amendment – Goal 12 Text Attachment F

Preliminary Findings:

Designation of the City of Lake Oswego's expanded Town Center district as a Multimodal Mixed-Use Area (MMA)

In July 1999, the City of Lake Oswego adopted a Town Center designation for lands within the Downtown core. The area of the 1999 Town Center is outlined in green on attachment E to Ordinance 2599. In November, 2011, the City approved a framework plan that is intended to extend the Downtown core to the Foothills area and result in a new Foothills Mixed Use (FMU) zone, located east of Highway 43 between downtown and the Willamette River.¹ The FMU area is also outlined in blue on the attached map entitled "City of Lake Oswego Town Center."

The City proposes to include all of the area in the FMU zone and its surrounding properties within the downtown Town Center and accordingly designate all of the properties within the revised Town Center designation as a Multimodal Mixed-Use Area (MMA), pursuant to OAR 660-012-0060.

Concurrent with this Town Center and MMA application, the applicant is also adopting comprehensive plan text and map amendments, and land use regulations to create and regulate the new Foothills District.

Pursuant to OAR 660-012-0060, under the Transportation Planning Rule (TPR), if an amendment to a functional plan, comprehensive plan, or land use regulation would "significantly affect an existing or planned transportation facility," the local government must identify and implement measures to address the significant transportation impacts. However, recent amendments to the TPR (effective January, 2012), authorize new exceptions to this requirement. Specifically, Section 10 of the amended rule authorizes a local government to amend local land use provisions without applying the TPR performance standards if the amendment meets two specified requirements:

1. The amendment must be a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
2. The amendment must be consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

¹ Editor's Note: City Council adopted final Framework Plan in July 2012.

The proposal to designate the entire Town Center (including the Foothills District) as an MMA is consistent with the definition of an MMA given that the area offers opportunities for higher density development, a mix of uses, reduced parking ratios and other amenities that are required for MMAs. For example, the Foothills Mixed-Use Zone (FMU) is intended to foster a mix of housing, retail and office uses in a central location proximate to downtown and along the Willamette River. The maximum FAR is proposed at 4:1 with a height of 90 feet. The zone anticipates a residential density of approximately 120 units per acre with neighborhood serving retail and rich pedestrian and open space amenities. Together with the existing Town Center and Lake Oswego Downtown core, the new MMA will be consistent with the desired function of an MMA under the TPR.

II. Compliance with OAR 660-012-0060(10), the MMA Provisions of the TPR

For the reasons set forth below, the City of Lake Oswego finds that designating the Lake Oswego Downtown Town Center (including the Foothills District) as an MMA is fully consistent with the standards and requirements of the TPR. In addition, with the designation of the MMA, the concurrent comprehensive plan text and map amendments for the Foothill District are thereby exempt from the TPR requirements pursuant to OAR 660-012-0060(10).

A. OAR 660-012-0060(10)(a)

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

As explained above, the amendments to create and regulate the Foothills District are accompanied by an extension of the Lake Oswego Downtown Town Center boundary to

include the entirety of the Foothills District. Currently, all but the northernmost industrial portion of the Foothills area is already within the Town Center boundary.

The findings set forth below provide the justification for the designation of the Lake Oswego Downtown Town Center (along with the Foothills District) as an MMA.

B. OAR 660-012-0060(10)(b)

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) with a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

As noted above, the Lake Oswego Town Center boundary has been adopted by Lake Oswego and Metro, and all relevant maps and plans have been acknowledged by LCDC. Subsection (d), referenced in this criterion, authorizes the local government to “designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA.” This application follows this process by: 1) Amending the City’s Town Center boundary map in the Comprehensive Plan to include the Foothills District; and 2) Designating the amended Downtown Town Center as an MMA along with findings that demonstrate that the area meets the definition of an MMA.

(B) entirely within an urban growth boundary;

The Lake Oswego Downtown Town Center and the Foothills District are entirely within the Portland Metro urban growth boundary.

(C) with adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

The proposed plans and development regulations for the Downtown Town Center and the Foothills District allow the uses described in paragraphs (8)(b)(A) through (C) of the rule and mandate compliance with the characteristics set forth in paragraphs (8)(b)(D) through (H) of the rule. The District’s compliance with the paragraphs is set forth following each applicable criterion:

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

* * * *

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

Downtown – The current Town Center boundary for the downtown includes land in a variety of zoning districts. The table below identifies the zones and their respective acreages.

Lake Oswego Downtown Town Center (Boundary established 1999)			
Zone District	Symbol	Acres	Percent of Area
East End General Commercial	EC	76	36%
East End General Commercial / Residential – High Density	EC/R0	46	22%
Residential – High Density	R-0	27	13%
Residential – Design District (Old Town)	R-DD	25	12%
Park and Natural Areas	PNA	17	8%
Residential – High Density	R-2	10	5%
Public Functions	PF	3	1%
Other (NC, I, R-10, R-7.5, RW, and R-6)	-	6	3%
Total		210	100%

The EC and EC/R0 make up 58% of the town center. EC/R0 is an area where either the standards of the EC zone or the R-0 zone may apply. The EC zone is a commercial

district that allows a wide range of commercial office, retail, and restaurant uses as well as multi-family residential use. EC/R0 allows the same commercial uses as the EC zone but also allows multi-family residential built to the standards of the R-0 zone. Together, the EC, EC-R0, R-0, R-2, and R-DD make up 88% of the Town Center area. Residential development at densities of 12 du/acre is allowed in all of these zones. Public plazas and open spaces are allowed in any of the Town Center Zones. Public parks in the Town Center have been zoned PNA and make up 8% of the total area.

Foothills District - Per Section 5.4.1 of the adopted Framework Plan and the associated Comprehensive Plan and Development Code provisions, “the Foothills Mixed-Use Zone (FMU) is intended to foster a mix of housing, retail and office uses in a central location proximate to downtown and along the Willamette River. Commercial uses are allowed but are not intended to dominate or set design or development standards for other uses in the area. Retail uses are limited in size to complement the downtown core and facilitate the development of neighborhood-serving retail.” The list of permitted uses includes residential uses, offices, restaurants, and limited retail. The Plan encourages retail that is “complementary and supplemental to the downtown core but does not compete with the downtown core.”

The district includes 12.37 acres in Foothills Park and 3.6 acres in Curlicue Park. While there is a rich supply of parks and open space in Foothills District, access to these areas has been limited. Consistent with subsection (v) of this criterion, the Plan will create new public spaces and enhance connections to existing public spaces. The Framework Plan describes these elements as follows:

“A significant new public space will be created to help connect downtown Lake Oswego through the Foothills District to Foothills Park and the Willamette River. The plan recommends that the entire B Avenue corridor between State Street and Foothills Park be treated as a primarily pedestrian-oriented open space. In particular, the Willamette Steps are seen as an attractive and unique “vertical park,” connecting downtown to the River and the generously landscaped urban streetscape of B Avenue. The eastern end of the corridor will be anchored by an urban plaza overlooking Foothills Park and the Willamette River.” (*Revised Framework Plan*, p. 70).

Section 5.8 of the Framework Plan also provides additional details regarding each of the proposed park areas. In summary, the Framework Plan and Development Code provisions for the Foothills District ensure that the District will contain the concentration of land uses required by this criterion.

Further, the District calls for a density of 4:1 FAR and a height of 90 feet. The financial feasibility analysis calls for the development of an estimated 120 residential units per

acre, in a 4-6 story design format, far exceeding the 12 unit per acre medium to high density standards under this criterion.

(B) Generally include civic or cultural uses;

Downtown - The Lake Oswego Town Center currently includes many civic and cultural uses. City Hall and the Main Fire Station are located downtown. The Town Center includes the Lakewood Center for the Arts which includes theater, gallery, and classroom space. It is home for the annual Lake Oswego Festival of the Arts. Downtown Lake Oswego has an ongoing public sculpture exhibit known as the Gallery Without Walls. Over 45 sculptures are on exhibit as part of the program. This program helps contribute to the pedestrian friendly environment in the downtown. The downtown also includes a jewel of the City's park system: Millennium Park. The park consists of a plaza, pavilion, and two fountains and anchors the south end of 2nd Street. It is home to Lake Oswego's farmer's market and many public events throughout the year.

Foothills District - The Foothills District will allow civic and cultural use. For instance, the list of permitted uses includes theatres, schools, daycares, and minor and major public facilities. Furthermore, the proposed comprehensive plan policies specific to the District include the following "Urban Use and Form" policy: "Encourage the development of a new mixed use zone in the Foothills District that permits the development of commercial, residential and public uses." As noted above, the District will create a significant new public space in B Avenue to connect downtown Lake Oswego through the Foothills District to Foothills Park and the Willamette River. The eastern end of the corridor will include an urban plaza overlooking Foothills Park and river.

In addition, the Framework Plan (Section 5.9) and Development Code provisions require site design for new or substantially remodeled existing buildings to include locations for placing public or private art, consistent with this criterion.

(C) A core commercial area where multi-story buildings are permitted;

Downtown – As noted above the EC and EC/R0 zones make up 58% of the total current Town Center. These zones allow a variety of commercial office, retail, and restaurant uses. The EC zone has an FAR of 3:1 and a varying maximum height limit from 35 feet to 60 feet depending on the proximity to lower density residential districts. Multi-story buildings can be built throughout the district.

In the R-0 zone on sites over 0.5 acre in size, building height may average 40 feet with no individual building exceeding 50 feet. On smaller R-0 lots and in R-2 zones, the maximum height is 28 feet. Multi-story buildings can be built in both zones.

Foothills District - The Framework Plan and Development Code encourage multi-story development consistent with this criterion. The recommended maximum height in the District is 90 feet (measured from finished grade), with the exception of buildings within 100 feet of State and Leonard Streets, which will be limited to 45 feet as measured from the center line of State Street. The recommended maximum FAR for the District is 4:1. The height and FAR regulations will work together, along with setbacks and building coverage standards, to match the density of the uses with the desired character of the area.

Because the Foothills District is not intended to function as a stand-alone Town Center/MMA, but is instead being added to an existing Town Center, it is important that the District complement the existing commercial area. Therefore, the proposed regulations carefully regulate retail and commercial development within the District to preserve and enhance the core commercial area already thriving within Lake Oswego's Town Center. Within the Foothills District, commercial uses are allowed but are not intended to dominate or set design or development standards for other uses in the area. Similarly, retail uses are limited in size to complement but not compete with the downtown core. The intent of the Framework Plan is to facilitate the development of neighborhood-serving retail while increasing access to from the District to the existing downtown commercial area.

(D) Buildings and building entrances oriented to streets;

Downtown – Lake Oswego Code 50.05.004 sets forth the Downtown Redevelopment Design District standards. These standards apply to an area that is within the current Town Center boundary. There are slight variations at the north and south ends of the district. The standards apply to all of the EC and EC-R0 properties. Section 5 addresses Building Siting and Massing. Subsection b – Pedestrian Oriented Siting states that “New commercial buildings shall be sited in order to maximize the amount of building frontage abutting pedestrian ways.” Subsection f – Entrances states: “.....the primary building entrances shall be oriented to pedestrian ways along streets to encourage pedestrian density on existing streets, sidewalks, and other public ways.”

Foothills District - The Framework Plan and Development Code require at least one main building entrance to be within 10 feet of the adjacent street. The Plan allows another entrance to be located in the portion of the building that is permitted to be setback from the street lot line in order to accentuate the entrance and carry a varied building line down the street. In addition, the Plan requires at least one straight line connection between the main entrance of a building and a connecting public street. The connection must be hard-surfaced and at least 8 feet wide. (Framework Plan, p. 107). Furthermore, the Development Code ensures appropriate building orientation and design by setting objective standards for street lot line setbacks, ground floor windows, height, mass and top floor setbacks *and* requiring that each building entrance be expressed through material choice, building articulation, and architectural elements.

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

Downtown – The Downtown Town Center consists of a grid of streets with blocks that measure 260 feet by 410 feet. Traffic signals with pedestrian activated crossing lights are located along A Avenue at State Street (Hwy 43), 2nd St, 3rd St, and 4th St. A pedestrian activated signal is located at A Ave. and 5th St. Signals are located along State Street at B Ave., A Ave., Foothills Drive, North Shore Drive, Wilbur St., and McVey Ave. Sidewalks exist along all commercial streets within the Town Center.

Foothills District - Connectivity between Downtown, the Foothills District, and the Willamette River is one of the main goals of the Foothills Framework Plan. The Plan's Vision Statement aims to redevelop the District "in a manner that knits Downtown Lake Oswego, Tryon Creek, Old Town, the Willamette River, and Oswego Lake together." The Statement also emphasizes that the "District will possess a thriving, comfortable and inviting pedestrian environment, with clear and convenient connections to surrounding areas," and notes that the proposed uses will "provide vital activity not only within the District but also across State Street into Downtown." The proposed Comprehensive Plan policies under the Transportation section encourage "the development of strong pedestrian connections or series of connections between Downtown and the Willamette River."

Figure 4.9.1R, "Context and Connections Diagram," generally shows the main vehicle and pedestrian accesspoints to the District, as well as the District Gateway and the Greenway Trail. Section 5.2 of the Framework Plan includes multiple Street Plan diagrams showing all of the major streets within the District and delineating the main bicycle and pedestrian routes. The Street Plan is based upon a few key elements that are consistent with this criterion. First, wherever possible, connections are made to existing streets at the boundary of the District to strengthen vehicular, pedestrian, and visual connectivity between Foothills and surrounding neighborhoods. Second, streets have been organized internally to provide development-efficient parcels, maximizing the development potential for the District and minimizing undevelopable remainders. Last, the Street Plan presents a hierarchy of street types and uses that accommodate a variety of street functions ranging from higher volume vehicular movement to quiet, pedestrian-oriented connections.

The northern portion of the District was established based on two primary axes: the east-west extension of the B Avenue right-of-way linking State Street to Foothills Park, and the north-south axis of Foothills Road, accommodating and distributing the primary north/south vehicular and bike movements within the District. A grid of streets emerges from these two primary organizing streets, resulting in a pattern of blocks based on a 240' dimension that accommodates efficient parking templates.

