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**TO:** Planning Commission

**FROM:** Sarah Selden, Senior Planner  
Department of Planning and Building Services

**SUBJECT:** Evergreen Overlay Revisions – Draft Code Amendment  
Work Session #1 (LU 16-0042)

**DATE:** September 2, 2016                      **MEETING DATE:** September 12, 2016

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#### **ACTION**

Hold a work session with representatives of the Evergreen Neighborhood Association to review their proposed Evergreen R-7.5 Overlay District code amendments, and identify any additional information needed for the Commission's public hearing, scheduled for October 10, 2016.

#### **BACKGROUND**

The Evergreen Neighborhood Plan ('Plan') was adopted in 2005 and includes a limited number of policies that focus on key issues unique to the Evergreen neighborhood. One chapter of the Plan focuses on residential land use (provided for reference as **Attachment 4**), and states that 'The neighborhood's primary goal is the preservation of the single-family detached residential character and the unique aesthetic of the existing neighborhood.' This plan chapter describes the unique aesthetic and includes a set of Neighborhood Design Objectives for detached single-family home construction in the neighborhood.

The plan provided the policy basis for the Evergreen R-7.5 Overlay District (**Attachment 1**), which was adopted in 2008 and is intended to limit new home construction to 1 ½ stories in height in order to promote compatibility with the cottage and ranch character of the single-family residential neighborhood. Based on the character analysis completed during the neighborhood planning process, few detached single-family homes exceeded 1 ½ stories or 20-26 ft. in height.

The overlay district's key provision is a front setback plane standard, illustrated on page two of **Attachment 1**, which modifies the setback plane regulation in the R-7.5 base zone by lowering the front profile of the setback plane by four feet in height to 16 ft. Limiting the height of a home beyond 16 feet to the roofline of the house is intended to limit the bulk of the building and minimize the perceived building height from the street. The neighborhood association feels

that the overlay has been effective in maintaining greater compatibility between existing and new development, and there is continued neighborhood support for implementing this concept. In the eight years since the overlay was adopted, the neighborhood also observed that some new homes are constructed at a scale that is less compatible with the neighborhood, and sought a way to address this issue.

In the fall of 2014, the Evergreen Neighborhood Association applied to the City for neighborhood planning assistance to have their overlay revised. The request was approved, and as directed by the Planning Commission staff has worked with the neighborhood association to identify their specific concerns with the current overlay, develop code concepts, conduct public outreach, and refine a code amendment proposal for discussion with the Commission.

## **DISCUSSION**

The neighborhood association's initial concept was to clarify the definition of 1 ½ stories to ensure the second floor living space was between the ceiling of the first story and the roofline, with sloping ceilings. Staff began working with the neighborhood association in spring 2015 to clarify the issue and identify code amendment options. This work included a walking tour to look at new homes, an analysis of house dimensions and architectural features, and meetings with the board and planning subcommittee members.

After considering a range of approaches, in the spring of 2016 the neighborhood association brought forward a proposal to limit building height. They sought neighborhood input first through a neighborhood survey that asked residents to rate the importance of the idea to 'Limit the roof height of new homes.' Of the 99 surveys returned, 80% rated this item as 'Very Important' or 'Important.' The neighborhood association then brought a more detailed proposal to the membership at a general meeting in May, which would limit the 6 ft. of additional height, currently allowed for roof form projections, to a range of 0-3 ft., based on the size of the lot. While there was support for this idea from the 40 residents at the meeting, additional feedback from staff, including clarification of current code requirements, led to the revised proposal outlined below. The neighborhood association is holding another meeting on Wednesday, September 7 to present the revised proposal and ask for public input. Evergreen Neighborhood Association representatives will report back on this feedback at the September 12 Planning Commission work session.

### **Code Amendment Proposal**

The Community Development Code sets a maximum base height for structures in low-density residential zones, with additional height allowances for limited roof forms and architectural features that project above the maximum base height. Roof forms may extend up to six feet higher than the base height when specific building dimensional standards are met (see **Attachment 2** for code excerpt). This provision was added to the code in 2002 as part of the first round of Infill amendments (Ord. 2333) as an incentive to break large roof forms into smaller more complex ones. This package of amendments also changed the way height is measured to provide a consistent methodology citywide. Previously in most Lake Oswego

neighborhoods, including Evergreen, height was measured to the mid-point of the roof, whereas now height is measured to the peak or highest point of a roof.

