



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

September 18, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Lake Oswego Plan Amendment  
DLCD File Number 002-04



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 2, 2006**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Sidaro Sin, City of Lake Oswego

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SEP 12 2006 NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT Must be filed within 5 Working Days See OAR 660-18-040

Jurisdiction City of Lake Oswego Local File No. LU 03-0069
Date Mailed 09/11/06 Date of Approval 09/05/06
Date Proposal was Provided to DLCD 07/01/04
Type of Adopted Action (Check all that apply)

Comprehensive Land Use New Land Use
Plan Amendment Regulation Amendment Regulation

Please complete (A) for text amendments and (B) for map amendments

A. Summary of Adopted Action (A brief description is adequate. Please avoid highly technical terms and zone code abbreviations. Please do not write "see attached"):

The Lake Oswego City Council enacted Ordinance 2466, an ordinance of the Lake Oswego City Council amending the Lake Oswego Comprehensive Plan Map and Zoning Map to change the land use designation of approximately 0.34 acres located at 4580 Carman Drive from R-10 (Low Density Residential) to CR&D (Campus Research & Development), and adopting findings (LU 03-0069-1619).

Describe how the Adopted Amendment Differs from the Proposal (If it is the same, write "Same". If it was not proposed, write "N/A".):

B. If the Action Amends the Plan or Zone Map, Provide the Following Information for Each Area Which was Changed (Provide a separate sheet for each area. Multiple sheets can be submitted as a single adoption action. Please include street address whenever possible. Do not use tax lot number alone.):

Previous Plan Designation: R-10 New Plan Designation: CR&D
Previous Zone: R-10 New Zone: CR&D

Location: 4580 Carman Drive, Lake Oswego
Tax Map 21E08BB; Tax Lot 05500

Acreage involved: 0.34 acres

Does this change include a Goal exception? Yes No

For Residential Changes, Please Indicate the Change in Allowed Density in Units Per Net Acre

Previous Density 4.4 du Ac-gross New Density N/A

If Notice of Proposal was not sent to DLCD 45 Days Prior to the Final Hearing Please Indicate Why:

Statewide Planning Goals are Inapplicable
Emergency Circumstances Required Expedited Review

DLCD # 002-04 (13740)

**List Statewide Goals Which May Apply:**

1, 2, 5, 6, 7, 8, 9, 10, 11, 12, & 14

**List any State or Federal Agencies, Local Government or Local Special Service Districts Which May be Interested in or Impacted by the Adoption:**

Metro

**Direct Questions and Comments to:**

Sidaro Sin, Associate Planner  
City of Lake Oswego  
P. O. Box 369  
Lake Oswego, OR 97034  
(Phone) (503) 503-697-7421

**Send To:** Department of Land Conservation and Development  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540

**Attach one (1) copy of the Adopted Action to this form and/or three (3) copies of Bound Materials and Maps larger than 8-1/2 by 11 inches.**

**Note:** If more copies of this form are needed, please contact the DLCD office at 503-373-0050, or this form may be duplicated on green paper. Failure to provide notice of an adopted plan or land use regulation amendment results in an extension of the appeal period. Appeals may be filed within 21 days of the date the proposal is mailed to DLCD. Statutes require mailing within 5 days of the action becoming final (See OAR 660-18-040).

**\*\*\*FOR DLCD OFFICE USE\*\*\***

**DLCD File Number** \_\_\_\_\_

**ORDINANCE NO. 2466**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING THE LAKE OSWEGO COMPREHENSIVE PLAN MAP AND ZONING MAP TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 0.34 ACRES LOCATED AT 4580 CARMAN DRIVE FROM R-10 (LOW DENSITY RESIDENTIAL) TO CR&D (CAMPUS RESEARCH & DEVELOPMENT), AND ADOPTING FINDINGS (LU 03-0069).**

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

WHEREAS, public hearings on this application were held before the Lake Oswego Planning Commission on September 13, October 11, October 25 and November 8, 2004 ; and

WHEREAS, on November 22, 2004, the Planning Commission adopted findings recommending that the Lake Oswego Comprehensive Plan Map and the Zoning Map be amended to change the land use designation for the property located at 4580 Carman Drive from R-10 to CR&D.