In the south, the Upper Shelf subdistrict provides clear connections to and across State Street, most significantly at North Shore Drive/State Street and Foothills Road/State Street. A grid pattern in this area establishes larger block dimensions that can accommodate the neighborhood retail uses that are the primary development type in the area (e.g., Oswego Village Center). A new road connection lining up with the Foothills Road/State Street intersection connects the lower portion of the Oswego Pointe Apartments with the Upper Shelf Subdistrict.

The most significant new transportation upgrade proposed within the District is the creation of a new northern portal at State Street, between D and E Avenues. This project will utilize the existing at-grade public crossing of the Union Pacific Railroad, providing an alternative ingress/egress point to the District.

In summary, as set forth in Section 5.2, a “critical element to the success of the Framework Plan will be the establishment of a pedestrian friendly network of local streets within the District and vehicular, transit, bike and pedestrian connections linking the District to downtown Lake Oswego, adjacent neighborhoods, and the rest of the region.” The recommended street plan improves connectivity for the existing Town Center by safely linking downtown to the District and the City’s riverfront amenities.

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

Downtown – The Downtown Town Center has an extremely walkable environment with a grid of streets, sidewalks, and many pedestrian amenities. A Ave. serves as the Main Street of the Downtown Town Center. A. Avenue has 12 foot+ wide sidewalks, street trees, street furniture including benches, water fountains, bollards, bike racks, and acorn-shaped decorative street lights. Street furniture and lighting requirements for the downtown are set forth in LOC 50.05.004.8. These same design amenities exist on B Ave. and State Street. With the exception of State Street, the streets in the downtown area include on-street parking.

Foothills District - The general efficiency of the proposed Street Plan for the Foothills District is addressed in response to subsection (E) above and incorporated herein by reference. In addition, Section 5.2 of the Framework Plan also explains how the street network will make it attractive and highly convenient for pedestrian to walk between uses within the District and the larger community.

Section 5.2 includes cross-sections (and photo depictions) for all of the major streets and street types. Consistent with this criterion, the cross-sections depict wide sidewalks, pedestrian-oriented street crossings, landscape strips, and on-street parking. Furthermore, the Plan notes that State Street currently acts as a significant barrier between downtown and the Foothills, especially for pedestrians. In order to improve east-west connectivity between downtown and the Foothills District, the Plan proposes a number of actions. These actions, set forth in Section 5.2, include improving pedestrian access along State Street with new and widened sidewalks, street furnishings, and landscape improvements.

In addition, the Plan also recommends a new north/south bicycle and pedestrian pathway parallel to the UP rail line. This pathway would provide dedicated bike and pedestrian access from the proposed Northern Portal at State Street and D/E Avenues to Foothills/A Avenue, at the level of the rail line. The pathway would be physically separated from the rail line by a low wall or decorative fence, similar to the pathway along the lakefront west of Millennium Plaza. This will provide a safe, convenient, and level pathway north/south through the District.

In order to help connect downtown through the Foothills District to Foothills Park and the Willamette River, the Plan also recommends that the entire B Avenue corridor between State Street and Foothills Park be treated as a primarily pedestrian-oriented open space. The Willamette Steps will form part of the connection from downtown to the River and the generously landscaped urban streetscape of B Avenue. The eastern end of this corridor will then be anchored by the urban plaza overlooking Foothills Park and the Willamette River.

Finally, the Plan proposes several special accessways, which will provide limited vehicular access to adjacent parcels with a primary focus on bike and pedestrian access to parks, the greenway, or other public streets and accessways. (See Figure 5.2.13R). The accessways will not provide through-vehicular movement, only local access. Figure 5.2.15 shows the proposed cross-section for such accessways. The design standards for these areas will encourage a curbsless approach, utilization of pervious paving surfaces where feasible, and incorporation of significant landscape space. Access ways which lead to public parks or the Willamette River Greenway shall prohibit vehicular access from the last 100 feet leading to the park/greenway boundary (although emergency and maintenance access must be maintained).

(G) One or more transit stops (in urban areas with fixed route transit service); and

Downtown – The downtown transit center is located along 4th St between A and B Avenues. The transit center is served by Tri Met buses 35, 36, 37, and 78.

Foothills District - In general, the Framework Plan aims to “ensure that strong transportation linkages to and from the District are provided for all modes of travel, including new roadway connections to State Street/Highway 43, pedestrian and bicycle connections to adjacent neighborhoods and Downtown, and improved access to regional transit.” (Section 5.2.1). With the abandonment of the streetcar plan, the main mode of transit will be bus service. The Plan proposes to increase accessibility to transit resources on State Street, including a potential Transit Center/ Plaza at Foothills Road/State Street (Figure 5.1.2R).

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Downtown – LOC 50.03.002.3 sets forth permitted and prohibited uses. In the EC zone the following land extensive and auto oriented uses are prohibited: agricultural uses, restaurants with drive thru windows, fitness and sports facilities over 20,000 sq. ft. in floor area, retail and grocery stores greater than 35,000 sq. ft. per business, boat sales, truck and trailer rental, lumber yards, nursery stock sales, manufacturing, and RV storage. Car washes are permitted by conditional use only.

Foothills District - The Framework Plan and Development Code prohibit low-intensity and land extensive uses within the Foothills District, including manufacturing and production, wholesale sales, industrial uses, and drive-through services. (See Framework Plan, Section 5.4).

(D) with land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

Downtown – LOC 50.05.004.9 sets forth parking requirements for the Downtown Redevelopment Design District. The section states that minimum parking requirement is 0.75 of the total required parking under the standards that apply generally in the City. Subsection iv. offers provisions to share parking where peak use periods differ. In addition, Subsection vi. allows the use of abutting on-street parking spaces to be used to meet the parking requirements. Subsection vii. states that within a 12+ block area along A and B Avenues, no off-street parking is required for new retail uses that occupy existing buildings and when an existing structure is expanded and the ground floor footprint does not increase in area.

Foothills District - The Framework Plan and Development Code require lower levels of off-street parking compared to other Lake Oswego zoning districts. In addition, the Plan sets the following maximum parking ratios to limit off-street parking:

- Residential Use – Maximum of 1.6 parking spaces per unit.
- Non-residential uses – Maximum of 3.0 spaces per 1000 square feet of floor area.

In addition, to maximize efficiency and reduce the space committed to parking, the Plan authorizes tandem, stacked or valet parking. The Plan also authorizes joint parking where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. The Plan also carefully regulates the location and appearance of surface parking and encourages structured parking that is designed to create an attractive pedestrian environment adjacent to the parking structure. (See Framework Plan, Section 5.4).

(E) located in one or more of the categories below:

- (i) at least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;*
- (ii) within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or*
- (iii) within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.*

The Downtown and the Foothills District are not within the area of an IAMP or within one-quarter mile from any ramp terminal intersection of existing or planned interchanges. The closest interchange is the Sellwood Bridge interchange, which has an adopted IAMP.

C. OAR 660-012-0060(10)(c)

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

Because the Downtown and Foothills District are more than one-quarter mile from an interchange, this section is not relevant to this application.

D. OAR 660-012-0060(10)(d)

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a

new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

As noted above, the City proposes to designate this MMA by adopting amendments to the Comprehensive Plan text and map amendments, and Development Code to (1) Amend the Town Center boundary to include the Foothills District; and (2) Designate the entire Town Center (including the Foothills District) as an MMA. The findings set forth herein show how the Town Center and the Foothills District meet the definition of an MMA. As specified in this subsection (d), designation of an MMA is not subject to the requirements in sections (1) and (2) of OAR 660-012-0060.

E. OAR 660-012-0060(10)(e)

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

This criterion is not applicable given that the area within the proposed MMA meets the definition of MMA for the reason described above.

Concurrent with this MMA designation, the City is adopting Comprehensive Plan text and map amendments, and Development Code provisions to implement the Foothills District Framework Plan. As set forth above, this newly designated area, subject to the proposed land use regulations, will be included in the Lake Oswego Town Center boundary and will meet the definition of an MMA. Therefore, the amendments to the Comprehensive Plan and Development Code to create and regulate the Foothills District are not subject to the TPR performance standards.

III. Conclusion

For the reasons set forth above, the Lake Oswego Downtown Town Center (including the Foothills District) qualifies as an MMA and the application package proposed to create and regulate the Foothills District is not subject to the TPR performance standards.

Plan Text Amendment:

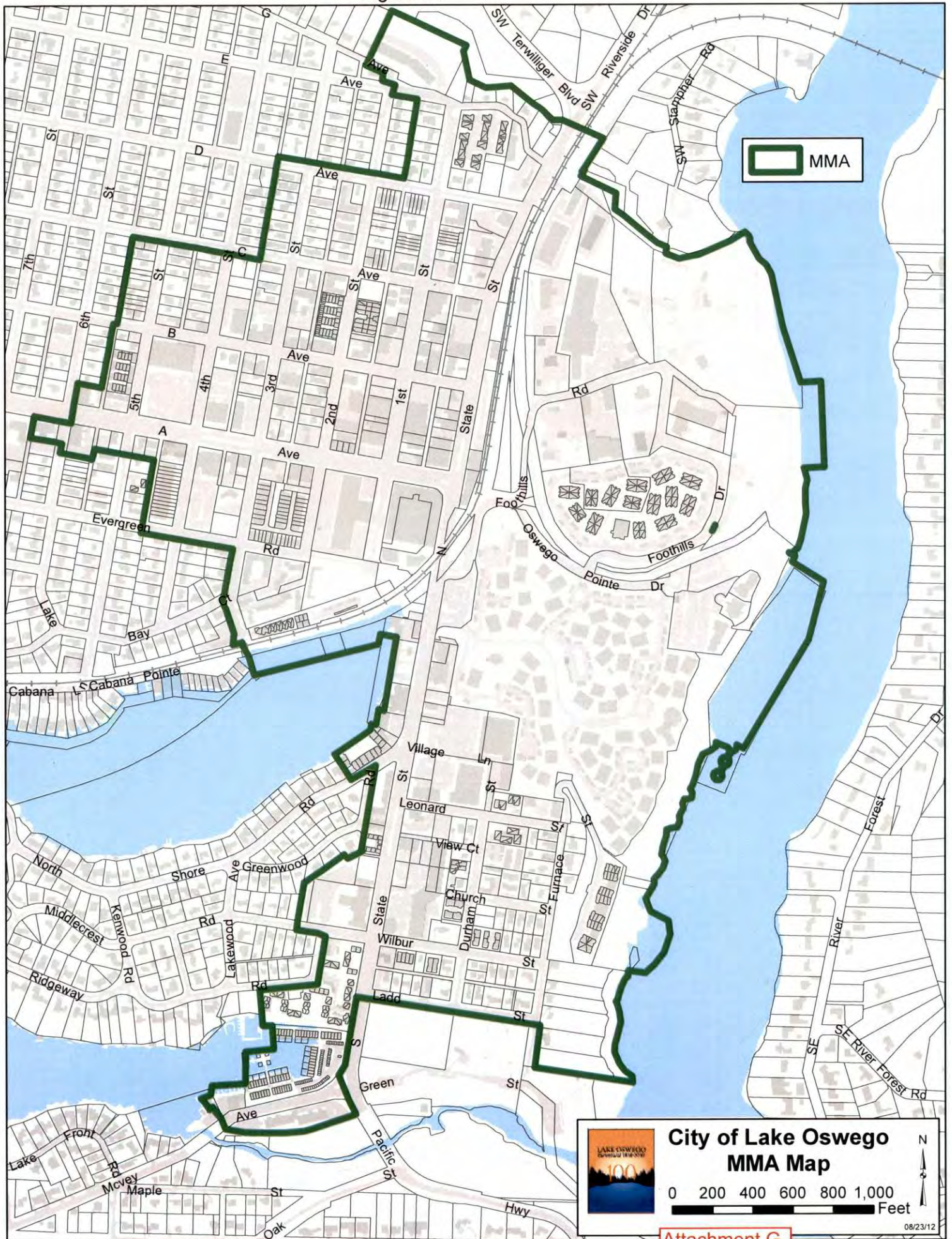
New text is shown in **bold, underlined type**.

Lake Oswego Comprehensive Plan Goal 12 Transportation – Plan Text Amendment

Add a new Policy 4-15:

The Downtown Town Center and the Foothills District shall be considered a Multimodal Mixed-Use Area (MMA) for purposes of applying the requirements of the State Transportation Planning Rule. The boundaries of the MMA are depicted in Goal 12 – Figure 21.

Figure 21



ATTACHMENT H

Community Development Code Amendment Foothills Mixed Use Zone

50.01.004 ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION 1. ZONING DISTRICTS

The City is divided into the following zoning designations:

Table 50.01.004-1: Zoning Designations	
Zone District Category	Map Designation
Residential	

Commercial	

Mixed Use	
Foothills Mixed Use	FMU
Mixed Commerce	MC
West Lake Grove Districts	
WLG Townhome Residential	WLG R-2.5
WLG Residential Live/Work	WLG RLW
WLG Residential Mixed Use	WLG RMU
WLG Office Commercial	WLG OC
Industrial	

Special Purpose Districts	

Overlay Districts – Area Specific	

Overlay Districts – Resource Specific	

50.01.006 NONCONFORMING STRUCTURES AND USES

5. EXPANSION OF NONCONFORMING INDUSTRIAL, OR COMMERCIAL USES OR STRUCTURES

5. EXPANSION OF NONCONFORMING INDUSTRIAL, MIXED USE, OR COMMERCIAL USES OR STRUCTURES

A nonconforming industrial or commercial use or structure located in a commercial, ~~or~~ industrial, or mixed use zone may be altered, enlarged, or expanded after a conditional use permit has been issued for such activity.

50.02.002 COMMERCIAL, INDUSTRIAL, MIXED USE ZONES

1. PURPOSES

k. Foothills Mixed Use (FMU)

To foster a mix of housing, retail and office uses in a central location proximate to downtown and along the Willamette River. Commercial uses are allowed but are not intended to dominate the character of the area. Retail uses are limited in size to complement the downtown core and facilitate the development of neighborhood-focused retail served by transit. The design and development standards are intended to create a unique Lake Oswego community. The emphasis of the zone is on residentially related uses.