The R-7.5 zone has a base height standard of 28 ft. for flat lots, and permits an absolute height of up to 34 ft. with roof projections. While the majority of lots in the Evergreen R-7.5 Overlay would be considered flat, some elevation change occurs, particularly south of Ellis Avenue and Berwick Road, which may result in a 'Lot with Sloping Topography' (elevation change of up to 10 ft. within the building footprint). Such lots have a maximum base height of 32 ft., and allow an absolute height of up to 38 ft. including permitted roof projections.

The Code also limits lot coverage based on the absolute height of the primary structure (including any projections), with any dwelling over 25 ft. in height limited to 25% lot coverage. The neighborhood has observed that new homes built on smaller lots are more often maximizing their lot coverage at 33-35% in order to achieve ground floor building area. The code permits this amount of lot coverage only when the primary structure is shorter (e.g. 22 ft. height limit for 35% coverage). Larger lots, however, can achieve a desired ground floor area with a smaller percentage of lot coverage, which permits greater structure height (homes 25 ft. and taller are limited to 25% lot coverage).

Since the Evergreen Overlay was adopted, two new homes have stood out to residents as taller than typical homes in the neighborhood and less compatible with the existing and desired ranch and cottage-like character of Evergreen. These homes, shown in **Attachment 3**, are the only dwellings that have been built with additional height for roof form projections. The Planning Commission and neighborhood should consider whether the desired aesthetic can be achieved by reducing height alone, or if other architectural controls are needed.

The neighborhood is concerned that larger lots will continue to be redeveloped with additional structure height beyond 28 ft., which is permitted when the lot coverage does not exceed 25%. The neighborhood association proposes prohibiting the additional 6 ft. height allowance for roof form projections in the Evergreen R-7.5 Overlay District. This limitation may impact the roof design of a home by necessitating a lower pitched roof or roof forms, but would not impact the buildable floor area. The neighborhood association has seen the success of new homes built without roof form projections (**see Attachment 3**), and asserts there is sufficient design flexibility without the additional height allowance.

The draft code amendments in **Attachment 1** add a new provision to the Evergreen Overlay District code prohibiting the additional height allowed in the low-density residential zone standards. A cross-reference to the overlay provision would be added as an editor's note to the end of LOC 50.04.001.1.g Height – Additional Standards (**Attachment 2**). Last, a code cleanup amendment is proposed to delete a street side setback requirement that is no longer different from the R-7.5 base zone standard.

With the above code change an applicant could still pursue a design variance through the Residential Infill Design (RID) review process to receive an exception to the maximum base height within the overlay. The RID approval criteria appear to be well suited to addressing the neighborhood association's concerns. They focus on design compatibility and scale within the context of a neighborhood, and include consideration of: setbacks, setback plane, and garage openings; distance and visibility from adjoining properties; preservation of existing trees and other features of perceived value to adjoining properties; topography; perceived building height, form, proportion, massing and orientation relative to adjoining properties; treatment of elevations exposed to adjoining properties; perceived sight lines to and from windows, decks and outdoor living spaces; fencing or screening; and landscaping. The Neighborhood Design Objectives from the Evergreen Neighborhood Plan, which note the prominence of moderately pitched hipped and gabled roofs, would also serve as criteria for RID approval.

## **CONCLUSION**

The Planning Commission is currently scheduled to conduct a public hearing on the Evergreen Overlay District amendments on October 10. If there is public support for the neighborhood association's proposal at the September 7 Evergreen Neighborhood Association meeting, staff will work with the neighborhood board to prepare for the public hearing. This would include mailed notification of the proposed amendments and public hearing to all property owners within the overlay district, as required by ORS 227.186 (Ballot Measure 56).

Staff and the Evergreen Neighborhood Association request that the Commission identify any questions that should be addressed or information that should be prepared for the public hearing.

## **ATTACHMENTS**

1. Draft Code Amendments: Evergreen R-7.5 Overlay District (LOC 50.05.002), 09/01/16
2. Development Code Excerpt: Height – Additional Standards (LOC 50.04.001.1.g), 09/02/16
3. Structure Height and Neighborhood Character Examples, 09/02/16
4. Evergreen Neighborhood Plan Excerpt: Residential Land Use Chapter, Adopted 2005



### 3. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

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To the extent that any requirement of this section imposes a regulation relating to the same matter as the use, dimensional, or development regulations in the LOC, this section shall prevail.

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

### 4. DIMENSIONS AND DEVELOPMENT STANDARDS

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#### a. Accessory Structure Roof Pitch

Roof pitch on new accessory structures exceeding 100 sq. ft. in size shall match the roof pitch of the primary structure. Boathouses are exempt from this requirement.

