

## 50.01.002 / General Provisions/Application of Code

### 4. RELATIONSHIP TO OTHER LAWS AND PRIVATE AGREEMENTS; PRIOR APPROVALS AND CONDITIONS OF APPROVAL

It is not an intent of this Code to interfere with, abrogate or annul any easement, covenant or agreement between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings, and premises, upon height of buildings, or requires larger open spaces or similar restrictions than are imposed or required by private agreements, easements and covenants, the provisions of this Code shall govern.

#### a. Approvals Granted Before December 16, 1982

Planned unit development approvals, conditional use permits, variances and Development Review Commission approvals, and conditions attached to those approvals, and conditions attached to zone change approvals, granted prior to December 16, 1982, shall remain in effect until specifically amended or deleted by action pursuant to this Code. A request to amend approvals or delete or amend conditions of approvals is classified as a request to amend the zoning map and shall be considered as such unless the subject matter of the request is regulated by LOC 50.07.003.11.a, Modification of Approved Permit, in which case the request will be processed pursuant to that section. Those conditions imposed or approvals granted by ordinance under the prior zoning code may be amended or deleted by order of the hearing body, or, on appeal, by order of the City Council, without the necessity of adopting an amending ordinance.

#### ~~b. Time Periods for Approvals~~

~~For the time periods stated below, construction may occur pursuant to the listed types of approvals granted under the prior zoning code:~~

~~i. Conditional use permit — two years from the date of the order granting approval.~~

~~ii. Variances — six months from the date of the order granting approval.~~

~~iii. Planned unit developments — the time period stated in the approved development schedule, unless that schedule is modified pursuant to subsection (b)(i) of this section. The time for filing plats must comply with LOC 50.07.007.3.a, Preparation and Submittal of Final Plan or Plat.~~

~~If 15% of the structural construction is not complete within the time periods stated, the approval shall be reviewed as a new application pursuant to the applicable City Code provisions. This subsection applies to uses which conform to the use requirements of this Code. If a conditional use permit, variance or PD is a nonconforming use under the terms of this Code it is subject to the provisions of LOC 50.01.006, Nonconforming Structures and Uses, and not this subsection.~~

**ITEM 1 (M - MAINTENANCE):** Section (b) is deleted because any construction approved prior to 1982 has been completed or abandoned by now, and the code contains separate provisions for modifications to development review approvals; subsection (b) only refers to the effective periods (all now passed) for certain decisions made prior to the effective date of a new zoning code in 1982.

## 50.03.003 Use-Specific Standards

### 1. RESIDENTIAL – PERMITTED USES

#### a. Attached, Residential Townhome Uses in West Lake Grove

i. Subject to the following conditions, in addition to the other provisions of this Code:

- (1) The minimum net density area for attached townhome housing is 2,500 sq. ft./lot area per unit.
- (2) The minimum required lot width shall be 17 ft. The maximum lot coverage shall be 60% excluding parking.
- (3) Each unit of attached townhome housing shall be constructed on a separate lot.

ii. Within the WLG RMU zone:

- (1) Attached townhomes are allowed solely or in conjunction with office uses in the same building.
- (2) When a combination of office-commercial and attached townhome residential uses are proposed together on the same site and in separate buildings, the commercial structure(s) shall front on Boones Ferry Road. Residential buildings shall occupy the rear portion of the parcel which is most proximate to the surrounding residential zoning districts.

iii. Within the WLG R-2.5 zone:

- (1) The use is "Attached for-sale residential townhomes."
- (2) When subdivisions are proposed in the WLG R-2.5 zone, a minimum density of 80% of the maximum allowed by the zone is required. For purposes of this subsection, the number of lots required shall be determined by dividing the net developable ~~square footage~~ [area](#) by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC [50.04.003.10](#), Exceptions to the Minimum Density Requirement for All Zones.

**ITEM 46 (M):** All references to “net developable acre” or “square footage” changed to “net developable area” (Nov 2016).

### 3. COMMERCIAL – PERMITTED USES

#### a. Home Occupations

A home occupation may be conducted where allowed by other provisions of this Code if the following conditions are continuously complied with:

- i. The use does not alter the residential character of the neighborhood nor infringe upon the right of residents in the vicinity to the peaceful enjoyment of the neighborhood.
- ii. A current and valid business license is maintained.
- iii. No employees other than family members who reside at the dwelling.
- iv. No outside storage of goods or materials other than vegetation.
- v. No more than 25% of the aggregate floor area on the lot~~dwelling~~ is devoted to nonresidential use.
- vi. Marijuana facilities are prohibited.

**ITEM 4 (P - POLICY):** This clarifies how much of the structures on the residential lot – dwelling, garage (attached or detached), or accessory structure – can be devoted to the home occupation. [NOTE: By definition, garages in R-5, R-6, R-7.5, R-10, and R-15 zones, and other buildings, are counted toward floor area. Accessory structures are limited to 600-800 square feet, depending on height. Garages in the high density residential zones are not included in floor area.]

### 50.03.004 Accessory Structures and Uses

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#### 2. ACCESSORY STRUCTURES

##### a. Structure Specific Regulations

- i. Pool covers shall not exceed 15 ft. in height.
- ii. ~~“Parabolic antennas Dish” type antenna~~ that have a diameter greater than 40 inches may only be placed in rear yards, on the ground, and must be screened by landscaping.
- iii. Except as provided in LOC 50.05.010, Sensitive Lands Overlay Districts, boathouses and docks along Oswego Lake and its canals may be placed on a property line.
- iv. Heat pumps or similar mechanical equipment shall meet the required front setback of the zone, ~~except as provided under subsection 2.b.i of this section.~~

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

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

  - (1)** The accessory structure is erected more than 40 ft. from any street. For the purposes of this subsection, an alley shall not be considered a street. The side and rear setbacks for a detached garage obtaining access from an alley may be reduced to three ft. or to the degree the garage maintains access that provides an outside front wheel turning radius of at least 25 ft., whichever is greater.
  - (2)** For an accessory structure greater than four ft. in height, the accessory structure is detached from other buildings by three ft. or more.
  - (3)** The accessory structure does not exceed a height of ten ft. nor an area of 600 sq. ft. footprint.
- ii. Flag Lots.** A side or rear yard setback may be reduced to six ft. on a flag lot when the criteria in subsections 2.b.i(1) through (3) of this section are met.
- iii.** The setback exception authorized by subsection 2.b.i or 2.b.ii of this section does not apply to:

  - (1)** Setbacks required by LOC 50.04.002, Special Street Setbacks;
  - (2)** Noise producing accessory structures such as heat pumps, [air conditioners](#), swimming pool motors, etc.; ~~unless abutting property owners of the proposed site of the proposed noise producing accessory structure agree in writing that said accessory structure may be located within the accessory structure setback exception permitted under this subsection;~~
  - (3)** Lot is zoned R-6;
  - (4)** Accessory structures used as secondary dwelling units.

**ITEM 5 (M):** “Dish” is a proprietary name, so the generic “parabolic antenna” is substituted. These antenna are much smaller now and usually mounted on a roof or eave or short pole in a yard. Only the very large antenna that are shaped like a dish are required to be ground-mounted. [Note 1: Radio and TV antenna are exempt from the zone height maximums (see Table 50.04.03-1 below). Note 2: Federal statutes may override this section if a larger parabolic antenna is needed to obtain a signal, but not necessary to make cross-reference here].

**ITEM 6 (P):** Establish standard setbacks for (residential) mechanical units for zones, including previously approved Planned Developments. Nov 2016: This item removed from this package, to be combined with Flag Lot amendments because of required Measure 56 Notice.

**ITEM 7 (P):** Cosner v. Umatilla – improper delegation of city code authority. Ability of abutting property owner to waive setback requirements for accessory structures is removed [Subsection b.iii(2)].

## 50.04.001/ Dimensional Table

### 1. RESIDENTIAL LOW DENSITY ZONES

#### a. Dimensional Standards

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

TABLE 50.04.001-1: RESIDENTIAL LOW DENSITY ZONES DIMENSIONS					
		R-7.5	R-10	R-15	Comments/Additional Standards
<b>DENSITY</b>					50.04.001.1.b
Minimum [1]		80% of max	80% of max	80% of max	
Maximum (units/acre)		[2]	[2]	[2]	
<b>MIN. LOT DIMENSIONS</b> [3]					50.04.001.1.c
Area (sq. ft.)		7,500	10,000	15,000	Except PD [3]
Width (ft.)		50	65	80	
Depth (ft.)		—	—	—	
<b>MAX. FLOOR AREA</b>					50.04.001.1.d
Base Calculation: 3,000 sq. ft. + [(actual lot size – 5,800 sq. ft.) x 0.19]		Additional floor area allowance per <u>primary</u> residential unit providing a garage (sq. ft.)			
		600	750	850	
<b>YARD SETBACKS</b>					50.04.001.1.e
/////					
<b>Additional Standards and Modifications</b>				50.04.001.1.b – g	
<p>[1] When subdivisions are proposed, the number of lots required shall be determined by dividing the net developable <del>area</del><del>acre</del> by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for All Zones.</p> <p>[2] Net developable <del>acre</del><del>area</del> divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearing body show that development at that density can occur within requirements set forth in the Development Standards.</p> <p>/////</p>					

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**ITEM 8 (M):** Text amended to read “per primary dwelling unit” to clarify that the floor area bonus cannot be applied to a Secondary Dwelling Unit (SDU): R-15, R-10, R-7.5, R-6 and R-5.

**ITEM 46 (M):** All references to “net developable acre” changed to “net developable area” (Nov 2016).

**2. RESIDENTIAL MEDIUM DENSITY ZONES**

**a. Dimensions**

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

TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
DENSITY				50.04.001.2.b
/////				
MAX. FLOOR AREA				50.04.001.2.d
	2,750 sq. ft. + [(actual lot size – 6,000 sq. ft.) x 0.19]	Lot ≥ 5,000 sq. ft.	—	R-5 and R-6 districts: + 500 sq. ft. floor area allowance per <u>primary</u> residential unit providing a garage
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.28]		
		Lot < 5,000 sq. ft.		
		2,850 sq. ft. + [(actual lot size – 5,000 sq. ft.) x 0.48]		
YARD SETBACKS	See 50.04.001.2.e			
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[1] When subdivisions are proposed in the R-5 and R-6 zones or multi-family development is proposed in the R5 zone, the number of lots or dwelling units required shall be determined by dividing the net developable ~~acre~~ area by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for All Zones. When subdivisions are proposed in the R-DD zone, the density is

TABLE 50.04.001-3: RESIDENTIAL MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/Additional Standards
<p>computed by multiplying the net developable <del>acre</del>-area by either five, ten, or 14 per the applicable type of development. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5.</p> <p>[2] Net developable <del>acre</del>-area divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearing body show that development at that density can occur within requirements set forth in the Development Standards.</p> <p>[3] R-DD zone maximum density expressed in number of dwelling units per net developable <del>acreage</del>-area is computed by dividing the net developable <del>acreage</del>-area by 2,000 sq. ft. and rounding down to the nearest whole number.</p> <p>////</p>				

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**ITEM 8 (M):** Text amended to read “per primary dwelling unit” to clarify that the floor area bonus cannot be applied to a Secondary Dwelling Unit (SDU): R-15, R-10, R-7.5, R-6 and R-5.

**ITEM 46 (M):** All references to “net developable acre” changed to “net developable area” (Nov 2016).

**2. 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]	—	—	
<b>MIN. LOT DIMENSIONS</b>					50.04.001.3.c
Area (sq. ft.)	3,375	3,375	No min.	No min.	No min. for PD
Per Dwelling	3,375	3,375	No min.	No min.	

**TABLE 50.04.001-11: RESIDENTIAL HIGH DENSITY ZONES DIMENSIONS**

	R-W	R-3	R-2	R-0 [6]	Comments/Additional Standards
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<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 <del>acre</del> <u>area</u> by the minimum lot size or units required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections, and Encroachments.</p> <p>[2] When subdivisions are proposed in the R-2 or R-0 zones or multi-family development is proposed in the R-0 zone, minimum density is computed by multiplying the net developable <del>acre</del> <u>area</u> by either 20 or 12 per the applicable zone. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections and Encroachments.</p> <p>[3] Computed by dividing the net developable <del>acreage</del> <u>area</u> by the minimum lot area per unit and rounding down to the nearest whole number.</p>					
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**ITEM 46 (M):** All references to “net developable acre” changed to “net developable area” (Nov 2016).

### 50.04.003/ Exceptions, Projections and Encroachments

#### 3. GENERAL EXCEPTIONS TO YARD REQUIREMENTS

##### a. Front Yard Setback Averaging

Except as otherwise provided in this section, the following exception to the front yard requirement for a dwelling or detached garage is authorized for a lot in any zone. If there are lawful dwellings or detached garages (including dwellings or garages deemed lawful nonconforming or through a variance approval), on both abutting lots on the same block face with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings and/or detached garages. If there is a lawful, nonconforming dwelling or detached garage on one abutting lot on the same block face with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. The front yard setback in the R-5, R-7.5, R-10 or R-15 zone shall not be reduced to less than 15 ft.

**ITEM 10 (M):** Added “on the same block face” to clarify that a non-conforming front yard that is around the corner cannot be used for front setback averaging.



**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:

<b>TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS</b>	
Zone	Structures or Structural Parts Exempt from Height Limitations
Residential Zones – Residential Uses	<ul style="list-style-type: none"> <li>a. Chimneys, flagpoles, radio and television antennas, ham radio aerials, and other structures.</li> <li>b. Roof-mounted solar <a href="#">energy system</a> <del>(panels)</del><sup>1</sup>.</li> </ul>
Residential Zones – Nonresidential Uses	<ul style="list-style-type: none"> <li>a. Chimneys, church spires, belfries, domes, monuments, radio and television antennas, fire and hose towers, flagpoles, and other similar structures.</li> <li>b. Roof-mounted solar <a href="#">energy system</a> <del>(panels)</del><sup>1</sup>.</li> </ul>
Commercial, Public Use, and Industrial Zones	<ul style="list-style-type: none"> <li>a. Chimneys, tanks, church spires, belfries, domes, monuments, radio and television antennas, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures.</li> <li>b. Roof-mounted solar <a href="#">energy system</a> <del>(panels)</del><sup>1</sup>.</li> </ul>
FMU Zone	<ul style="list-style-type: none"> <li>a. Radio and television antennas and other similar structures, and public safety facilities.</li> <li>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 ft. or less may exceed the zone’s height limitation by no more than ten ft., or five feet above the highest point of the roof, whichever is greater.</li> <li>c. Rooftop elevator mechanical equipment may extend up to 16 ft. above the height limit.</li> <li>d. Stairwell enclosures and rooftop mechanical equipment (excluding elevator mechanical equipment) which cumulatively covers no more than 10% of the roof area may extend ten ft. above the height limit.</li> <li>e. Small wind turbines<sup>2</sup>.</li> <li>f. Roof-mounted solar <a href="#">energy systems</a> <del>(panels)</del><sup>1</sup>.</li> </ul>
<p><sup>1</sup>See LOC 50.04.003.4.b.ii for maximum height exception.</p>	

TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS	
Zone	Structures or Structural Parts Exempt from Height Limitations
<sup>2</sup> See LOC 50.04.003.4.b.iii for maximum height exception.	

**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 energy systems ~~(panels)~~ may exceed the maximum building height limitation by the following:
  - (1) Roof slopes 2:12 or less – no more than four ft. above the maximum building height or existing building height, whichever is less, or
  - (2) Roof slopes greater than 2:12 – no more than one ft. above the maximum building height or the existing roof height, whichever is less.

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**ITEM 11 (M):** Remove the “(panels)”. The height exception is only 1-4 feet (depends on roof pitch), so whatever the system, the height exception is very limited. Solar energy includes photovoltaic and passive solar heating.

## 50.05.004/ Downtown Redevelopment Design District

### 2. APPLICABILITY

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



- a. Construction of a new building;
- b. Substantial remodeling of an existing building. For the purposes of this section "substantial remodeling" means:
  - i. Exterior remodeling that changes the appearance of more than 50% of any building elevation; or
  - ii. A restaurant building expansion of more than 100 sq. ft. or any other expansion of a building of more than 300 ft.

Exception: expansion is solely designed and constructed:

- (1) To provide for accessibility to the disabled,
- (2) To provide for energy conservation (e.g., addition of an entry vestibule),

(3) To provide for screened recycling or trash storage, or

(4) To relocate or screen visible exterior mechanical equipment so that such equipment is no longer visible;

~~c. Any development funded or partially funded utilizing a financial incentive granted, provided by or obtained through the authority of the City of Lake Oswego or LORA. As used in this section, a "financial incentive" includes a grant, fee waiver, revolving loan, tax abatement, property exchange or similar financial incentive provided by or secured through the City or LORA.~~

c. In the R-2 zone, Household Living residential development and group care homes shall comply with the following DRDD standards in addition to the Structure Design Standards of LOC 50.06.001.2 and LOC 50.06.001.4:

i. Building Siting and Massing, LOC 50.05.004.5: Complex Massing and Roof Forms.

ii. Building Design, LOC 50.05.004.6: Lake Oswego Style; Materials; and Molding Design.

iii. Landscaping and Site Design Requirements, LOC 50.05.004.8: Street Trees; Brick Paving; and Walls.

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**ITEM 13 (P):** Deletion of Sub (c): Facade improvement projects are generally small and would not trigger Design Review if funded privately (i.e., paint, awnings, landscaping, etc). Deleting sub (c) would put public and private projects on same review path: (1) DR triggered if 25% of any façade is altered. (2) DRDD standards (and DR) triggered if 50% of facade is altered. (3) Alteration of any building that has a DR requires DR Modification. This would streamline LORA's facade improvement program since most façade improvements funded by LORA would not trigger Design Review. Source of funding should not affect level of land use review. LORA can implement design restrictions through grant limitations.

**ITEM 12 (P):** Most of the DRDD standards address design for commercial or mixed use development (storefront, windows, awnings, parking lots, etc.). But the DRDD standards also apply to the R-2 zone, which allows low/medium density residential uses such as single-family dwellings, and zero lot line, duplex, and rowhouse dwellings, where these standards are not appropriate for residential buildings in the downtown. New subsection (c) identifies the DRDD standards that are applicable to residential development in R-2. Identification of applicable standards discussed with FAN.