The Foothills District code provisions are intended to:

- i. Connect the District area with downtown, Tryon Creek, Old Town, the Willamette River and Oswego Lake;
- ii. Create a sustainable walkable neighborhood that possesses a thriving, active, and comfortable pedestrian environment;
- iii. Create visual interest through varied building heights that are urban in character, yet include detailed amenities at the ground floor that enhance the pedestrian environment;
- iv. Create high quality buildings, of long lasting materials, to promote the permanence of the community
- v. Allow for a mix of residential uses, with urban density, and neighborhood scale retail and office development; and
- vi. Establish a standard of design that reinforces Lake Oswego's sense of place.

50.03: USE REGULATIONS AND CONDITIONS

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

[See Attachment H-1: Table 50.03.002-2]

50.04.001 DIMENSIONAL TABLE

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

TABLE 50.04.001-14: COMMERCIAL, MIXED USE, AND INDUSTRIAL DIMENSIONS

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

a. Dimensions

Development in the commercial, mixed use, and industrial zones shall conform to the following dimensional standards except as modified below:

TABLE 50.04.001-14: COMMERCIAL, MIXED USE, AND INDUSTRIAL DIMENSIONS											
Standard [1]	NC	GC	HC	OC	EC	FMU	WLG See 50.04.001.4. b	CR&D	MC	I	IP
If a dimension or requirement is not shown it means there is no minimum or maximum, but that a requirement may be established at the time of Development Review Commission review.											
FLOOR AREA RATIO											
<u>Maximum</u>	0.25 :1 [2]	—	—	0.30 :1	3.0:1	4.0:1 [16], [17]			—	1.0: 1	—
<u>Minimum</u>	—	—	—	—	—	1.0:1 [15], [17]			—	—	—
MAX. LOT COVERAGE (%)											
<u>Maximum</u>	None e10 0	50	50	25	None 10 0	None 100		55 [5]	No limit1 00	—	—
<u>Minimum</u>	None e	None e	None e	None e	None	50	None	None	None	None e	None e
SETBACK (FT.)						[14]					
Location – From Lot Line to:						See 50.06.001.6					

HEIGHT (FT.)								See 50.04.001.4. c, Additional Standards and Exceptions			
Max. Height	35 [3]	45 [3]	60 [3]	45 [3]	50.04.00 1.4.c.i	45 [18]; 90		[11]	95 [13]	60 [8]	45
Accessory Structures						24 ft.		60			

[14] Oswego Pointe Setback. Structures in the FMU zone shall maintain the following minimum setback measured from the structure listed below (as they existed on [Effective Date of this Ordinance]):

- a. Habitable structures – 85 ft;
- b. Non-habitable structures – 10 ft.

[15] Applies only to sites abutting a Primary Street.

[16] FMU FAR Transfer. FAR may be transferred from any site zoned FMU to another site zoned FMU as follows:

- (a). The total FAR averaged between transfer sites shall not exceed 4.0:1.
- (b). The FAR shall not be less than 1.0:1 on any site abutting a Primary Street.
- (c). The property owner(s) shall execute and record a covenant with the City on all sites reflecting the respective increase and decrease of the FAR.

[17] In the FMU, "Floor Area": (1) Includes the area devoted to structured parking that is above ground level; (2) Does not include areas where the elevation of the floor is four ft or more below the lowest elevation of an adjacent right-of-way.

[18] FMU State Street Height. For any area of a site that is located within 100 ft of the centerline of State Street, the maximum height is 45 ft.

50.04.003 EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

4. GENERAL EXCEPTION TO STRUCTURE HEIGHT LIMITATIONS

a. General Exceptions

In addition to any other exceptions permitted to the maximum building height limitation of a zone, the following type of structures or structural parts are not subject to the structure height limitations of this Code in the following zones:

TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS	
Zone	Structures or Structural Parts Exempt from Height Limitations
Residential Zones – Residential Uses	a. Chimneys, flagpoles, <u>radio and television antennas</u>, ham radio aerials, and other structures. b. Roof-mounted solar system (panels).
Residential Zones – Nonresidential Uses	a. Chimneys, church spires, belfries, domes, monuments, radio <u>and television antennas</u>aerials, fire and hose towers, flagpoles, and other similar structures. b. Roof-mounted solar system (panels).
Commercial, Public Use, and Industrial Zones	a. Chimneys, tanks, church spires, belfries, domes, monuments, radio <u>and television antennas</u>aerials, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures. b. Roof-mounted solar system (panels).
<u>FMU Zone</u>	<u>a. Radio and television antennas and other similar structures, and public safety facilities.</u> <u>b. Any structure exempt from height limitation in residential zone (residential or nonresidential use) in subsection (a) above that has a width, depth, or diameter of five feet or less may exceed the zone's height limitation by no more than ten feet, or five feet above the highest point of the roof, whichever is greater.</u> <u>c. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit.</u> <u>d. Stairwell enclosures and rooftop mechanical equipment (excluding elevator mechanical equipment) which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.</u> <u>e. Small wind turbines that meet subsection b.iii below are exempt from the height requirement.</u> <u>f. Roof-mounted solar systems (panels)</u>

b. Aerials and Collocated Telecommunications Facilities and Solar Panels; Wind Turbines in the FMU Zone.

i. Aerials other than ham radio aerials are permitted to ten ft. over the building height maximum in a residential zone. Collocated telecommunication facilities in residential zones may exceed the height limits of the underlying zone, but shall not exceed ten ft. above the existing structure height. Collocated telecommunication facilities in commercial, public use, and industrial zones may exceed the height limits of the underlying zone, but shall not exceed 20 ft. above the existing structure height.

ii. Roof-mounted solar systems (panels) may exceed the maximum building height limitation by the following:

- (1) Roof slopes 2:12 or less – no more than four ft., or
- (2) Roof slopes greater than 2:12 – no more than one ft.

iii. In the FMU Zone, small wind turbines are permitted and are not subject to the height requirements subject to the following standards:

- (1) Wind turbines poles must be no greater than 30 ft high;
- (2) Wind turbine poles shall have a maximum outside diameter of 2.5 ft;
- (3) Wind turbines shall have a maximum fan diameter of ten ft;
- (4) All wind turbine components shall be painted white; and
- (5) No more than four wind turbines may be installed per site.

50.06.001 BUILDING DESIGN

1. APPLICABILITY

This section is applicable as follows:

TABLE 50.06.001-1: BUILDING DESIGN STANDARDS APPLICABILITY						
/A/ = Applicable /blank/ = Not Applicable						
Base District	R-15	R-10	R-7.5	R-6	R-5	Additional Standards
Structure Design – Residential Zones 50.06.001.2	A	A	A	A	A [1]	50.05.006, Old Town Neighborhood Design
Garage Appearance and Location 50.06.001.4	A	A	A	A	A	50.05.006, Old Town Neighborhood Design

TABLE 50.06.001-1: BUILDING DESIGN STANDARDS APPLICABILITY						
/A/ = Applicable /blank/ = Not Applicable						
Base District	R-15	R-10	R-7.5	R-6	R-5	Additional Standards
Zone Additional Standards 50.06.001.3 (R-6)				A		
Commercial, Industrial, and Multi-Family <u>Not Located in FMU Zone</u> Standards for Approval 50.06.001.5						A [2][3]
<u>Development Located in FMU Zone</u> Standards for Approval 50.06.001.6						A [4]
Notes: [1] Structure Design standards only apply to detached single-family dwellings, zero lot line dwellings, duplexes, and structures that are accessory to these development types (see LOC 50.06.001.2.a). [2] Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii (mechanical equipment screening). [3] Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development. <u>[4] Development involving either mechanical equipment, or development involving structures, or both, including new development and exterior modifications, in the FMU zone.</u>						

50.06.001 BUILDING DESIGN

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

5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT NOT LOCATED IN THE FMU ZONE, AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

a. Applicability

This standard is applicable in all zones except the FMU zone to:

- i. Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii (mechanical equipment screening); and

ii. Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development pursuant to LOC 50.07.003.13.a.ii(3).

50.06.001 BUILDING DESIGN

6. DEVELOPMENT IN THE FMU ZONE STANDARDS FOR APPROVAL

6. DEVELOPMENT IN THE FMU ZONE STANDARDS FOR APPROVAL

a. Applicability

This standard is applicable to all development involving mechanical equipment and development involving structures in the FMU zone, including new development and exterior modifications.

b. Design Standards

Structures shall be designed and located in accordance with the FMU Building Design Standards, Appendix 50.06.001.5-A.

50.06.002 PARKING

50.06.002 PARKING

1. APPLICABILITY

The provisions of this section shall apply to all development which generates a parking need. This shall include the construction of new structures, the remodeling of existing structures and a change of use which increases on-site parking or loading requirements or which changes access requirements.

[Cross-Reference: LOC 50.06.002.3.b – Parking Standards in R-6 Zone.]

2. STANDARDS FOR APPROVAL

a. Vehicle Parking

i. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees and shall not be used for the

storage of vehicles or materials or for the loading and unloading or parking of vehicles used in conducting the business or use.

ii. Number of Required Parking Spaces

(1) Refer to Table 50.06.002-~~1~~2 to determine the number of parking spaces required. The number of parking spaces specified for each type of use are the minimum standards. Fractional space requirements shall be counted as the next highest whole space.

(2) Maximum Number of Parking Spaces. ~~Except for residential parking requirements, the maximum number of parking spaces shall not exceed 125% of the minimum number of required spaces.~~

Table 50.06.002-1: Maximum Off-Street Parking Space Requirements		
Zone	Type of Use	Maximum Number of Parking Spaces
<u>FMU</u>	<u>Non-residential</u>	<u>3 spaces per 1,000 sq. ft. GFA</u>
	<u>Commercial</u>	<u>1 space per room</u>
	<u>Residential</u>	<u>1.6 spaces per dwelling unit</u>
<u>Other Zones</u>	<u>Non-residential</u>	<u>Either 125% of the number of parking spaces required under Table 50.06.002-2 (without applying the Parking Requirement Modifiers, Table 50.06.002-3) or the required number of parking spaces determined by the Parking Study Method.</u>
	<u>Residential</u>	<u>No Maximum</u>

(3) Handicapped parking and ramps shall be provided in accordance with the Uniform Building Code.

(4) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

TABLE 50.06.002-1<u>2</u>: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required^[1]
<u>FOOTHILLS MIXED USE ZONE</u>	
<u>1. Residential Use</u>	<u>.50 space per Dwelling Unit</u>
<u>2. Commercial Residential Use</u>	<u>1 space per room.</u>
<u>3. Non-Residential Use (commercial, industrial, institutional, etc.)</u>	<u>1 space per 1,000 sq. ft. G.F.A.</u>
<u>OTHER AREAS</u>	
<u>(A). RESIDENTIAL</u>	
<u>1. Single-family dwelling and duplex</u>	<u>1 space per dwelling unit</u>
<u>2. Secondary dwelling unit</u>	<u>1 space per unit (in addition to 1 space</u>

TABLE 50.06.002-12: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required ^[1]
	required for main dwelling unit)
3. Multi-family	25% of the required parking for multi-family use shall be located to provide for common or visitor use
i. Studio/Efficiency	1 space per unit
ii. 1 Bedroom	1.25 spaces per unit
ii. 2 or more Bedrooms	1.5 spaces per unit
4. Rooming and boarding house; Bed and Breakfast	1 space per each guest room plus one for owner
(B) COMMERCIAL RESIDENTIAL	
1. Hotel or Motel	1 space per unit
2. Assisted living facility	0.5 space per unit plus one per three employees
3. Hospital	1.5 spaces per bed
(C) PLACES OF PUBLIC ASSEMBLY	
1. Churches, clubs, lodges, meeting rooms, and auditoria	1 space per 4 seats of maximum capacity, or 1 space per each 5 occupants based on maximum capacity as calculated under the provisions of the Uniform building Code
2. Library, reading room, museum, art gallery	1.88 spaces per 1,000 sq. ft. plus one space per 2 employees on the peak shift
3. Nursery, day or child care facility, kindergarten	2.5 spaces per 1,000 sq. ft. G.F.A
4. Elementary or middle school or equivalent private or parochial school	16.6 spaces per 1,000 sq. ft. G.F.A in the auditorium or 2 spaces per classroom, whichever is greater
5. Senior high and equivalent private or parochial school	0.2 spaces per number of students and staff
6. College; commercial school for adults	3 spaces per 1,000 sq. ft. G.F.A (excluding dorms)
7. Schools such as martial arts, music, dance, gymnastics	1 space per 100 sq. ft. of G.F.A of lesson activity floor area plus .5 space per employee
(D) COMMERCIAL AMUSEMENTS	
1. Stadium, arena, theater	1 space/4 seats (fixed seating)
2. Bowling alley	3 spaces per lane plus 0.5 space per employee
3. Sports club/Recreation facilities, including billiard and pool parlors, video arcades, dance hall, gymnasium, health	2 spaces per 1,000 sq. ft. G.F.A

TABLE 50.06.002-1 : MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required ^[1]
club	
(E) COMMERCIAL	
1. Office, including business and management services except medical or dental	3.33 spaces per 1,000 sq. ft. G.F.A
2. Medical and Dental Offices or clinics including accessory laboratories for medicine, dentistry, veterinarian practice or other practices of the healing arts	3.9 spaces per 1,000 sq. ft. G.F.A
3. Bank	2.5 spaces per 1,000 sq. ft. G.F.A
4. Supermarket	2.9 spaces per 1,000 sq. ft. G.F.A
5. Convenience food store	2.2 spaces per 1,000 sq. ft. G.F.A
6. Specialty food stores, such coffees, bagels, juice bars (Take-out food/drink primarily	6.6 spaces per 1,000 sq. ft. G.F.A
7. Eating or drinking establishment	13.3 spaces per 1,000 sq. ft. G.F.A
8. Eating or drinking establishment with drive up window	9.9 spaces per 1,000 sq. ft. G.F.A
9. Barber shop, beauty salon, personal care services, such as nail, tanning, and therapeutic massage salons	4 spaces per 1,000 sq. ft. G.F.A plus 0.5 space per station
10. Retail sales and rentals, except as otherwise specified herein	3.3 spaces per 1,000 sq. ft. G.F.A
11. Heavy equipment rentals, such as yard and tool equipment	1 spaces per 1,000 sq. ft. G.F.A plus 0.5 per employee
12. Service or repair shop, such as electronic and home appliance repair, upholstery	1.6 spaces per 1,000 sq. ft. G.F.A
13. Automotive repair garage and service station	1.6 spaces per 1,000 sq. ft. G.F.A plus 0.5 per employee
14. Mortuary	1 space per 5 seats based on maximum auditorium capacity plus 1.5 space per employee
(F) BULK MERCHANDISE	
1. Furniture, appliance store building materials	2 spaces per 1,000 sq. ft. G.F.A
2. Auto, boat or trailer sales	1 spaces per 1,000 sq. ft. G.F.A of building plus 0.5 space per employee
3. Truck, trailer and automobile rental parking lot	0.75 space per employee on largest shift
(G) INDUSTRIAL	

TABLE 50.06.002- 3 ² : MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required ^[1]
1. Light industrial, industrial park, Manufacturing	1.6 spaces per 1,000 sq. ft. G.F.A
2. Storage, warehouse, wholesale establishment, freight terminal, truck or auto storage	1 spaces per 1,500 sq. ft. G.F.A or 0.75 space per employee based on maximum shift, whichever is greater
3. Mini-Storage facility	3.33 spaces per 1,000 sq. ft. of gross office floor area plus on space for resident manager
(H) USES NOT SPECIFICALLY MENTIONED	
Parking requirement for uses not specifically mentioned in this section shall be determined by the requirements for off-street parking facilities for the listed use which, as determined by the City Manager, is most similar to the use not specifically mentioned, or by a parking study.	
<u>[1] Gross floor area does not include any parking area.</u>	

iii. On-Site Location of Required Parking Spaces

(2) ~~Except for tandem parking in residential developments of single family detached and attached dwelling units, duplexes, and zero lot line dwelling units, design~~ Parking design shall ensure that the parking of any vehicle shall not interfere with the parking or maneuvering of any other vehicle.

