



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 09, 2015  
Jurisdiction: City of Lake Oswego  
Local file no.: LU 15-0011  
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/08/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 45 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 004-15 {24794}  
Received: 12/8/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Lake Oswego

Local file no.: **LU 15-0011**

Date of adoption: 12/01/2015 Date sent: 12/8/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 05/08/2015  
 No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Leslie Hamilton, Senior Planner

Phone: 503-675-3731 E-mail: lhamilton@ci.oswego.or.us

Street address: 380 A Avenue, PO Box 369 City: Lake Oswego Zip: 97034-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from        to        .        acres.  A goal exception was required for this change.  
Change from        to        .        acres.  A goal exception was required for this change.  
Change from        to        .        acres.  A goal exception was required for this change.  
Change from        to        .        acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary  
 The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

- 50.01 - General Provisions
- 50.03 - Use Regulations and Conditions
- 50.04 - Dimensional Standards
- 50.05 - Overlay and Design Districts
- 50.06 - Development Standards
- 50.07 - Review and Approval Procedures
- 50.08 - Variances
- 50.10 - Definitions and Rules of Measurement

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## **Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**ORDINANCE NO. 2668**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF CLARIFYING, CORRECTING AND UPDATING VARIOUS PROVISIONS (2015), INCLUDING SCREENING OF PARKING AREAS, RESTORATION OF TEXT; AND LOT DEPTH DEFINITION; AND ADOPTING FINDINGS (LU 15-0011).**

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

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 15-0011), attached as Attachment 1.

**Section 2.** The Lake Oswego Code, Chapter 50 (Community Development Code) is hereby amended by deleting the text shown by ~~strikethrough~~ type and adding new text shown in double underlined type, in Attachment 2. (Sections or subsections within LOC Chapter 50 that are omitted in Attachment 2, and not marked for deletion or addition, are neither amended nor deleted by this Ordinance.)

**Section 3.** Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

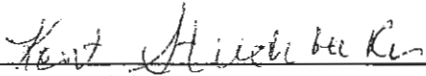
Enacted at the meeting of the City Council of the City of Lake Oswego held on the 1<sup>st</sup> day of December, 2015.

AYES: Mayor Studebaker, Buck, Gudman, O'Neill, Gustafson, Manz, Collins.

NOES: None.

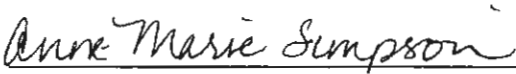
ABSTAIN: None.

EXCUSED: None.

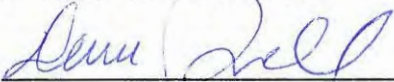
  
\_\_\_\_\_  
Kent Studebaker, Mayor

Dated: December 3, 2015

ATTEST:

  
\_\_\_\_\_  
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

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

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BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR AMENDMENTS TO THE  
COMMUNITY DEVELOPMENT CODE TO  
CLARIFY, CORRECT AND UPDATE VARIOUS  
PROVISIONS, INCLUDING SCREENING OF  
PARKING AREAS, RESTORATION OF TEXT AND  
LOT DEPTH DETERMINATION.

LU 15-0011  
CITY OF LAKE OSWEGO  
FINDINGS AND CONCLUSIONS

**NATURE OF PROCEEDINGS**

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission for legislative amendments to the Community Development Code (CDC), to update various sections in order to correct errors, eliminate text ambiguities and redundancies, and clarify code text. The proposed amendments are to:

- LOC 50.01 – General Provisions
- LOC 50.03 – Use Regulations
- LOC 50.04 – Dimensional Standards
- LOC 50.05 – Overlay and Design Districts
- LOC 50.06 – Development Standards
- LOC 50.07 – Review and Approval Procedures
- LOC 50.08 – Variances
- LOC 50.10 – Definitions and Rules of Measurement

Proposed amendments also address inadvertent changes by the Code re-organization and by previous ordinances, as well as amendments that were identified by staff through use and application of the Code.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of July 13, 2015. The City Council considered this matter at a study session on September 15, 2015. On November 17, 2015, the City Council held a public hearing on the proposed amendments and made a tentative decision.