## 6. BUILDING DESIGN

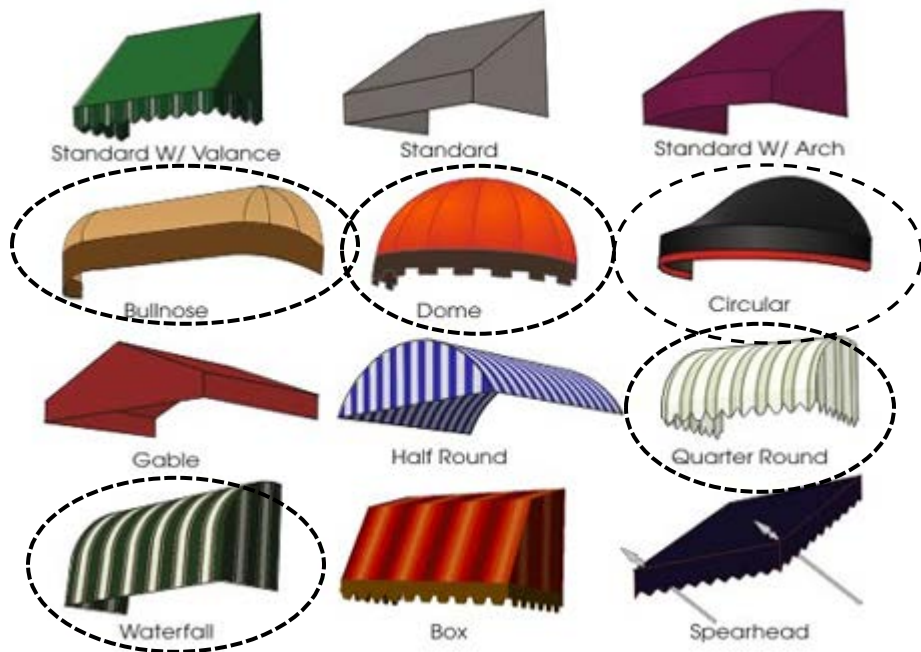
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### g. Awnings and Canopies for Weather Protection

Buildings with more than one story shall provide awnings or canopies extending six ft. horizontally from over windows and doors that face a public street, as shown in Figure 50.05.004-G: Awning Design and Brick Pavement Panel, except when a window abuts landscaping or where ground floor residential units face a public street, no awning or canopy is required~~window walls. Awnings shall be shed type with opened or closed ends as shown in Figure 50.05.004-G: Awning Design and Brick Pavement Panel. Curved~~Bullnose, dome, circular, quarter-round and waterfall awnings shall not be allowed. ~~Awnings may have a front valance.~~

**ITEM 14 (P):** “Window walls” is not a defined term. The amendment clarifies where awnings/canopies are required – i.e., over windows and doorways that face a public street, but not over landscaping or on ground floor residential windows. Thus, 6-foot awnings are not required in alleys or along internal walkways – this is consistent with the design of Blocks 136, 137 and 138, in which awnings were not required (although many awnings were provided) along internal walkways, regardless of whether the internal walkways were open to the public.

**ITEM 15 (P):** Flexibility added for awnings/canopies to allow flat awnings, which are common downtown. The awning design standards that “may” be provided – open or closed ends, front valance – have been deleted because “may” makes the standard optional. Sept 2016: The prohibition on “curved” awnings is clarified because “curved” is not clear and objective. The awning styles listed above – and circled in the array below - are not compatible with Lake Oswego Styles, whether fabric or not.



## 8. LANDSCAPING AND SITE DESIGN REQUIREMENTS

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- a. **Purpose.** Landscaping shall be designed to enhance building design, enhance public views and spaces, define the street, provide buffers (screening) and transitions, and provide for a balance between shade and solar access.

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c. **Style and Design.**

- i. Landscaping shall be coordinated with the building design so that landscaping complements the building design. Landscape design shall incorporate elements such as iron/steel plant balconies, metal fences, railing and gates, masonry walls, window boxes, hanging plant brackets and other similar features that complement the character of the building design.
- ii. Landscaping may be placed in pots, raised planters, or flower boxes.
- iii. Courtyards visible from the public street shall be provided on new commercial, multi-family and residential mixed-use structures along any facade longer than 200 feet. ~~Courtyards visible from the street or sidewalk shall be used to break up the scale and proportion of structures. (See LOC 50.05.004.6, Building Design.)~~ Courtyards shall contain landscaping or features that complement the design of the building and the surrounding structures and landscaping. Courtyard amenities, including art or fountains, may be required as part of the design by the reviewing authority.
- iv. Landscaping design shall be compatible with abutting or adjacent properties and shall consider the relationship of plantings, site furnishings and materials on those properties and the proposed site.

**ITEM 16 (P):** In this DRDD Landscaping standard, courtyards are required on all buildings. The standard has been clarified to only apply to new commercial, MF and mixed-use buildings that have wall planes that are longer than 200 feet (and thus it does not apply to townhouse development, which typically does not have common areas). Courtyards do not make sense on small projects, where maximum street frontage is desired. The provision of a courtyard breaks up the scale and proportion of a structure so it is not necessary to say that. Oct 2016: Text amended to identify length of facade longer than 200 feet as the second trigger for applicability; Note: N-S block frontages are 400 feet, E-W are 260 but if there is an alley each frontage is 120 feet (120 + 20 alley + 120). Facade is defined in CDC as “all wall planes of a structure as seen from one side or view”.

In the DRDD/Clear and Objective Standards, courtyards are optional [See 13(g)ii below]. This amendment standardizes the language between these two “courtyard” standards.

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m. **Protecting Pedestrians**

In areas of potential vehicle/pedestrian conflict, City approved street furniture or bollards (see Figure 50.05.004-1: Street Furniture and Lighting) shall be used to help create a "protected zone" for the pedestrian.

**n. Undergrounding of Utilities**

Overhead utilities shall be placed underground, unless the City Engineer determines that undergrounding is not practical based upon site conditions.

**o. Buffering Between EC and R-DD**

Any development in the EC zone that abuts a dissimilar use in the R-DD zone must provide a minimum of 15 ft. of landscaped area to separate, screen, and, as applicable, buffer noise, lighting or other impacts between the dissimilar uses.

**ITEM 29 (M):** Under Section 3 of the DRDD Standards (Relationship to Other Development Standards), subsection (b) states that the landscaping standards of the DRDD supersede the general Landscaping standards of LOC 50.06.004.1. The language in new subsection (o), above, is moved from the general Landscaping standards to the DRDD landscaping standards.

**13. CLEAR AND OBJECTIVE HOUSING STANDARDS FOR APPROVAL**

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**f. Building Design**

Purpose: The following building design requirements achieve a village character through building massing, composition, materials, ground floor design treatments, and other building design elements in the Lake Oswego Style.

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**vii. Awnings and Canopies for Weather Protection**

Buildings with more than one story shall provide awnings or canopies extending six ft. horizontally over windows and doors that face a public street, as shown in Figure 50.05.004-U: Awning Design and Brick Pavement Panel, except when a window abuts landscaping or where ground floor residential units face a public street no awning or canopy is required. Bullnose, dome, circular, quarter-round and waterfall awnings shall not be allowed.~~Buildings with more than one story shall provide awnings or canopies extending six ft. from window walls. Awnings shall be shed type with opened or closed ends as shown in Figure 50.05.004 U: Awning Design and Brick Pavement Panel. Curved awnings shall not be allowed. Awnings may have a front valance.~~

**ITEM 14 (P):** This awning requirement is clarified to apply to frontages along public streets, regardless of whether the building abuts the public sidewalk or a private plaza or walkway (like NE/c of Wizer block, where a plaza is provided on private property. Awnings not required over landscaping or on over ground floor residential windows. New commercial buildings must have 80% fenestration on the facades that face the ROW so there will not be any blank walls (unless through exception).

**ITEM 15 (P):** Flexibility added for awnings/canopies to allow flat awnings, which are common downtown. The awning design standards that “may” be provided – open or closed ends, front valance – have been deleted because “may” makes the standard optional. Sept 2016: The prohibition on “curved” awnings is clarified because “curved” is not clear and objective. The awning styles listed above are not compatible with Lake Oswego Styles, whether fabric or not.

## g. Landscaping and Site Design Requirements

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### iii. Style and Design

- (1) Landscaping and courtyards shall be coordinated with the building design so that landscaping and courtyard features complements the building design. This shall be accomplished by incorporating the same materials and/or colors into landscape and courtyard elements as used within the building, or by incorporating accent materials and/or colors from the building. This requirement applies to landscape and courtyard elements such as iron/steel plant balconies, metal fences, railing and gates, masonry walls, paving, window boxes, hanging plant brackets.
- (2) Landscaping may be placed in pots, raised planters, or flower boxes.
- (3) Courtyards visible from the public street shall be provided on new multi-family and residential mixed-use development along any facade longer than 200 feet. ~~Where courtyards are provided, they shall be visible from the street or sidewalk.~~ Courtyards shall include one or more of the following elements: seating, art, or fountains/water features.

**ITEM 16 (P):** In this DRDD Landscaping standard for the clear and objective track (above), courtyards were optional, but under the regular track, courtyards were required on all structures, regardless of use or size. The standard has been clarified to only apply to new MF buildings with facades that are longer than 200 feet (and thus it does not apply to townhouse development, which typically does not have common areas). Courtyards do not make sense on small projects, where maximum street frontage is desired. Oct 2016: amended to identify length of facade (which is defined as “all wall planes of a structure as seen from one side or view”) as second trigger for applicability.



## 50.05.007/ Lake Grove Village Center Overlay

### 4. SITE DIMENSIONAL STANDARDS

#### c. Lot Coverage and Floor Area Ratio (FAR)

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#### iii. Site Amenities – Lot Coverage Bonus

Site amenities include at least one of the following:

##### (1) Housing

One sq. ft. of additional lot coverage up to the maximum amount listed in the housing column of Table 50.05.007-2 is permitted for every two sq. ft. of housing provided on site.

##### (2) Sustainability Features

If any two of the following sustainability features are provided, an additional five percent of lot coverage is allowed within GC, NC, OC and PF zones, and an additional ten percent of lot coverage is allowed within R-0, R-3 and R-5 zones:

- (a) Provide an ecoroof for 50% or more of the building roof area. ~~For the purposes of this section, an ecoroof shall be a vegetated roof system that serves as a stormwater facility as reviewed and approved by the City Engineer.~~ As part of the conditions for approval, applicant shall execute a covenant ensuring installation in compliance with applicable building codes, preservation, maintenance, and replacement, if necessary, of the ecoroof.

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**ITEM 47 (M):** Move this definition of ecoroof to 50.10, definitions (Dec 2016).

### 5. BUILDING DESIGN STANDARDS

#### d. Pedestrian Features

Purpose: These standards facilitate pedestrian access and create viable pedestrian-scale streetscapes and public places inclusive of pedestrian ways, parking areas, interior courtyards and public and private outdoor areas designed to foster the comfort and enjoyment of pedestrians and other users.

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**iv. Rain Protection**

- (1) Rain protection shall be provided over windows and entrances facing a walkway, plaza or public sidewalk, except that rain protection is not required over ground floor windows on residential units or over required landscaping~~along the frontage of any building that abuts a public sidewalk or walkway.~~
- (2) Rain protection shall consist of awnings, canopies or projections extending a minimum of four ft. or half the width of the sidewalk or walkway from face of window wall, whichever is greater, consistent with the architectural style of the proposed building.
- (3) Vinyl awnings are prohibited.

**ITEM 14 (P):** “Abutting” is a defined term in Chapter 50: Contiguous to; for example, two lots with a common property line. Buildings are not required to abut a public sidewalk (Build-To Line). This amendment clarifies that rain protection must be provided along building walls that face – but don’t necessarily abut - a public sidewalk, walkway or plaza. The LGVCO has a 65% fenestration requirement along these public-facing walls, limiting the opportunity for blank walls. Language made similar to DRDD awning/canopy requirement.

**g. Materials**

**ii. Roof Materials**

~~Materials used for roof repairs (patching) must not be readily visible. Except for flat roofs and ecoroofs,~~  
Roof materials shall be limited to:

- (1) Slate;
- (2) Tile;
- (3) Shakes or wood shingles; or
- (4) Synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.

**ITEM 17 (P):** No permit is required for roof patching unless the repair is very large, and “readily visible” is undefined, so first sentence is unenforceable and has been deleted. The roof material list has been clarified to not apply to flat roofs or eco-roofs. Flat roofs are already limited on new buildings – new flat roofs must be at least 20 feet in height. [Note: the LGVCO allows a lot coverage bonus if an “ecorooft” is provided.]

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## 6. SITE PLANNING STANDARDS

### e. Landscape Requirement

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#### ix. Tree Preservation

Purpose: Tree preservation shall preserve and promote a wooded character.

The following standards shall apply in addition to LOC Chapter 55 (Trees). In case of a conflict, the more restrictive standard applies.

(1) Development plans shall preserve existing mature, Douglas fir evergreen trees and other significant trees except where unavoidable due to compliance with the requirements of this Code. Significant trees [for purposes of this section](#) are trees measuring 18 in. diameter or greater at a height of 54 in. above mean ground level at the base of the trunk, or of unique horticultural quality or historic importance to the greatest extent practicable. [Significant trees do not include invasive, dead or hazardous trees.](#)

#### (2) Mitigation

(a) Mitigation trees shall be planted so that, over time, groves of trees will be established.

(b) Mitigation shall require trees with a diameter of five caliper in. or greater which are removed be replaced with trees of the same or approved variety with a diameter no less than three caliper in. each, to equal or exceed the caliper inches of trees removed.

(c) If in the City's determination there is insufficient available space on the subject property, replacement planting shall occur in an open space tract, or City-owned or dedicated property within the Lake Grove Village Center Overlay District subject to the approval of authorized property owners. If in the City's determination no feasible alternative exists to replant required mitigation, the applicant shall pay into the tree fund as provided in LOC 55.02.084, Mitigation Required.

~~(d) Replacement planting shall increase the amount of tree canopy and the extent of tree grove area in excess of the amount lost through development.~~

**ITEM 20 (P):** Sub ix(1) - Exempt invasive, dead and hazardous trees from requirement to preserve "significant tree".

**ITEM 18 (P):** Sub ix(2)(c) - The question from the Planning Commission (during its review of the prior amendments to the LGVC Overlay in LU 15-0064) was whether the caliper replacement standard is too onerous. The LGVCO code allows off-site planting options or the ability to pay into the Tree Fund if replacement on-site is not feasible. Staff proposes no change to mitigation standard in Sub ix(2)(c) because the applicant can mitigate off-site on public lands (subject to City approval) or pay into the Tree Fund, if site too constrained for all on-site mitigation.

Sub ix(2)(d) – Sub(c) already requires caliper inch replacement on site, with exceptions if all required trees cannot fit on site; under Sub(c), removal of one 30" fir would require 10 mitigation firs on site, which should be sufficient to increase the canopy eventually if not at the time of planting. Sub(d) deleted because it's superfluous.

## 7. SPECIAL REQUIREMENTS AND STANDARDS

### e. Park Streetfront Environment

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#### iii. Crossroads Gateway Special Requirements

Purpose: Protect pedestrians and cyclists from vehicular movement on Kruse Way and Boones Ferry Road; and coordinate existing topography and mature trees with additional fir trees and basalt walls to create a distinctive gateway at a significant intersection.

These standards apply to lots with street frontage designated Crossroads Gateway on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V.

- (1) Provide additional [Douglas](#) fir trees as needed to combine with existing trees to create natural groupings of fir trees.
- (2) New direct access, whether permanent or temporary, from Kruse Way is prohibited unless the applicant can demonstrate that, but for the additional Kruse Way access, the traffic impacts associated with the proposed development would result in the other streets accessible to the development, or their intersections, exceeding permitted service level standards for those streets and intersections. In determining the impact upon the other streets accessible to the development, or their intersections, the traffic expected to result from future development accessing the other streets and their intersections shall be taken into account.

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**ITEM 21 (P):** The Planning Commission had asked for clarification of the type of ‘fir’ that the LGVC Plan had intended. All other references to firs in LGVCO are to Douglas firs, so this reference has been updated for consistency.

## 50.06.001/ Building Design

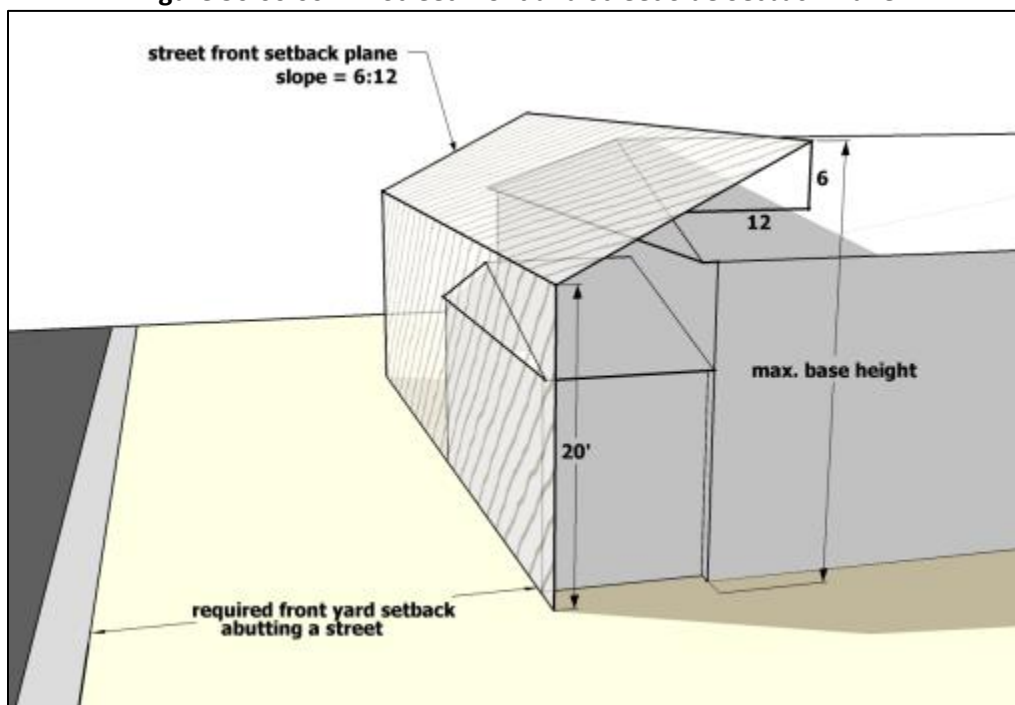
### 2. STRUCTURE DESIGN – RESIDENTIAL ZONES

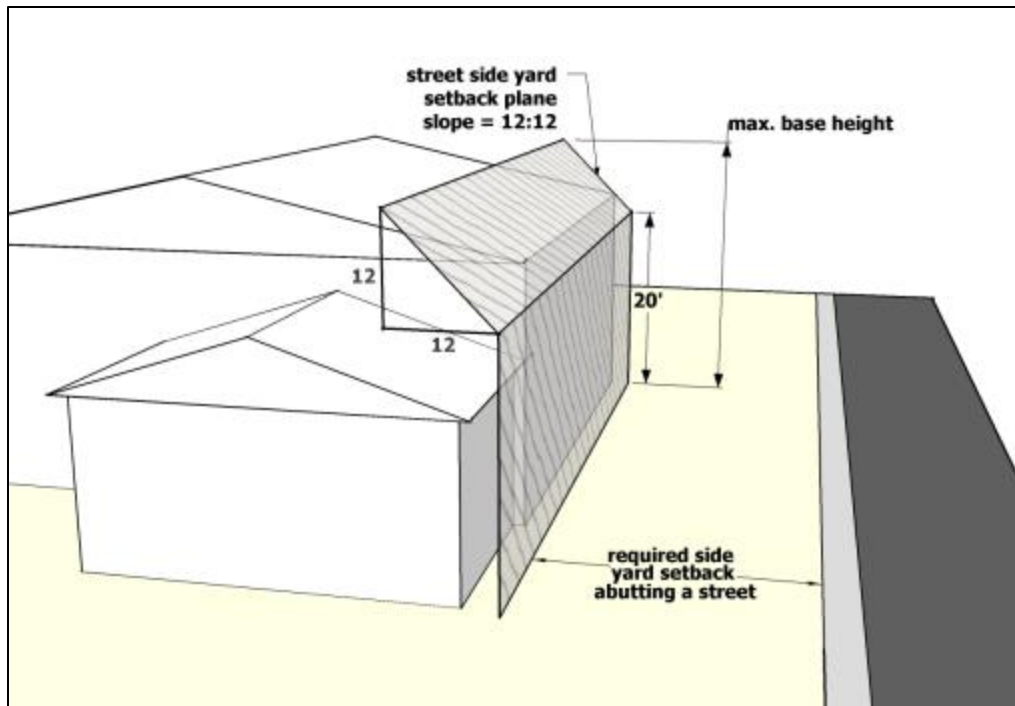
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#### b. Street Front Setback Plane

Except as set forth in LOC 50.06.001.2.d and for flag lots, the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward to 20 ft. in height, then slopes toward the center of the lot up to the maximum base height of the zone, as illustrated below in Figure 50.06.001-A: Street Front and Street Side Setback Plane. Except as identified in subsection (d) below, the finished grade at the foundation shall be used as the grade elevation at the setback line for purposes of measuring the setback plane.