Exceptions:

(a). Residential Use: Tandem parking in residential developments is permitted if the tandem parking space is owned by, leased or assigned to a single residential owner or tenant.

(b). FMU: In the FMU zone, tandem parking is permitted for a development if an attendant is present to move vehicles.

iv. Off-Street Parking Options

(1) Off-Site Parking

Within commercial, public use, industrial and campus institutional zones parking may be provided on lots which are within 500 ft. of the property line of the use to be served. Within the EC (East End General Commercial) zone only, unless otherwise prohibited,

employee parking may be allowed within 1,000 ft. of the property line of the use to be served.

(2) Shared Parking

(a) Except in the FMU zone, ~~Shared~~-shared parking is allowed if the application can demonstrate that the combined peak use is provided for by a parking study that demonstrates:

- (i) There are a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
- (ii) That the peak hours of operation of such establishments do not overlap; and
- (iii) That an exclusive permanent easement over a delineated area has been granted for parking space use.

(b) Parties involved in shared parking arrangements shall enter into reciprocal agreements, acceptable to the City for such use, by legal instrument which shall also provide for continuing maintenance of jointly used parking facilities.

v. Reduction for Parking Space Requirements

(1) Parking space requirements may be reduced in developments where compensating factors exist which would offset the parking demand (such as access to transit facilities, pedestrian and bicycle access, development size, or combined, or the parking study provision). Refer to Table 50.06.002-~~2~~3 for reduction options.

TABLE 50.06.002- 2 <u>3</u> : PARKING REQUIREMENT MODIFIERS	
Reduction for Access to Transit Facilities	
COMMERCIAL AND INDUSTRIAL USES (BASED ON DEVELOPMENT SIZE ON A SINGLE SITE (DS))	
GROSS FLOOR AREA	MULTIPLIER
0 – 20,000 sq. ft.	No reduction
20,000 plus sq. ft.	0.85 x requirement
AVAILABILITY OF TRANSIT ACCESS (TA)	
Transit shelter more than 500 ft. from building	No reduction
Transit available with shelter within 500 ft. of building	0.95 x requirement
Transit available on fronting street without shelter	0.90 x requirement
Transit available on fronting street with shelter within 50 ft. of building	0.85 x requirement

TABLE 50.06.002-33: PARKING REQUIREMENT MODIFIERS	
Reduction for Pedestrian and Bicycle Access (PA)	
COMMERCIAL AND INDUSTRIAL USES	MULTIPLIER
No hard surfaced pedestrian/bicycle access	No reduction
Hard surfaced pedestrian and bicycle access to 100 or more residential units within 1,000 ft. of the site.	0.90 x requirement
<u>FMU Ground Floor Exemption</u>	
<u>Mixed-use development in FMU zone</u>	<u>Exclude up to 15,000 ground floor non-residential GFA per building or site (in case of multiple buildings on the site).</u>
Reduction Permitted Based on Parking Study	
The parking study shall demonstrate sufficient number of parking spaces: a. For shared parking with other multiple uses per LOC 50.06.002.2.a.iv(2). b. Based on similar uses elsewhere in the City or the same use at other sites.	
Parking requirement modification shall be calculated as follows: Minimum requirement by type use x DS (Development Size) x TA (Transit Access) x PA (Pedestrian Access) = modified parking requirement.	
Definitions: Transit Access: Availability of transit services as delineated above. Pedestrian Access: The means by which pedestrians have safe, adequate and usable ingress and egress to a property or use.	

(a) Allowed EC Modifiers: Within the East End General Commercial zone only, only the parking modifiers permitted by LOC 50.05.004, Downtown Redevelopment District Design Standards, and development size, or the parking study provision are permissible for reduction options.

(b) Allowed FMU Modifiers: Within the FMU zone,

(i). The FMU Ground Floor Exemption Modifier, and

(ii). the Transit Facilities and Pedestrian and Bicycle Access Modifiers for Commercial Residential Uses,

are the only permitted modifiers that allow reduction of the minimum numerical parking requirements in Table 50.06.002-3.

vi. Parking Dimensions

(1) Refer to Figure 50.06.002-A: Off-Street Parking Matrix to determine the minimum dimension and layout of parking spaces. All parking areas, except stacked or tandem parking areas, shall be designed so that a vehicle may enter or exit without having to move another vehicle. All parking areas must be designed to allow vehicles to enter and exit the street in a forward motion.

(2) The minimum dimension to meet single-family residential parking space requirements shall be eight ft. six in. wide and 18 ft. six in. long for each space.

(3) Up to 50% of the total parking requirement may be provided in compact car spaces. All parking spaces designated for compact vehicles shall be signed or labeled by painting on the parking space.

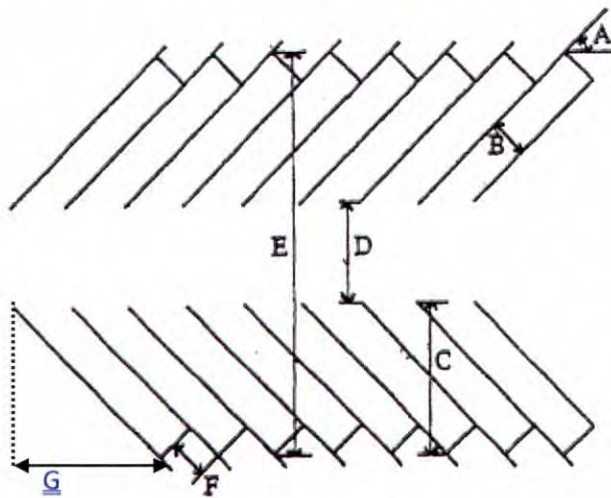
Figure 50.06.002-A-General: Off-Street Parking Matrix (General)

OFF-STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET										
Angle (A)	Compact Size Vehicles					Standard Size Vehicles				
	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)
0°	8.0	20.0	N/A	N/A	N/A	8.0	24.0	N/A	N/A	N/A
45°	8.0	15.5	11.0	42.0	2.0	8.5 9.0	17.5 17.5	13.0 12.0	48.0 47.0	2.0 2.0
60°	8.0	17.0	14.0	48.0	2.5	8.5 9.0	19.0 19.0	18.0 16.0	56.0 54.0	2.5 2.5
75°	8.0	17.5	21.0	56.0	2.5	8.5 9.0	19.5 19.5	25.5 23.0	64.5 62.0	2.5 2.5
90°	8.0	16.0	20.0	52.0	1.5	8.5 9.0	18.5 18.5	26.0 24.0	63.0 61.0	2.5 2.5

Figure 50.06.002-A-FMU Off-Street Parking Matrix for FMU Zone:

FMU ZONE	
OFF-STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET	
	Structured Parking

<u>Angle (A)</u>	<u>Stall Width (B)</u>	<u>Stall Depth (C)</u>	<u>One Way Aisle Width (D)</u>	<u>Two Way Aisle Width (D)</u>	<u>Curb Length</u>
Structured Parking					
<u>0°</u>	<u>8.0</u>	<u>8.0</u>	<u>12</u>	<u>20</u>	<u>22.5</u>
<u>30°</u>	<u>8.5</u>	<u>15.0</u>	<u>12</u>	<u>20</u>	<u>17</u>
<u>45°</u>	<u>8.5</u>	<u>17.0</u>	<u>12</u>	<u>20</u>	<u>12</u>
<u>60°</u>	<u>8.5</u>	<u>17.5</u>	<u>16</u>	<u>20</u>	<u>9.75</u>
<u>90°</u>	<u>8.5</u>	<u>16.0</u>	<u>20</u>	<u>20</u>	<u>8.5</u>
Surface Parking					
<u>0°</u>	<u>8.0</u>	<u>8.0</u>	<u>14</u>	<u>20</u>	<u>22.5</u>
<u>30°</u>	<u>8.5</u>	<u>15.0</u>	<u>14</u>	<u>20</u>	<u>17</u>
<u>45°</u>	<u>8.5</u>	<u>17.0</u>	<u>14.0</u>	<u>22</u>	<u>12</u>
<u>60°</u>	<u>8.5</u>	<u>17.5</u>	<u>18.0</u>	<u>22</u>	<u>9.75</u>
<u>90°</u>	<u>8.5</u>	<u>18.0</u>	<u>20.0</u>	<u>22</u>	<u>8.5</u>



A = Parking Angle
 B = Stall Width
 C = Stall Depth (no bumper overhang)
 D = Aisle Width between Stall Lines, except for fire lanes, which are regulated by LOC Chapter 15, Fire Protection
 E = Module Width (no bumper overhang)
 F = Bumper Overhang
G = Curb Length

vii. Loading

Loading berths in sufficient numbers and size to adequately handle the needs of the development shall be required.

Exception – FMU Zone: Loading berths are not required.

The off-street parking areas to fulfill the requirements of this standard shall not be used for loading and unloading or the storage of vehicles or materials or parking of trucks used in conducting business or use.

viii. Employee Carpool and Vanpool Parking

Development in commercial and industrial zones, ~~and~~ in the Public Function zone, and non-residential development in mixed use zones ~~which that~~ requires a total of 50 or more parking spaces shall designate at least 5% of the number of parking spaces as employee carpool or vanpool parking. The carpool/vanpool spaces shall be full sized parking spaces. The spaces shall be clearly marked "Reserved-Carpool/Vanpool Only" with hours of use. Except for designated handicapped parking spaces, employee carpool and vanpool parking spaces shall be located as follows:

(1) Where employee parking spaces are designated, the designated carpool and vanpool parking spaces shall be the closest employee parking spaces to the entrance normally used by employees.

(2) Where employee parking spaces are not designated, designated carpool and vanpool parking spaces shall be located in close proximity to the building entrance normally used by employees.

b. Bicycle Parking

i. Bicycle parking shall be provided for all new multi-family residential developments (four units or more) and commercial, industrial, public facilities and institutional uses, except seasonal uses, such as fireworks stands and Christmas tree sales; drive-in theaters; and self-storage facilities are exempted.

ii. The minimum number of required bicycle parking spaces are listed in Table 50.06.002-~~4~~5; provided, however, that the owners of institutional categories under Table 50.06.002-~~4~~5 may defer installation of a portion of the required bicycle parking facilities if:

(1) At least 30% of the required bicycle parking facilities are installed prior to issuance of the certificate for occupancy;

(2) The owner executes and records with the County Clerk of the county in which the property is located a covenant to undertake bicycle parking studies, and install a percentage of required bicycle parking facilities, as follows:

TABLE 50.06.002- 3 <u>4</u> : BICYCLE PARKING STUDIES	
Timing of Bicycle Parking Study	Required Percentage of Installed Bicycle Parking Facilities

TABLE 50.06.002-34: BICYCLE PARKING STUDIES	
Timing of Bicycle Parking Study	Required Percentage of Installed Bicycle Parking Facilities
Within 90 days following certificate of occupancy	150% of the greatest number of bicycles being parked or stored on the property at any time during the 14-day period of a bicycle parking study, up to the required number of bicycle parking facilities per Figure 50.06.002-A: Off-Street Parking Matrix.
Two studies within one year following initial study	
Whenever requested by City Manager	

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
<u>FMU ZONE:</u>		
<u>All Residential Uses</u>		<u>1 space per dwelling unit</u>
<u>Non-Residential Uses</u>	<u>Retail and Restaurant Uses</u>	<u>2, or 1 per 2,500 sq ft GFA</u>
	<u>All Other Non-Residential Uses</u>	<u>2, or 1 per 10,000 sq ft GFA</u>
<u>ALL OTHER ZONES</u>		
RESIDENTIAL CATEGORIES		
Household Living	Multi-family	1 per 4 units
Group Living		2, or 1 per 20 residents
	Dormitory	1 per 8 residents
INSTITUTIONAL CATEGORIES		
Preschool		2, or 1/2 per classroom
Schools	Grades 1 through 12	2 per classroom
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. G.F.A.