#### b. Yard Setbacks

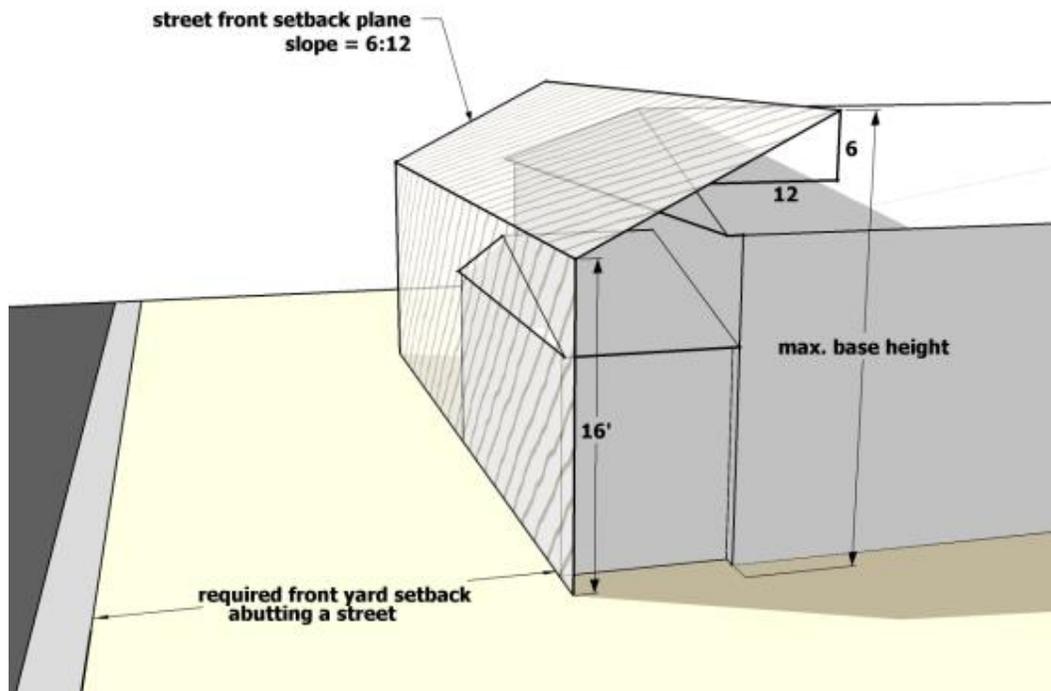
The side yard setback adjacent to a street for portions of any structure that exceed 16 ft. in height shall be 25 ft. on arterial and collectors ~~and 15 ft. on local streets.~~

#### c. Front Setback Plane

##### i. Application

The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 16 ft. in height, then slopes toward the rear of the lot at a slope of 6:12, up to the maximum allowed height at the peak, as illustrated in Figure [50.05.002-B: Front Setback Plane](#).

Figure 50.05.002-B: Front Setback Plane



**ii. Exceptions**

(1) Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 16 ft. in height.

(2) Two or more separate and distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 16 ft. in height.

**d. Height – Additional Standards**

**The additional height allowed in the R-7.5 zone pursuant to LOC 50.04.001.1.g is not permitted in the Evergreen R-7.5 Overlay District.**

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

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**50.04.001 DIMENSIONAL TABLE**

**1. RESIDENTIAL LOW DENSITY ZONES**

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**g. Height – Additional Standards**

A greater height than otherwise permitted is allowed for:

**i. Single-Family Dwellings**

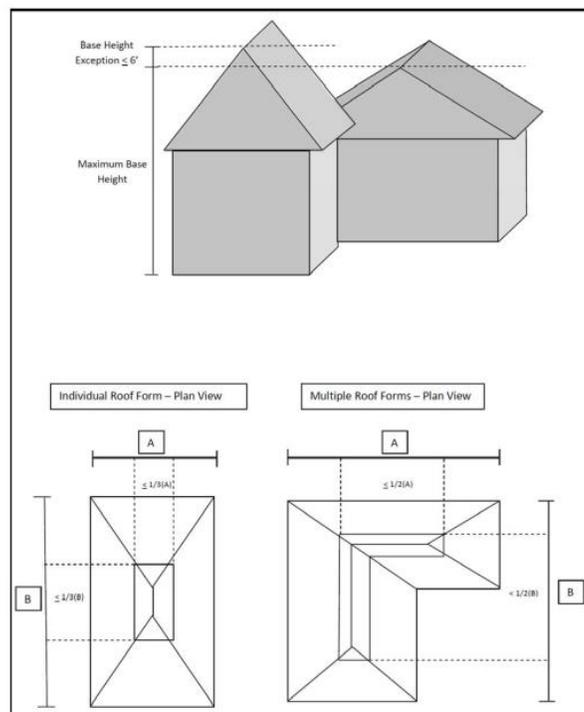
Base building height may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the minimum code standards provided in Table [50.04.001-1](#) above.