Figure 50.06.001-A: Street Front and Street Side Setback Plane





The slope of the street front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard – 6:12 slope, or
- ii. Side yard abutting a street – 12:12 slope.

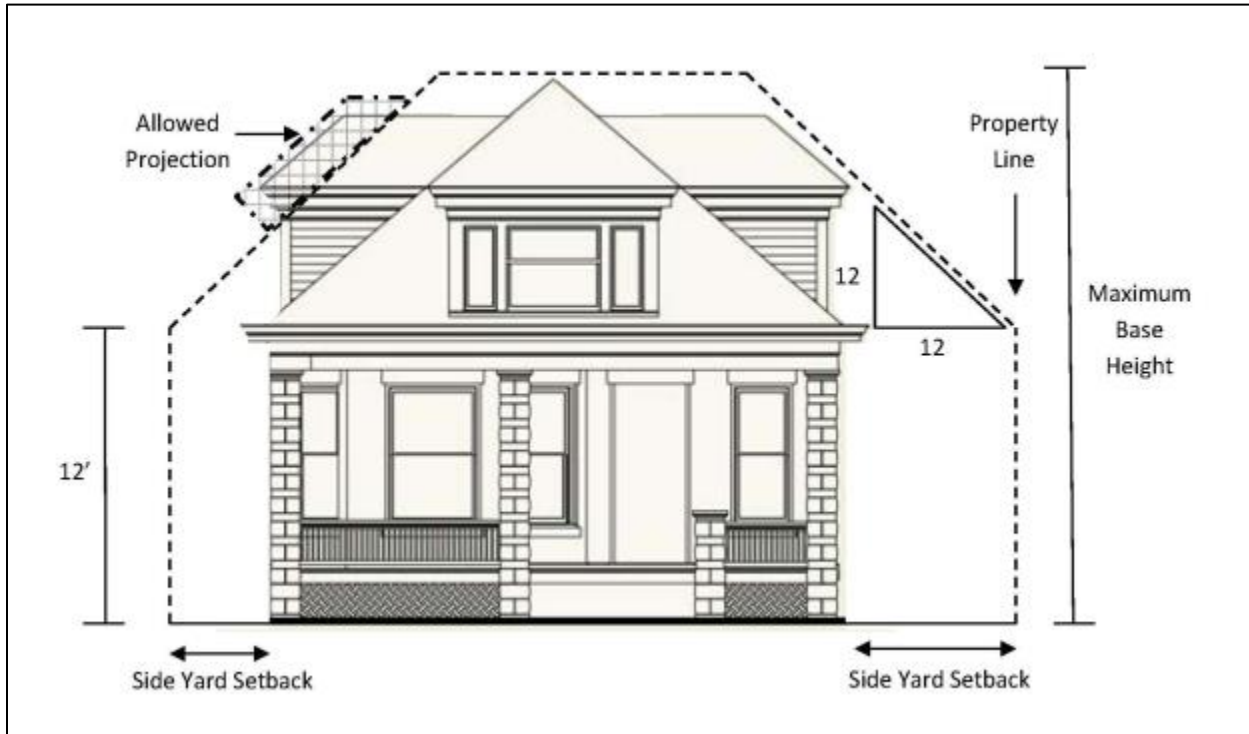
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**e. Side Yard Setback Plane – Interior Yards**

Except as set forth in subsection 2.e.ii of this section, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 ft. and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in Figure 50.06.001-G: Side Yard Setback Plane, below. The finished grade at the foundation shall be used as the grade elevation at the setback line for purposes of measuring the setback plane.

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Figure 50.06.001-G: Side Yard Setback Plane



**ITEM 22 (P):** Identify appropriate grade from which to measure the setback plane standards: staff suggestion: extrapolate grade at foundation to measurement point. This would prevent the “house in the hole” situation where a building site is excavated leaving the measurement point at a higher grade than the foundation grade.

Tying the setback plane to the grade at foundation makes sure the setback plane relates to the structure, not the grade, which can make odd building envelopes (Other design restrictions: side wall plane standards, maximum height).

**f. Side Yard Appearance and Screening**

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

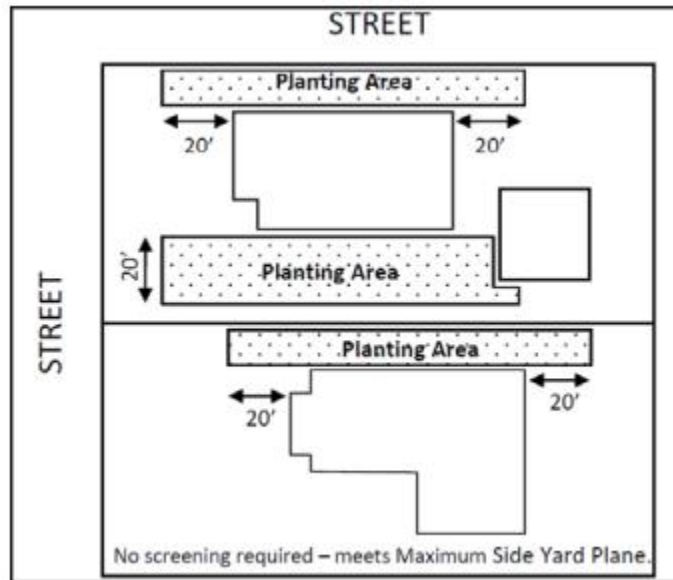
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**iii. Treatment 3 – Screening**

The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear ft. of side ~~building elevation~~ ~~property line~~ or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 ft. beyond the width of the building

at either end, and outward 20 ft. from the side elevation of the building, towards the side lot line, as shown in Figure 50.06.001-H: Screening and Buffering.

**Figure 50.06.001-H: Screening and Buffering**



Standard Plant Units are defined in Table 50.06.001-2. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

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**(1)** To use the screening option, the following standards must exist or be provided:

- (a)** A minimum distance of 15 ft. between dwellings,
- (b)** Columnar tree species shall be used when the setback is less than ten ft., and
- (c)** Root barrier techniques shall be used to avoid root growth damage to foundations.

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**ITEM 23 (P):** For properties with long side yards (200 feet for example), the required plant density may not be practicable (too crowded and plants die-off). The Plant Units should be tied to the length of the wall plane.

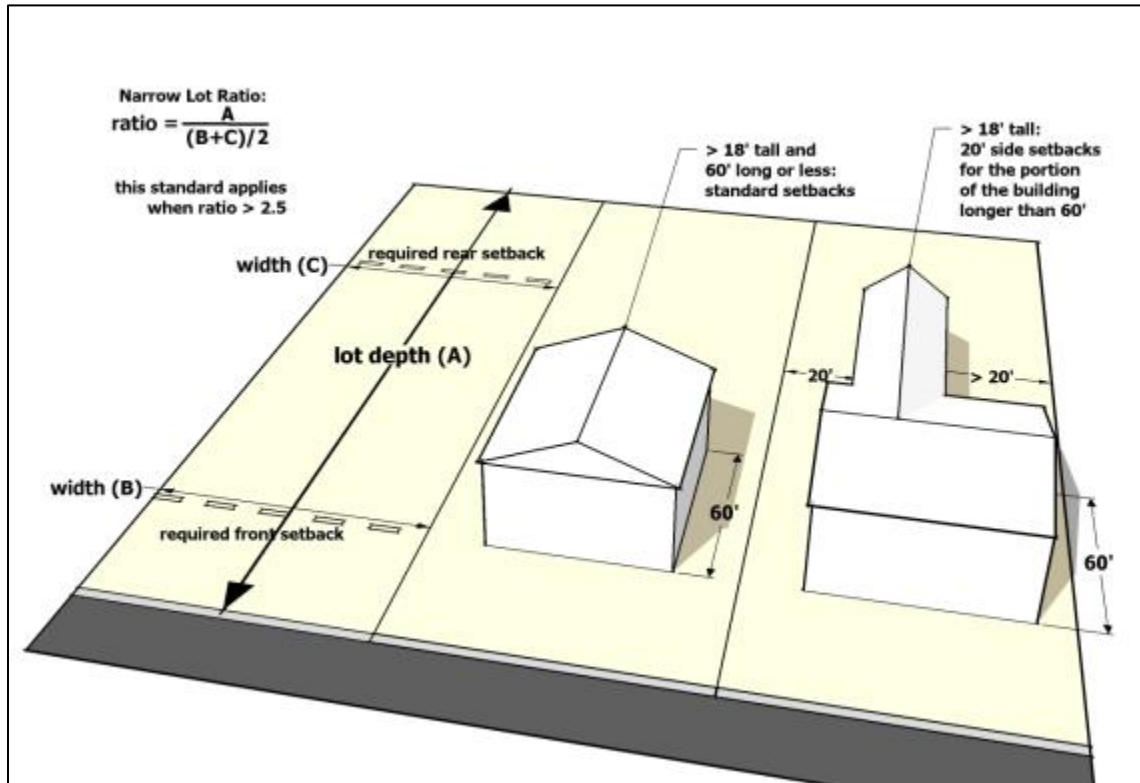
#### **h. Long Wall Planes**

To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18 ft. high for a cumulative length greater than 60 ft., unless the excess portion of the residential structure more than 18 ft. high beyond the 60 ft. cumulative length is set back not less than 20 ft. from the side lot lines. This is illustrated in Figure 50.06.001-I: Changes to Wall Planes, below.



Exception 1: For zero-lot line dwellings, lot depth is measured along the internal lot line and the length of the front and rear setback lines is measured across both lots. No setback is required along the internal lot line for zero-lot line dwellings on a narrow lot.

Figure 50.06.001-I: Changes to Wall Planes



**ITEM 25 (M):** The text has been clarified that for zero lot line dwellings this standard does not apply to each individual lot and dwelling unit, but to the unified site and structure. There is no visual difference between a duplex (one lot, two attached dwellings) and a zero lot line dwelling (two lots, two attached dwellings).

## 50.06.003/ Circulation and Connectivity

### 1. ACCESS/ACCESS LANES (FLAG LOTS)

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#### c. Standards for Approval

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- iii. Direct permanent access from a development to an arterial street is prohibited where an alternate access is either available or is expected to be available. A temporary access may be allowed [only where approved by the City Engineer under LOC 42](#).

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**ITEM 26 (P):** From Goodwill project, Council asked whether there should be more flexibility on this standard to reflect Comp Plan transportation policy to “reduce” (not eliminate) the number of access points on arterials. Sub c(ii) reflects LOC Chapter 42, which states: Arterial streets shall be designed to restrict access except from other public streets, with emphasis on collectors [LOC 42.03.030(2)]. A hardship variance is available for situations with constrained access. No substantive change proposed at this time.

## 50.06.004/Development Standards/Site Design

### 1. LANDSCAPING, SCREENING, AND BUFFERING

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#### 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) Private recreational development
  - (7) Industrial development;
  - (8) Subdivisions;
  - (9) Partitions ~~involving the creation of a street~~; and
  - (10) Change of use that increases the number of required parking spaces by more than 25%.
- ii. The above developments located within:
  - (1) 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, LOC 50.11.007, Appendix G.

**ITEM 27 (P):** The applicability standard has been amended so that the Landscaping standard (and thus the requirement for street trees) applies to all partitions, not just those that create a street (which is rare). This item was a recommendation from the Comprehensive Plan-CDC Audit. The Planning Commission considered this issue under the “housekeeping” code amendments of LU 08-0052, when it was proposed that the practice of requiring street trees to all partitions be codified. The text that was adopted in LU 08-0052 only applied the landscaping standard (and thus the street tree requirement) to partitions involving the creation of a street. Note: an access lane is not a street. Impacts of Serial Partitions was identified as a priority by Council in Comp Plan – CDC Audit, 2015.

**b. Standards for Approval**

- i. Commercial, institutional, and industrial development, other than in the Office Campus zone, shall provide a minimum of 15% of ~~the Net Developable Area~~~~gross land area~~ in landscaping and/or open space visible from off site, including courtyards, planters, raised beds, espaliers, etc. Developments involving office campus and major public facilities shall provide a minimum of 20%.
- ii. Multi-family and manufactured home park development must provide 20% of ~~the Net Developable Area~~~~gross land~~ area in landscaping in addition to the park and open space requirements.

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~~vii.—Any development in the EC zone that is abutting dissimilar uses in the R-DD zone must provide a minimum of 15 ft. of landscaped area to act as a separation and to screen and buffer noise, lighting or other impacts between the dissimilar uses.~~

viii. Rare and endangered species as identified below shall be preserved:

- (1) Marsh or Sessile Trillium: "Trillium chloropetalum."
- (2) Fawn Lily: "Erythronium oregonum."
- (3) White Larkspur: "Delphinium leucophaeum."

**Editor’s note:** Ord. 2695 incorrectly showed the partial amendment to a subsection that did not then exist:

~~(viii).~~ Landscaping that is required to be provided under the LOC Article 38.25 Stormwater Management Code is counted towards meeting the landscaping required under this article/section.

**ITEM 28 (M):** Landscaping should be based on net area (after ROW dedications). The definition of “Net Developable Acre” (NDA) is proposed to be amended to include all land uses (not just residential); NDA, by definition, does not include land required to be dedicated. Nov 2016: Term changed globally to “Net Developable Area”.

**ITEM 29 (M):** Subsection (vii) is deleted here and moved to the DRDD Landscaping standards, because the DRDD Landscaping standards completely supersede these general standards. Move this section (vii) to DRDD standards because DRDD landscaping standards completely supersedes this landscaping section.

Existing subsection ix (to be renumbered viii), as stated in the Editor’s Note, was shown by the Stormwater Management amendments, Ord. 2695, to merely amend the reference to “LOC Article 38.25 Stormwater Management Code.” In actuality, subsection ix did not previously exist, so Ord. 2695 failed to show that the entire section was being added. This subsection would now be formally adopted as intended by Ord. 2695, and, upon adoption, the Editor’s Note would be removed.

## 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.

- i. In residential zones, fences and walls, or a fence/wall combination, 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.

Exception 1: Fences or a fence/wall combination that is greater than four ft. but not more than six ft. in height may be located within 10 ft. of a property line abutting a public street when the following criteria are met:

- i. The fence or fence/wall combination is located within 10 ft. of a property line abutting Bryant Road, Carman Drive, Country Club Road, Lakeview Boulevard, McVey Avenue, South Shore Boulevard, Stafford Road, and Westlake Drive; and
- ii. The top of the fence or fence/wall combination is not less than 25% open for a height of at least one foot; and
- iii. The bottom of the fence shall be screened by shrubs planted from three gallon (minimum) containers and spaced no more than three feet apart at the time of planting.

Exception 2: Fences or a fence/wall combination that is greater than four ft. but not more than six ft. in height may be located within 10 ft. of a property line abutting a public street when the following criteria are met:

- i. The fence or fence/wall combination is located within 10 ft. of a property line abutting Bryant Road, Carman Drive, Country Club Road, Lakeview Boulevard, McVey Avenue, South Shore Boulevard, Stafford Road, and Westlake Drive; and
- ii. The fence segments are staggered by at least 32 inches for every length over 20 ft., or 16 inches for every length over 10 ft.; and
- iii. The bottom of the fence shall be screened by shrubs planted from three gallon (minimum) containers and spaced no more than three feet apart at the time of planting.

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**ITEM 31 (P):** The amendments to b(i) allow a combination of fence/wall within the 10 foot setback. Currently only a fence is allowed in this area. Note: a “wall” is synonymous with “fence”, but not with “retaining wall.” An example of a combination fence/wall is below.



**ITEM 30 (P):** Residents on collector and arterial streets frequently want to have fences exceeding four feet in height within required front yards along those streets (hedges are already allowed), for additional privacy and/or road noise attenuation. This amendment identifies clear and objective standards and locations that are appropriate for a taller fence or fence/wall combo within 10 feet of a public street. This amendment is proposed to streamline the fence section and lessen the amount of time Code Enforcement spends on fence violations. The criteria for a taller fence/wall incorporate typical conditions that would be imposed if processed through a Minor Variance. Oct 28: Sub(ii) amended to refer to “open” design rather than “opacity.” Nov 30: Changed open percentage from 50% to 25% to reflect typical lattice construction.

**c. Materials – Standards for Construction**

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

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**ITEM 7 (P):** Cosner v. Umatilla – improper delegation of city code authority.

## 50.06.005/Park and Open Space Contributions

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### 3. STANDARDS FOR APPROVAL

#### a. Amount of Open Space Required

- i. All developments, except as otherwise provided by this section, shall provide open space land approved by the City in an aggregate amount equal to at least 20% of the ~~gross land area~~ Net Developable Area of the development.
- ii. Commercial (except commercial development in OC zone), institutional, and industrial development shall provide open space approved by the City in an aggregate amount equal to at least 15% of the ~~gross land area~~ Net Developable Area of the development.
- iii. ~~Subdivisions and major partitions~~ Land divisions listed in LOC 50.06.005.1.a.vi on sites greater than 75,000 sq. ft. in size shall provide open space approved by the City on an aggregate amount equal to at least 20% of the ~~gross land area~~ Net Developable Area of the development.
- iv. Subdivisions and major partitions of 75,000 sq. ft. or less shall provide open space for the following areas of the site, in order of priority:

(1) Areas identified as RP (Resource Protection) on the Sensitive Lands Map.

(2) If a pathway identified on the Transportation System Plan already exists on or abutting the site, or is to be dedicated or improved as part of the subdivision or major partition, a five-ft. buffer shall be provided along each side of the pathway, to a maximum of 20% of the gross site area. If the buffer area would exceed 20% of the gross site area, the buffer area shall be uniformly reduced along the pathway so that the buffer area is 20% of the gross site area.

Exception: The buffer width may be reduced to a lesser amount, up to zero, as designated by an adopted plan for the mapped pathway.

(3) The area of the site contains resources identified as Class I or II Riparian Corridors/Wildlife Habitat that are not designated RP; provided, however, the maximum required area is 20% of the gross site area.

[**Cross-Reference:** Class I or II Riparian Corridors/Wildlife Habitat are identified on the Metro map of Regionally Significant Fish and Wildlife Habitat Inventory Map]. See Metro Map at [https://gis.oregonmetro.gov/metromap/?\\_ga=1.107051716.739631480.1447199768](https://gis.oregonmetro.gov/metromap/?_ga=1.107051716.739631480.1447199768), and select "Riparian Habitat" for interactive map that can zoom in to the specific area.]