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
Transit Centers	Park and ride lots	5% of auto spaces
Religious Institutions		2, or 1 per 4,000 sq. ft. G.F.A.
Hospitals		2, or 1 per 40,000 sq. ft. G.F.A.
Libraries, Museums, etc.		2, or 1 per 4,000 sq. ft. G.F.A.
COMMERCIAL		
Retail Sales and Services	Includes groceries and financial institutions	2, or 1 per 2,500 sq. ft. G.F.A.
Auto-Oriented Services	With or without mini-market	2, or 1 per 5,000 sq. ft. G.F.A.
Office	Includes doctor, dentist	2, or 1 per 5,000 sq. ft. G.F.A.
Restaurant	Includes drive-ins	2, or 1 per 5,000 sq. ft. G.F.A.
Theaters, Auditoriums		1 per 60 seats
INDUSTRIAL CATEGORIES		
Warehouse and Freight Movement		2, or 1 per 40,000 sq. ft. G.F.A.
Manufacturing and Production		2, or 1 per 15,000 sq. ft. G.F.A.
Industrial Park	Other than manufacturing and warehousing	2, or 1 per 10,000 sq. ft. G.F.A.
Notes: 1. Wherever this table indicates two numerical standards, such as 2, or 1 per 3,000 sq. ft. of gross floor area, the larger number applies. 2. 100% of all required bicycle parking spaces for residential and industrial categories shall be covered. <u>Bicycle parking spaces for employees of commercial, public use, and institutional categories are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or freestanding shelters.</u> <u>FMU Zone: Of the required number of bicycle parking spaces, 10% shall be located in a</u>		

TABLE 50.06.002-45: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
<u>location visible from, and in close proximity to the main entrance, for visitor use, either outside or inside of the building on the ground floor. All other bicycle parking spaces may be provided within a building.</u> <u>All Other Zones:</u> These bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial, public use, and institutional categories are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or freestanding shelters. 3. Fractional space requirements shall be counted as the next highest whole space. 4. G.F.A. (Gross Floor Area): The area included within the surrounding exterior walls of a building or portion thereof excluding allowable projections, decks, patios, uncovered exit stairways or uncovered above-grade driveways.		

(3) The methodology and timing of the bicycle parking studies shall be proposed by the owner, for review and approval of the City Manager. Based on the results of any of the bicycle parking studies, the owner shall install additional needed bicycle parking facilities within 60 days following completion of the study. The cost of the bicycle parking studies, and installation of the bicycle parking facilities, shall be at the expense of the property owner. If the owner does not comply with the terms of the covenant, the City may give notice to the property owner to install the balance of the required bicycle parking facilities within 15 days following the date of the notice.

iii. Modifications which increase the size of existing commercial, industrial, public function structures or institutional buildings by more than 10% or a change of use shall provide bicycle parking spaces to meet the requirements of Table 50.06.002-45 for the entire development. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

iv. Bicycle parking shall be separated from car parking and vehicular traffic by a physical barrier or sufficient distance to protect parked bicycles from damage by vehicles.

v. Bicycle parking for multiple uses may be clustered in one or several locations meeting all other requirements specified in this section for bicycle parking.

vi. One hundred percent of all required bicycle parking spaces for industrial categories shall be covered. These required bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial, public use, and institutional uses are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or freestanding shelters.

vii. Not less than 25% of the required bicycle parking spaces inside a building shall be provided in a well illuminated, secure location within 50 ft. of a building entrance. The balance of the number of required bicycle parking spaces shall be provided either inside each individual dwelling unit or inside each individual dwelling unit's designated storage area within the building.

viii. Outdoor bicycle parking spaces shall be clearly visible and shall be located within 50 ft. of any entrance to the building unless clustered pursuant to subsection 3.b.v of this section in which case the parking spaces shall be no more than 100 ft. from a public entrance.

ix. If the required bicycle parking spaces cannot be provided on site within the EC (East End General Commercial) zone, bicycle parking racks may be provided on the sidewalk adjacent to the property's frontage providing a minimum five ft. unobstructed sidewalk width is maintained.

x. Bicycle parking spaces shall be a minimum of six ft. long and two ft. wide, and provide a minimum five ft. access aisle. For covered spaces the overhead clearance shall be at least seven ft.

3. STANDARDS FOR CONSTRUCTION

c. Bicycle Parking

i. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If the bicycle parking is not visible from the street or main building entrance, a sign shall be posted indicating the location of the parking facilities.

ii. Rack types and dimensions:

(1) Bicycle racks shall hold bicycles securely by the frame and be anchored.

(2) Bicycle racks shall accommodate both:

(a) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and

(b) Locking the frame and both wheels to the rack with a chain or cable not longer than six ft.

d. Parking Plan

Applicant shall provide scaled parking plan with dimensions and number of spaces accurately depicted.

50.06.003 CIRCULATION AND CONNECTIVITY

3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS

3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS

a. Applicability

b. Standards for Approval

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.

i. Commercial, industrial, public use, and institutional developments of one acre or more shall provide a pedestrian circulation plan for the site.

(1) Pedestrian connections between the proposed development and existing development on adjacent properties other than connections via the street system shall be identified and implemented, where feasible.

c. Standards for Construction

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.

i. The surfacing of walkways, bikeways and accessways shall consist of either two in. of asphaltic concrete over a minimum of four in. of compacted crushed rock, or of four in. of concrete, as determined by the City Manager. Other materials must be specifically approved by the City Manager.

50.06.003 CIRCULATION AND CONNECTIVITY

4. LOCAL STREET CONNECTIVITY

4. LOCAL STREET CONNECTIVITY

a. Applicability

This section is applicable to:

- i. Any development that results in the construction of a street; or
- 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.

This section is not applicable to development or construction in the FMU zone.

50.06.004 SITE DESIGN

1. LANDSCAPING, SCREENING, AND BUFFERING

a. Applicability

a. Applicability

i. Except as provided in subsection 1.a.ii of this section, this section is applicable to:

- (1) All major development;
- (2) Multi-family dwelling;
- (3) Major public facilities;
- (4) Commercial development;
- (5) Institutional development;
- (6) Industrial development;
- (7) Subdivisions;
- (8) Partitions involving the creation of a street; and

(9) Change of use that increases the number of required parking spaces by more than 25%.

ii. The above developments located within:

(1) ~~the~~ The Downtown Redevelopment Design District shall comply with LOC 50.05.004 rather than the provisions of this section.

(2) The FMU zone shall comply with the Foothills Building and Site Design Standards, Appendix 50.06-A

50.06.004 SITE DESIGN

2. FENCES

2. FENCES

a. Purpose

b. Applicability

No person shall construct a fence, wall, or retaining wall in violation of this section.

c. Location and Height

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, Appendix 50.06-A, those standards shall supersede the below provisions.

i. Fences and walls in residential zones shall not exceed six ft. in height unless otherwise provided below:

(1) Four ft. in height when located within ten ft. of a property line abutting a public or private street or an access easement which serves more than two lots. This restriction shall not apply to properties which abut an access easement but which do not have a legal right to use the easement. For purposes of determining fence height under this subsection, alleys are not considered as public streets.

(2) Four ft. in height when located within the front yard setback of the Old Town Neighborhood.

ii. Gates in a fence or wall located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed six ft. in height.

iii. Portals located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed eight ft. in height.

iv. Fences, walls, and retaining walls in nonresidential zones shall not exceed eight ft. in height. Mixed use commercial/residential zones shall be considered a residential zone for purposes of this section. A fence, wall, or retaining wall over six ft. height shall be screened by an evergreen hedge which shall be of a size and spacing so as to provide a six-ft. high, dense screen within three years of the date of planting. Any fence over six ft. in height requires a building permit.

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

vi. Every body of water, as defined in LOC 50.10.003.2, shall have a barrier as required by the State of Oregon One and Two Family Dwelling Specialty Code.

vii. Retaining Walls within Residential Zones

(1) Retaining wall less than four ft. 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.

(2) Retaining walls four ft. and greater in height shall be required to meet all setback requirements. 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.

(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.

ix. Berms, when used in conjunction with fences or walls, shall be included in height determinations.

x. Exceptions from Height Limitations

The height limitations of this section do not apply to:

- (1) Fences which either provide security or are accessory or incidental to the use of a major public facility, minor public facility, or public transportation facilities; or
- (2) An open (80% open) fence which is not located in the front yard (forward of the primary structure to the front lot line) and which encloses part or all of a tennis court, swimming pool, playing field, park, recreation facility, public or semi-public utility structure; or
- (3) A noise fence permitted by the Oregon Department of Transportation abutting the right-of-way of Highway 43, but only to such height limits approved by ODOT; or
- (4) Retaining walls used to directly support a driveway or car parking area for a single-family residence; or
- (5) Retaining walls used to support right-of-way embankments subject to approval by the City Manager or designee.

Such fence height exempted under the above subsections shall not exceed ten ft. except a noise fence under subsection 2.c.x(3) of this section.

50.06.005 PARK AND OPEN SPACE CONTRIBUTIONS

1. APPLICABILITY

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

b. The above developments located within:

i. ~~the~~ The Downtown Redevelopment Design District shall comply with LOC 50.05.004.8 rather than the provisions of this section.

ii. The FMU Zone are not subject to this section.

50.07.003 REVIEW PROCEDURES

15. MAJOR DEVELOPMENT DECISIONS

d. Review and Decision

ii. Review Criteria for Major Developments

ii. Review Criteria for Major Developments

(1) Major Development Other Than Rezoning to FMU in the Foothills Special District Plan Area. A major development shall comply with:

(~~1a~~) Any applicable regulatory policies of the Lake Oswego Comprehensive Plan;

(~~2b~~) The requirements of the zone in which it is located;

(~~3c~~) The development standards applicable to major developments;

(~~4d~~) Any additional statutory or Lake Oswego Code provisions which may be applicable to the specific major development application, such as the variance provisions, the streets and sidewalks chapter (LOC Chapter 42), and the tree cutting chapter (LOC Chapter 55); and

(~~5e~~) Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

(2) Rezoning to FMU in the Foothills Special District Plan Area. Rezoning within the Foothills Special District Plan to the FMU zone shall comply with the following:

(a) The property is designated FMU on the Comprehensive Plan;

(b) The proposed development is in substantial conformance with the conceptual lot and street pattern of the Foothills Special District Plan Chapter of the Comprehensive Plan.

(c) The owner of the property has executed (or will execute as a condition of the rezone) a development agreement with either the City or LORA for a proposed development on

the property that is consistent with the Goals and Policies of the Foothills Special District Plan, including street and other public right-of-way improvements.

(d) The proposed development, including any street improvements, will not result in other properties within the Foothills Special District Plan Area becoming functionally inaccessible or otherwise rendered unviable.

LOC 50.08: ADJUSTMENTS, ALTERNATIVES, AND VARIANCES

50.08.008 FOOTHILLS MIXED USE EXCEPTIONS TO STANDARDS

1. APPLICABILITY

The reviewing authority may allow exceptions to FMU zone standards except use, height and floor area ratio standards, without the need to obtain a formal variance when the applicant demonstrates that:

i. The proposed adjustment equally or better meets the purpose of the standard to be modified; and

ii. The proposed adjustment continues to meet the overall purpose of the FMU zone found in LOC 50.02.002.1.k and the Foothills Special District Plan of the Comprehensive Plan.

2. APPLICATION PROCESS

A request for exception under this provision may be processed as part of the underlying application or separately as a minor development.

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50.10.003 DEFINITIONS

2. DEFINITION OF TERMS

2. DEFINITION OF TERMS

The following terms shall mean:

Streets, Primary (FMU): Primary Streets in the FMU Zone are Foothills Road, B Avenue, and Oswego Pointe Drive.

Streets, Secondary (FMU): Secondary Streets are all other public streets in the FMU Zone not identified as Primary Streets.

Attachment H-1: Table 50.03.002-2

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	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP		IPO [37]	
									O C	RM U	R - 2. 5	RL W						
RESIDENTIAL USES																		
Household Living	Residential use	P/ C	P	P	P		P [36]			P [1]							***	NC and GC zones: <u>50.03.003.1 .e.i</u>
	Residential use at R-0 density					P							<u>P</u>			EC zone: <u>50.03.003.1 .e.ii</u>		
	Attached, residential townhome uses									P	P	P	<u>P</u>			<u>50.03.003.1</u>		
	Dwelling for a													P	P	P		

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

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									O C	RM U	R - 2. 5	RL W						
	caretaker or watchman working on the property																***	
Group and Institutional Housing	Congregate housing	C	C			C							<u>P</u>					50.03.003.2
	Continuing care retirement community (CCRD)																	50.03.003.2
	Skilled nursing facility									P								50.03.003.2
	Elder care									P								
	Group care home												<u>P</u>					
	Facilities for residence and																	

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									O C	RM U	R - 2. 5	RL W							
	care of the socially, mentally or physically handicapped or other special care needs																***		
	Residential care housing	C	C			C				P			<u>P</u>						50.03.003.2
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			50.03.003.3
Community and Cultural Facilities	Cemetery																		
	Libraries [35]																		
	Membership organizations – business and professional, charitable,		P	P	P	P	P	P					<u>P</u>			P			

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

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									O C	RM U	R - 2. 5	RL W						
	labor, political, and religious (not including churches).																***	
	Membership organizations – civic, social, fraternal		P	P	P	P	P						<u>P</u>			P		
	Public buildings [2] [35]												<u>P</u>					
	Religious agency structures and related accessory uses												<u>P</u>					50.03.003.3.a
Day Care	Family day care facility												<u>P</u>					

50.03.003.3
.a

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

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									O C	RM U	R - 2. 5	RL W						
	labor, political, and religious (not including churches).																***	
	Membership organizations – civic, social, fraternal		P	P	P	P	P						<u>P</u>			P		
	Public buildings [2] [35]												<u>P</u>					
	Religious agency structures and related accessory uses												<u>P</u>					50.03.003.3.a
Day Care	Family day care facility												<u>P</u>					

50.03.003.3
.a

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									O C	RM U	R - 2. 5	RL W						
	Nursery, day care centers	P	P	P	P	P	P	P	P				<u>P</u>			C [41]	***	WLG OC zone: 5,000 sq. ft. or less in area
Education	Kindergartens, preschools								P									WLG OC zone: 5,000 sq. ft. or less in area
	Educational agency structures and related accessory uses												<u>P</u>					
	Music schools	C	P			P							<u>P</u>					50.03.003.3.d
	Other educational uses associated								P				<u>P</u>					5,000 sq. ft. max. area