WHEREAS, the City Council held public hearings on the Planning Commission recommendation on December 14, 2005 and August 1, 2006 at which the staff report, public testimony and the record of the proceedings before the Planning Commission were considered.

**The City of Lake Oswego ordains as follows:**

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 03-0069) attached as Exhibit "A".

**Section 2.** The Lake Oswego Comprehensive Plan Map and Zoning Map are hereby amended to change the designation of the property located at 4580 Carman Drive (Tax Map 21E08BB, Tax Lot 5500) from R-10 to CR&D (Campus Research & Development), subject to the following conditions:

A. Uses on the property are limited to the following uses:

Code Section 50.11.010(6)(C)	Services-Business-Advertising agencies, including commercial artists
Code Section 50.11.010(6)(F)	Services-Business-Business and management services
Code Section 50.11.010(6)(H)	Services-Business-Credit agencies, not including credit unions
Code Section 50.11.010(6)(J)	Services-Business-Employment agencies
Code Section 50.11.010(6)(N)	Services-Business-Offices housing personnel who provide special services to business

Code Section 50.11.010(6)(Q)	Services-Business-Telephone answering service
Code Section 50.11.010(6)(R)	Services-Business-Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public and other like services
Code Section 50.11.010(6)(U)	Services-Business-Accounting, auditing and bookkeeping
Code Section 50.11.010(6)(V)	Services-Business-Computer services
Code Section 50.11.010(7)(A)	Services-Financial and banking institutions, provided however that this use is limited to office use only
Code Section 50.11.010(7)(B)	Services-Insurance and bond carriers, agents, brokers and services
Code Section 50.11.010(7)(C)	Services-Real estate broker, agents and services
Code Section 50.11.010(10)(A)	Professional Offices-Architectural
Code Section 50.11.010(10)(B)	Professional Offices-Artist studios
Code Section 50.11.010(10)(C)	Professional Offices-Engineering, including surveying
Code Section 50.11.010(10)(D)	Professional Offices-Law
Code Section 50.11.010(10)(E)	Professional Offices-Landscape architecture
Code Section 50.11.010(10)(F)	Professional Offices-Professional, other
Code Section 50.11.010(10)(G)	Professional Offices-Regional offices and corporate headquarters
Code Section 50.11.010(13)	Services-Membership organizations, offices

- B. The total gross floor area of any building on the property shall be no greater than 11,400 square feet.
- C. The maximum building height on the property shall be 45 feet.
- D. Upon any development or redevelopment on the property, vehicle ingress and egress shall occur only through the adjacent property to the north, consistent with the vehicle access proposed in LU 05-0084 and Section 3 of the June 5, 2006 Development Review Commission findings in that case.

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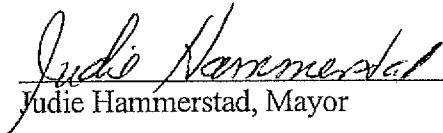
Enacted at the meeting of the Lake Oswego City Council held on the 5<sup>th</sup> day of September, 2006.

AYES: Mayor Hammerstad, Hoffman, Graham, Peterson, McPeak

NOES: none

ABSTAIN: Turchi

EXCUSED: Groznik

  
\_\_\_\_\_  
Judie Hammerstad, Mayor

Dated: 9-11-06

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Powell, City Attorney

**BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO**

A REQUEST TO AMEND THE	)
THE CITY OF LAKE OSWEGO	) LU 03-0069-1619
COMPREHENSIVE PLAN MAP AND	) ( <i>Mary-Jo Avery</i> )
ZONING MAP TO CHANGE THE LAND	)
USE DESIGNATION FROM R-10 TO CR&D	) FINDINGS AND CONCLUSIONS
FOR PROPERTY LOCATED AT	)
4580 CARMAN DRIVE	)
[Ordinance No. 2466]	)

**NATURE OF PROCEEDING**

This proceeding is before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to approve amendments to the Lake Oswego Comprehensive Plan Map and Zoning Map to change the land use designation for property located at 4580 Carman Drive (Tax Map 21E08BB, Tax Lot 5500) from Low Density Residential (R-10) to Campus Research & Development (CR&D).

