



NOTICE OF QUASI-JUDICIAL PUBLIC HEARING BEFORE THE CITY COUNCIL

Hearing Date, Time, and Location:

Tuesday, March 4, 2013; 7:00 PM
Council Chamber, 380 A Avenue
Lake Oswego, Oregon

File Number: LU 13-0043 (AP 14-01)

Applicant: Goodwill Industries of the Columbia Willamette

Appellant: Same

Description of Proposal:

The appellant/applicant has filed an appeal to the City Council of the Development Review Commission's (Commission) decision to deny the applicant's request. The appellant/applicant requested the following:

- A Development Review Permit to construct a 1,057 sq. ft. Goodwill donation center and a 6,416 sq. ft. retail commercial building;
- Two Minor Variances: 2-foot reductions to the 20-foot front and street side yards setbacks;
- A Hardship Variance to allow a direct access point onto Boones Ferry Road (an arterial street); and,
- The removal of seven trees to accommodate the proposed development.

The Commission found that the appellant/applicant failed to provide sufficient evidence in support of the requested Hardship Variance. Because the proposed design/site plan was predicated on the Boones Ferry Road access point, and conditions for the redesign of the site without this access point cannot be imposed by the Commission without altering the fundamental design of the site, the Commission found that the application failed to meet all applicable criteria. The Commission therefore denied the application. In the appellant/applicant's Notice of Intent to Appeal, the applicant stated that the Commission erred in these findings. A staff report discussing the issues raised on appeal will be made available to any interested parties ten days prior to the public hearing.

Location of Property / Site: 17150 Boones Ferry Road (Tax Lot 4000 of Tax map 21E 18BA)

Staff Contact: Johanna Hastay, Associate Planner, phone: (503) 534-5740, email: jhastay@ci.oswego.or.us or Catherine Schneider, City Recorder, phone: (503) 675-3984, email cschneider@ci.oswego.or.us

Conduct of Hearing: The Mayor or City Attorney will open the public hearing and describe the hearing procedure, and staff will present its report. The Mayor will then open the hearing for public testimony. Pursuant to LOC 50.07.003.7.k.i, only persons who testified either orally or in writing before the DRC may testify before the City Council. Per LOC 50.07.003.7.h.i, the evidence is limited to record before the DRC. No issue may be raised before the City Council that was not raised before the DRC with sufficient specificity to enable the hearing body and parties to respond. Testimony begins with the appellant/applicant, then representatives of recognized neighborhood associations, followed by other persons, and concludes with rebuttal by the applicant.

How to Testify: The appellant/applicant will have 15 minutes to testify, neighborhood associations and government or government agencies will each have 10 minutes, individuals will each have 5 minutes, and the appellant/applicant will be allowed 5 minutes for rebuttal. The time limits shall not include time taken for questions from the Council. Any person in attendance may cede his or her time for testimony to another eligible person, but in no case shall any person's testimony be increased to greater than 10 minutes. The Council may modify these time limits depending on the circumstances.

If those eligible to testify wish to have written testimony distributed to the Council in advance of the hearing, it must be received by 5:00 p.m. on *March 4, 2014*. Written testimony may also be submitted at the hearing. All eligible written testimony will be made part of the record.

Bring or mail written testimony to:

City of Lake Oswego
Department of Planning & Building Services
Attn: Johanna Hastay
380 A Avenue
P.O. Box 369
Lake Oswego, OR 97034

How to Obtain Further Information: The applicable approval criteria and all evidence relied upon by the applicant are available for review at the above address. The staff report will be available ten days prior to the date of the hearing at the above address. These documents may be inspected at no cost. Copies of may be obtained at reasonable cost. A copy of the staff report will also be available for review on the City's web site:

<http://www.ci.oswego.or.us/planning/lu-13-0043-request-development-review-permit-construct-two-new-buildings>

APPLICABLE CRITERIA

A. City of Lake Oswego Comprehensive Plan:

Goal 2 Land Use Planning
Goal 6 Air, Water, and Land Resources Quality
Goal 9 Economic Development
Goal 12 Transportation

B. City of Lake Oswego Community Development Code (Chapter LOC 50):

LOC 50.02.002	Commercial Districts
LOC 50.02.002.2.2.b.iv	Site Specific Standards for Industrial Park Zone
LOC 50.03.002.3	Use Table
LOC 50.04.001.4	Dimensional Standards
LOC 50.05.008	Industrial Park Overlay District
LOC 50.06.001	Building Design
LOC 50.06.002	Parking
LOC 50.06.003.1	Access
LOC 50.06.003.2	On-Site Circulation - Driveways and Fire Access Roads
LOC 50.06.003.3	On-Site Circulation – Bikeways, Walkways, & Accessways
LOC 50.06.003.5	Transit
LOC 50.06.004.1	Landscaping, Screening, and Buffering
LOC 50.06.004.2	Fences
LOC 50.06.004.3	Lighting
LOC 50.06.005	Park and Open Space
LOC 50.06.006.3	Drainage Standards

LOC 50.06.008	Utilities
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions of Approval
LOC 50.07.003.7	Appeal of Development Decision
LOC 50.07.003.14	Minor Development Decision
LOC 50.08.002	Minor Variances
LOC 50.08.003	Hardship Variances
LOC 50.11.002	Appendix B – Industrial Land Use Policy Element

C. City of Lake Oswego Streets and Sidewalks Code [LOC Chapter 42]:

LOC 42.08.400 - 42.08.470	Streets and Sidewalks
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D. City of Lake Oswego Signs Code [LOC Chapter 47]:

LOC 47.03.005 - 47.03.030.2	Signs
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E. City of Lake Oswego Tree Code [LOC Chapter 55]:

LOC 55.02.010 - 55.02.080	Tree Removal
LOC 55.02.084	Mitigation Requirements
LOC 55.08.020	Tree Protection Plan Required
LOC 55.08.030	Tree Protection Measures Required

Mailed: February 18, 2014