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									O C	RM U	R - 2. 5	RL W						
	with private or public institutions																***	
	Private or public educational institutions	C	P			P			P				<u>P</u>					50.03.003.3 .d; WLG OC zone: 5,000 sq. ft. or less in area
	Schools and school district office buildings [35]												<u>P</u>					50.03.003.3 .d
	Vocational schools	C	P			P							<u>P</u>	P	P	P		50.03.003.3 .d
Health Care Facilities	Ambulance service	P	P			P								P	P [3]	P [3]		
	Hospitals		P			P												

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									O C	RM U	R - 2. 5	RL W						
	Clinic, outpatient and medical office	P	P	P	P	P	P	P					<u>P</u>			P	IPO zone: Less than 20,000 sq. ft. floor area	
	Medical and dental laboratories		P		P	P	P	P					<u>P</u>	P	P	P		
Parks and Open Space	Natural areas																	
	Park uses existing as of December 1, 2011																	
	Use authorized in master plan [33]																	
	Minor park improvements																	

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									O C	RM U	R - 2.5	RL W						
	Major park improvements																	
Utilities/Public Facilities	Major [35]	C	P	P	P	P	P	P					<u>P</u>	P	P	P	Including collocated telecom. facilities but not new facilities	
	Minor	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P		
	Telecommunications facilities, new [35]								C	C	C	C						
	Temporary private uses of public properties [35]																	
COMMERCIAL USES													<u>[45]</u>					

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									O C	RM U	R - 2. 5	RL W						
Agricultural	Agricultural use																***	
	Horticulture, farming, silviculture																	
Animal and Related Services	Animal boarding facilities													C	C	C		
	Equestrian facilities																	
	Pet care, daily, fully conducted within building	C	P	P	C	P	C	C					<u>P</u>			P		
	Pet care, daily, partially conducted outside building	C	C					C								C		

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									O C	RM U	R - 2. 5	RL W						
	Raising of livestock																***	
	Veterinarian's facilities, totally enclosed		P			P							<u>P</u>	P	P	P		
	Other veterinarian facilities		P											P				
Financial Institutions	Financial and banking institutions (includes credit agencies)		P [5]	P	P [5]	P	P	P					<u>P</u>			P		
Food and Beverage Services	Bakery								P									Seating area 700 sq. ft. or less
	Bakery, baked foods	P	P	P	P	P	P	P					<u>P</u>				CR&D and MC zones:	

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		N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP		IPO [37]	
									O C	RM U	R - 2. 5	RL W						
	manufactured elsewhere sold on premises																***	Not to exceed 20,000 sq. ft. floor area
	Bakery, manufacturing – where on-site baked foods are sold within the building, <5,000 sq. ft.	P	P	P		P	P	P					<u>P</u>					
	Bakery, manufacturing – where on-site baked foods are sold within the building, >5,000 sq. ft.		P			P			P				<u>P</u>					

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									O C	RM U	R - 2. 5	RL W							
	Bar or cocktail lounge, no restaurant; use with retail malt beverage license		P	P		P		P					<u>P</u>					MC zone: Not to exceed 20,000 sq. ft. floor area	
	Concession facilities																		
	Delicatessen (table service permitted)												<u>P</u>			P [38]	IPO zone: Not to exceed 2,000 sq. ft. floor area		
Food and Beverage Services (continued)	Delicatessen, no table service	P	P	P	P	P	P	P	P [6]				<u>P</u>				CR&D and MC zones: Not to exceed 20,000 sq.		

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		N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	***		
									O C	RM U	R - 2. 5	RL W							
																			ft. floor area
	Food markets, over 25,000 sq. ft. floor area		P/ C [7]	P		P [8] [1]		P [9]						P / C [44]					
	Food markets, under 25,000 sq. ft. floor area	P	P	P		P		P						P					
	Restaurant with or without associated lounge	P	P	P	P	P	P	P		P [10]				P					CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area
	Restaurant without associated													P			P [38]		IPO zone: Not to exceed

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Use Cat.	Use Type		Commercial, Mixed Use, Industrial													Special Purpose		Use Specific Standards	
		N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	***		
									O C	RM U	R - 2. 5	RL W							
	lounge																		2,000 sq. ft.
	Restaurant, take out only; or which includes a drive-in window		C [1 1]	P									P						
	Specialized food stores (such as coffee shop or juice bar)	P	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

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			N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	***			
										O C	RM U	R - 2. 5	RL W								
Lodging Facilities	Hotels, motels and associated retail uses (located within the hotel/motel and intended to serve guests)		P	P		P		P						<u>P</u>							
Office, Business, or Professional [12]	Accounting, auditing and bookkeeping	P	P	P	P	P	P	P						<u>P</u>			P				
	Adjustment and collection agencies		P	P	P	P	P	P						<u>P</u>			P [40]				
	Advertising agencies, including commercial artists		P	P	P	P	P	P						<u>P</u>			P				

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		N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	***				
									O C	RM U	R - 2. 5	RL W									
	Artist's studios, including those that use industrial tools	P	P	P	P	P	P	P						<u>P</u>	P	P	P				
	Business and management services	P	P	P	P	P	P	P						<u>P</u>			P				
	Employment agencies		P	P	P	P	P	P						<u>P</u>			P				
	Insurance and bond carriers, agents, brokers and services	P	P	P	P	P	P	P						<u>P</u>			P				
	Regional offices and corporate headquarters		P	P	P	P	P	P						<u>P</u>			P				
	Commercial																				

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND SPECIAL PURPOSE DISTRICTS USE TABLE

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									O C	RM U	R - 2. 5	RL W								
	office space in buildings existing on 12-16-1982																			
	Office – employment and secretarial services for industrial park/industrial users													P	P	P				
	Professional office – (meeting the guidelines in Industrial Park guidelines in Appendix B)														C	C				

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									O C	RM U	R - 2. 5								RL W
	Offices accessory to manufacturing, warehousing or research uses													P	P				
	Offices providing special services to businesses	P	P	P	P	P	P	P					<u>P</u>			P			
	Private social service agency structures and related accessory uses																]		
Office, Business, or Professional [12] (continued)	Professional offices [13]	P	P	P	P	P	P	P	P	<u>[2 6]</u>	P		P	<u>P</u>		P	P		WLG and IP zones: 50.03.003.4

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									O C	RM U	R - 2. 5	RL W								
	and receiving towers and earth stations																			
Commercial Services	Business services, including auctioneers, bail bonds, drafting, detective agencies, notary public and other like services	P	P	P	P	P	P	P					<u>P</u>			P				
	Clothing rental	P	P			P							<u>P</u>			P				
	Commercial photographic studios	P	P	P	P	P	P	P					<u>P</u>			P				

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									O C	RM U	R - 2. 5	RL W							
	Computer services	P	P	P	P	P	P	P					<u>P</u>			P			
	Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services		P	P	P	P	P	P					<u>P</u>	P	P	P			
	Equipment rental		P											P					
	Equipment service and repair places, appliance small engine		P			P							<u>P</u>	P					
	Home appliance repair	P	P			P							<u>P</u>			P			

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									O C	RM U	R - 2. 5	RL W							
	shop																		
	Laundries and cleaning places	P	P	P		P	P	P					<u>P</u>	P [1 4]	P [15 1]	P [15]			
Commercial Services (continued)	Mortuaries		P/ C			P/ C													Conditional use with accessory crematoriums
	Office equipment rental and repair agencies		P	P	P	P	P	P					<u>P</u>			P			
	Personal services (such as hair salons and personal care)	P	P	P	P	P	P	P	P [1 6]			P	<u>P</u>			P			WLG RLW zone: 50.04.001.4 .b.ii(1)

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									O C	RM U	R - 2. 5	RL W								
	Printing, publishing and lithographic shop		P	P	P	P	P	P						<u>P</u>	P	P	P			
	Radio and television repair shop	P	P			P								<u>P</u>			P			
	Services to buildings (including dwellings), cleaning and exterminating		P	P		P		P						<u>P</u>	P	P	P			
	Tailor shops and related services	P	P			P	P	P						<u>P</u>			P			

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									O C	RM U	R - 2. 5	RL W								
	Telephone answering service	P	P	P	P	P	P	P					<u>P</u>			P				
	Upholstery shop	P	P			P							<u>P</u>	P	P [3]	P				
Recreation/Entertainment	Art galleries	C	P			P		P					<u>P</u>							
	Arcade gaming (video, pinball, etc.) for amusement purposes [17]	P/ C	P			P							<u>P</u>							
	Commercial recreational facility ≥ 5,000 sq. ft. floor area													P [1 8]	C	C				
	Commercial recreational facility < 5,000												<u>P</u>	P [1 8]	C	P				

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										O C	RM U	R - 2. 5	RL W								
	sq. ft. floor area																				
	Fitness exercise and sports facilities, < 5,000 sq. ft. floor area [19]	P	P	P	P	P	P						<u>P</u>			P					
	Fitness exercise and sports facilities, ≥ 5,000 sq. ft. and < 20,000 sq. ft. floor area [19]	C	P	C	C	C	P	P						<u>C</u>							
Recreation/Entertainment (continued)	Fitness exercise and sports facilities, ≥ 20,000 sq. ft. floor area [19]		P	C	C		C	P						<u>C</u>							

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										O C	RM U	R - 2. 5	RL W							
	Theaters, indoor		P	P		P		P						<u>P</u>						
Retail Sales	Incidental retail uses															P	P			Max. 3,000 sq. ft. total per site; 50.02.002.2 .b.iv(4) and (5)
	Over 20,000 sq. ft. floor area [20]		P/ C [2 1]			P [2 2]		P [2 3]						<u>P</u> [22]						
	10,000 – 20,000 sq. ft. floor area [20]		P	P		P	P	P						<u>P</u>						
	Under 10,000 sq. ft. floor area	P [20 1]	P [2 0]	P [2 0]	P [2 0]	P [2 0]	P [20]	P [2 0]						<u>P</u> [20]			P [39]			

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									O C	RM U	R - 2. 5	RL W							
	General retail sales, under 5,000 sq. ft. in WLG OC zone								P [2 4]										
	Orthopedic equipment and supplies, rental, sale and service		P			P	P	P					<u>P</u>			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 area
	Specialty retail (antique stores, art galleries,								P [3 4]			P	<u>P</u>						WLG RLW zone: 50.04.001.4

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									O C	RM U	R - 2. 5	RL W								
	jewelers) in WLG																			.b.ii
	Sign shop		P			P								P	P [3]	P [3]				
Vehicle/Equipment Sales and Services	Auto rental [27]		P	P	P	P	P	P												
	Auto sales		P			P														Not permitted in LGVCO
	Auto service station (primary use only)		P/ C [28]	P		P								P						C in LGVCO
	Boat sales													P						
	Car wash		C [30]	P		C								P						

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									O C	RM U	R - 2. 5	RL W								
	Private off-street parking facilities (sole use on site, parking garages, etc.)		P			P	P	P						<u>P</u>						
	Retail sales of tires, batteries and motor vehicle accessories															C	P			IP and IPO zone: Not to exceed 20,000 sq. ft. of floor area
	Truck and trailer rental and sales of accessories			P											P					
	Vehicle repair shops		P/ C			P [1]									P					C in VTAs in LGVCO

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									O C	RM U	R - 2. 5	RL W							
			[1 8]			[8]													[29]; 50.02.002.2 .b.iv
	Vehicle sales and rental													P					
INDUSTRIAL/MANUFACTURING USES																			
Industrial Service	Lumber yards													P					
	Nursery stock production and sale													P					
Manufacturing	Light manufacturing, processing, or assembly of product [31]		C	C			P	C											50.03.003.5
	Manufacturing						P												

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									O C	RM U	R - 2. 5	RL W								
	Manufacturing, repairing, compounding, processing or storage and accessory office use													P						50.02.002.2 .b.iv; 50.03.003.5
	Facilities for the manufacturing, processing or assembling of products														P	P				50.02.002.2 .b.iv; 50.03.003.5
Manufacturing (continued)	Remanufacturi ng or repair of vehicle engines and electrical systems														P	P				50.02.002.2 .b.iv; 50.03.003.5

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Storage	Recreational vehicle storage													P	P	P				50.02.002.2 .b.iv; 50.03.003.5
	Commercial self-storage															C [37]				
Transportation	Commercial transportation facilities														C	C				
	Railroad tracks and facilities (switching yards spur or holding tracks, freight depots)													P						
	Transportation facilities													P						
	Towing service and tow yard													P						

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									O C	RM U	R - 2. 5	RL W								
Wholesale	Wholesale distributor or outlet													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. [2] Including fire stations, community centers, police stations, City administrative or other City office buildings, and City motor pools or maintenance buildings. [3] < 5,000 sq. ft. max. area, totally enclosed within a building. [4] Reserved. [5] In the GC and OC zones in the Lake Grove Village Center Overlay District, financial and banking institutions with drive-through facilities are allowed only when no more than one access to the site from a public street is provided on the parcel. Additional access through abutting parcels is permitted. Financial and banking institutions with drive-through facilities are prohibited in Village Transition Areas.																		