**HEARINGS**

The Planning Commission held public hearings on this application at its meetings of September 13, October 11, October 25 and November 8, 2004. The City Council held public hearings on the Planning Commission's recommendation at its meetings of December 14, 2005 and August 1, 2006.

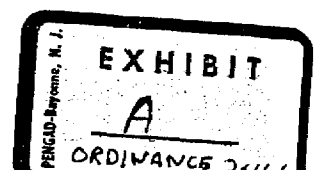
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1 - FINDINGS AND CONCLUSIONS (LU 03-0069-1619)  
[LU-03-0069-1565-A, *see also* LU 03-0069-1565-B]



**CRITERIA AND STANDARDS**

**A. CITY OF LAKE OSWEGO COMPREHENSIVE PLAN POLICIES**

<u>Goals:</u>	<u>Policies:</u>	
Goal 1:	Citizen Involvement	1, 2, 4, 5, 10
Goal 2:	Land Use Planning	
	Section 1, Land Use Policies and Regulations	1, 5(a), 5(b)ii (A, B, C, D, E, F, G, H), 14 (a-g), 24, 25, & 26
Goal 6:	Air, Water, Land Resource Quality	
	Section 1, Air Resources Quality	5
	Section 4, Sound Quality	4 & 7
Goal 8:	Parks and Recreation	6
Goal 9:	Economic Development	1, 2(a), 2(b), 2(c)(i, iii, vii, xv, xvii, xviii, xx, & xxi), 3, 7, 10, & 16
Goal 10:	Housing	13
Goal 11:	Public Facilities and Services	
	Section 1, Public Safety and Fire Protection	2
Goal 12:	Transportation	
	Subgoal 1, Major Streets System	1 & 2
	Subgoal 3, Neighborhood Collectors and Local Residential Streets	1, 2, 5 & 8
	Subgoal 4, Land Use and Transportation Relationships	1, 2, 4, 6, 9 & 10
Goal 14:	Urbanization	7 & 8
 <u>Special District Plans: Waluga Neighborhood Plan</u>		
Goal 1:	Citizen Involvement	2 & 4
Goal 2:	Land Use Planning	6
Goal 9:	Economic Development	9
Goal 11:	Public Facilities & Services	
	Section 1: Police & Fire	1

**B. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

- Title 1: Accommodation of Growth
- Title 2: Regional Parking Policy
- Title 4: Retail in Employment and Industrial Areas
- Title 6: Regional Accessibility



**C. TRANSPORTATION PLANNING RULE (Chapter 660, Division 12)**

OAR 660-12-060(1) and (2)

**D. OREGON STATEWIDE PLANNING GOALS**

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 14: Urbanization

**E. LAKE OSWEGO DEVELOPMENT CODE PROCEDURAL REQUIREMENTS**

LOC 50.01.010	Purpose
LOC 50.79.030	Major Development
LOC 50.77.007	Burden of Proof
LOC 50.80.005-50.77.040	Application Procedures for Minor and Major Developments
LOC 50.82.005-50.82.020	Review of Major Development Applications and Appeals of Minor Development Decisions
LOC 50.83	Hearings Before a Hearings Body
LOC 50.75.005	Legislative Decision Defined (Quasi-judicial Plan and Zone Map Amendments to be Processed via Major Developments Procedures)
LOC 50.75.010	Criteria for Legislative Decision
LOC 50.75.015	Required Notice to DLCD

Sections Relating to Commercial Zoning and Class 2 Variance

LOC 50.68.010 - 50.68.017	Variances
LOC Article 50.11	Commercial Zones
LOC 50.11.015(2)(E)	Access

**FINDINGS AND REASONS**

As support for its decision, the City Council incorporates the staff Council Report, dated August 1, 2006 for LU 03-0069 (with all exhibits) and the Staff Report of December 9,

2004 (with all exhibits) together with the findings and conclusions of the Planning Commission and the record of the proceedings before the City Council, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplementary matter herein and the incorporated matters, the matter herein controls.