**ii. Any Structure**

Roof forms or architectural features (such as cupolas or dormers) of any structure provided that these roof forms or features:

- (1) Do not extend more than six ft. above the maximum specified base height;
- (2) Do not, in total, exceed one-third of the width of the building or buildings as measured on any elevation drawing for an individual roof form or projection or do not exceed one-half of the width of the building for two or more separate roof forms or projections; and
- (3) Do not, in total, cover more than 20% of the roof area on which they are located as viewed from directly above for an individual roof form or projection or 30% for multiple roof forms or projections. Examples of permitted exceptions are illustrated in Figure [50.04.001-B](#): Height Exceptions.

**Figure 50.04.001-B: Height Exceptions**



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## Structure Height and Neighborhood Character Examples

### Homes with Additional Height for Roof Form Projections

#### 220 5<sup>th</sup> Street

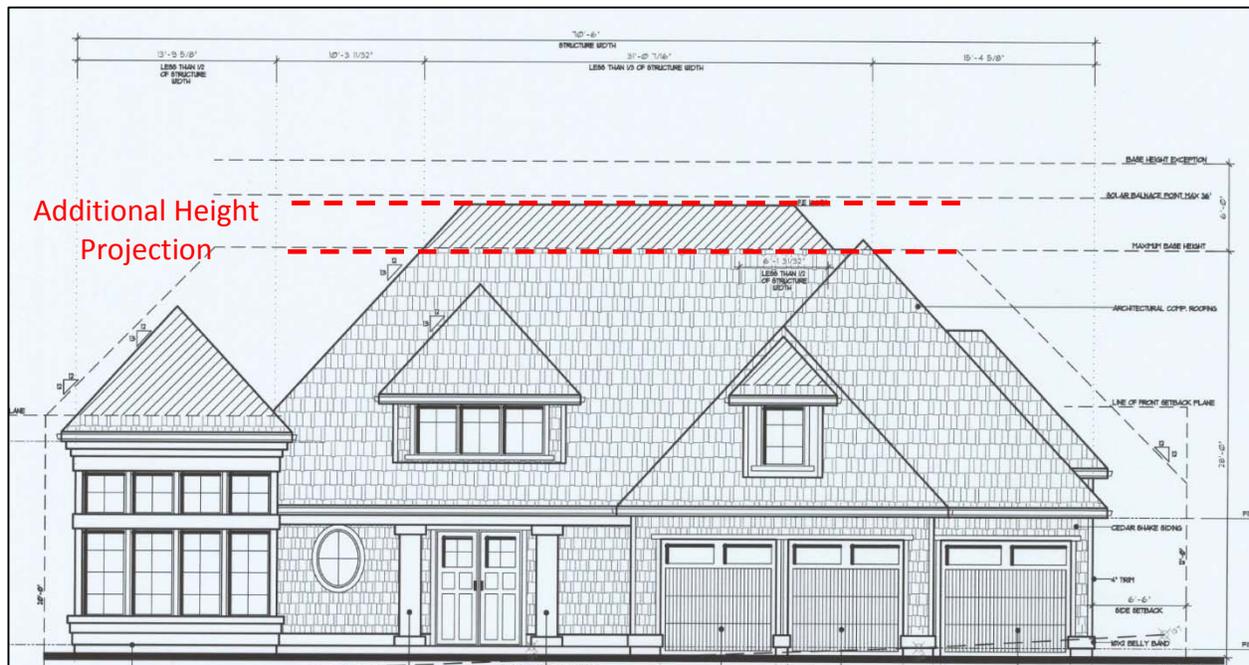
2.5 ft. additional height, projection of one roof feature less than 1/3 of structure width



**768 Berwick Road**

3.5 ft. additional height

Projection of three roof features less than 1/2 of structure width





### Homes *without* Additional Height for Roof Form Projections

Below are examples of homes that comply with the Evergreen R-7.5 Overlay District standards, and are built at a scale that the neighborhood association feels is compatible with the single-family residential character of the neighborhood.