(4) The area of the site contains resources meeting the criteria for Habitat Benefit Areas (HBA) and the applicant elects to use the code incentives in LOC [50.05.010.7](#).

**ITEM 28 (M):** Open space should be based on net (after ROW dedications). The definition of “Net Developable Acre” (NDA) is proposed to be amended to include all land uses (not just residential); NDA, by definition, does not include land required to be dedicated. Nov 2016: Global change from “Net Developable Acre” to “Net Developable Area”.

#### 4. STANDARDS FOR CONSTRUCTION

##### a. Maintenance.

##### i. Natural Areas.

Natural areas shall remain in natural condition existing at the time of their designation, except as follows:

- (1) Removal of invasive plants (i.e., see the Lake Oswego Master Plant List).
- (2) Removal of litter.

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(10) Removal of invasive, hazardous or emergency trees, notwithstanding any recorded restriction limiting removal of vegetation; and removal of dead trees, except as otherwise restricted by LOC 50.05.010 Sensitive Lands Overlay.

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**ITEM 33 (P):** “Natural Area” is a defined term and includes HOA open space tracts. This amendment allows tree removal (except Type 1 and Type 2) from HOA open space tracts, which often have restrictions on tree removal. Invasive Trees added (Sept 20, 2016).



## 50.07.003/ Review Procedures

### 1. APPLICATION

#### e. Pre-Application Conference

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

**Exceptions:** Exterior paint color review on nonhistoric ~~buildings~~ landmarks; modifications to an approved Development Permit where there is no increase in the intensity of the use and no new building permit would result; City projects to construct a non-habitable structure not abutting a residential property; and Minor variance to the fence standards when proposed to resolve a Code Enforcement citation.

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

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

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

**ITEM 34 (M):** This amendment adds exceptions to the requirement for a Pre-Application conference. The purpose of a Pre-Application Conference is to “discuss the proposal, the applicable criteria and the requirements for completing an application.” (LOC 50.07.003.1.e.iii). To streamline the development review process for small projects, staff recommends exempting the Pre-Application Conference requirement for specified small projects where it is not necessary to require a Conference. The applicant may always request a pre-app, as needed. Based on input from the Planning Commission and public during the Commission’s work session on the proposed amendments, staff recommends the above types of prospective applications be categorically exempt from the Pre-Application Conference. Sept 2016: text amended to identify the situations where Pre-App waiver may be granted. Nov 2016: text amended to be more specific on the types of projects that are exempt. Nov 30: “minor” deleted before modification.

Clean up in 1(e): A “landmark” is by definition a historic landmark. The exception for no pre-app should apply to non-historic *buildings*. Paint change on a historic landmark requires Pre-App and review because it is a Minor Development – see section 14.a(25) below.

#### **14. MINOR DEVELOPMENT DECISIONS**

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##### **a. Minor Development**

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

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

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

### **3. Public Notice/Opportunity for Public Comment**

#### **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:

//////

##### **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;
- (7) State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and
- (8) 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.

(9) For a Similar Use Analysis, a description of the proposed use.

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**ITEM 36 (M):** Clarifies (1) that the Similar Use Analysis follows the minor development process, and that (2) the appeal is to the Planning Commission. The new wording here (9) was moved from the Minor Development Classification section.

#### 4. HEARINGS

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##### h. Notice of Decision

Notice of the decision shall be sent to the applicant and to all persons who testified either orally or in writing before the hearing body. The notice of decision shall:

- i. Include the file number, date and brief summary of the final decision;
- ii. Include the name and address of the applicant;
- iii. Include an easily understood geographical reference to the subject property and a map, if applicable;
- iv. State that a copy of the decision is available for review, and that a copy can be obtained at cost; and
- v. State that the decision may be appealed by filing a written notice of intent to appeal with the City ~~Recorder~~ [Manager](#) within 15 calendar days of the date of the final decision. The notice shall include the requirements

for filing a notice of intent to appeal contained in LOC 50.07.003.7.d. The name, address and phone number of the City ~~Recorder~~ Manager shall be included in the notice.

## 7. APPEALS

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### b. Appeal of Minor Development Decision

- i. A final decision of the City Manager on a minor development application may be appealed to a hearing body by the applicant or any person aggrieved by the decision. An appeal shall be made by filing a written request for a hearing with the City ~~Recorder~~ Manager within 15 calendar days of the date of decision.

For decisions made by the City Manager on historic resources, the applicant or any person aggrieved by the decision may appeal that decision. (If notice of the application was given, the person must have participated in the process leading to the Manager's decision in order to appeal.) The City Manager shall determine if the Development Review Commission or Historic Resources Advisory Board is the appropriate hearing body based upon the nature of the decision appealed, the notice of appeal, and the expertise of the Commission and Board.

[For decisions made by the City Manager on a Similar Use Analysis, the Planning Commission is the hearing body for an appeal.](#)

**ITEM 37 (M):** Change all references to "City Manager" (or designee, which in this case is Planning).

**ITEM 36 (M):** Clarifies (1) that the Similar Use Analysis follows the minor development process, and that (2) the appeal is to the Planning Commission. October 26: Note: the requirement that appeals go to the Planning Commission is taken from LOC 50.03.002.1.f, Authorization for Similar Use.

- ii. A written request for a hearing shall contain:
  - (1) A reference to the City application number and date of the final decision;
  - (2) A request that a hearing be held on the application;
  - (3) The name, address, and signature of the appellant; and
  - (4) A filing fee. The filing fee shall be set by resolution of the City Council, but shall be no more than authorized by state law. The filing fee shall be refunded if the appellant prevails at the hearing or on a subsequent appeal. The filing fee requirement shall not apply to appeals filed by the Oregon State Department of Land Conservation and Development or to appeals filed by recognized neighborhood associations entitled to receive notice of a pre-application neighborhood meeting pursuant to LOC 50.07.003.1.f.iii(1)(a) and (b).

(5) Neighborhood Association Documentation: Not later than 5 pm on the business day prior to the public hearing for persons opposing the application, a neighborhood association shall submit documentation that the request for hearing filed on behalf of the neighborhood association was approved or is ratified in the manner provided by the association's bylaws or by board or membership vote. If this documentation is not provided, the neighborhood association's request for hearing shall be deemed withdrawn and the appeal shall be dismissed.

iii. The City ~~Recorder-Manager~~ shall reject the appeal if it is not filed within the 15-day appeal period set forth in subsection 7.b.i of this section, is not filed in the form required by subsection 7.b.ii of this section, or does not include the filing fee required by subsection 7.b.ii of this section. If the City Recorder rejects an appeal, the City ~~Recorder-Manager~~ shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City ~~Recorder-Manager~~ rejects the appeal. A decision of the City ~~Recorder-Manager~~ to reject an appeal pursuant to this section is final and is not subject to appeal to the hearing body or the City Council. An appeal rejected pursuant to subsection 7.b.ii of this section may be corrected if it is refiled within the 15-day appeal period set forth in subsection 7.b.i of this section.

iv. An appeal of a City Manager decision regarding a minor development shall be heard de novo by the hearing body pursuant to LOC 50.07.003.3.c, 50.07.003.4 and 50.07.003.15.b.i and ii.

**c. Filing an Appeal of a Hearing Body Decision**

i. A final decision of a hearing body may be appealed to the Lake Oswego City Council by the applicant or any person who appeared before the hearing body either orally or in writing regarding the application. An appeal shall be made by filing a notice of intent to appeal with the City ~~Recorder-Manager~~ within 15 calendar days of the date of the hearing body's final decision.

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iv. The City ~~Recorder-Manager~~ shall reject the appeal if it is not filed within the 15-day appeal period set forth in subsection 7.c.i of this section, is not filed in the form required by subsection 7.c.ii of this section, or does not include the filing fee required by subsections 7.c.ii and iii of this section. If the City ~~Recorder-Manager~~ rejects an appeal, the City ~~Recorder-Manager~~ shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City ~~Recorder-Manager~~ rejects the appeal. A decision of the City ~~Recorder-Manager~~ to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to a hearing body or the City Council. The appellant shall be allowed to correct a failure to comply with subsection 7.c.ii or iii of this section, if the correction can be made and is made within the 15-day appeal period provided in subsection 7.c.i of this section.

**ITEM 37 (M):** Change all references to “City Manager” (or designee, which in this case is Planning).

**ITEM 38A (P):** If a Neighborhood Association appeals, the appeal fee is waived. This is Note 21 in the Fee Schedule; and is codified in 7.b.ii(4) above. This amendment requires that proof of the decision to appeal was approved or ratified in the manner provided by the association’s bylaws or by board or membership vote to sustain an appeal in which the fee is waived. The deadline for the documentation is the business day prior to the date of the public hearing (Nov 14 change by PC), which should give sufficient time for NAs to conduct a vote, if an alternative process is not otherwise required by the bylaws (after a Minor or Major land use decision is made, there is a two-week appeal period. A public hearing requires a 20-day public notice period. This provides at least five weeks for the NA’s approval process of the appeal to be conducted).

### 13. Ministerial Development Decisions

#### a. Ministerial Development Classification

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#### ii. Ministerial Development Types

- (1) Exterior modification of single-family detached dwellings (including exterior modifications that reduce setbacks pursuant to LOC 50.04.003.3.c), a single duplex on a lot or zero lot line dwellings or modification of an accessory structure in the R-DD zone.

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[\(18\) Construction of a residential fence or fence/wall combination that meets the standards for an Exception to LOC 50.06.004.2.b.i\(1\).](#)

**ITEM 30 (P):** Residents on collector and arterial streets frequently want to have fences exceeding four feet in height within required front yards along those streets (hedges are already allowed), for additional privacy and/or road noise attenuation. Amendments to the Fence standard create clear and objective standards and locations that are appropriate for a taller fence or fence/wall combo within 10 feet of a public street, subject to a Ministerial Permit. This amendment is proposed to streamline the fence section and lessen the amount of time Code Enforcement spends on fence violations.

////

e. Review and Decision

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ii. Review Criteria for Ministerial Developments

A ministerial development shall comply with the requirements of the zone, including overlay zones, in which the subject lot or parcel is located, the Stormwater Management Code (LOC Article 38.25) and shall comply with the following sections of the development standards:

- (1) Parking, LOC 50.06.002.
- (2) Hillside Protection, LOC 50.06.006.2.
- (3) On-Site Circulation – Driveways and Fire Access Roads, LOC 50.06.003.2.
- (4) If the ministerial development involves placement of a manufactured home, Manufactured Homes, LOC 50.03.003.1.b.
- (5) Building Design Standard, LOC 50.06.001.5.b.viii (mechanical equipment screening).
- (6) Weak Foundation Soils, LOC 50.06.006.1, for construction of structures where the requirements of LOC 50.06.006.1 have not been previously addressed for the development site.
- (7) If located in the Flood Management Area, LOC 50.05.011.
- (8) [Building Design Standard, LOC 50.06.001.2 – 4, for construction or exterior modification of a detached single-family dwelling, a single duplex on a lot, zero lot line dwelling, or a structure accessory to such structures.](#)

**ITEM 35 (M):** Before Code Re-Org, each residential zone had its own section, and the section identified uses, dimensional requirements and dwelling design requirements. Thus the dwelling design standards were considered “zone” standards (i.e., Front Yard Setback Plane, garage appearance standards). The Code Re-Org separated uses, dimensional and design standards into separate sections. This amendment clarifies that “zone standards” include the dwelling design standards.

## 14. Minor Development Decisions

### a. Minor Development Classification

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- ii. "Minor development" under subsection 14.a.i(1) of this section includes:

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- (3) Involves a determination by the City Manager that a use not expressly permitted in the zone may be allowed pursuant to the considerations contained in LOC 50.03.002.1.g, Authorization for Similar Uses. ~~In such case, the required notice shall include a description of the proposed use and the reasons for the City Manager's determination.~~

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**ITEM 36 (M):** Clarifies (1) that the Similar Use Analysis follows the minor development process, and that (2) the appeal is to the Planning Commission. The wording regarding the description of the proposal is deleted here has been moved to the Notice section.



## 50.07.005/ Conditional Use Permits

### 5. ABANDONMENT OF CONDITIONAL USE PERMIT

- a. A conditional use permit shall be void after ~~three~~<sup>two</sup> years if 15% of the structural construction has not occurred pursuant to the approval. The ~~three~~<sup>two</sup>-year limitation does not apply to permits issued for major public facilities.
- b. If a use operating pursuant to a conditional use permit is discontinued for a period of at least ~~six months~~<sup>one</sup> year, any further use of the property shall conform to the requirements of this Code. The City Manager shall, in writing, grant a one-year extension to a conditional use where the request for the extension is made by written application prior to the expiration of the one-year period. After the expiration of any extension of use, sSuch a conditional use shall not operate without first obtaining a new conditional use permit.

**ITEM 39 (M):** Amendment to 5(a) - CUP has a shorter expiration window (2 years) than others (3 years for DR, for example). CUPs are often approved with DR. The validity has been changed to three years to be consistent with other approvals.

**ITEM 40 (P):** Amendment to 5(b) - extend the validity of a conditional use from 6 mos to 1 year, with possible extension to one additional year for discontinuance. This is consistent with other Development permits (LOC 50.07.003.17).

## 50.07.007/Land Divisions

### 2. FLAG LOTS

#### f. Screening, Buffering and Landscape Installation

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iii. The rear and side yards of the flag lot shall be screened from abutting lots outside of the partition site with a six-ft. tall fence, except:

(1) Where a four-ft. fence is required by LOC 50.06.004.2.b.i, Fences, or where such screening would conflict with standards for Sensitive Lands Overlay Districts; or

(2) Where the fence would be located within a wetland or stream channel; or

~~(3) Where the abutting owner agrees in writing that a fence is not necessary along the common property line.~~

~~iv. In addition, Aa landscaped buffer within the rear yard setback a minimum of six ft. in width shall be created along the rear property line and planted with a deciduous or evergreen hedge, a minimum four ft. in height at planting, which shall grow to a height of six ft. within two years and shall be maintained at a minimum of that height, except where the abutting owner agrees in writing that a landscaped buffer is not necessary.~~

The above requirements pertaining to the "rear yard" are not applicable where the rear yard abuts Oswego Lake or railroad rights-of-way.

#### iv. Tree Removal Mitigation

A minimum of one evergreen or deciduous tree shall be planted at a 1:1 ratio where practicable in order to mitigate the removal of existing trees necessary for site development as a part of the creation of the lot or for the first dwelling constructed on the lot. The mitigation trees shall be of a species which will attain a minimum of 30 ft. in height. Deciduous trees at planting shall be a minimum of two-in. caliper and evergreen trees shall be a minimum of eight ft. tall.

**ITEM 7 (P):** Cosner v Umatilla – improper delegation of city code authority.

Clean Up: The standard for landscape buffer in rear yard was given its own subsection reference because it is not an exception of (iii) but a separate standard.

#### 4. PLANNED DEVELOPMENT OVERLAY

##### d. Authorization

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##### ii. Dimensional Exceptions

- (1) The reviewing authority may grant exceptions to zone requirements (except for the zone requirements and limitations listed below) if the applicant demonstrates that the proposed PD provides the same or a better sense of privacy, appropriate scale and open space as a PD designed in compliance with the standard or standards to which an exception is sought. The reviewing authority shall consider the factors listed in subsection 4.d.ii(2) of this section in determining whether to approve the exceptions.

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##### (b) Lot Coverage and Floor Area Limitations.

- (i) The aggregate lot coverage for all of the lots shall not exceed the maximum lot coverage based on the net developable ~~acre~~-area of the project;
- (ii) The total floor area of all lots shall not exceed the aggregate of the floor areas as determined based upon the respective lot area and the floor area methodology required by the zone.

**ITEM 46 (M):** Global replacement of “net developable acre” with “net developable area” (Nov 2016).

## 50.08.002/ Minor Variances

### 2. MINOR VARIANCE CLASSIFICATIONS

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- n. A variance to the limitation on maximum height of roof-mounted solar energy system ~~(panels)~~ in LOC 50.04.003.4.b.ii.

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**ITEM 11 (M):** Remove the “(panels)” to be consistent with new text in LOC 50.04.003.4.b.ii. Solar energy includes photovoltaic and passive solar heating.

## 50.08.003/ Design Variances

### 3. GENERAL DESIGN VARIANCE CRITERIA

The reviewing authority shall only approve a design variance if it determines that the following criteria have been met.

- a. The applicant demonstrates that:
  - i. Compliance with the applicable standard is not practicable due to the physical characteristics of the site or existing structure; or
  - ii. An alternative design will better accomplish the purposes, goals, or objectives of the base district and any adopted plan or overlay district applicable to the property.
- b. The applicant demonstrates that ~~T~~the proposed variance will:
  - i. Result in a project that is exceptional in the quality of detailing, appearance and materials; or
  - ii. Creates a positive unique relationship to other nearby structures, views or open space.
- c. If the subject property is -located in the R-DD zone or Foothills Mixed Use District, the applicant demonstrates that ~~not located in the Downtown Redevelopment Design District or Lake Grove Village Center Overlay District, and is not the subject of a RID application:~~
  - i. The variance will not create an incompatible relationship between the proposed structure and the scale or character of the neighborhood, the scale or character of the street frontage, or the privacy of properties within 300 ft. of the subject property; and

- ii. Any significant impacts to properties within 300 ft. of the applicant’s property resulting from the variance are mitigated to the extent practical through building or site design features on the site.

**ITEM 41 (M):** Subsection 3.b has been restructured to match the structure of Subsection 3.a (Sept 21, 2016).

Subsection 3.c. has been amended to be stated in the positive, which is easier to understand than the negative. (The only design districts presently are listed.) RID is already not allowed in the R-DD zone or in a design district.

#### 4. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT 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:

a. [The General Design Variance](#) criteria in LOC 50.08.003.3.a and LOC 50.08.003.3.b; ~~or~~and

~~a-b.~~ ~~T~~he applicant demonstrates that the variance is necessary to create a complementary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego Style.

**ITEM 42 (P):** Code Clean-up from variance code amendments; the “and” should have been an “or”. The section was also restructured for easier reading.

## 50.10.003/ Definitions and Rules of Measurement

### 2. DEFINITION OF TERMS

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#### Density Transfer ~~Area~~~~Acre/Acreage~~

Potentially hazardous or resource areas within which development may occur or from which density may be transferred to buildable portions of an eligible site, only after it has been demonstrated by the applicant that development can occur in compliance with criteria established by this Code, including the Development Standards. "Density transfer ~~acre~~~~area~~" includes the following:

- a. Area within the floodway and the floodway fringe as shown on the FEMA flood maps;
- b. Area of over 25% slope;
- c. Area in known landslide areas or in areas shown to have potential for severe or moderate landslide hazard;
- d. Area in the RC or RP districts and HBA protection area pursuant to LOC 50.05.010.4.c, Density Transfer, stream buffer areas of major stream corridors, wetlands and distinctive natural areas; and
- e. Area to be dedicated as part of the development for public open space and parks.

**ITEM 46 (M):** Global replacement of "acreage" with "area" in reference to Net Developable Area and Density Transfer Area (Nov 2016).

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#### Ecoroof

A vegetated roof system that serves as a stormwater facility as reviewed and approved by the City Engineer.