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									O C	RM U	R - 2. 5	RL W						
		[6] No table service and minimal on-site cooking of food. [7] Permitted: Not to exceed 35,000 sq. ft. Conditional: Exceeding 35,000 sq. ft. and not to exceed 45,000 sq. ft. [8] Not to exceed 35,000 sq. ft. (See also LOC <u>50.02.002.2.b.iii.)</u> [9] Not to exceed 60,000 sq. ft. per building or business. (See also LOC <u>50.02.002.2.b.iii.)</u> [10] Service of food and beverages shall be primarily to persons seated within the building and designated outdoor areas. The total size of seating area, both indoors and outdoors, of any restaurant allowed in this zone shall be limited to 1,500 sq. ft. [11] In the GC zone in the Lake Grove Village Center Overlay District, no more than two restaurants with drive-in service windows are permitted. Drive-in restaurant use is prohibited in Village Transition Areas. [12] Nonprofit office uses in structures on the City’s Historic Landmarks List see <u>50.03.003.4.d.</u> [13] NC, GC, HC, OC, EC, CR&D, MC, and IPO: Professional offices examples: Architectural,																

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		artists' studios, engineering (including surveying), law, landscape architecture, other professionals. [14] Greater than 3,000 sq. ft. [15] Less than 5,000 sq. ft. [16] Limited to 1,000 sq. ft. or less in area. Includes massage, pedicure and manicure. [17] GC, EC: Any size permitted. NC: Permitted if < 2,000 sq. ft. floor area and conditional if ≥ 2,000 sq. ft. floor area.																
		[18] Wholly conducted within an enclosed structure.																
		[19] Including clubs and studios, and other individual and group exercise/fitness facilities; e.g., studios, dance studios and schools, gyms, and martial arts schools; indoor or outdoor pool; athletic fields for organized competitive games; billiard and pool parlors; bowling alleys; and skating rinks, ice and/or roller.																
		[20] Including apparel and accessory, department stores, building supply, garden, sporting																

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									O C	RM U	R - 2. 5	RL W						
		goods, furniture, etc. [21] Permitted: Not to exceed 35,000 sq. ft.; conditional use: exceeding 35,000 sq. ft. but not to exceed 45,000 sq. ft. [22] Not to exceed 35,000 sq. ft. floor area per business. [23] Not to exceed 60,000 sq. ft. floor area per building or business. [24] Such as apparel and accessories, small hardware store, nursery, florist, furniture and appliance stores, and office supplies. [25] Which directly and primarily provide goods and services to persons employed in the zone. [26] A single building which provides for any of the professional office permitted uses shall be limited to a maximum building footprint of 5,000 sq. ft. [27] CR&D, MC, EC, GC, <u>FMU</u> : Vehicle storage off site. [28] Conditional use is permitted as follows: No auto service station shall be closer than 1,000																

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									O C	RM U	R - 2. 5	RL W						
		linear ft. to another auto service station. No more than two auto service stations shall be located within a distance of 5,000 linear ft. The number of auto fueling devices shall not exceed eight at any single auto service station. Use prohibited in Village Transition Areas. [29] I zone: Screened by sight-obscuring fence from public right-of-way. In Village Transition Areas (VTA) of the Lake Grove Village Center Overlay (LGVCO) District, conditional use is permitted as follows: The use shall be an expansion of an existing vehicle repair use. Retail or office uses and a storefront appearance shall be provided along fronting collector and local streets. No direct vehicle access shall be provided from streets adjacent to residential zones. No operational repair by doors shall face collector or local streets. [30] In the GC zone in the Lake Grove Village Center Overlay District, car wash facilities shall not exceed a total combined area of 4,200 sq. ft. Use prohibited in Village Transition Areas. [31] Light manufacturing is the process when manufacturing is conducted within an enclosed building. [32] No drive-through businesses are allowed in the West Lake Grove Design District <u>or FMU zone</u> .																

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		N C	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I		IP	IPO [37]	***
									O C	RM U	R - 2. 5	RL W						
		[33] Consistent with the purpose of the PNA zone or a modification that complies with LOC <u>50.02.003.3.b.</u> [34] 5,000 sq. ft. or less. [35] Uses that are accessory and incidental to conditional uses in the PF zone are permitted. [36] Residential use at R-7.5, R-10, and R-15 density not permitted in the CR&D zone. [37] Cross-Reference: (a) Italicized IPO uses added to table for reader's convenience. See LOC <u>50.05.008.3</u> and <u>50.05.008.4</u> for text listing of uses in overlay zone; (b) All special requirements of LOC <u>50.02.002.2.b.iv</u> apply, per LOC <u>50.05.008.5</u>, except for retail and commercial storage uses; (c) See LOC <u>50.05.008.5</u> for special requirements for retail uses (retail goods and services) and commercial self-storage. [38] Collocated within a building with another permitted use; no drive-through service. [39] Limited to office equipment, apparel and accessory, building supply (including paint), garden supply, florist, and furniture (including antique and refinished furniture).																

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	G C	H C	O C	E C	CR& D	M C	WLG- [32]				FMU [32], [46]	I		IP	IPO [37]	***
									O C	RM U	R - 2. 5	RL W						
		[40] Excludes impound yards. [41] Primarily serving employees within the IP zone. [42] <u>Exterior Display of Goods Permitted (exterior storage of goods not permitted).</u> [43] <u>Maximum floor area plus the exterior display is 5,000 sq ft per use.</u> [44] <u>Outright Permitted Use if floor area is 35,000 sq ft or less; Conditional Use if floor area is more than 35,000 sq ft.</u> [45] <u>Outright Permitted Use if floor area and exterior display area is 5,000 sq ft or less; Conditional Use if floor area and exterior display is more than 5,000 sq ft.</u> [46] <u>FMU uses allowed only if the primary building on site was constructed after [effective date of this ordinance.]</u>																

SECTION 5.4

FOOTHILLS DISTRICT FRAMEWORK PLAN

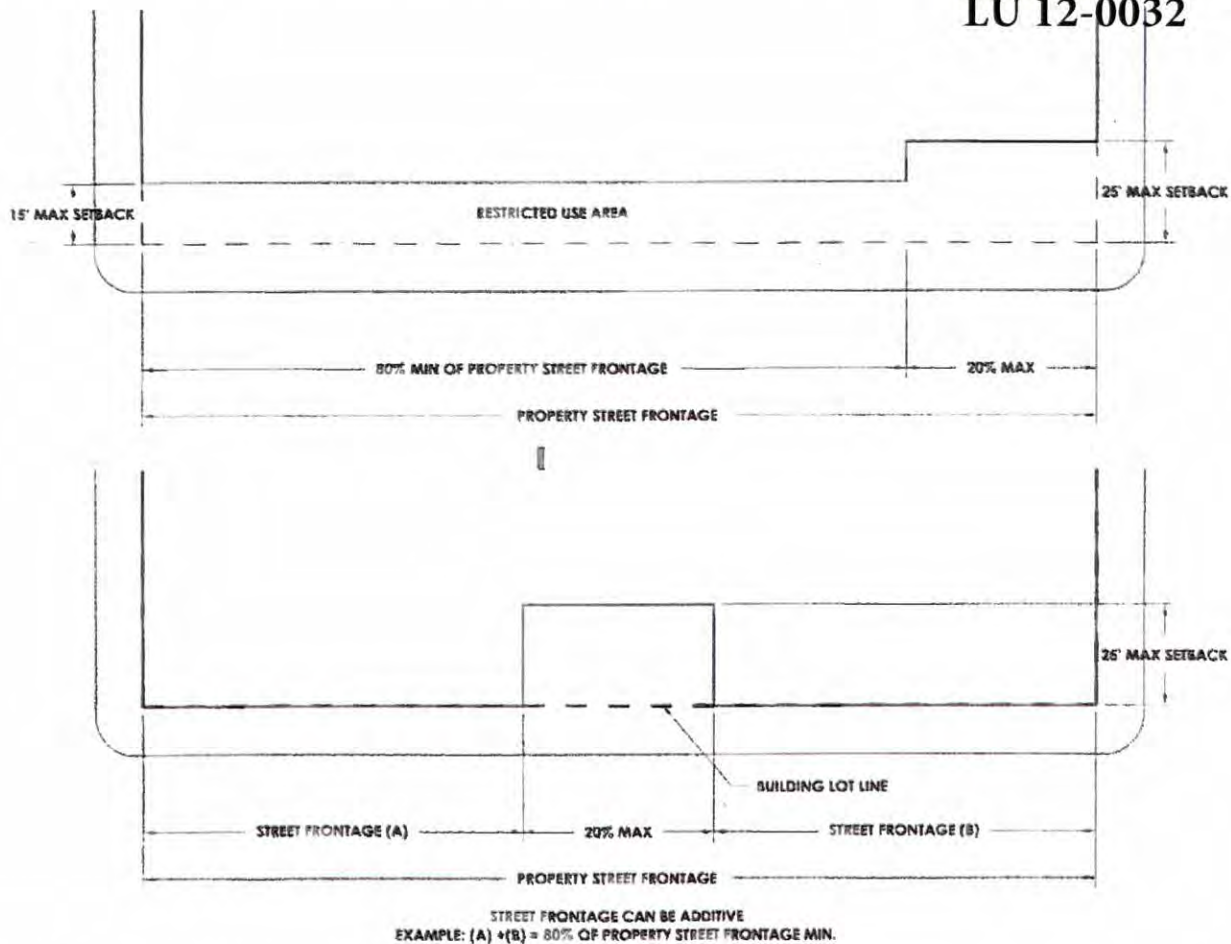
ATTACHMENT I
LU 12-0032

Figure 5.4.8. Allowable building setback, front lot line

V. Recommended Setbacks

The setback standards promote the desired streetscape and view corridors. Setbacks promote light, air and privacy between uses and can create a diverse sidewalk environment that is inviting to pedestrians and transit users. Setbacks also work in concert with height and massing to articulate the building facade.

Oswego Pointe Condominiums

The Framework Plan acknowledges that the Oswego Pointe Condominiums will continue in their current form within the District. As existing residential uses within the District, it is important to consider how building setbacks can help protect the livability of this area. To accomplish this, the plan recommends the establishment of an 85' (minimum) buffer between the closest existing building within Oswego Pointe and adjacent

proposed development. (See Figure 5.4.9). For comparison, the Foothills Road and B Street rights-of-way are 70 feet in width, and other rights of way in the District are 60 feet or less. This 85-foot setback will help mitigate any differences in scale and provide additional privacy for Oswego Pointe residents.

As part of the analysis of building heights and potential impacts on adjacent development – specifically, the Oswego Pointe Condominiums – the project team undertook a shadow study to determine whether buildings would block solar access. The findings of this study demonstrated that there are very limited windows of time where the proposed development would cast shadows long enough to impact the condo buildings. During the balance of the year, it was determined that proposed development would not block sunlight from the condos. It is worth pointing out

that during the times noted, when the sun is at extreme angles (low in the sky to the north or south), existing trees, buildings, and even slopes are casting significant shadows as well, and even a two or three story building can end up casting a long shadow on a neighboring structure (as currently occurs within the condo site).

Setback from B Street and Foothills Road

In order to encourage an active interface between pedestrians and the built environment, the Plan recommends a maximum setback standard at the ground level. Along B Street and Foothills Road, this recommendation would require that the ground level, (B Street or Foothills Road) street-facing façade of a building wall extend to the street lot line along at least 80% of the length of the ground-level street facing façade. As an alternative, where residential use occupies the ground floor, the building could extend to within 15 feet of the street lot line and the space between the building and the street lot line should be designed as an extension of the residential space and committed to outdoor private spaces such as gardens, patios, access, and entrance stoops. Where there is more than one building on site, this standard should apply to the combined ground level, street facing facades of all of the buildings on site. In the 20% of the building area allowed to be setback further, the maximum setback is 25 feet.

SETBACK ABOVE FIRST 75 VERTICAL FEET

A setback standard at or near the top floor of new development will encourage varied rooftop design and perhaps create active spaces at the roof level. In addition, setbacks at the top floor will open the right of way corridor up to an expanded view shed providing more air, light and a sense of openness. For every building above 75 feet in height, the Plan recommends a minimum 10 foot setback from the ground floor building face above 75 feet in height. This setback standard does not preclude additional setbacks at the lower floors as a design choice. The setback above 75 feet is mandatory.

Ground Floor Windows. In the Foothills District, blank walls on the ground floor should be restricted to ensure a pleasant, rich and diverse pedestrian



Figure 5.4.9: Streets with garden district setbacks.



Figure 5.4.10: Precedent image from NW Hoyt and 10th—garden district setback.

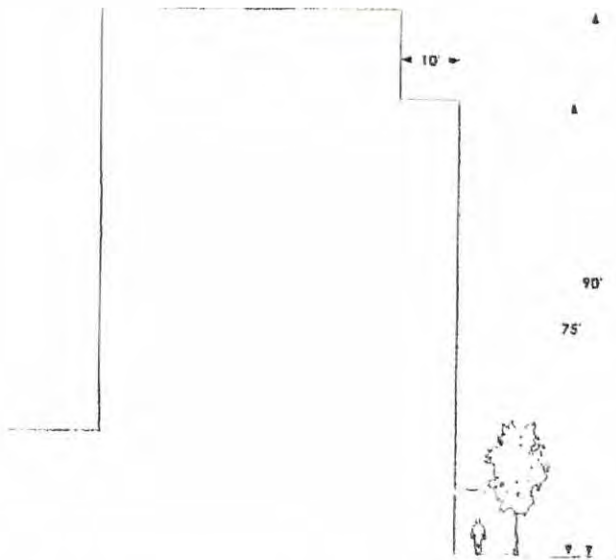


Figure 5.4.11: Setback above 75'

experience.

All exterior walls that are 10 feet or closer to a street lot line, sidewalk, plaza, public open space or right-of-way should have windows. The windows must be at least 75% of the length and 50% of the ground level wall area. The ground level wall area is defined as the interior floor to finished ceiling. The requirement should not apply to the walls of residential units or to the walls of parking structures when setback at least 5 feet and landscaped to the approved standard, except for along B Street and Foothills Road, where the requirement is mandatory regardless of use.

Awnings and Canopies. Awnings and canopies should be required in order to provide refuge from weather conditions and to create a human scale storefront appearance at the ground floor.

All ground floor retail and office space should use awnings or canopies below the second story to encourage pedestrian activity in the District. Awnings or canopies should extend at least 5 feet from window walls and should be proportionate to the width of the pedestrian way or sidewalk to ensure adequate coverage and appropriate scale. Awnings and canopies should be designed in a manner that ensures they are permanent fixtures to the building; temporary or roll-up awnings would not be permitted. Where a building design provides passive solar opportunities, consideration should be given to translucent canopy design.

Screening. Exterior garbage cans, collection areas, recycling areas and ground level mechanical equipment should be screened from the street and any abutting use by walls, fences or permanent landscaping. Enclosures should be large enough to accommodate commercial organics containers as well as all recycling and garbage.

Rooftop mechanical equipment should not be visible from both sidewalks along public streets adjacent to the proposed development. Consideration should also be given to views of rooftops from State Street, where rooftop equipment may be more readily visible. To accomplish this, rooftop equipment should be screened by either a parapet or rooftop treatment along the building facades that is at least as tall as the equipment, a screen around the equipment that is as tall as the tallest part of the equipment, or setting back the equipment from the roof edges sufficient to restrict views of the equipment, and at a minimum of 3 feet for each foot of height of the equipment. Solar or other renewable energy systems would be exempt from this screening requirement.