#### **163 Berwick Road**

Height: 24.5



**824 Evergreen Road**

Height: 23 ft.



**329 10<sup>th</sup> Street**

Height: 27.5 ft.



**148 5<sup>th</sup> Street**  
Height: 21.89 ft.



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**LAND USE: RESIDENTIAL****Existing Conditions**Single-family Residential

The single-family detached residential area of Evergreen Neighborhood consists primarily of single-story, ranch style<sup>1</sup> houses. Other architectural styles prominent in that area of the neighborhood include Cape Cod<sup>2</sup> and Craftsman/Bungalow<sup>3</sup> styles. Most houses are modest in scale (less than 2,500 square feet) and characterized by the use of natural building materials, window and door openings emphasized with trim, and gable and hip roof forms. Few detached homes in the neighborhood exceed 1 1/2 stories<sup>4</sup> or between 20-26 feet in height. The area is designated and zoned R-7.5 in the City's Comprehensive Plan and Zone Map. That zone sets a minimum lot size of 7,500 square feet. The styles of dwellings coupled with large, old trees create the atmosphere of a small, safe, quiet, rural village. The maintenance of this atmosphere preserves residential quality of life as well as property values. Commercial and public interests are served by maintaining the beauty of the neighborhood environment.

Attached and Multi-family Residential

There are currently 39 townhouses between Third Street, Evergreen Road, Second Street and A Avenue. There are 15 row-house style condominiums facing Fourth Street. There are 18 condominiums and 5 lofts facing Lakewood Bay. All of these properties have their own garages that are located behind or under the buildings and are therefore not seen from the street. All are architecturally compatible with their surroundings such as the Lake View Village development. In addition, there are two apartment complexes facing Evergreen and Third Street containing 68 apartments. The two apartment complexes have off street parking woven between the buildings for the use of their residents. These high-density structures have attractive landscaping between the street and the buildings. None of the buildings exceed three stories in height. Area residents are able to walk to the many amenities available in this area.

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<sup>1</sup>Ranch Style: Ranch style homes are usually built from natural materials (wood floors and wood or brick exteriors). Ranch homes lack much decorative detailing on the exterior aside from shutters or roof supports. Windows are large (usually double hung or picture windows) and often include sliding doors to a patio or deck.

<sup>2</sup>Cape Cod: Cape Cod style homes usually have two levels of living area featuring a steep roof slope and dormers. The design is generally symmetrical and does not feature much overhang or other ornamentation. The area of the second floor is usually 40-75% the area of the ground floor.

<sup>3</sup>Craftsman/Bungalow: Craftsman or Bungalow style homes typically have 1 or 1.5 stories and a low, pitched roof. They often have porches on the front with decorative square columns. Decorative stained glass windows are also popular on these homes.

<sup>4</sup>1 ½ Stories: A residence with two levels of living area featuring a steep roof slope and dormers. The area of the second floor is smaller in area than the ground floor.

In addition to the buildings noted above there are several small rental units in an area bounded by Evergreen and A Avenue and Fifth Street and Sixth Street. These include three duplexes, a four unit building and a six unit building. Duplexes and fourplexes are not currently allowed by the City’s Community Development Code. There are some legal, non-conforming uses in the neighborhood that could not be rebuilt without a variance.

**Neighborhood Goals**

Maintain and enhance the appearance and character of the residential areas of the Evergreen neighborhood.

The neighborhood’s primary goal is the preservation of the single-family, detached, residential character and the unique aesthetic of the existing neighborhood. In order to maintain the integrity of this character, new buildings, single-family and multifamily, should blend with the architectural styles and scale of existing structures on the same block face as the proposed development and on the block face across the street. Additionally, good transitions should remain between different densities of housing development and commercial. The neighborhood is very concerned about encroachment of commercial or higher density housing (R-0, R-2, R-3, R-5, EC) into the single-family area of the neighborhood, defined by what is currently zoned R-7.5 as shown in the map at the end of this chapter.

Consensus among neighbors is that the preservation of existing single-family dwellings is important to maintaining the character of the neighborhood. Experience has shown that newer homes are typically larger than the houses they replace. Therefore, the Evergreen neighborhood would like the Community Development Code to encourage remodels, where appropriate, instead of tearing down existing homes. Houses with non-conforming status can encounter a very difficult time attempting to remodel. It is the hope that opportunities can be identified in the future to make remodeling an existing home easier.