**1. Site Conditions**

The subject property consists of 0.34 acres located at the northeast corner of the intersection of Kruse Way and Carman Drive. It is currently zoned R-10, Low Density Residential, and includes a single-family residential structure.

The property to the north is zoned R-3 and developed with a congregate care facility. The property to the east is city-owned open space, zoned R-10. To the south across Kruse Way is a parcel zoned GC/R-0, developed with a three-story office building. To the southwest, across the intersection of Kruse Way and Carman, the property is zoned CR&D and includes a single-family residential farm complex. Across Carman to the west is the parking lot for a church/private school, zoned R-10.

Kruse Way is a major arterial supporting 27,000 vehicle trips per day. The segment adjacent to the subject property has six lanes (two travel lanes in each direction, plus right and left turn lanes for westbound traffic).

Carman Drive is a two-lane major collector serving the neighborhood to the north. It averages 8,100 vehicle trips per day.

**2. Public Need.**

The threshold criterion for whether a zone designation change should be allowed is whether there is a public need for the proposed change and whether the change will best meet

that need versus other available alternatives. Goal 2, Section 1 Policy 14(f), Lake Oswego Comprehensive Plan.

The issue in this case is not whether there is a general public need to increase the amount of commercial development in the city at the cost of diminishing the current stock of residentially-zoned property. Instead, the question is whether the subject parcel is inappropriately zoned.

The predominant development pattern along the Kruse Way corridor is commercial. The subject parcel is relatively small and situated at a corner of a major intersection within that corridor. With the exception of the adjacent open space parcel, the other nearby residentially-zoned properties are larger and have been developed with more intensive conditional uses. Like the farm dwelling to the southwest, the single family dwelling on the subject parcel appears out of place and inconsistent with the scale of development in the area. While the farm dwelling property is zoned CR&D, allowing it to someday be redeveloped in a manner that is compatible with the prevailing pattern, the subject parcel's R-10 designation and small size operate to condemn it to "permanent" incompatibility.

The City Council finds that there is a public need to promote compatible development in the area by changing the inappropriate R-10 zone designation in this case.

The next consideration is whether the proposed CR&D zoning will best meet that public need as opposed to other alternatives.

A commercial zone designation would meet the recognized public need by allowing development that is consistent with the prevailing pattern in the area. Two of the three commercial zones in the area, Office Campus (OC) and General Commercial (GC) have

provisions requiring reduction of the maximum height limitation based upon the distance that structures are set back from adjacent residential parcels. Because the subject parcel borders residentially-zoned property, and because it is relatively small, the height reduction requirements of an OC or GC designation would make it impractical to develop the property with a commercial structure. For example, if the owner were to propose development of an office building with a footprint similar to that considered in the Development Review Commission proceedings referred to below, the height reduction provisions of the OC or GC zone would limit the building height to 13.5 feet on the north side of the structure and to five feet *below grade* on the east side.

CR&D, the third remaining commercial zone found in the Kruse Way Corridor, does not have similar height reduction requirements. As the Planning Commission found, a special condition limiting the CR&D uses on this site to a range of commercial office use would further ensure compatibility with other, similar development in the area (as well as ensuring that criteria related to traffic impacts are met, as discussed below).

There is also ample evidence in the record of need (market demand) for additional land zoned CR&D within the City.

For these reasons, the City Council finds that there is a public need to change the zone designation of the subject parcel from R-10 in order to allow commercial office development, and finds that this need is best met, as opposed to other alternatives, by applying a CR&D zone designation with conditions limiting development to the office uses as recommended by the Planning Commission.

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### 3. Traffic Impacts

A number of Comprehensive Plan policies require consideration of traffic impacts that would result from a proposed zone change. It must be shown that development allowed by the new zone would be adequately served by transportation facilities (Goal 2, Section 1, Policy 1), would not exceed the capacity of public facilities and services (Goal 2, Section 1, Policies 11 and 14(b)) and would provide for efficient transportation relationships (Goal 9, Policy 2(c) (xx)). There also must be a traffic analysis demonstrating that existing streets and intersections will accommodate projected traffic increases (Goal 9, Policy 2(c)((xviii))). Traffic impacts also play a part in the compatibility analysis discussed later in these findings.