Figure 5.4.12: Ground floor window examples





Figure 5.4.13: Awnings and canopies: diagram and photo of existing precedent.

Pedestrian Connections. To ensure seamless and unimpeded connectivity, the Plan recommends at least one straight line connection between the main entrance of a building and a connecting public street. The connection should be hard surfaced and at least 8 feet wide. The on-site pedestrian system should be lit sufficiently to be used at night by employees, residents and customers.

In areas of potential vehicle/pedestrian conflict, safety enhancements should be incorporated to help create a "protected zone" for the pedestrian. Such safety enhancements may include bollards, street furnishings, material changes that signify a potential conflict area, or visual or audio devices

that signal the presence of a car.

Main Entrance. The Plan recommends that at least one main entrance to the building must be within 10 feet of the adjacent street. The main entrance may be located in the portion of the building that is permitted to be setback from the street lot line in order to accentuate the entrance and carry a varied building line down the street.

Rooftops. Due to the topography of the Foothills District rooftops may be visible from surrounding higher elevations. The Plan therefore recommends that new buildings incorporate one or more of the following features in its rooftop: (1) eco-roof; (2) roof garden; (3) rooftop rainwater catchment and renewable energy systems; (4) plaza or landscaped open space; (5) public or private viewpoint; (7) or similar active or landscaped feature. The balance of the rooftop area not in active or landscaped use shall ensure through the use of appropriate materials that the roof does not detract from the architecture of the District. The required setback above 75 feet can also be used to activate the top floors of the building through the use of balconies, landscaping and occupied space. Rooftops should also be designed for energy efficiency and urban heat island reduction including the use of reflective rooftops.

Vehicle Parking Requirements. The proposed parking ratio maximums for the Foothills District reflect the desire for the District to redevelop as a vital, mixed-use, pedestrian oriented neighborhood. With the removal of the Streetcar project, however, the availability of transit serving the District is assumed to have decreased, and as a result the project team has recommended adjusting the maximum parking ratios for the District as follows:



Figure 5.4.14: Examples of pedestrian connections.



Figure 5.4.15: Building entry examples.

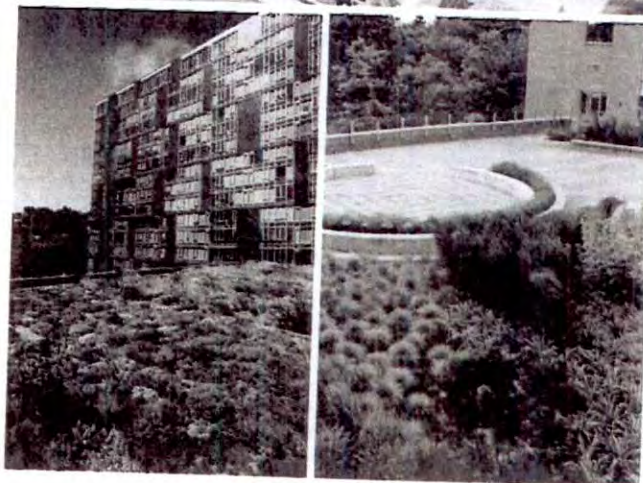


Figure 5.4.16: Rooftop examples.

- Residential Uses – Maximum of 1.8 parking spaces per unit.
- Non-Residential Uses – Maximum of 3.0 spaces per 1000 square feet of floor area.

If transit availability improves significantly in the future, these parking ratios should be adjusted down to reflect the additional transportation choices available in the District.

When computing parking spaces based on floor area, areas used for parking should not be counted. Spaces should also be computed based on the primary uses on the site. If there is more than one primary use, the maximum number of spaces on the site should be the sum of the allowed parking for each allowed use. To maximize efficiency and reduce the space committed to parking, tandem, stacked or valet

parking should also be allowed if an attendant is present to move vehicles, or if both of the stacked/tandem spaces are under single ownership/use.

Joint parking may be allowed where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Permission to use joint parking should be based on an analysis showing that the peak parking time of users occur at different times and that the parking area will be large enough to accommodate both uses.

Location of Parking. In order to reduce the visual impact of parking areas and enhance the pedestrian experience, parking areas should not be allowed between a building and any adjacent public street. If a building is a through lot or has three frontages, vehicle areas could be permitted between the building and the secondary street. On a full block site, vehicle areas could be located between the building and two of the secondary streets.

Surface parking should be allowed in the District but regulated to ensure that the sight lines to surface parking areas are minimized. However, surface parking should be prohibited within 100 feet of a streetcar or light rail alignment. In the Foothills District, surface parking areas up to 40,000 square feet should be permitted. Surface parking areas greater than 40,000 square feet should be subject to a conditional use review to ensure that the impacts created by the surface parking are

mitigated to the maximum extent practical.

Surface parking areas adjacent to a street should be screened from view and landscaped with both interior and exterior landscaping. Landscape screening (interior and exterior) should include a minimum number or area of shrubs, groundcover and trees. Masonry walls could also be integrated with the landscaping to create a more diverse screen. For example, the following provisions would appropriately screen surface parking areas:

1. Interior Landscaping. One large tree per 4 parking spaces, one medium tree per 3 parking spaces or one small tree per 2 parking spaces. At least 20% of the trees must be evergreen. Two shrubs per space and shrubs may be evergreen or deciduous. The remainder of the area should be planted in groundcover plants.
2. Exterior Landscaping. High shrubs sufficient to form a 3 foot screen. The shrubs must be evergreen. One large tree per 30 linear feet of landscaped area, one medium tree per 22 feet or one small tree per 15 feet.
3. It is recommended that surface parking areas be paved with pervious surfaces, other than gravel, to reduce stormwater runoff and encourage on-site detention and treatment of stormwater.

Structured Parking should be permitted and encouraged within the District. Regulations are

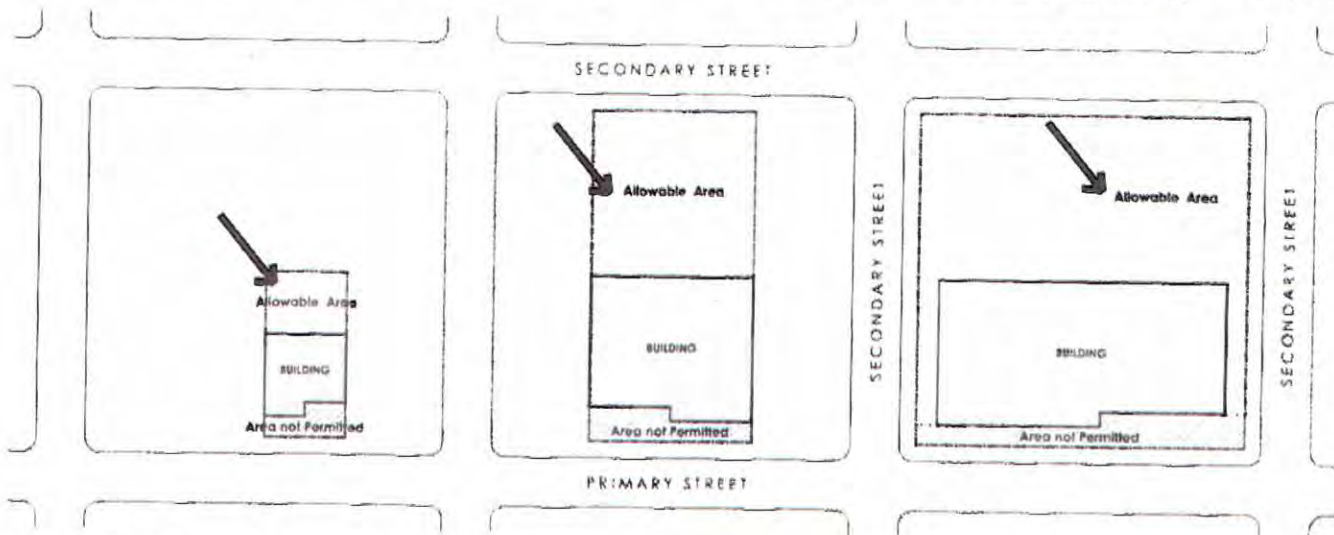


FIGURE 5.4.1 - Allowable parking locations



Figure 5.4.18: Surface parking example

required to ensure that structured parking "behaves at the street" and creates an active pedestrian friendly environment. It is recommended that the zoning code amendments include the following provisions related to structured parking:

1. Active uses. 50% of the street-facing façade must be developed with retail sales and service or office uses; or
2. The parking structure must be setback at least 5 feet and landscaped with a mix of evergreen shrubs, deciduous or evergreen trees and groundcover. If the landscaped standard is met then the structure should not need to meet the ground floor window requirement in the landscaped area.

Outdoor Relationships. New buildings with a ground floor restaurant, café or bar use shall be designed to open up to outdoor seating areas accessory to an indoor retail use.

Street Trees, Street Furniture and Lighting. New



Figure 5.4.19: Outdoor seating examples

and substantially remodeled buildings shall incorporate street trees, furnishings and lighting within the public right of way and in private areas open to public pedestrian activity. The standards for these design elements should be consistent with dark-sky and energy efficient lighting standards and street tree selection should be based on species characteristics for stormwater management and shading. The detailed standards shall ensure a pedestrian friendly high design quality environment at the street level and should be complementary to the existing Lake Oswego Streetscape standards, applicable in the Downtown core.

Sidewalk Paving. Where a development is adjacent to a public sidewalk or street intersection, special paving treatments shall be required for sidewalk surface detail on Foothills Road, B Street, State Street, and other significant pedestrian streets. Sidewalk treatments should specifically encourage the use of permeable surfaces to reduce stormwater runoff.

Art. The site design for new or substantially remodeled existing buildings shall include locations for placing public or private art. Additional recommendations on Public Art can be found in Section 5.9.

Hanging Baskets. In order to blend the streetscape environment within the Foothills District with the Downtown, any required landscaping should also include seasonal hanging flower baskets placed within parking lots and along streets and



Figure 5.4.20: Photos of art. Arts Council of Lake Oswego Web site.

sidewalks. This will require a maintenance and irrigation plan to achieve the desired result.

Design and Materials. While the development standards will set objective standards for street lot line setbacks, ground floor windows, height, mass and top floor setbacks and articulation, material choice will be equally important in setting the high quality standards intended for the District. Material choice tends to be more qualitative and discretionary in application rather than objective and prescriptive. For example, while regulations can ensure active ground floor space by requiring active ground floor uses in the zoning code or by requiring a numerical percentage of window space on the ground floor, there is less certainty that an applicant will pick an appropriate material for the façade that supplements and enhances the quality of the architecture or ensures an appropriate design diversity in the community.

There are two well used solutions for regulating material choice: (1) an objective palette of permitted and prohibited materials; or (2) design review of each material choice. The Framework Plan recommends adoption of an objective palette of materials, both permitted and prohibited. This recommendation is based on several factors.

First, a prescribed palette, if well composed, will ensure a consistency of quality. High quality materials and design should be the hallmark of the Foothills District. New buildings and public spaces should use quality materials that are long lasting and reflect the permanence of the community. A material palette would, for example, prohibit plywood and EIFS but permit brick and stone.

A sample material palette by category is recommended here: as well as some notable

prohibited materials:

- Prohibited materials should include EIFS, plain concrete block, plain concrete, corrugated metal, plywood, sheet press board or vinyl siding as exterior siding materials.
- Permitted materials should include stone, brick, aluminum composite, architectural precast CFRC, curtain wall, storefront, and window wall.

Second, the material choices should be further regulated by requiring certain materials to dominate the façade and by prescribing a variety of materials for each development. In other words, the material selection could include a requirement that the façade use a mix of materials from the approved list in a manner that articulates the façade - particularly in the first 30 feet and at the top floors - with horizontal and vertical treatments that break the façade plane down to a pedestrian scale. The following sample language should guide the zoning code amendments on this subject:

Section XX. Material Selection and Location

1. Within the first 30 feet of the street-facing building façade, measured from the nearest sidewalk elevation, the building must use at least two materials from the material list to horizontally or vertically articulate the façade. This can be accomplished through horizontal banding, articulated columns or other similar methods.
2. For buildings over 75 feet in height, in addition to the top floor setback required under Section XY, the building must integrate a change in materials or treatment above 75 feet that accentuates the floor change and top of building. This can be accomplished by a change in materials, by a change in the



Figure 5.4.22: Examples of material transitions

treatment of the same material such as a change from horizontal brick to vertical brick or other similar methods.

Third, design variety within the District should be encouraged through the material choice provisions. To create visual interest to the pedestrian, the District design should strive to avoid a "cookie cutter" or standard approach. For instance, rather than requiring that each building entrance include a brick entryway, the standards should require that each building entrance be expressed through material choice and building articulation, as demonstrated in the following example:

Section XW. Material Choice and Building Entrances

1. Under Section X above, 80% of the length of a building along Foothills Blvd. or B Street must be located along the street lot line. If the entrance to the building is located in an area of the building permitted to be set back from the street lot line under this standard, the applicant shall express the entrance to the building through a change in materials or through the use of architectural elements such as columns, horizontal banding and awnings/canopies.

standards for material choice in the District is consistent with the City's current regulatory structure. In most jurisdictions that have true design review, there is no specific list of materials. Rather, there is a reference in "design guidelines to high quality materials or materials that express permanence." In those cases, an applicant usually chooses their own materials without limitation of a prescribed list and then goes before a specifically composed design commission to review that material choice. While this method can result in cutting edge material choice, it also leaves critical design decisions to a later stage in the development process and can be a costly program to administer with the addition of design review staff, a new design review commission and the development of design guidelines that will be enforced differently on each project depending on what material choices are submitted for review.

In order to minimize these results and bring more certainty to the applicant, the City and the community the Plan recommends a prescribed list of materials, and objective regulations as to how those materials are used on buildings within the Foothills District. However, this Plan also recommends that where justified, departures from the prescribed list can bring superior design results in the District.

Last, the recommendation of clear and objective

~~Alternative Design Review process. To the extent~~



Figure 5.4.22: Materials at the first 20 feet help articulate the building.

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