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1 **CRITERIA AND STANDARDS**

2 A. City of Lake Oswego Comprehensive Plan:

3 Community Culture – Civic Engagement, Policies 1, 2, 4 and 5  
4 Land Use Planning – Land Use Administration, Policy D-1  
5 Historic Preservation – Policies 1 and 3

6 B. City of Lake Oswego Community Development Code:

7	LOC 50.07.003.16.a	Legislative Decisions Defined
8	LOC 50.07.003.16.c	Required Notice to DLCD
9	LOC 50.07.003.16.d	Planning Commission Recommendation Required
10	LOC 50.07.003.16.e	City Council Review and Decision

11 **FINDINGS AND REASONS**

12 The City Council incorporates the staff reports dated July 2, July 13, September 4, and  
13 October 14, 2015 for LU 15-0011, with all exhibits attached thereto, and the Findings and  
14 Reasons of the Planning Commission, as support for its decision, supplemented by the further  
15 findings and conclusions below. In the event of any inconsistency between the supplemental  
16 matter below and the incorporated materials, the supplemental matter controls.

17 Following are the supplemental findings and conclusions of this Council:

18 The Council finds that the proposed amendments correct errors, eliminate text  
19 ambiguities and redundancies, or clarify code text, for the reasons set forth in the commentary  
20 within the version of the proposed Code text presented to the City Council as Exhibit A-1.1 to  
21 LU 15-0011. The amendments are consistent with the original scope and intent of the subject  
22 code provisions when adopted, and accordingly the amendments do not have policy  
23 implications different than originally intended. The Council finds that the recommended code  
24 amendments comply with the adopted Comprehensive Plan, for the reasons set forth at the  
25 time of adoption of the original code text.

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1 **CONCLUSION**

2           The City Council concludes that LU 15-0011 complies with all applicable criteria and  
3 should be approved. The Council also concludes that proposed Ordinance 2668, which  
4 implements LU 15-0011, should be enacted.

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**ATTACHMENT 2**

**50.01 GENERAL PROVISIONS**

**50.01.004 Zoning Designations, Boundaries, Maps and Annexation**

**1. ZONING DISTRICTS**

The City is divided into the following zoning designations:

<b>TABLE 50.01.004-1: Zoning Designations</b>	
<b>Zone District Category</b>	<b>Map Designation</b>
<b>Residential</b>	
///	
<b>Commercial</b>	
Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research and Development	CR&D
<b>Mixed Use</b>	
///	
<b>Special Purpose Districts</b>	
Campus Institutional	CI
Public Functions	PF
Park and Natural Areas	PNA
///	

**ATTACHMENT 2**

**50.03 USE REGULATIONS**

**50.03.002 Use Table**

**2. RESIDENTIAL USE TABLE**

TABLE 50.03.002-1: RESIDENTIAL 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	Residential										Use Specific Standards	
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3 [8]	R-2	R-0 [8] [9]		
<b>RESIDENTIAL USES</b>													
///													
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>													
Day Care	Family day care facility	P	P	P	P	P				P	P	P	
Education/Recreation	Nonprofit social, recreational, educational, or cultural facilities and uses [2]					P				P	P	P	
Institutional Uses		C	C	C	C	C	C			C	C	C	50.03.003.4
	Major	C	C	C	C	C	C			C	C	C	50.03.003.4
Utilities/Public Facilities	Minor [3]	P	P	P	P	P	P	P	P	P	P	P	50.03.003.41
	Telecommunications facilities, new	C	C	C	C	C	C			C	C	C	50.03.003.42
///													
Notes:	[1] Conditional uses in R-2 and R-6 see LOC 50.03.003.2.d. /// [9] Site-specific use limitations see LOC 50.02.002.2.c.												

ATTACHMENT 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			
		NC [47], [49]	GC [49]	HC [49]	OC [47]	EC [47]	CR&D	MC	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	CI		PF	PNA	
RESIDENTIAL USES																					
///																					
Utilities/ Public Facilities	Major [35]	C	P	P	P	P	P	P						P	P	P	P	C	C	C	
	Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Including collocated telecom. facilities but not new facilities. <u>50.03.003.3</u>
	Telecommunications facilities, new [35]									C	C	C	C						C	C	
	Temporary private uses of public properties [35]																			C	
COMMERCIAL USES																					
///																					
[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.																					
///																					
[49] Site-specific use limitations see LOC 50.02.002.2.c.																					

## ATTACHMENT 2

### 50.03.003 Use Specific Standards

#### 1. RESIDENTIAL – PERMITTED USES

##### **f. Telecommunications Facilities**

- i. See LOC 50.03.003.4.e.iii, Approval Criteria for Collocated Facilities, for requirements relating to permitted telecommunications facilities.

#### 2. RESIDENTIAL – CONDITIONAL USES

##### **a. Residential Care Housing and Congregate Housing**

##### **i. Generally Applicable Standards**

- (1) Any site to be used for residential care housing or congregate housing shall be at least one-half acre in size. All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.