The Planning Commission found that a driveway on the site that provides access directly to Carman Drive would create a traffic hazard due to its proximity to the Carman/Kruse intersection. It also would violate LOC 50.57.035(2) which forbids access from major development to a collector or arterial being less than 100 feet from the nearest intersection of street center lines. At the same time, access from the site to Kruse Way is prohibited by LOC 50.11.015(2), and would have its own negative traffic impacts.

Because of this dilemma, the Planning Commission granted the applicant's request for a variance allowing access to Kruse Way, reasoning that lack of a lawful access to serve the commercial use would be an unnecessary hardship. In order to award the minimum variance necessary to alleviate the hardship, the Commission limited Kruse Way access to right-in/right out movement, required extension of a vehicle barrier/landscape island to prevent left-turns out of the site, and required the applicant to pay a deposit that could be used to pay for installation of a traffic separator to prevent vehicles from leaving the site and immediately moving to the left

turn lane on Kruse Way. The separator would be installed if, within five years, a vehicle caused an accident or received a citation as a result of making such a maneuver.

Pursuant to LOC 50.84.035(2), at the August 1, 2006 hearing on this matter the City Council took official notice of the June 5, 2006 Findings, Conclusions & Order of the Lake Oswego Development Review Commission (DRC) in LU 05-0084, as well as the Council's tentative decision, made earlier on August 1, affirming the Development Review Commission's decision. The Council also now takes notice of the Council's September 5, 2006 decision adopting Findings, Conclusions and an Order finalizing that tentative decision.

As the matters incorporated in the noted DRC findings disclose, while the City Council determination in these proceedings was pending, the applicant in this case obtained permission from the owners of the adjacent parcel to the north to develop and use an access driveway across that parcel to Carman Drive. The applicant then applied for a permit to construct the driveway, and to construct an office building on the subject parcel, contingent upon later approval of the zone change by the City Council.

In Section 3 of the June 5 Findings, the DRC found that this proposed northerly driveway would not present safety problems, provided that the applicant extended the westbound right turn lane at the intersection of Kruse Way and Carman Drive and relocated the traffic signal loop on Carman for traffic in the southbound left turn lane. The applicant agreed with these conditions. The DRC also found that there was no need to limit the Carman access to a right-in/right-out driveway for safety purposes.

The proposed northerly driveway route would travel through a Resource Conservation Protection Area (RCPA) on the adjacent property. However the DRC found that the proposal met the relevant RCPA standards development standards under LOC 50.16.060.

Although the DRC approved of the northerly driveway route, it nevertheless denied the application, finding that the proposed office building did not meet the LOC 50.45.010(1) requirement that buildings be designed to complement the built environment.

The City Council finds that the driveway route approved by the DRC in the noted findings eliminates the safety and code violation issues that caused the Planning Commission to disapprove of access to Carman Drive directly from the site. It also makes the earlier-proposed Kruse way access, with its attendant negative impacts, unnecessary. Furthermore the availability of this northerly route eliminates the hardship which the Planning Commission used the basis for justifying a variance allowing access to Kruse Way.

It should be noted that, although one of the Planning Commission's reasons for recommending certain traffic-reducing use limitations was to reduce the impacts of the recommended Kruse Way access, the Commission also found that the use limitations would ensure that traffic would not exceed, and would be appropriately related to, the transportation capacities of Carman Drive and the adjacent residential streets. Thus the elimination of the proposed Kruse Way access will not eliminate the need for the use limitations.

For all of these reasons, the City Council finds that, in addition to the use limitations, the proposed zone change to CR&D should be subject to a condition that, upon any development or redevelopment on the property, vehicle ingress and egress shall occur only through the

property to the north, consistent with the vehicle access proposed in LU 05-0084 and Section 3 of the June 5, 2006 DRC findings in that case.