**ITEM 47 (M):** "Ecoroof" is a defined term in the LGVCO. The definition has been moved out of LGVCO and here to the Definition section (Nov 2016).

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## Height of Building

The vertical distance above a reference point measured to the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the gable of a pitched or hipped roof.

The reference points are determined as follows:

- a. If, for purposes of construction of a structure, an artificial elevation of the ground surface results: the elevation of any ground surface prior to construction at or within the exterior wall of the building.
- b. If, for purposes of construction of structure, there is an alteration or artificial lowering of the ground surface: the elevation of any ground surface after construction at or within the exterior wall of the building. See figure below, Measurement of Building Height.
- c. On Lots within the Flood Management Area:
  - i. The elevation of any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface, except that if the structure elevates the ground surface to the minimum required for the purpose of raising the floor level above the base flood elevation consistent with LOC 50.05.011, Flood Management Area, then the reference point shall be the elevated ground surface.
  - ii. Residential – Waterfront Cabanas (R-W) Zone: the Oswego Lake Surface Elevation.
- d. On Lots within a subdivision, with or without a Planned Development overlays: For the purposes of determining building height, ground surface shall mean the elevation of the:
  - i. Natural ground surface; or
  - ii. Altered ground surface, as a result of the prior ~~planned development~~subdivision approval.

Exception: The ground surface of a window well shall be deemed to be the same as the adjacent ground surface when the dimensions of the window well do not exceed three ft. by six ft. and the cumulative width of the window well(s) on a building facade does not exceed 40%.

/////(Graphic not included here)

**ITEM 43 (M):** Altered ground surface should apply also to regular subdivisions (which go to hearing like PD subdivisions).

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**Net Developable ~~Acre~~Area**

Gross ~~acreage~~area (at 43,560 sq. ft. per acre) ~~of residentially designated land~~, including density transfer ~~acreage~~area on ~~residentially designated land~~, less:

- a. The area in street right-of-way or access easements, except that the area of a vehicular access easement created by a minor partition shall not be deducted. For public streets, use the actual ~~acreage~~area if known or 20% of the gross ~~acreage~~area. For private streets use actual ~~area~~acreage if known or 40 ft. right-of-way. For vehicular access easements use actual ~~acreage~~area of easement; and
- b. Public open space easement or dedication, if accepted by the City.

**ITEM 28 (M):** The definition of “Net Developable Acre” (NDA) is proposed to be amended to include all land uses (not just residential). The Landscaping and Open Space standards have been amended to refer to the NDA when calculating the amount of landscaping/open space required on site.

**ITEM 46 (M):** Definition amended to replace “acreage” with “area”, for better readability.

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## 50.11.004, Appendix D – Lake Oswego Master Plant List

### 4. APPROVED STREET TREES – OLD TOWN NEIGHBORHOOD DESIGN

Applicable to Old Town design standards, LOC 50.05.006. See LOC 50.05.006.6.b.

TREES FOR PLANTING STRIP SIZE UP TO 4 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Crimson Sentry Norway Maple <i>Acer platanoides</i> 'Crimson Sentry'	25'	12'	Very Upright Dense	Red		Maroon to Reddish- Bronze	
Allegheny Serviceberry <i>Amelancier laevis</i>	25'	15'	Upright Oval	Green	White Clusters	Orange	Purplish Blue
Pyramidal Serviceberry <i>Amelanchier</i> <i>canadensis</i> <i>Pyramidalis</i>	30'	12'	Very Upright	Dark Green	White Racemes	Brilliant Reds and Orange	Maroon Purple Heavy Fruits
Lavalle Hawthorn <i>Crataegus X</i> <i>Lavellei</i>	30'	20'	Upright to Vase	Dark Green	White Clusters	Bronze	Orange to Red
Crimson Cloud Hawthorn <i>Crataegus</i> <i>laevigata</i> 'Crimson Cloud'	25'	18'	Oval	Glossy Green	Bright Red White Centers		Bright Red
Columnar Hawthorn <i>Crataegus</i> <i>monogyna-stricta</i>	30'	10'	Tightly Upright	Green	Double White	Yellow	Red
Flowering Ash <i>Fraxinus ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Heavily Scented	Yellow	
Columnar Goldenrain <i>Koelreuteria</i> <i>paniculata</i> <i>fastigiata</i>	30'	6'	Narrow Fastigiata	Green	Yellow	Yellow	Yellow Pods

Draft 12/13/16

Annual Code Amendments

(LU 16-0030)

**TREES FOR PLANTING STRIP SIZE UP TO 4 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Goldenchain <i>Laburnum vossii</i>	30'	20'	Upright to Vase	Green	Yellow Racemes	Yellow	
Blireiana Plum <i>Prunus X Blireiana</i>	20'	20'	Round	Purple-Green	Bright Pink	Reddish-Bronze	
Newport Plum <i>Prunus cerasifera</i> 'Newport'	20'	20'	Oval to Round	Dark Purple	Light Pink	Reddish	
Japanese Tree Lilac <i>Syringa reticulata</i>	25'	15'	Pyramidal	Green	White Panicle		Yellow Brown
Trident Maple <i>Acer buergeranum</i>	25'	20'	Oval to Round	Dark Green		Yellow Orange	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green Above and Silvery Under		Bright Red Orange	
Amur Maple <i>Acer ginnala</i>	20'	20'	Upright Round	Green		Yellow	
Hedge Maple <i>Acer campestre</i>	25'	25'	Round	Dark Green		Yellow	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue Green
Rocky Mountain Glow Maple <i>Acer grandidentatum</i> 'Schmidt'	25'	15'	Oval	Dark Green		Bright Red	

**TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Queen Elizabeth Maple <i>Acer campestre</i> 'Queen Elizabeth'	35'	30'	Upright	Dark Green		Yellow	

**TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Cleveland II Norway Maple <i>Acer platanoides</i> 'Cleveland'	40'	25'	Upright	Medium Green		Bright Yellow	
Parkway Norway Maple <i>Acer platanoides</i> 'Columnar Broad'	40'	25'	Oval	Dark Green		Yellow	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green Above and Silver Under		Bright Red-Orange	
Variogated Norway Maple <i>Acer platanoides</i> 'Drummond'	35'	25'	Broadly Oval	Light Green White Margin			
Pacific Sunset Maple <i>Acer truncatum X A. platanoides</i> 'Warrenred'	30'	25'	Upright	Dark Green			
Chinese Dogwood <i>Cornus kousa chinensis</i>	30'	30'	Round	Green	White	Red	Red Pink
September Goldenrain <i>Koelreuteria paniculata</i> 'September'	30'	25'	Flat Topped Open	Green	Yellow	Yellow	
Red Bud <i>Cercis canadensis</i>	20'	25'	Spreading	Medium Green	Pink	Yellow	
American Hophornbeam <i>Ostrya virginiana</i>	35'	25'	Oval	Medium Green		Yellow	
Newport Plum <i>Prunus cerasifera</i> 'Newport'	20'	20'	Oval to Round	Dark Purple	Light Pink		Red

**TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Capital Pear <i>Pyrus calleryana</i> 'Capital'	35'	12'	Columnar	Medium Green	White Clusters	Reddish Purple	
Chanticleer Pear <i>Pyrus calleryana</i> 'Glen's Form'	40'	15'	Pyramidal	Glossy Green	White Clusters	Orange Red	
Rocky Mountain Glow Maple <i>Acer grandidentatum</i> 'Schmidt'	25'	15'	Oval	Dark Green		Bright Red	
Japanese Stewartia <i>Stewartia pseudo-camellia</i>	40'	20'	Pyramidal	Dark Green	White Orange Center	Dark Red	
Rancho Linden <i>Tilia cordata</i> 'Rancho'	45'	20'	Pyramidal	Dark Green	Yellow Fragrant	Yellow	
Chancellor Linden <i>Tilia cordata</i> 'Chancellor'	35'	20'	Pyramidal	Dark Green		Yellow	
Lavalle Hawthorn <i>Crataegus X Lavellei</i>	30'	20'	Upright	Dark Green	White	Bronze Red	Red
Flowering Ash <i>Fraxinus ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Fragrant	Yellow	
Pyramidal Hornbeam <i>Carpinus betulus fastigiata</i>	35'	20'	Broadly Oval	Dark Green		Yellow	
<del>Olmsted Columnar Norway Maple <i>Acer platanoides columnar</i> 'Olmsted'</del>	<del>40'</del>	<del>20'</del>	<del>Upright</del>	<del>Dark Green</del>		<del>Yellow</del>	
Armstrong II Red Maple <i>Acer rubrum</i> 'Armstrong'	45'	15'	Narrow Fastigate	Light Green		Yellow Orange-Red	
Gerling Red Maple <i>Acer rubrum</i> 'Gerling'	35'	20'	Pyramidal	Green		Orange-Red	

**TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Saratoga Ginkgo <i>Ginkgo biloba</i> 'Saratoga'	30'	30'	Compact Spreader	Greenish-Gold		Yellow	
Columnar Sargent Cherry <i>Prunus sargentii columnaris</i>	30'	10'	Fastigate	Green	Deep Pink	Orange-Red	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue-Green
Globe Sugar Maple <i>Acer saccharum globosum</i>	15'	20'	Round	Medium Green		Yellow and Orange	
Globe Serviceberry <i>Amelanchier canadensis oblongifolia</i>	20'	20'	Round	Green	White	Bright Yellow-Red	Maroon Purple
Saucer magnolia <i>Magnolia soulangiana</i>	20'	20'	Upright-Rounded	Green	Red/White	Yellow Brown	

**TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Urbanite Ash <i>Fraxinus pennsylvanica</i> 'Urbanite'	50'	40'	Broadly Pyramidal	Lustrous Green		Bronze	
Marshall Ash <i>Fraxinus pennsylvanica lanceolata</i>	50'	40'	Broadly Oval	Dark Green		Yellow	
Skyline Ash <i>Fraxinus americana</i> 'Skyline'	45'	35'	Oval	Medium Green		Orange Red	

**TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
European Hornbeam <i>Carpinus betulus</i>	50'	35'	Oval to Round	Dark Green		Gold Yellow	
Hackberry <i>Celtis occidentalis</i>	45'	35'	Oval	Dark Green		Yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40'	35'	Oval	Bluish Green		Yellow to Scarlet	
Sourwood <i>Oxydendrum arboreum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden
Macho Cork Tree <i>Phellodendron amurense 'Macho'</i>	40'	30'	Broadly Vase	Medium Green		Yellow	
Tricolor Beech <i>Fagus sylvatica 'Rosed – Marginata'</i>	40'	30'	Broadly Oval	Purple, Light Pink Border			
Yellowwood <i>Clapristis lutea</i>	40'	35'	Round	Yellow-Green to Bright Green	White Fragrant Clusters	Orange to Yellow	
Skyline Honeylocust <i>Gleditsia triacanthos 'Skyline'</i>	50'	35'	Broadly Pyramidal	Medium Green		Golden	
Shademaster Honeylocust <i>Gleditsia triacanthos 'Shademaster'</i>	45'	35'	Vase	Dark Green		Yellow	
Scarlet Oak <i>Quercus coccinea</i>	50'	40'	Broadly Oval	Glossy Green		Scarlet	
Glenleven Linden <i>Tilia cordata 'Glenleven'</i>	45'	30'	Pyramidal	Medium Green		Yellow	

**TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Halka Zelkova <i>Zelkova serrata</i> 'Halka'	45'	30'	Vase	Medium Green		Yellow	
<del>Globe Norway Maple <i>Acer platanoides</i> <i>globosum</i></del>	<del>15'</del>	<del>18'</del>	<del>Round</del>	<del>Medium Green</del>		<del>Yellow</del>	
Globe Sugar Maple <i>Acer saccharum</i> <i>globosum</i>	15'	20'	Round	Medium Green		Yellow and Oranges	
Saratoga Ginkgo <i>Ginkgo biloba</i> 'Saratoga'	30'	30'	Round	Green Gold		Yellow	
<del>Emerald Queen Norway Maple <i>Acer platanoides</i> 'Emerald Queen'</del>	<del>50'</del>	<del>40'</del>	<del>Oval</del>	<del>Dark Green</del>		<del>Bright Yellow</del>	
<del>Crimson King Norway Maple <i>Acer platanoides</i> 'Crimson King'</del>	<del>40'</del>	<del>35'</del>	<del>Round</del>	<del>Deep Purple</del>		<del>Reddish Orange</del>	
<del>Superform Maple <i>Acer platanoides</i> 'Superform'</del>	<del>45'</del>	<del>40'</del>	<del>Oval</del>	<del>Medium Green</del>		<del>Yellow</del>	
Red Sunset Red Maple <i>Acer rubrum</i> 'Franksred'	45'	35'	Oval	Dark Green		Orange Red	
October Glory Maple <i>Acer rubrum</i> 'October Glory'	40'	35'	Broadly Oval	Medium Green		Red to Purple	
Embers Red Maple <i>Acer rubrum</i> 'Embers'	50'	40'	Open	Green		Bright Red	
Saucer magnolia	20'	20'	Upright-Rounded	Green	Red/White	Yellow Brown	

**TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
<i>Magnolia soulangiana</i>							
* Douglas Fir, <i>Pseudotsuga menziesii</i>	100'			Dark Green		Evergreen	
Lodgepole Pine <i>Pinus contorta</i>	100'			Dark Green			
Shore Pine <i>Pinus contorta var. contorta</i>	25'		Upright-Irregular	Dark Green		Evergreen	
* Western Red Cedar <i>Thuja plicata</i>	100' +		Pyramidal			Evergreen	
* Grand Fir <i>Abies grandis</i>	100' +			Dark Green		Evergreen	
Noble Fir, <i>Abies procera</i>	90'			Bluish Green		Evergreen	
Sitka Spruce, <i>Picea sitchensis</i>						Evergreen	
* Western Hemlock, <i>Tsuga heterophylla</i>	100'		Narrow-Pyramidal			Evergreen	
Incense Cedar, <i>Libocedrus decurrens</i>	90'		Narrow-Pyramidal	Dark Green		Evergreen	

\* Tree is on the Native Plants List (subsection (1) of this listing).

**TREES FOR PLANTING STRIP SIZE 8-1/2 FEET AND LARGER**

TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Catalpa <i>Catalpa speciosa</i>	75'	50'	Round	Green	White	Yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40'	35'	Oval	Bluish Green		Yellow to Scarlet	



TREES FOR PLANTING STRIP SIZE 8-1/2 FEET AND LARGER							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Sourwood <i>Oxydendrum arboretum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden

**ITEM 44 (M):** This amendment deletes the Invasive tree species (the 12 trees identified on the City’s Invasive Tree Species List) from the Street Tree lists. These changes have been reviewed by the City’s contract arborist. Previous code amendments prohibit Invasive species from being planted in required landscaping.

**Invasive Tree Species**

- Norway maple (*Acer platanoides*)
- Sycamore maple (*Acer pseudoplatanus*)
- Tree of Heaven (*Ailanthus altissima*)
- European white birch (*Betula pendula*)
- English hawthorn (*Crataegus monogyna*)
- English holly (*Ilex aquifolium*)
- Princess tree (*Paulownia tomentosa*)
- White poplar (*Populus alba*)
- Sweet cherry (*Prunus avium*)
- Black locust (*Robinia pseudoacacia*)
- European mountain ash (*Sorbus aucuparia*)
- Siberian elm (*Ulmus pumila*)

## **50.11.005 Appendix E – Commercial Land Use Policies**

~~OBJECTIVE: TO ENCOURAGE DEVELOPMENT OF COMMERCIAL FACILITIES ADEQUATE TO SATISFY COMMUNITY NEEDS AND TO FOCUS SOCIAL INTERACTION AND COMMUNITY IDENTITY IN CONJUNCTION WITH THOSE COMMERCIAL FACILITIES.~~

### **1. General Policies**

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- ~~I.—The City will encourage development of commercial areas to meet the community’s consumer needs.~~
- ~~II.—The City will plan for a mix of social, cultural, commercial, and governmental activities within commercial centers, so that these centers are attractive community focal points.~~
- ~~III.—The City will plan for the development of commercial districts scaled in size to the area to be served.~~
- ~~IV.—The City will assure provision of adequate streets, public facilities and consistent governmental policies, which will encourage private investment in the development of Lake Oswego’s commercial centers.~~
- ~~V.—The City will assure minimal negative impacts of commercial development on adjacent residential areas.~~

~~Specific Policies:~~

#### ~~**For General Policy I: Encourage development of commercial areas to meet the community’s consumer needs.**~~

~~The City will:~~

- ~~1.—Limit the amount of commercial land to that needed to serve the expected population at full development, in an amount which will:
  - ~~i.—Promote revitalization of existing business districts.~~
  - ~~ii.—Provide for proportional increases in commercial space as population increases.~~
  - ~~iii.—Encourage investment in new commercial facilities.~~
  - ~~iv.—Reduce length and number of vehicle shopping trips.~~
  - ~~v.—Create minimum intrusion into residentially developed neighborhoods.~~~~
- ~~2.—Maps for the planned commercial land areas appear on following pages.~~
- ~~3.—Encourage more intense land coverage and pedestrian circulation within commercial areas.~~

#### ~~**For General Policy II: Plan for commercial centers as community focal points.**~~

~~The City will:~~

- ~~1.—Plan land use patterns which will guide commercial and service activities into groups of establishments, which will be mutually supporting and convenient to the public.~~
- ~~2.—Prevent additional strip development along arterials and make provisions for parking, rear access and redevelopment, to minimize the negative impact of existing strip development.~~
- ~~3.—Adopt design policies which encourage site plans which are in keeping with the general character of the community, and which will make sound healthy business centers.~~
- ~~4.—Encourage development of the East End Commercial District and the West End Commercial District as centers of commercial and social activity and employment opportunities.~~
- ~~5.—Encourage a mix of residential, commercial and service activities in commercial centers.~~
- ~~6.—Encourage the development of intra-city transportation alternatives (such as mass transit) to serve the commercial centers.~~

~~**For General Policy III: Plan for development of commercial districts scaled in size to the area served.**~~

The City will:

- ~~1.—Develop Commercial District Policies which outline the objectives, specific policies and strategies which will guide development in each Commercial District, including:
  - ~~•—East End Business District~~
  - ~~•—West End Business District~~
  - ~~•—Mt. Park "Town Center" site~~
  - ~~•—Monroe/Boones Ferry site~~
  - ~~•—1-5/Kruse Way Highway Commercial/Kruse Way Campus Research and Development~~
  - ~~•—Grimm's Corner Neighborhood Commercial~~
  - ~~•—Rosewood Neighborhood Commercial~~
  - ~~•—Kruse North Neighborhood Commercial~~
  - ~~•—Other Commercial sites in Mt. Park~~~~
- ~~2.—Include in Commercial District Policies:
  - ~~a.—Identified service area, where applicable.~~
  - ~~b.—Gross leaseable sq. ft. building coverage or floor area ratio desirable.~~~~

- c.— ~~Land area designated commercial for full development.~~
- d.— ~~Standards to apply to zone changes include:~~
  - i.— ~~Necessary on-site circulation pattern.~~
  - ii.— ~~Site and building design criteria to fulfill community policies.~~
  - iii.— ~~Location criteria for access to streets and parking and public transportation.~~
- e.— ~~Type of activities desirable (e.g., comparison or convenience shopping).~~

3.— ~~Make zone changes subject to conditions which meet the Commercial District Policies, including preservation of the capacity of streets and intersections.~~

**~~For General Policy IV: Encourage private investment in planned commercial centers.~~**

~~The City will:~~

- 1.— ~~Provide public facilities plans and development policies which will encourage:~~
  - a.— ~~Revitalization of the east end commercial area.~~
  - b.— ~~Revitalization of the west end commercial area.~~
  - c.— ~~Neighborhood commercial centers which maximize the advantages and minimize the disadvantages of neighborhood living adjacent to commercial activity.~~
  - d.— ~~Development of the "Town Center" site compatible with community goals and street system.~~
  - e.— ~~Development of highway oriented commercial facilities at I-5 and Kruse Way which are compatible with community goals and street system.~~
  - f.— ~~Private investment in shared parking and access facilities.~~
- 2.— ~~Provide incentives which encourage developers to renovate and expand existing buildings, compatible with community policies such as:~~
  - a.— ~~Decrease on-site parking requirements if equivalent public parking is available.~~
  - b.— ~~Re-define landscaping requirement to include street trees, bike paths, public benches, conversation spots or other publicly desired amenities.~~
  - c.— ~~Allow waiver of height restrictions when appropriate.~~
  - d.— ~~Encourage two level parking facilities where appropriate.~~

e.— Revise Fire Code standards to encourage commercial development in keeping with City revitalization policies as well as safety.