///

- (9) Large expanses of paving, including surface off-street parking and loading areas but excluding underground parking and loading, shall be landscaped. These areas shall be buffered and screened from adjoining land uses with landscaping. Trees shall be integral to the landscaping plan and incorporated into parking lot design to provide for shade and surface water runoff and quality benefits.

///

##### **e. Telecommunications Facilities**

- i. See LOC 50.03.003.4.e, Telecommunications Facilities, requirements relating to new telecommunication facilities.

#### 3. COMMERCIAL – PERMITTED USES

##### **d. Telecommunications Facilities**

- i. See LOC 50.03.003.4.e.iii, Approval Criteria for Collocated Facilities, for requirements relating to permitted telecommunications facilities.

**ATTACHMENT 2**

**50.04 DIMENSIONAL STANDARDS**

**50.04.001 Dimensional Table**

**2. RESIDENTIAL MEDIUM DENSITY ZONES**

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**ii. R-6 Lot Coverage/Impervious Surfaces**

(1) Lot coverage in the R-6 zone shall not exceed the following:

TABLE 50.04.001-8: LOT COVERAGE IN THE R-6 ZONE									
Lot size in sq. ft.	Base-Height of Structure at Highest Grade								
	20' or less	>20' to 21'	>21' to 22'	>22' to 23'	>23' to 24'	>24' to 25'	>25' to 26'	>26' to 27'	>27'
7,000 or less	45%	43%	42%	40%	38%	36%	35%	35%	35%
>7,000 – 8,500	36%	36%	36%	36%	36%	36%	35%	34%	33%
>8,500 – 10,000	35%	35%	35%	35%	34%	33%	32%	31%	30%
>10,000 – 11,500	35%	35%	35%	33%	31%	30%	29%	28%	27%
>11,500	35%	34%	33%	30%	28%	27%	25%	25%	25%

(2) For purposes of regulating lot coverage in relation to building height, base building height shall be established by a flat plane measured from the highest point of the natural grade within the building envelope; provided, that the height is no more than four ft. higher than the base height listed in Table 50.04.001-3, Residential – Medium Density Zone Dimensions.

(3) Decks less than five ft. above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from lot coverage calculations.

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**ATTACHMENT 2**

**3. RESIDENTIAL HIGH DENSITY ZONES**

**a. Dimensions**

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

TABLE 50.04.001-11: RESIDENTIAL HIGH DENSITY ZONES DIMENSIONS					
	R-W	R-3	R-2	R-0 [6]	Comments/Additional Standards
<b>DENSITY</b>					50.04.001.3.b
Minimum	80% of max. [1]	80% of max. [1]	12 lots or units/acre [2]	20 lots or units/acre [2]	
Maximum (units/acre)	[3]	[3]	—	—	
///					
<p>[1] When subdivisions are proposed in the R-W and R-3 zones or multi-family development is proposed in the R-3 zone, the number of lots or dwelling units required shall be determined by dividing the net developable acre by the minimum lot size or units required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections, and Encroachments.</p> <p>///</p> <p>[6] Site-specific dimensional standards see LOC 50.02.002.2.c.</p>					

**ATTACHMENT 2**

**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 [20]	GC [20]	HC [20]	OC	EC	FMU	WLG See 50.04.001.4.b	CR&D	MC	I	IP
	<i>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.</i>										
<b>FLOOR AREA RATIO</b>											
Maximum	0.25:1 [2]	—	—	0.30:1	3.0:1	4.0:1 [16], [17]			—	1.0:1	<u>1.0:1</u> <del>[19]</del> —
Minimum	—	—	—	—	—	1.0:1 [15], [17]			—	—	—
<b>LOT COVERAGE (%)</b>											
///											
<p>[1] Standards in this table may be modified by the Lake Grove Village Center Overlay District.</p> <p>///</p> <p>[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.</p> <p>[19] In the IPO, the minimum FAR for commercial self-storage is 1.5:1.</p> <p>[20] Site-specific dimensional standards see LOC 50.02.002.2.c.</p>											