The neighborhood would like to protect the existing greenscape in the neighborhood through preservation of existing trees and landscaping, by requiring tree planting with new development and through regular updates to the City’s tree removal and tree protection policies city-wide. Evergreen would like the City to enact a requirement that all development in the Evergreen neighborhood including single-family dwellings plant street trees to:

- a. Produce a continuous tree canopy over the street,
- b. Reduce the apparent scale or size of the street, and
- c. Enhance the beauty of the neighborhood.

Existing City Codes and Background

There are many ways in which the existing Community Development Code supports the neighborhood’s goals.

The Residential Infill Design additions to the Community Development Code in 2003 introduced the concept of a front setback plane into residential zones in the City. This regulatory control helps to reduce the perceived size of new structures at the street. The Evergreen neighborhood supports the inclusion of this regulation, and others such as lot coverage, yard setbacks and height restrictions which diminish the perceived size of homes built in the neighborhood that are significantly larger than existing single-family, detached structures. Since the Infill Design additions have only been in effect for a few years there is not strong evidence for how they are affecting the Evergreen neighborhood. The neighborhood supports ongoing observation and continued improvement to these standards to make sure they have their intended effect.

Current City codes require that when a development creates a public or private street, or a parking lot, lights used to illuminate parking lots and pathways shall not produce annoying or disabling glare at normal viewing angles. Effort, however, is required to make sure these codes are enforced after development is complete. The neighborhood wishes to work with the City to assure compliance with all existing regulations to diminish light trespass.

Another concern for Evergreen neighbors has been the visual impact of residential garages and parking facilities in the neighborhood. The 2003 Community Development Code Infill Code Amendments addresses garages in the R-7.5 zone in Article 50.08.055, requiring that they be directed away from the street, or set back from the front of the house (subject to certain exceptions and exemptions).

The City's Tree Code (LOC Chapter 55) seeks to preserve trees in the neighborhood that are greater than 5" DBH (diameter at breast height). The neighborhood supports regular assessments of the tree code by a committee or commission of Lake Oswego residents to assure that it is indeed protecting the City's existing trees to the greatest extent possible.

The current code (LOC 50.69) is intended to insure that proposed conditional uses are as compatible as practical with surrounding uses. One of the three requirements for approval of a conditional use is, "[t]he functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity." However, there have been conflicts in the past between conditional uses in the Evergreen neighborhood and surrounding residential neighbors. Conflicts have included: unwanted light trespass and glare from building and parking lots into the residential area, noise levels that are higher than desired in a residential area, a lack of compatibility in design and size between residential and conditional uses and a lack of barriers which might visually or audibly buffer these impacts. A concern exists that the expansion of existing conditional use facilities or the approval of new conditional uses will exacerbate these problems.

At the time an application is reviewed, LOC 50.69 provides a way for the hearing body, or the City Manager, in the case of a minor modification, to impose conditions to assure compatibility of the proposed use with other uses in the vicinity. These conditions include, but are not limited to:

- a. Limiting the manner in which the use is conducted, by restricting the time an activity may take place and by minimizing such environmental effects as noise, vibration, air pollution, glare and odor.
- b. Limiting the location and intensity of outdoor lighting, requiring its shielding, or both.
- c. Limiting the height, size or location of a building or other structure.
- d. Designating the size, number, location and design of vehicle access points.
- e. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- f. Requiring berming, screening or landscaping and designating standards for its installation and maintenance.

The Lake Oswego Comprehensive Plan addresses zone changes in residential neighborhoods in Goal 2, Land Use Planning. Section 1, Policy 5 directs the City to, “maintain residential neighborhoods at existing zone and plan density designations,” except where certain criteria can be met. The full text of this section of the Comprehensive Plan, at the time this document was produced, is provided as Appendix 1.

Policies

- 1) Work to ensure that development occurs in a way that is compatible with the unique character of the Evergreen neighborhood.
- 2) Preserve the existing fabric of the neighborhood by developing incentives to remodel existing homes, where feasible, instead of tearing down and rebuilding single-family, detached residential properties.

Action Items

City Responsibility:

- 1) To promote compatibility between non-compliant development reviewed through Residential Infill Design (RID) review process, create Evergreen Neighborhood Design Objectives to serve as a guide for Residential Infill Design (RID) review applications.
- 2) Recommend improvements to the Infill Standards as needed.
- 3) Together with the Evergreen Neighborhood Association, prepare for Planning Commission review, a recommended Overlay Zone for the R 7-5 area of the Evergreen Neighborhood to specify the following requirements:
  - a. To assure more consistency between buildings, accessory structures in the detached, single-family area of the Evergreen neighborhood, including garages, should have the same roof pitch as the primary structure.
  - b. To limit new home construction to 1 ½ stories in height, the front setback plane requirement shall extend upward 16 feet (instead of 20 feet) before sloping back at a 6:12 pitch.
  - c. Encourage the rehabilitation of existing structures with respect to setbacks for homes built prior to 1950.