3.— Establish a development corporation to encourage continuing vitality in the commercial area. The corporation could:

a.— Enable cooperative planning, problem solving, and investment.

b.— Enlist community support.

c.— Encourage private investment.

d.— Seek public funds (federal, state and local).

#### **~~For General Policy V: Assure minimum commercial intrusion on residential areas.~~**

The City will:

1.— Develop a major street network which minimizes through traffic on neighborhood streets.

2.— Locate commercial activity on collector and arterial streets only and consider traffic impacts prior to siting new commercial activities.

3.— Design and construct commercial development to minimize the impacts on residential areas from traffic, lights, visual appearance of parking and loading areas, building bulk and height, noise and drainage. Such means as landscaping, berms, fencing, trees, open space, cul-de-sacs, building orientation, and lower intensity of commercial uses (e.g., offices) should be utilized.

4.— Where feasible, pedestrian and bikeway paths should connect commercial development with adjacent residential areas.

#### **~~2. Specific Commercial District Policies~~**

---

~~For General Policy III: Plan commercial districts scaled in size to the area served.~~

~~In order to assure development of commercial districts in accord with policies set forth in this plan, commercial district policies are defined as specific policies to implement the Comprehensive Plan. These specific commercial district policies will be implemented by development conditions attached to all commercial zone changes, and through development conditions attached to development review and building permit approval.~~

~~Specific Commercial District Policies are outlined for the following commercial districts:~~

~~I.— East End Community Business District and Subarea~~

~~a.— Existing East End Community Business District~~

~~b.— Riverfront Subarea (PA 06-86-02-383, 10/17/86)~~

~~II.— Grimm's Corner Neighborhood Commercial District~~

Draft 12/13/16

Annual Code Amendments

(LU 16-0030)

III.—~~Rosewood Neighborhood Commercial District~~

IV.—~~West End Community Business District and subareas:~~

a.—~~Existing West End Business District~~

b.—~~Oakridge Mixed Use Area~~

c.—~~Bryant to Reese, North of Sunset~~

d.—~~Southwest Quadrant of Kruse Way/Boones Ferry Intersection~~

e.—~~Office Campus Northwest Quadrant of Kruse Way/Boones Ferry Intersection~~

f.—~~East Side of Boones Ferry Road at Kruse Way~~

V.—~~Highway Commercial District and CR&D, Kruse Way Area:~~

a.—~~Northeast Quadrant~~

b.—~~Bangy Road~~

c.—~~CR&D, South of Kruse Way~~

VI.—~~Kruse Way North Neighborhood Commercial District~~

VII.—~~Mountain Park Commercial Area~~

a.—~~Mt. Park Town Center site~~

b.—~~Monroe/Boones Ferry site~~

c.—~~Other Mt. Park commercial and office sites~~

**IA.—~~East End Community Business District (PA 06-86-02-383, 10/17/86)~~**

~~Lake Oswego's Central Business District has traditionally been the focal point of the community, as the location of City Hall, commercial shopping, Fire Department, and banking; the Library, Post Office and Adult Community Center have been located near this commercial district, focusing community identity. The streets of this business district have also served as major routes for commuter traffic, to and from Portland.~~

~~In recent years, traffic congestion has increased, causing problems for neighborhood residents and for business owners. Citizens and City officials have established goals to encourage revitalization of the business district, to solve the State Street traffic problem, and to assure the residential living environment of adjacent neighborhoods. To carry out these goals and policies in the East End Community Business District, the City will:~~

~~1.—Provide for a 5.52-acre expansion of the East End Community Business District. This expansion will be maximum district expansion and will be limited on the north by 'C' Street, on the west by the alley between Fifth and Sixth, and~~

include land bounded by Fourth, Evergreen and Third, except that major developments fronting State Street and abutting the Old Town Design District may be allowed necessary minimal expansion to the east, but only in accord with conditions set forth in the Old Town Design District Policies. (PA 5-84-151)



**East End Commercial District**

2.—Develop, adopt and implement an East End Business District Revitalization Plan. This action plan will be developed jointly with private business interests, the City, the Chamber of Commerce, and the Lake Oswego Development Corporation and should include:

- a.— Steps necessary to prevent deterioration and encourage redevelopment.
- b.— Methods to implement solutions already proposed in previous studies, both short-range solutions to be implemented immediately, and long-range solutions.
- c.— The involvement of property owners and the City, in stimulation of private investment.
- d.— Criteria for the intensification of commercial activity in appropriate locations (see Design Standard, Specific Policy 9 and 10).
- e.— A schedule for provisions of needed public improvements, including traffic and parking improvements, pedestrian facilities, street trees.
- f.— Criteria for re-examination of commercial requirements, should a substantial portion of present commercial land located east of State Street be eliminated from commercial use, or should industrial area use change.
- g.— As re-development occurs on State Street and 'A' Avenue, encourage development to re-orient towards alleys and interiors of blocks.

3.—Plan for adequate delineation of adjacent residential neighborhoods to enhance living environment and neighborhood stability. This includes the following:

a.—Peripheral traffic circulation plan which separates commercial and through traffic from residential neighborhood.

b.—Specific land use designations and district boundaries, which specify allowed uses and densities, adopted as part of the Comprehensive Plan.

c.—Means to provide separation of incompatible uses, which will be developed as conditions of zone change, conditional use, and development review approval, such as:

i.—Tree planting, hedges, fences, walls or open space.

ii.—Walkways and alleys.

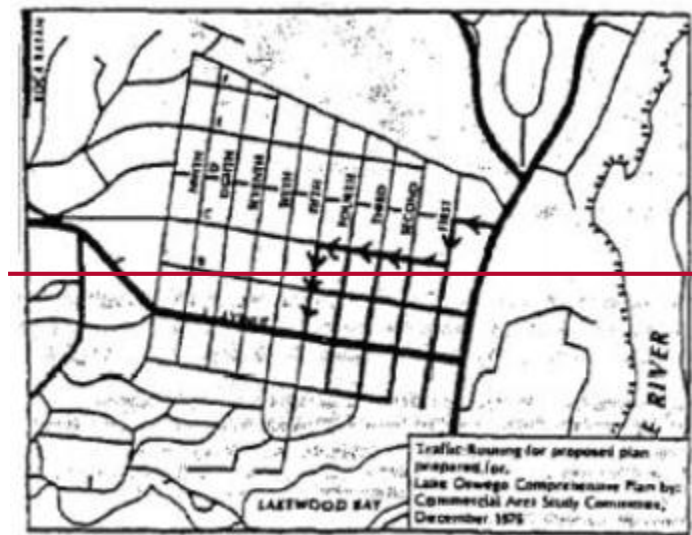
iii.—Landscaped parking lots.

d.—Restriction of new commercial uses on the west side of Fifth Street and the south side of 'C' Street to nonretail commercial.

e.—Means to buffer residential properties from the noise, glare and visual appearance of commercial activity (both residential and commercial property owners will be encouraged to use landscaping and site design to screen residential property from commercial activities).

f.—Considering commercial uses in residential zones to be nonconforming uses.

g.—See Residential Policies.



**East End Community Business District – Through Traffic Routes**



4.—Develop a peripheral street circulation pattern, to guide shoppers to and from the commercial area into appropriately sited parking facilities. This circulation pattern will include the following components:

a.—Peripheral street circulation pattern, which will:

i.—Define and limit the commercial district to the squared configuration.

ii.—Allow convenient vehicular access to parking in all areas of commercial district.

iii.—Provide uncongested access from the commercial district into through streets.

iv.—Include necessary measures to protect neighborhood streets from through traffic.

v.—Route southbound to westbound through traffic as follows: west from State into 'D' to First, then south to 'C', up 'C' to Fifth Avenue and south into 'A' Avenue (see Through Traffic Routes).

5.—Encourage the development of an interconnecting network of bicycle and pedestrian ways, to encourage shoppers to leave their cars and circulate easily among shops, restaurants, cultural and civic activities. This network could include:

a.—Covered walkways and mid-block pedestrian paths where feasible.

b.—Alleys as paths, places for benches, outdoor eating, kiosks, and landscaping.

c.—Bike racks and lockups, covered where feasible.

d.—Sidewalk extensions (using up to eight ft. of parking lane at street corners) to decrease street width pedestrians must cross.

e.—Stairways or possible elevated street crossings, to connect adjacent properties which are at different elevations.

6.—Develop a traffic engineering plan incorporating appropriately located parking facilities, to assure that State Street can best handle expected future traffic. This plan will include at least the following:

a.—State Street as a five-lane street with center lane designated as a left turn sanctuary.

b.—Traffic signalization system, programmed for maximum flow of traffic on major streets during peak hours.

c.—Widening of Oswego Creek Bridge to handle through traffic in each direction.

d.—Removal of all parking from State Street.

e.—Additional parking lot space of equal the number of spaces removed from State Street, North Shore to 'B' Avenue (See Parking Facility Policies, following).

f.—Parking spaces sited conveniently to State Street between:

i.—'A' and 'B' on west side.

~~ii.— 'A' and railroad on west side.~~

~~iii.— Railroad and North Shore and west side.~~

~~iv.— Village Shopping Center and Foothills Road on east side.~~

~~g.— Continued pursuit of a way to accomplish a grade separation of the railroad at State Street.~~

~~h.— Negotiations with Southern Pacific, to minimize railroad crossing during peak commuter hours (7:00 to 9:00 a.m.; 3:30 to 6:00 p.m.) and assure that switching of cars will be accomplished between 10:00 p.m. and 6:00 a.m.~~

~~i.— A relocation of the access to Foothills Road, as far south of 'A' as possible, to provide adequate left turn sanctuary for left turn from State onto 'A' Avenue.~~

~~7.— Require adequate parking space to be provided to serve each business and public activity. Businesses will be required to provide such parking either on site or in shared facilities.~~

~~The City's role in provision of such facilities will be determined by the City Council, and may include such actions as the following:~~

~~a.— Planning, designing, and approving location.~~

~~b.— Administration of parking time limits on street and in municipal facilities, in order to increase the availability of parking for shoppers.~~

~~c.— Acquisition of land for such facilities.~~

~~d.— Construction of some public facilities.~~

~~e.— Arranging financing of such facilities by appropriate means, such as:~~

~~i.— Bonds payable out of revenue from said facilities.~~

~~ii.— Business tax on all properties in the business district.~~

~~iii.— Local improvement district with assessments on appropriate properties.~~

~~iv.— State or federal grants or aid.~~

~~v.— General property taxes.~~

~~vi.— Parking fees or special charges derived from users or commercial enterprises benefited.~~

~~8.— Should Council determine that a Civic and Cultural Center will be located within the East End Community Business District, policies to guide its development will be made a part of this plan. Policies will outline criteria to guide development of the center as an integral part of downtown revitalization. Criteria should cover:~~

- a.— ~~Location of components (e.g., City Hall, Police and Fire administration offices, meeting rooms, City Court, exhibition space, Library, public parking, etc.).~~
- b.— ~~Size, location and site design.~~
- c.— ~~Traffic and pedestrian circulation.~~
- d.— ~~Orientation to the Lake and to commercial activity.~~

~~Public Facilities Element and Capital Improvements Program will outline components, acquisition and development priorities and schedule methods of financing.~~

~~9.— Provide design standards which encourage revitalization of the business district, including:~~

- a.— ~~Fire Code standards which encourage commercial development in keeping with revitalization policies as well as safety.~~
- b.— ~~Height and setback standards to facilitate pedestrian convenience and appropriate size design.~~
- c.— ~~Business or floor area standards to encourage more intense use of land, within the limits of available parking. Floor area ratio may be increased and on-site parking decreased when provisions are made for customer parking in shared facilities.~~
- d.— ~~Procedures to allow for transfer of development rights between private owners (or other available means) to allow more intense use of certain lands in return for public view easements adjacent to the Lake or Lakewood Bay.~~
- e.— ~~Standards which encourage:~~
  - i.— ~~Combined landscaping projects to protect significant features.~~
  - ii.— ~~Substitution of significant trees for larger landscaped areas.~~
  - iii.— ~~Multi-story buildings where compatible.~~
  - iv.— ~~Mixed uses including handicrafts, housing and cottage businesses.~~
  - v.— ~~Signs which are adequate to inform potential customers and provide aesthetic appearance.~~
  - vi.— ~~Joint use and central parking facilities.~~
- f.— ~~Implementation of these standards as a condition of zone change and/or development review approval.~~

~~10.— Develop design standards which will improve the social interaction and aesthetics of the commercial district, including requirements for the provision of:~~

- a.— ~~Views of the Lake, river, and Mt. Hood (could include open space, roof or other on-building public view points).~~

- b.— Pedestrian orientation to distinctive features, particularly recognizing the aesthetic value of the Lake.
- c.— Street trees to provide shade and aesthetic relief from concrete and asphalt.
- d.— Pedestrian walkways (covered where possible) and bike paths in alleys and walkway easements.
- e.— Street furniture and landscaped areas situated to encourage people to rest awhile for conversation (could include publicly owned pocket parks).
- f.— Lineal parks (could be developed in alleys like courtyards, with potted trees and furniture).
- g.— Implantation of these standards as a condition of development review approval.

11.— Attach specific conditions to new commercial use approval, where appropriate, to assure that development is in accord with Specific Commercial District Policies. Such commercial use approval include:

- a.— Zone change.
- b.— Conditional use and expansion of conditional use.
- c.— Conversion of a residential structure to commercial use.
- d.— Development review.

#### **IB. Riverfront Subarea**

The Riverfront Subarea located south of Foothills Road and east of State Street along the Willamette River, as shown on the East End Commercial Business District Map, page 101, is well suited to a combination of high intensity uses, residential, commercial, office and retail, including river oriented public open space and major public facilities.

The subarea could accommodate a plaza or an esplanade adjacent to the river, providing views and a focal point. Such a facility, in combination with a variety of commercial/retail/office uses and a residential component, could create an attractive center that would benefit the entire East End Business District.

The residential use is intended to be at a high density (R-0) with mixed uses allowed either on the first floor or in separate buildings.

Physical constraints include access to and traffic capacity of State Street, the City's desire to retain views of Mt. Hood from the business and residential districts to the west, the railroad tracks running through the property, the Willamette River Greenway, steep slopes and the demolition required to clear the site.

The unique characteristics of the site include river access and Mt. Hood views, which should be developed in a manner that assures:

- 1.— Public access to the river.
- 2.— Protection of Mt. Hood views from 'A' Avenue.

- 3.—~~Opportunities for views of Mt. Hood and the Willamette River from the site.~~
- 4.—~~Provision for a pathway allowing for a future connection to Tryon Creek and George Rogers parks.~~
- 5.—~~Public open spaces and major public use facilities.~~

~~The City-owned Roehr Park and old sewage treatment plant are located within this subarea and may provide opportunities for land exchange to secure at least equivalent public river access within the subarea and to facilitate development. Residential development may be clustered to preserve open space while securing views for residents.~~

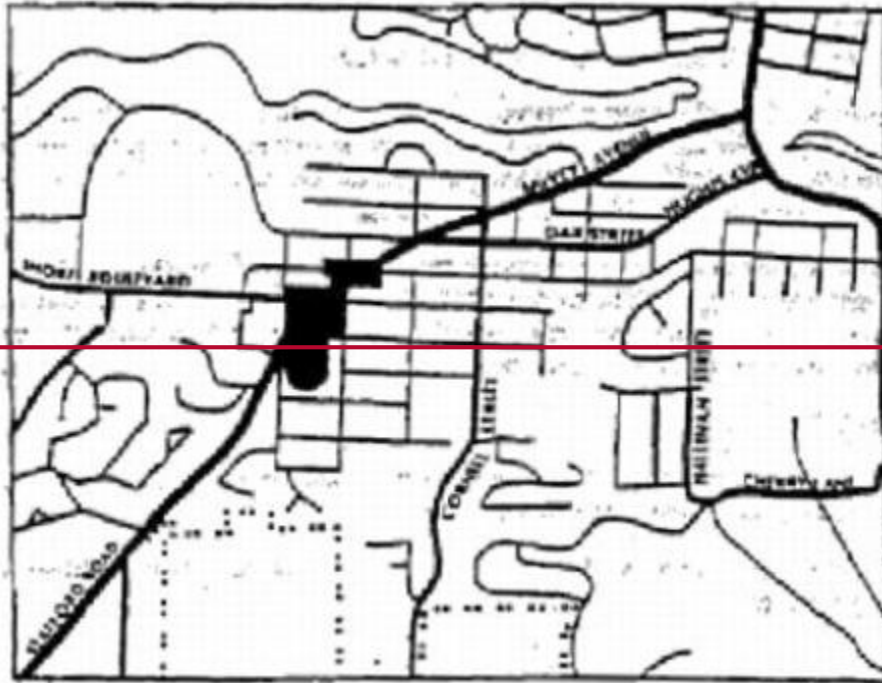
~~The on-site improvements will be planned as part of the Overall Development Plan and Schedule (ODPS) that must be approved for the entire 45+ acre site prior to the division of land, or the development of any structure. Any divisions of land related to the State Street improvement project will be exempted from this provision.~~

#### ~~GENERAL POLICIES~~

- I.—~~The 45+ acre Riverfront Subarea is designated R-0/GC to allow for a mix of high density residential, commercial, retail and office uses.~~
- II.—~~The opportunity for development of at least 500 dwelling units shall be included as the residential component of the Subarea.~~
- III.—~~The Subarea shall be developed only pursuant to an Overall Development Plan and Schedule (ODPS) which will provide for:~~
  - A.—~~Significant public access to the river;~~
  - B.—~~Protection of Mt. Hood views from 'A' Avenue and the Bluff;~~
  - C.—~~Protection of the views of Mt. Hood and Willamette River from the Subarea;~~
  - D.—~~A future pathway allowing access to public pathways connecting the Subarea to Tryon Creek and George Rogers Parks;~~
  - E.—~~Major public use facilities such as an esplanade, amphitheater, public square or plaza which provides for connection to and views of the waterfront;~~
  - F.—~~The reasonable opportunity for development of 500 dwelling units through the allocation of sufficient land for residential purposes to accommodate the units.~~
- IV.—~~Roehr Park/old sewage treatment plant acreage may provide opportunities for some land exchange to facilitate private development; however, any such change of ownership will assure at least equivalent public access to the river and public facilities. (PA 06-86-02-383, 10/17/86)~~
- II.—~~Grimm's Corner Neighborhood Commercial District~~

Grimm's Corner is a historic neighborhood commercial district located at the intersection of early market roads and a strategic center for the Palisades-South Town area which it serves with gas stations, a grocery, dry cleaners, appliance repair, etc. A variety of more intense uses have developed over the years, including lumber yard, bark dust storage, and bowling alley. Public facilities nearby include the National Guard Armory, Fire Station and tennis courts. Lakeridge High School to the south generates traffic through this area also. This volume of activity has created traffic congestion and conflicts between uses, which increase as development of the area continues.