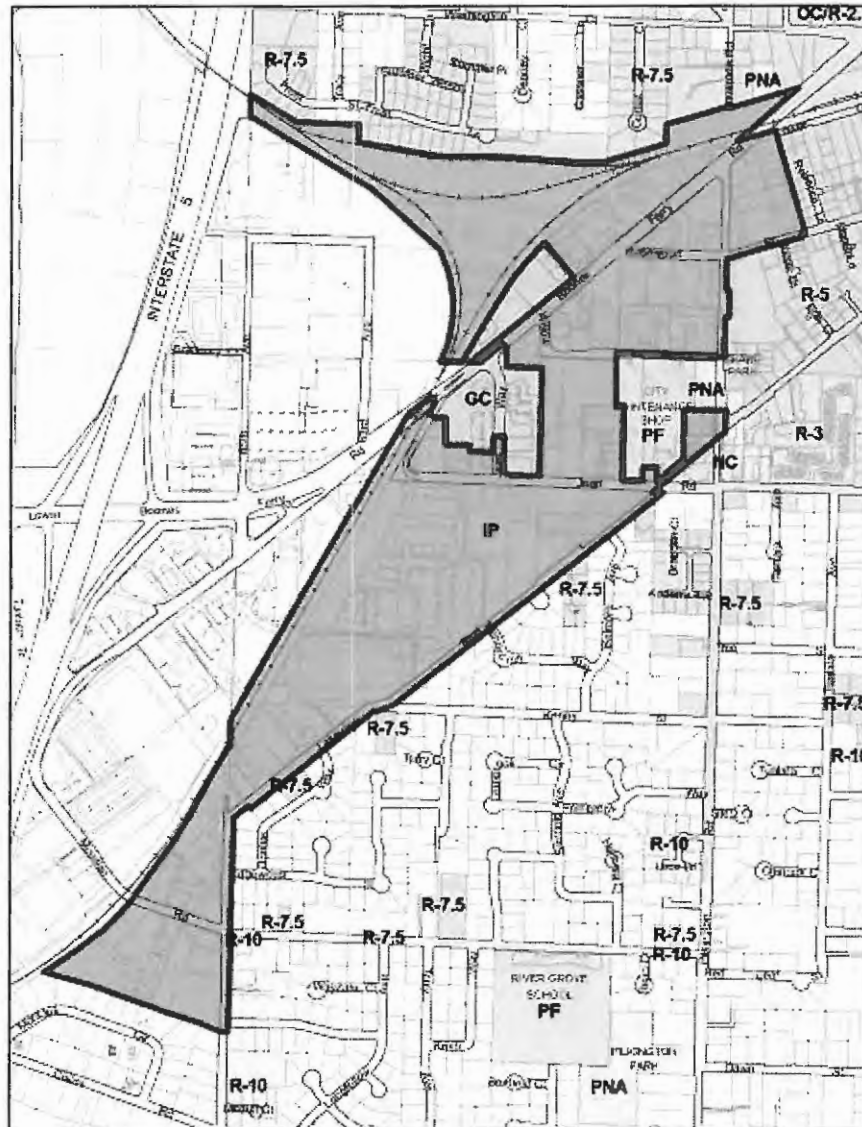
ATTACHMENT 2

c. Additional Standards and Exceptions

v. Lake Grove Industrial Park Zone Maximum FAR

Except for commercial self-storage facilities in the Industrial Park Overlay (IPO) District, there is a maximum floor area ratio of 1.0:1 in the Lake Grove Industrial Park. The area of the Lake Grove Industrial Park is described in the Comprehensive Plan and shown in Figure 50.04.001-D: Lake Grove Industrial Park.

Figure 50.04.001-D: Lake Grove Industrial Park



## ATTACHMENT 2

### 50.05 OVERLAY AND DESIGN DISTRICTS

#### 50.05.004 Downtown Redevelopment Design District

##### 1. PURPOSE

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The purpose of this section, the Downtown Redevelopment Design District Design Standard, is to guide the redevelopment of downtown Lake Oswego in a manner that creates a feeling of vitality and sense of place in order to attract private investment and redevelopment of the area and create a community center that reflects and enhances the character of the City of Lake Oswego.

(Ord. 2579, Repealed and Replaced, 03/20/2012)

##### 2. APPLICABILITY

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

Figure 50.05.004-A: Downtown Redevelopment Design District



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## ATTACHMENT 2

### 9. PARKING REQUIREMENTS

Parking shall be designed to provide adequate space while preserving and enhancing the village character of Lake Oswego, through compliance with the following criteria:

#### a. Number of Spaces

New uses shall provide the number of parking spaces required under the City of Lake Oswego Parking Standards (LOC 50.06.002), modified as follows:

///

vii. In the portion of the downtown shopping and business district shown on Figure 50.05.004-L: Downtown – No Additional Required Parking, below, no additional parking shall be required for existing or proposed uses when:

- (1) A retail use locates in an existing structure, or
- (2) An existing structure is expanded, and the ground floor footprint does not increase in area, and no parking is removed.