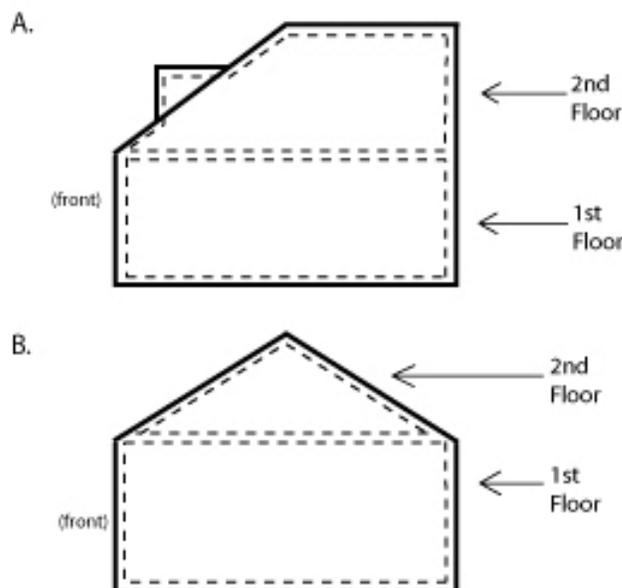
- 4) Prepare for Planning Commission review, a City-wide amendment to the Community Development Code requiring:
  - a. Two (2) street trees for every 50 feet of street frontage as a condition of approval for a new structure in the residential zones of the City. Existing street trees can be counted in order to comply with this requirement, as long as the type, location and viability of the existing trees are sufficient to provide a full streetscape of trees. Waivers to this requirement shall be allowed for situations where street trees are not appropriate.

Neighborhood Responsibility:

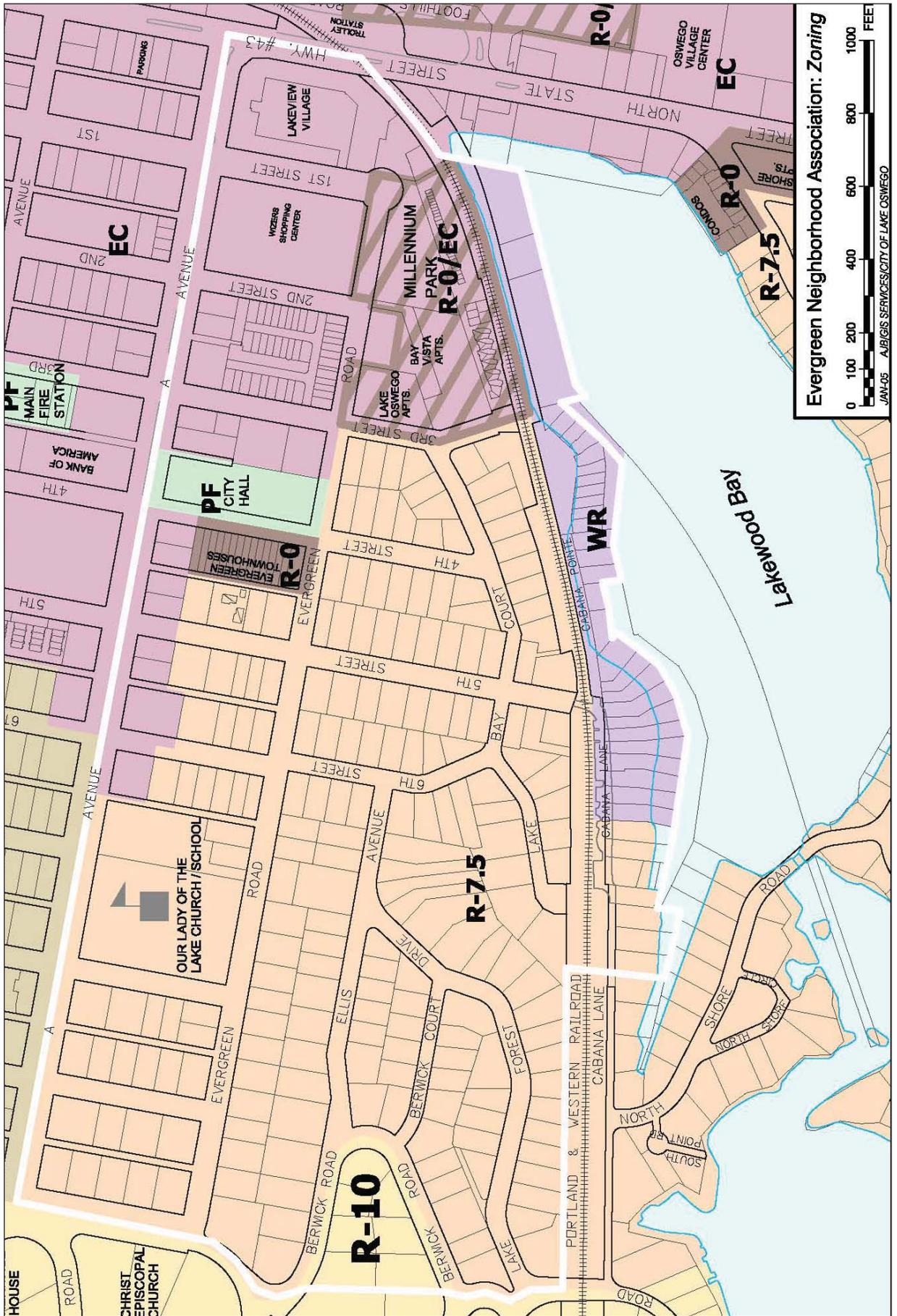
- 1) Through the neighborhood association, finalize the Neighborhood Design Objectives. Involve members in regular updates when needed.
- 2) Organize a neighborhood subcommittee to promote planting and conservation of trees, green spaces, and other vegetation that are appropriate for the neighborhood and region. Plantings are an attractive means of providing buffers between commercial or public-use and residential areas.
- 3) Through the Evergreen Neighborhood Association and with cooperation from the City, provide information to neighbors and property owners about the 2003 Residential Infill Design additions to the Community Development Code, and engage residents in ongoing monitoring of the regulations in LOC 50.08, the Community Development Code standards for the R-7.5 zone.
- 4) Two Evergreen Neighborhood Association delegates will monitor new development and attend pre-application meetings, where possible, with homeowners, developers, and/or city representatives for the purpose of reviewing minor and major development permit application requests.
- 4) Inform and educate members of the Evergreen Neighborhood Association about the Comprehensive Plan policy to maintain residential neighborhoods at existing density designations and the exceptions or criteria for allowing such a change (Goal 2 Land Use Planning, Section 1, Policy 5).

**1 1/2 Story Concept:**

2nd floor is smaller in size than the 1st floor and set back from the front of the structure.



EVERGREEN NEIGHBORHOOD PLAN



## ***EVERGREEN NEIGHBORHOOD DESIGN OBJECTIVES***

The following are an attempt to define the single-family, residential design character of the Evergreen neighborhood. Developed by members of the Evergreen Neighborhood Association in 2005, they provide general guidance, without legal obligation, for new, detached, single-family home construction in the neighborhood. The goal is new development that is compatible with existing homes in the community.

The Lake Oswego Community Development Code provides for the consideration of neighborhood design objectives or guidelines when applying the criteria for compatibility during the review of an application for Residential Infill Design Review (LOC 50.72.020). That is the only official application of these guidelines upon new development in the Evergreen neighborhood. Residential Infill Design Review is a voluntary process. However, these guidelines may be consulted when questions arise about compatibility generally in the neighborhood and can be a resource for property owners considering new development.

The Evergreen neighborhood is characterized by a diversity of small, cottage-like homes on large lots. Natural materials are often used including natural wood siding, masonry and brick, low stone walls and wood fences, arbors and gates. Lush landscaping including mature trees adds to the visual appeal of Evergreen homes, linking them to their surroundings and adding natural color and texture. Moderately pitched hipped and gable roofs are prominent. A few common styles in the neighborhood include the 1940's and 1950's Ranch-style home, the one story Neocolonial or Cape Cod and rehabilitations with Craftsman design elements.



Cottage-like appearance  
(use of natural materials)



Craftsman elements  
(use of natural materials)



Neocolonial (Cape Cod)



Neocolonial (Cape Cod)



Cottage-like appearance (use of natural materials)



Craftsman elements (use of natural materials)



1940's Ranch-style home



1940's Ranch-style home



1950's Ranch-style home



1950's Ranch-style home