Although the variance granted by the Planning Commission was not appealed, the above condition of approval will make that variance moot.

#### **4. Compatibility and Consistency**

Various Comprehensive Plan policies require that a zone change such as that proposed here be compatible or consistent with, and mitigate negative impacts upon, the surrounding area.

Zone amendments must be subject to specific locations criteria and other standards, including consistency with adjacent land use patterns or ability to buffer, screen and blend dissimilar land uses (Goal 2, Section 1, Policy 14(c)). The City is required to comprehensively evaluate proposed land use actions to determine the full range of potential negative impacts and require applicants to provide appropriate solutions prior to approval (Goal 2, Section 1, Policy 24). Applicants for zone changes from residential to commercial zones must demonstrate that the development allowed by the proposed amendment will be compatible with surrounding residential neighborhoods (Goal 9, Policy 2(c)(xx)). New commercial development must be required to mitigate adverse impacts, including visual aesthetics, upon adjacent land uses through methods including height, bulk and scale limits. (Goal 9, Policy 3(b)).

As mentioned earlier in these findings, the City Council has taken official notice of the Development Review Commission's June 5, 2006 Findings, Conclusions & Order in LU 05-0084. In that case, the DRC found that a proposed 60-foot tall office building on the subject parcel would need to be redesigned to reduce the overall proportions and building height in order to meet the requirement of LOC 50.45.010(1) that buildings be designed to "complement" the



built environment. The DRC found that, due to the size limitations of the site, a 60-foot tall structure would have a small footprint in comparison to building height, resulting in a “tower” effect that is not complementary to other buildings in the area, which have a more balanced height/footprint ratio. The DRC also found that due to the site limitations, a 60 foot tall structure on the premises would be perceived as too tall to be so close to the sidewalk and right of way.

The Comprehensive Plan policies cited at the beginning of this section require consistency and compatibility. The City Council finds that, in the context of this case, these are more stringent requirements than the development review standard that building design be “complementary.” The CR&D zone has a height limitation of 60 feet. As discussed above, the DRC found that, because of the special circumstances of this site, a 60-foot building would not be “complementary” to the surrounding built environment. For the same reasons, the City Council finds that a building of that height would also fail to be consistent or compatible with adjacent land use patterns and the surrounding residential neighborhoods. Development such as the proposed building reviewed by the DRC would create negative visual impacts. The potential for these negative impacts can and should be mitigated through a condition establishing a special height limit.

With the exception of the parcel to the southwest, nearby properties with commercial designations are zoned OC or GC. These zones have a height limitation of 45 feet. The Council finds that development allowed by the proposed zone change to CR&D can therefore be made to be consistent and compatible with surrounding development, and potential negative aesthetic impacts can be mitigated, through a condition of approval establishing a maximum height of 45 feet for any building on the subject premises. It should be emphasized that this finding of a need

for a special height limitation results from the unique circumstances of this particular parcel. These findings should not be interpreted as calling for special height limitations on all other CR&D-zoned properties in the Kruse Way corridor.

### **CONCLUSION**

The City Council concludes that an amendment to the Lake Oswego Comprehensive Plan Map and Zoning Map to change the designation of the subject property from Low Density Residential (R-10) to Campus Research & Development (CR&D) on the subject parcel complies with all applicable criteria, provided that the amendment is subject to the conditions recommended by the Planning Commission, modified as follows:

1. Deleting the condition stating that approval of the zone change is contingent upon a variance being granted allowing vehicle access to and from Kruse Way
2. Adding a condition that, upon future development, vehicle ingress and egress shall occur only through the property to the north consistent with the vehicle access proposed in LU 05-0084 and Section 3 of the June 5, 2006 Development Review Commission findings in that case; and
3. Adding a condition that the maximum building height on the property shall be 45 feet.

Prior to the City Council's enactment of an ordinance implementing the zone change, staff will be asked to confirm whether the applicant as recorded a Notice of Development Restriction relating to the limitation of uses, and submitted a signed Measure 37 waiver agreement, as recommended by the Planning Commission.