Figure 50.05.004-L: Downtown – No Additional Required Parking



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## ATTACHMENT 2

### 50.05.005 West Lake Grove Design District

#### 7. DESIGN STANDARDS FOR THE RESIDENTIAL TOWNHOME (WLG R 2.5) ZONE

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##### b. Design Elements

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- iii. Building design shall foster interest and compatibility between adjoining buildings through appropriate scale relationships. This shall be accomplished through a combination of the following design elements:
  - (1) Exterior building wall designs that provide distinct and separate areas with balconies and/or dormers;
  - (2) Setting back parts of the facade to reduce the sense of mass of a row of attached dwellings; and
  - (3) Architectural features that provide a variety of harmonious colors, textures, material changes in rooflines, eaves, gables, trim details, bay windows, balconies, porches and verandas.

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**ATTACHMENT 2**

**50.06 DEVELOPMENT STANDARDS**

**50.06.002 Parking**

**2. STANDARDS FOR APPROVAL**

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**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.

///

**v. Reduction for Parking Space Requirements**

- (1) Parking space requirements shall 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 50.06.002-4 for reduction options.

TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS	
Types of Modification	Modification Requirements and Modifiers
///	
Downtown Redevelopment <u>Design District</u>	See below
Pedestrian and Bicycle Access (PA)	<b>Commercial, Public and Industrial Uses</b>
	100 or more residential units within 0.90 x 1,000 feet requirement
Downtown Redevelopment <u>Design District</u>	See below
Downtown Redevelopment <u>Design District</u>	0.75% x requirement
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## ATTACHMENT 2

### 50.06.004 Site Design

#### 2. FENCES

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##### b. Location and Height

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, LOC 50.11.007, Appendix G, those standards shall supersede the below provisions.

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- 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. in 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~~ seven ft. in height requires a building permit.

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### 50.06.009 Historic Preservation

#### 1. SCOPE AND COMPLIANCE

No landmark or contributing resource or part thereof shall be demolished, moved, or altered, nor shall any major or minor development take place within a Historic District or involving a landmark nor shall ~~partitioning or subdividing a land division or lot line adjustment~~ of any landmark take place, except in conformity with the requirements of this section. No alterations to noncontributing resources shall be made except in conformity with the requirements of this section.

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#### 8. OTHER DEVELOPMENT

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- b. ~~Criteria for Approval for Subdivision, Partition Land Division or Lot Line Adjustment (Major or Minor Development) Subdivision, Partition, or Lot Line Adjustment.~~ In order to approve a proposed ~~subdivision, partition (minor or major), or land division or~~ lot line adjustment on a landmark site or within a Historic District, the reviewing authority must find that:
  - i. The ~~subdivision, partition (minor or major)~~ land division or lot line adjustment does not result in a landmark to be split into separate lots.
  - ii. The ~~subdivision, partition (minor or major)~~ land division, or lot line adjustment plat or map requires adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development on the resulting parcels.

## ATTACHMENT 2

- iii. Yard and landscaped areas including large trees and shrubs associated with the landmark shall be retained with the structure whenever possible.

### 50.07 REVIEW AND APPROVAL PROCEDURES

#### 50.07.003 Review Procedures

### 3. PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

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#### a. Written and Posted Notice for Minor Development

Prior to making a final decision on a minor development permit application, notice of the opportunity to comment upon an application and, if applicable, the date of a public hearing upon the application, shall be given as follows:

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#### v. Contents of Notice

The notice required by this section, above, shall:

- (1) Provide a 14-day period for submission of comments prior to the decision;
- (2) State the place, date and time that comments are due;
- (3) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue;
- (4) List, by commonly used citation, the applicable criteria for a decision;
- (5) Set forth the street address or other easily understood geographical reference to the subject property;
- (6) If the application concerns a specific location, include a map identifying the subject site in relation to the nearby neighborhood and streets;
- (67) State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and
- (78) Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.