### **Grimm's Corners Neighborhood Commercial**



In order to make possible development of commercial and residential property, while providing an intersection which can handle expected traffic, the following policies will direct further development of the commercial district:

- 1.—Commercial land use will be extended south into the floor of the quarry, but not south to include properties fronting on Pine Street (approximate 0.7 acre expansion)
- 2.—When the McVey/South Shore intersection is re-designated, the following criteria will be considered:
  - a.—adequate travel lanes in each direction on McVey, plus left turn lanes where necessary
  - b.—adequate through travel lanes on South Shore, with left and right turns where necessary
  - c.—adequate site distance and safe access (in some cases this may require transfer of property or development rights between public right of way and private property)
  - d.—signalization of intersection
  - e.—public transit stop

~~f.—pedestrian and vehicle safety~~

~~g.—adequate access to McVey from commercial land. For land southeast of McVey and south of Parrish Street, direct access can be developed.~~

~~i.—at the vicinity of Parrish Street~~

~~ii.—opposite South Shore, as part of a signalized intersection~~

~~iii.—at least 200 ft. south of South Shore intersection~~

~~h.—needs for bikeways, sidewalk, utility, landscaping and access and traffic signals will dictate the design of the street, right-of-way needs and ultimate pavement width~~

~~3.—New commercial development will provide goods and services to serve principally residents of the neighborhood area.~~

~~4.—Access to McVey Street will be limited, to assure safety of the intersection and convenience for through traffic.~~

~~a.—Land uses and their expected auto trip generation will not exceed the capacity of the intersection as designed.~~

~~b.—Patton access should be realigned.~~

~~5.—Floor area ratio of new development will not exceed 0.25 for the site, except in the southeast quadrant, because of unique topographic problems. In that case, more intense use will be limited within the design capacity of the intersection.~~

~~6.—Bikeway and pedestrian paths should be provided to assure safe passage through the intersection. These should include:~~

~~a.—sidewalk on both sides of McVey, one side of South Shore~~

~~b.—bike lane on southeast side of McVey and south side of South Shore~~

~~c.—alternate bike route via Conifer, City-owned open space at Patton, and Oak Street, to bypass the intersection~~

~~7.—All development or redevelopment will be required to conform to these policies and to pay a pro-rata share of street improvements, commensurate with need created by the development and the benefit gained, and to dedicate adequate right-of-way to make these improvements possible. (The public will assume some responsibility for a pro-rata share. See Definitions and Transportation Element.)~~

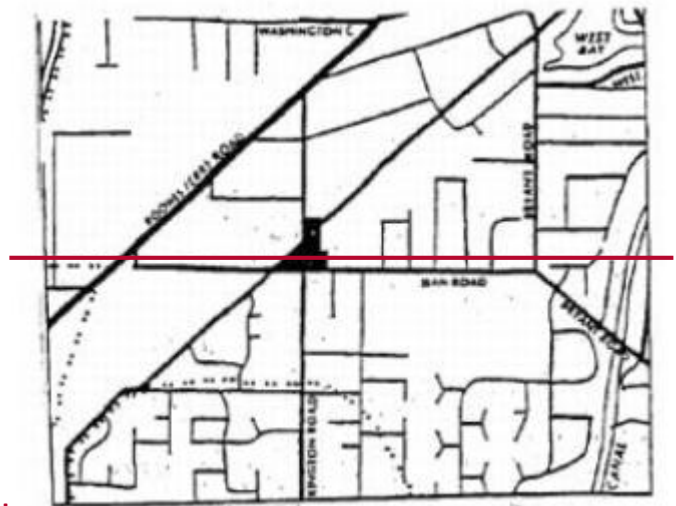
~~8.—City-owned Douglas fir grove north of Laurel, adjacent to the Patton Street right-of-way, should be maintained as a natural area, with benches and a bikeway-pedestrian trail along the streamway, as a focal point for neighborhood commercial district.~~

~~9.—Adjacent residential neighborhood will be protected from the negative effects of commercial activity. Methods include:~~

- a.— ~~Pedestrian/bikeway only should connect commercial area at Hemlock, for neighborhood convenience.~~
- b.— ~~Redesign of the intersection should discourage through traffic into neighborhood.~~
- c.— ~~Conditioning redevelopment of quarry area to eliminate the truck traffic and bark dust operation, in favor of more compatible uses.~~
- d.— ~~Encouraging both commercial and residential property owners to provide structural and landscape barriers to separate incompatible uses.~~

~~III.— Rosewood Neighborhood Commercial District~~

~~The Rosewood Neighborhood Commercial District serves an approximately 1.3 square mile residential area and a portion of the adjacent industrial area, with convenience goods and services. Commercial activity includes drugs, groceries, florist, fast food and office space. Within five blocks of a junior high and an elementary school, Rosewood Center serves many bike and pedestrian shoppers. The site is significant as the location of a distinctive grove of fir trees, valued by residents, as well as a meeting place at the center of a largely developed single-family neighborhood. The surrounding 1.3 square mile area can be expected to grow approximately 6,000 people at full development.~~



~~Rosewood Neighborhood Commercial District~~

~~Commercial development in this area should be designed to assure the following:~~

- 1.— ~~Uncongested streets with safe intersections and adequate parking.~~
- 2.— ~~Total commercial use in the area to be within the traffic carrying capacity of adjacent streets.~~
- 3.— ~~Shared access away from intersections, and redesign and straightening of some intersections.~~
- 4.— ~~Safe access by bike riders and pedestrians.~~
- 5.— ~~Protection of the Douglas fir grove and significant trees in parking lots.~~



~~6.— A neighborhood commercial area, providing goods and services for residents of the immediate area, and scaled as a part of that neighborhood with a FAR not to exceed 0.25.~~

~~7.— A minimum amount of impermeable surface, and adequate storm drainage management.~~

#### ~~IV-A. West End Business District~~

~~Specific Commercial District Policies will guide development in the Lake Grove area to support businesses and new investment, to satisfy community needs, to encourage social interaction, to provide for proper vehicle access and to protect neighborhood living environment. The City will:~~

~~1.— Limit the amount of new commercial land area in the Lake Grove area to an appropriate portion of planning area need. The City will plan for local needs, not for regional draw retail facilities.~~

~~2.— Provide for pedestrian, bike, and auto traffic to connect new mixed use and commercial areas to the existing commercial district. This circulation should:~~

~~a.— Prevent isolation and/or deterioration of the existing commercial areas.~~

~~b.— Encourage private development of a "village shopping center" in Lake Grove.~~

~~3.— Provide Specific Commercial District Policies for subareas of the West End Commercial District, to guide zone change, development review, and building permit approval.~~

~~4.— Plan for a rear access and parking configuration on both sides of the current strip commercial development, to promote:~~

~~a.— More intense use of deep lots fronting Boones Ferry.~~

~~b.— Viability of the existing commercial center, so it can be redeveloped to remain competitive.~~

~~c.— Modification of the negative effects of existing strip development.~~

~~d.— Vehicle access constructed in a manner which protects adjacent neighborhood living Environment.~~

~~e.— Preservation of neighborhood residential property values.~~

~~f.— Foot traffic within the commercial and neighborhood area.~~

~~5.— Encourage private development of:~~

~~a.— Joint-use parking facilities.~~

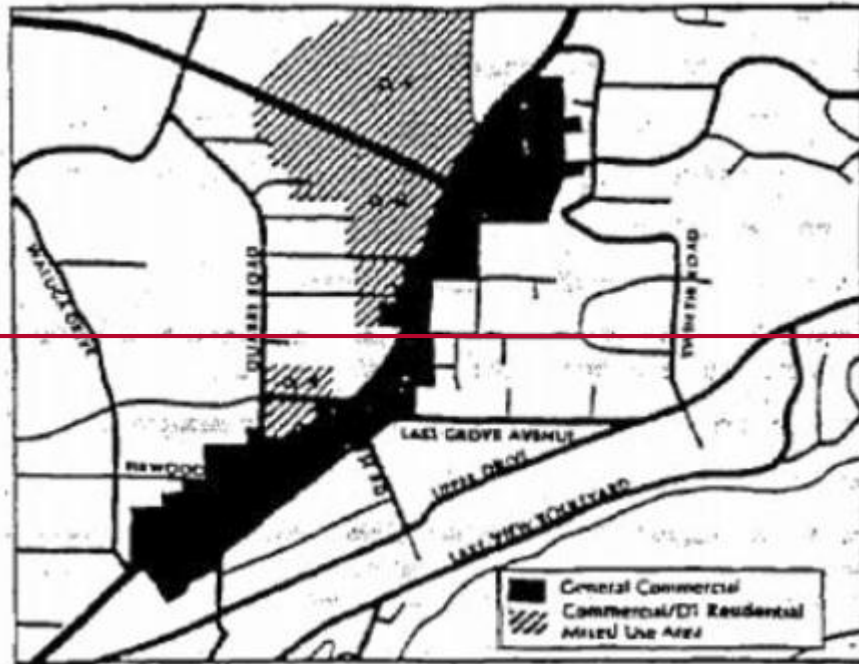
~~b.— Land uses with size, floor area, and traffic generation compatible with the district's access and adjacent uses.~~

~~c.— Buildings with height and setback standards compatible with the district.~~

~~d.— Aesthetically pleasing entry into Lake Grove at Kruse Way and Boones Ferry Road.~~

e.— Street trees to provide shade and aesthetic relief from concrete and asphalt.

f.— Preservation of significant trees as a substitute for larger landscaped areas.



**West Commercial District**

g.— Combined landscaping projects of significant size.

h.— Buffer system which separates adjacent residential uses from noise, traffic and congestion.

i.— Bike racks.

j.— Pedestrian walkways and bike paths in alleys and walkway easements.

k.— Alternate surfacing materials for parking areas which encourage on-site water retention, softened visual impact, noise absorption, etc.

l.— Each property's share of connecting pathways to parks, recreation, shopping, work, parking.

m.— Street furniture and landscaped areas situated to encourage people to rest awhile for conversation in pleasant surroundings.

6.— Plan for adequate protection for residentially developed neighborhoods to enhance neighborhood living environment, and neighborhood stability. This protection will include:

a.— Specific land use designations and district boundaries, with allowed uses and densities specified, and adopted as part of the Comprehensive Plan. Structural boundaries will be planned and developed as conditions of development approval (i.e., street endings, structural buffers, tree planting, hedges, walkways, or other means to develop a permanent separation of incompatible uses).

~~b.— Buffering of residential properties from the noise, glare, and traffic congestion of the adjacent commercial area.~~

~~c.— Encouraging residential property owners to provide trees and significant vegetation on their property, and other means to buffer their property from commercial areas.~~

~~7.— Provide incentives for private investments in compatible mixed uses, which will bring residents to the West End Business District during days and evenings for social or recreational purposes as well as to shop. Such incentives could include:~~

~~a.— Revision of Zoning Code to allow additional approved uses in commercial areas, such as residential care facilities, apartments, handicraft industry, and recreation facilities.~~

~~b.— Construction of safe bike and pedestrian routes.~~

~~8.— Encourage development of adequate access and parking facilities.~~

~~a.— On-street parking will be prohibited from collectors, arterials, and local streets which are not wide enough to safely afford parking, vehicle travel, and turning refuge. Adequacy of a street to handle on-street parking will be determined by the Planning Commission, with analysis by Public Works and Planning Departments.~~

~~b.— All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated on the premises entirely off-street or in shared parking facilities.~~

~~c.— Required parking spaces for each business may be reduced, if:~~

~~i.— Business shares a parking lot with a use which has peak use at a different time of day.~~

~~ii.— Public parking is provided within walking distance adequate to meet the parking need thus created.~~

~~iii.— Business shares construction costs of bikeway serving the property~~

~~d.— Encourage provision of access and/or parking facilities which aid in decreasing the number of direct access points on arterials. The City's role in provision of such access or facilities will be determined by the City Council in accord with Oregon law (including ORS 223.105; 223.805 through 223.880; 281.510) and may include the following:~~

~~i.— Grant permission for private construction and provision of such facilities.~~

~~ii.— Plan, design, and locate parking facilities.~~

~~iii.— Construct, alter or maintain such facilities.~~

~~iv.— Contract with any person, firm, or corporation for such services.~~

~~v.— Acquisition of such facilities by lease, purchase, condemnation, exchange or other lawful manner.~~

vi. ~~Make possible financing of such facilities:~~

- ~~• By bonds payable out of revenue from said facilities.~~
- ~~• By local improvement district with assessments on appropriate properties.~~
- ~~• By state or federal grants or aid.~~
- ~~• By general property taxes.~~
- ~~• By parking fees or special charges from users or commercial enterprise benefited.~~

9. ~~Protect the function and service level of Boones Ferry Road as an arterial street.~~

- ~~a. Use of off-street parking spots for businesses located on the arterial shall not require backing into the public way.~~
- ~~b. There shall be no more than one point of access to the arterial per 155 ft. of street frontage. If necessary to meet this requirement, users shall arrange for shared access. (Existing uses will be encouraged to meet this standard).~~
- ~~c. Businesses providing for rear access to another street may be granted the right to more intense lot coverage, waiver of height restriction, variance from appropriate setbacks, or decrease in landscaping requirement, if compatible with adjacent properties and necessary to the public welfare.~~

10. ~~Protect the function and service level of Kruse Way as an arterial:~~

- ~~a. All access to Kruse Way will be planned to serve the adjacent properties while minimizing the frequency and severity of traffic conflicts.~~
- ~~b. Aesthetic natural entry into Lake Grove from Kruse Way will be preserved.~~
- ~~c. Access points already designated by Clackamas County may be the basis for the street planning which may provide shared access at these points. Land owners will be required to plan for frontage roads or unified site and street plans which implement the City's Transportation Plan.~~
- ~~d. Should comprehensive traffic analysis and site planning indicate a need to alter Kruse Way ingress or egress patterns, the City will plan such access, and the City Council will seek County implementation of adopted plan.~~
- ~~e. Property owners will pay for street improvements, traffic controls, and public facilities necessary to their development (including intersections).~~

#### ~~IV-B. Oakridge Mixed Use Subarea~~

~~The Oakridge area is a planned commercial and residential area served by Quarry, Oakridge, and Boones Ferry. It is an expansion of the existing commercial district, and as such should be developed in a manner which assures:~~

- a.—~~Revitalization of the adjacent businesses on Boones Ferry by improving traffic circulation, parking access, and pedestrian circulation.~~
- b.—~~Proper vehicle access and street design.~~
- c.—~~Pedestrian paths and bikeways which connect Waluga Park, Lake Grove School, and the commercial district to the residential areas to the west.~~
- d.—~~Shared parking and street access where possible, to relieve traffic congestion.~~
- e.—~~Protection of adjacent residential areas from the noise and bright lights of commercial activity.~~
- f.—~~Proper vehicle, pedestrian and bike access to the Post Office at Oakridge and Boones Ferry.~~
- g.—~~Equitable sharing of the costs of necessary streets and public facilities.~~
- h.—~~Preservation of major trees in the area.~~

The commercial area bounded by Bryant, Boones Ferry, Reese, and the pedestrian easement north of Sunset will share a rear access connecting parking lots to Bryant and Reese Roads, to provide relief of traffic congestion on Boones Ferry.

#### **IV-C. Bryant to Reese, North of Sunset**

Commercial properties in this area will be developed in a manner which assures:

- a.—~~Access of each property to an internal access route from Bryant to Reese Roads. This route should not be developed as a straight through high speed road but should meander through connected parking areas.~~
- b.—~~Access to Bryant at a point opposite the Lake Grove Shopping Center, between 300 and 330 ft. south of Boones Ferry.~~
- c.—~~Access to Reese at a point opposite Lake Grove Street.~~
- d.—~~More intense use of deep lots between the six-ft. pedestrian easement and lots fronting Boones Ferry Road.~~
- e.—~~Careful building location, structural buffers, trees and shrubs to minimize the negative impacts on adjacent residential area.~~
- f.—~~Separation of commercial and residential uses along the line of the pedestrian easement.~~
- g.—~~Protection of Sunset from through traffic.~~
- h.—~~Convenient pedestrian and bikeway access from residential areas at Bryant and Reese.~~
- i.—~~A decrease in the number of direct access points to Boones Ferry.~~
- j.—~~Effective site development, with appropriate variances granted to assure the access, parking, circulation and site features outlined in these policies.~~

k.—Preservation of the major trees, by such means as setbacks, clustering of structures, protection of root systems.