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#### c. Notice for Initial Public Hearing for Minor and Major Development

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## ATTACHMENT 2

iii. Except as otherwise provided in subsection 3.c.iv of this section, the notice shall:

- (1) Explain the nature of the application and the use or uses which could be authorized;
- (2) List the applicable criteria from the ordinance and plan that apply to the application at issue;
- (3) Set forth the street address or other easily understood geographical reference to the subject property;
- (4) If the application concerns a specific location, include a map identifying the subject site in relation to the nearby neighborhood and streets;
- (45) State the date, time and location of the hearing;
- (56) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the hearing body an opportunity to respond to the issue precludes appeal to the City Council and the Oregon State Land Use Board of Appeals on that issue;
- (67) Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- (78) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (89) State that a copy of the staff report will be available for inspection at no cost at least ten days prior to the hearing and will be provided at reasonable cost; and
- (910) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

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### 13. MINISTERIAL DEVELOPMENT DECISIONS

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#### a. Ministerial Development Classification

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#### ii. Ministerial Development Types

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- (4) Lot line adjustments ~~which that: do not increase the allowable density on a site.~~
  - (a) Do not increase the allowable density on a site, and
  - (b) Do not involve a historic landmark site and are not located in an historic district.



## ATTACHMENT 2

### 14. MINOR DEVELOPMENT DECISIONS

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#### a. Minor Development Classification

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- ii. Minor development" under subsection a.i.(1) of this section includes:

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(7) Lot line adjustments ~~which that would; increase allowable density on the site.~~

(a) Increase allowable density on the site, or;

(b) Involve a historic landmark site or are located in an historic district.

### 16. LEGISLATIVE DECISIONS

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#### c. Required Notice to DLCD

- i. Except as provided by subsections 16.c.ii and iii of this section, any proposed amendment or addition to the City's acknowledged Comprehensive Plan or land use regulations shall be forwarded to the Director of the Oregon Department of Land Conservation and Development (DLCD) as required by OAR 660-018-0020 before the first evidentiary hearing on adoption. The City shall include the text of the proposed amendment and any supplemental information that the City believes is necessary to inform the Director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.
- ii. Advance notice to the Director of DLCD is not required when the City determines that the statewide planning goals do not apply to the proposed amendment or new regulation.
- iii. The City may submit the proposed amendment or new regulation with less than ~~45 days' the required notice by OAR 660-018-0020~~ where the City determines an emergency exists requiring expedited review.
- iv. Not later than ~~five working days~~ 20 days following a final decision pursuant to subsections 16.c.i through iii of this section, the City shall ~~mail~~ provide a copy of the adopted text and the findings to the Director of DLCD. If the text of the amendment as adopted differs substantially from that sent to the Director of DLCD pursuant to subsection 16.c.i of this section, the City Manager shall note the changes that have been made in the notice to the Director of DLCD. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.

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## ATTACHMENT 2

### e. City Council Review and Decision

The City Council shall hold at least one public hearing on the proposed legislative decision.

#### i. Notice

Notice of a City Council hearing on a legislative decision shall be published pursuant to LOC 50.07.003.3.d, Notice for Legislative Hearing. Notice shall also be mailed at least ten days in advance to the Committee for Citizen Involvement, to all recognized Neighborhood Associations and to all persons who appeared either orally or in writing at the Planning Commission hearing. The notice shall include:

- (1) The time, date and place of the public hearing;
- (2) A brief description of the proposed legislative amendment; and
- (3) A phone number for obtaining additional information.

#### ii. Conduct of the Hearing

The Mayor shall follow the same procedures identified for the Planning Commission hearing in LOC ~~50.07.003.4.a~~ LOC 50.07.003.16.d.iv, Conduct of the Hearing, when conducting a legislative decision hearing.

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## ATTACHMENT 2

### 50.08 VARIANCES

#### 50.08.003 Design Variances

##### 4. Downtown Redevelopment Design District ~~Design~~ Variance Criteria

The reviewing authority shall approve a variance to the design requirements in LOC 50.05.004.5 through 50.05.004.7 if it determines that the application meets criteria 3.a and 3.b above and the applicant demonstrates that the variance is necessary to create a complimentary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego Style.

## ATTACHMENT 2

### 50.10 DEFINITIONS AND RULES OF MEASUREMENT

#### 50.10.003 Definitions

##### **Height, Fence**

The height of a fence is determined by measuring the vertical distance from the down slope side of ~~finished~~ grade below the fence at any point along the fence to the highest horizontal surface, except vertical structural members such as posts or columns that are no wider than two ft. and that are spaced not closer than eight ft. (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height. For the purpose of measuring fence height, the reference point for grade shall be pre-existing grade, where the grade is raised before the fence is constructed; existing grade, where grade is unchanged; or lowered grade, where the grade at the fence is lowered. .

##### **Lot Depth**

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, except for a flag lot, which shall be measured from the midpoint at the front lot line of the flag area.