#### **~~IV-D. Southwest Quadrant of Kruse Way/Boones Ferry Intersection~~**

~~The Southwest Quadrant at Kruse Way/Boones Ferry is an area planned for residential and commercial uses to meet a variety of community needs in an area with good access to arterials, mass transportation and diverse public facilities, including wooded open space, school, park, Post Office and the Lake Grove Swim Park. The commercial uses are intended to serve local, as opposed to regional, shoppers. This area is an expansion of the existing Lake Grove Commercial District, and as such should be developed in a manner which assures:~~

~~1.—Designation of approximately 20 acres of commercial use south of Kruse Way and north of Collins Way, and approximately three acres of commercial land use between Lake Grove School and Collins Way. Residential development is appropriate within the commercial area, particularly in the westerly portion of Tax Lots 1300 and 2200 of Tax Map 21E8BC, Supplemental and Tax Lots 2000 through 2200 of Tax Map 21E8BB. Any building over 20,000 sq. ft. shall occur north and east of Mercantile Drive.~~

~~2.—Preservation of the capacity of Kruse Way and Boones Ferry to carry projected through traffic and to provide adequate access for all planned land uses in the vicinity of the intersection.~~

~~3.—Proper location of access points and an internal circulation system which provides for vehicular, pedestrian and bicycle movement.~~

~~a.—The City will determine the location of access points and prepare a circulation plan to meet the needs of all development within the quadrant, prior to zone changes.~~

~~b.—The City will vacate the necessary street segments to provide for internal circulation and site plans.~~

~~c.—The preferred internal circulation route design should be integrated with parking areas rather than as a separate street.~~

~~4.—Limited access to Kruse Way and Boones Ferry.~~

~~5.—Principal access to residential development from Galewood.~~

~~6.—Connection by pedestrian and bicycle paths with the residential areas, and to the rest of the Lake Grove Commercial District, with safe passage across Kruse Way to the office campus development to the north.~~

~~7.—Appropriate dedication of necessary rights-of-way to provide for traffic projected for Boones Ferry, Kruse Way, Douglas, Gresham, Galewood and Quarry.~~

~~8.—Payment of a pro-rated share of costs of streets, traffic control improvement (i.e., intersections and signals) and necessary rights-of-way, parking, bikeways and pedestrian ways, by property developments creating the need for those facilities.~~

~~9.—Preservation of the quality of life in the single-family residential area to the west, particularly by the landscaping and placement of buildings and parking areas.~~

~~10.—Building area or floor area ratios may be designated as necessary to limit vehicle trip generations within the capacity of adjacent streets.~~

~~11.—Preservation of major trees, sufficient to preserve woodland character.~~

~~12.—Site planning for each development which assures that the development's access circulation, parking, landscaping, build design and drainage are properly related to adjacent developments.~~

~~13.—Consideration of General Design Objectives.~~

~~The overall objective is to create a village-like shopping and service center, with a variety of local goods and services provided in an attractive setting. The basic elements will include:~~

~~a.—The size and scale of buildings, which should be in keeping with other development in Lake Grove, particularly in height and bulk. No single building may have greater than 20,000 sq. ft. floor area on one level except in the shopping center area bounded by Kruse Way, Boones Ferry Road, Mercantile Drive and the stream corridor.~~

~~b.—Relationship of buildings, which should be clustered to create usable open areas such as plazas, courtyards and entryways.~~

~~c.—Scale of parking areas, which should be designed to avoid larger, unbroken areas of paving through smaller lot areas; landscaped areas, and lot configurations.~~

~~d.—Provision of pedestrian environment that encourages walking between stores, office and other uses by providing safety, easy visual orientation, and by careful location of attractions to walking shoppers.~~

~~e.—Separation of loading and service areas from pedestrian areas.~~

~~f.—As feasible, use of visually identifying elements such as building shapes, displays (sculpture, colors, kiosks, flagpoles, outdoor furniture, signs), landscaping, parking and other details.~~

#### **~~IV-E. Office Campus—Northwest Quadrant of Kruse Way and Boones Ferry~~**

~~The northwest quadrant of the Kruse Way and Boones Ferry intersections has been designated for Office Campus land use. This 53-acre land area bounded by Carman, Davis Lane, Kruse Way and the westerly edge of properties fronting Carman on the west may be approved for a mix of regional offices and residential use if standards are established to assure:~~

~~a.—35% to 60% office use, 35% to 60% residential use, a maximum of three acres of commercial to service adjacent offices and residences.~~

~~b.—A land use intensity compatible with adjacent residential neighborhoods.~~

~~c.—Preservation of the capacity of Carman, Boones Ferry and Kruse Way to carry through traffic.~~

~~d.—Limited access to Kruse Way, Carman Drive and Boones Ferry.~~

- e.—~~Connection by pedestrian and bicycle paths with residential areas and with safe passage across Kruse Way to the commercial area to the south.~~
- f.—~~Access to residential property east of Davis Lane to Davis and/or Carman Drive.~~
- g.—~~Appropriate dedication of necessary right-of-way to provide for traffic projected for Boones Ferry, Kruse Way, Carman Drive and Davis Lane.~~
- h.—~~Payment of a pro-rated share of costs of streets, traffic control improvements (i.e., intersections) and necessary rights-of-way, parking, bikeways and pedestrian ways, by property developments creating the need for those facilities.~~
- i.—~~Preservation of major trees, with an effort to maintain wooded character.~~
- j.—~~FAR not to exceed 0.38 for eight-acre site bounded by Kruse Way, Kruse Way Place and Boones Ferry Road. Maximum FAR to be reduced, based on resulting traffic impacts, if any retail uses placed on eight-acre site. (Rev. 8/20/85)~~

#### **~~IV.F. Officer Residential Mixed Use Area — East Side of Boones Ferry at Kruse Way~~**

~~The area on the east side of Boones Ferry Road between the existing commercial district zone boundary and Spring Lane is designated as a mixed use Office Campus and R-3 density residential area.~~

~~Low intensity. (Deleted 12/28/82)~~

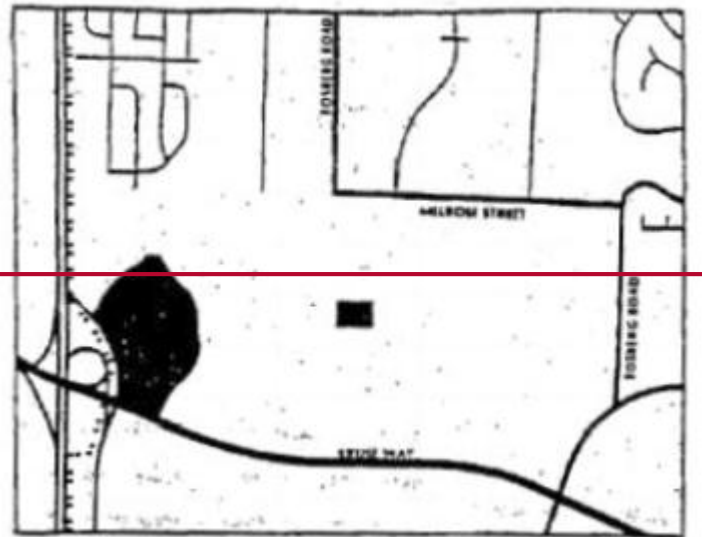
~~This designation permits Office Campus uses or residential structures in portions of this district which lie between Springbrook Creek and Boones Ferry Road. Land in this district which lies east of the Creek is to be used solely for residential uses in accord with the residential policies and Land Use Map of the Comprehensive Plan. (Rev. 12/28/82)~~

~~Development in this district will be required to:~~

- a.—~~Utilize a rear access route on Red Cedar Way, Division Street, Boones Way and Spring Lane with no driveway access allowed on Boones Ferry Road.~~
- b.—~~Dedicate the necessary right-of-way to connect Division Street to Boones Way and dedicate needed right-of-way on Boones Ferry Road.~~
- c.—~~Develop each parcel with mixed use potential under unified site plans to assure adequate access, circulation, parking and screening.~~
- d.—~~Protect the Springbrook Creek stream corridor and its deep ravine from development encroachment.~~
- e.—~~Take access only onto the rear access route described in a. above and not onto Twin Fir Road.~~
- f.—~~Preserve major trees, with an effort to maintain wooded character.~~
- g.—~~Allow mixed uses within buildings on the west side of Springbrook Creek.~~



h.—Dedication or acquisition of right of way east of Boones Ferry and Kruse Way intersection will be arranged prior to development. Land is necessary for a future additional left turn lane from Kruse Way north onto Boones Ferry.



**I-5/NE Kruse Commercial District**

#### **V-A. Highway Commercial District — I-5 and Kruse Way Northeast Quadrant**

The northeast quadrant of the I-5 and Kruse Way intersection has been designated for highway oriented commercial land uses. This area is separated by slope and major trees from residential lands to the east, thereby protecting residential areas from the traffic congestion of such a commercial district.

The site of this Commercial District includes two streamway ravines and associated wet areas, one on the north edge and one across the lower third of the site. For this reason, the 35-acre site has been designated for 20 gross acres of commercial activity, which will allow landscaping, protection of streamways and major trees to occur in the remaining 15 acres.

Commercial activity at this location should be designated in a manner which assures:

- a.—A highway oriented commercial district, with minimal disruption of adjacent residential areas.
- b.—A limit on the intensity of commercial activity on this site, to an amount which preserves the capacity of Kruse Way and I-5 intersection for other public and private uses outlined in the Lake Oswego Comprehensive Plan.
- c.—One access point to Kruse Way, preferably east of a point 1,500 ft. from the Bangy Road intersection.
- d.—Payment of costs of streets, street improvements, intersections, necessary rights-of-way, parking, bikeways and pedestrian ways by property development creating the need for those facilities.
- e.—Planning and development review procedures which assure:
  - i.—Adequate vehicle access and street design.
  - ii.—Protection of adjacent residential areas from the noise, bright lights and air pollution of commercial activity.

iii.—Protection of the stream corridors, as major functioning parts of basin wide storm drainage system and as aesthetic features at the entry way into the Lake Oswego area.

#### **~~V-B. Highway Commercial District Bangy Road and I-5~~**

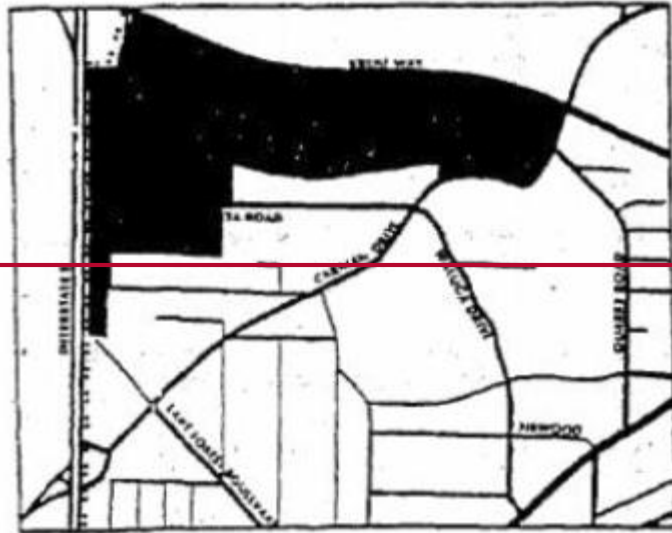
~~Highway oriented commercial activities and gas stations have located over the years along Interstate 5, with access via Bangy Road to Kruse Way and I-5. As the lands to the north and east of Bangy Road develop, an increasing number of vehicles will use the Bangy Road/Kruse Way intersection, including industrial traffic from Tigard and Lake Oswego industrial areas, north and southbound to I-5.~~

~~These specific policies apply to the area south of Kruse Way, west of Bangy and south of Kruse Way and east of Bangy for approximately 1,700 ft. The area includes the 'Liberty Park' project approved by Clackamas County and additional area south of that project. (12/18/85-PA 4,5,6-85)~~

~~Commercial development in this area should be planned to assure:~~

- ~~a.—Minimum congestion on Bangy Road which must serve through traffic.~~
- ~~b.—Minimum number of vehicle accesses from commercial development.~~
- ~~c.—No on-street parking on Bangy Road, Kruse Way, Meadows Road or Bonita Road (12/18/85-PA-4,5,6-85).~~
- ~~d.—Adequate off-street parking for commercial uses.~~
- ~~e.—Adequate varying setbacks, landscaping and signage and major tree preservation to provide safe sight distance and attractive boulevard like setting (12/18/85-PA-4,5,6-85).~~
- ~~f.—Appropriate dedication of right of way along Bangy and Bonita Roads, to accommodate road widening necessary for full development of the area.~~
- ~~g.—Require parking areas to be screened from view from Kruse Way.~~
- ~~h.—Encourage employers to provide employee incentives for the use of public transit such as:
  - ~~i.—Providing bus shelters.~~
  - ~~ii.—Mass transit fare reimbursement programs.~~
  - ~~iii.—Providing preferred reserved spaces for carpool parking.~~
  - ~~iv.—Posting transit route and scheduling information.~~~~
- ~~i.—Traffic generation will be limited so as not to exceed the planned capacity of the surrounding public street system.~~
- ~~j.—Encourage major employers on the site to schedule shifts so as to reduce peak hour traffic congestion when feasible.~~

~~(12/18/85-PA 4,5,6-85)~~



### **I-5/Bangy Commercial District**

### **V-C. Kruse Way Campus Research and Development District**

These specific district policies will assure the Kruse Way Campus Research and Development District develops in a manner consistent with the City's General Commercial Land Use Policies as well as other Comprehensive Plan elements. The policies are categorized under General Site Development and Design, and Traffic and Circulation.

#### **General Site Development and Design Policies**

- a.—Development intensity will be limited to that allowed under the Buttke Kruse Way Corridor Transportation Program (1983).
- b.—Development of the district will occur through the use of a unified general site plan. The unified general site plan will be required and will include:
  - 1.—A general internal circulation plan for the overall site.
  - 2.—A general plan for adequate drainage and all utilities needed to serve the site.
  - 3.—Consideration of the site development and design policies in the Comprehensive Plan.
  - 4.—Development intensities.

The unified general site plan could be approved as part of a zone change, subdivision or planned development for the site. If desired, property owners or developers could submit a unified general site plan for approval apart from these three specific types of applications.

- c.—Benefited property owners will be required to pay costs for installation of all public utilities, with City financial participation in oversizing.
- d.—Major allowed uses in the Kruse Way Campus Research and Development District will include:

- ~~1.— Light manufacturing, assembly uses.~~
- ~~2.— Research, experimental and testing laboratories.~~
- ~~3.— General office.~~
- ~~4.— Retail commercial (PA 6-88-615, 11-16-88).~~
- ~~5.— Recreation facilities.~~

~~e.— Require landscaping and preservation of existing vegetation to assure a park-like setting will be maintained.~~

#### ~~Traffic and Circulation Policies~~

- ~~f.— Limit the number of access points to the minimum necessary, consistent with efficient traffic circulation, and assure access points are coordinated with the City's Major Streets Plan and Transportation Policies.~~
- ~~g.— Require a complete and efficient internal circulation system with adequate access to all development portions of the site.~~
- ~~h.— Require parking areas to be screened from view from Kruse Way.~~
- ~~i.— Provide adequate parking, loading and maneuvering space for employees, visitors, and trucks.~~
- ~~j.— Encourage employers to provide employee incentives for the use of public transit such as:
  - ~~• Providing bus shelters and turnouts.~~
  - ~~• Mass transit fare reimbursement programs.~~
  - ~~• Providing preferred reserved spaces for carpool parking.~~
  - ~~• Posting transit route and scheduling information.~~~~
- ~~k.— Streets should be designed to accommodate large trucks.~~
- ~~l.— Traffic generation will be limited so as not to exceed the planned capacity of the surrounding public street system.~~
- ~~m.— Encourage major employers on the site to schedule shifts so as to reduce peak hour traffic congestion when feasible.~~

#### ~~VI. Kruse North Neighborhood Commercial District~~

~~A residential area is planned for the 230-acre area north of Kruse Way, bounded by Melrose Street and properties fronting Fosberg Road and Carman Drive. A neighborhood commercial center of three acres or less is planned to serve this residential area, located centrally within the residential area, not on Kruse Way.~~

~~This neighborhood commercial center should be designed to assure:~~

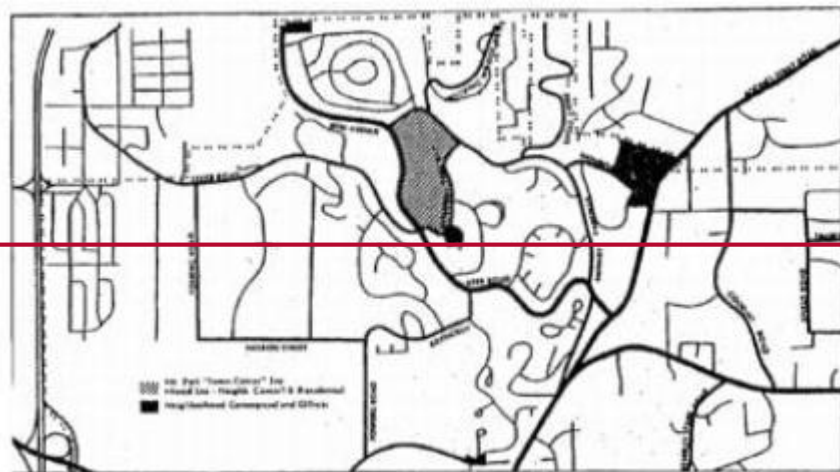
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Annual Code Amendments

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- a.—Location of not more than 35,000 sq. ft. of retail-commercial activity, to serve the shopping needs of the adjacent residential areas.
- b.—Shared access points on collector streets and a unified site plan for the three-acre site, to assure internal circulation and to prevent traffic congestion on residential streets.
- c.—Development standards which encourage private development in accord with:
  - Height and setback compatible with the district and adjacent residential areas.
  - Structural and vegetation buffers to separate adjacent residential areas from noise, traffic and congestion.
  - Pedestrian walkways, bikeways and safe bike storage, providing a convenient safe alternative to auto travel.
  - Street furniture and landscaped areas situated to encourage social interaction.
  - Shared parking facilities and walkways to encourage pedestrian circulation throughout the site. Parking lots should be designed with adequate trees and landscaping, in accord with air quality and quiet environment elements of this plan.
  - Public transit service.



**Mt. Park Commercial District**

**VII. Mountain Park Commercial Areas**

The areas designated as "General Commercial" in the development ordinance for Mountain Park Planned Unit Development (Ordinance No. 1411) are redesignated as Neighborhood Commercial, to ensure that retail-commercial uses principally serve the residents of Mountain Park. The City will assure that, in accordance with the policies in VII-A, VII-B and VII-C, below, specifically defined maximum building area limits for commercial land uses are established.

Neighborhood Commercial in Mountain Park may provide for a range of retail, personal services, restaurant and cultural uses. Offices may provide for professional business services, financial, institutional and other uses.

**VII-A. Town Center Site (PA 1 89-713; 10-04-89)**

~~1.—The 32-acre Town Center site is designated for a mix of high density (D), residential and retail commercial uses. The following maximum intensities will apply:~~

- ~~a.—Up to 492 residential dwelling units.~~
- ~~b.—Up to a total of 40,000 sq. ft. of retail space.~~

~~2.—Pedestrian access to the site should be provided for to encourage walking from adjacent residential areas.~~

~~3.—Development will pay a pro-rated share of the costs of improving Kerr Parkway and providing traffic signalization which shall be required because of Town Center generated traffic.~~

#### **~~VII B. Monroe/Boones Ferry Site (PA 3-92; 10-08-92)~~**

~~1.—The 13-acre site is designated for retail and office commercial uses. The overall building area on the site shall not exceed 131,535 sq. ft.~~

~~The site development plan approved as part of the PUD should be revised to permit commercial uses which would be appropriate for present needs for types of commercial uses.~~

~~2.—Pedestrian access should be provided.~~

~~3.—Development will pay a pro-rated share of the cost of improvement to Boones Ferry Road, and providing traffic signalization which may be required because of traffic generated from the site.~~

~~4.—On site drainage retention may be required, as feasible, to protect Springbrook Creek.~~

#### **~~VII C. Other Mt. Park Commercial Sites~~**

~~1.—The following sites are designated neighborhood commercial:~~

- ~~i.—Two parcels on Touchstone (± 1 acre each).~~
- ~~ii.—Parcel on Kerry Road across from Portland Community College (± 2.5 acres).~~
- ~~iii.—Parcel on Jefferson Parkway at its intersection with the proposed Kingsgate Street (± 1 acre).~~

~~iv.—Parcel on Jefferson Parkway adjacent to Mt. Park Recreation Center (± 2 acres).~~

**ITEM 45 (P):** Appendices B and E were old (1978) comprehensive plan policies that were included into the 2002 Code ReOrg as they had been reviewed for possible standards in major developments. They were carried forward during the 2012 Code ReOrg to assure no substantive change. Code Audit suggested identifying regulatory standards in the Appendices, moving them to Chapter 50 development standards where appropriate, and deleting the remaining appendix. Commercial development standards already identify setbacks, height, FAR, lot coverage, building design standards (regular and overlay-specific), buffering and zone-specific uses. No additional regulatory policies were identified in Appendix E. Appendix B, Industrial Land Use Policy Element, was deleted with the SWEA project and code amendments.