Clear & Objective Housing Standards
Community Development Code Updates Project

As part of Lake Oswego’s Periodic Review task, the City must bring its Community Development Code (CDC) into compliance with State rules and statutes (Oregon Revised Statute 197.307: Approval Standards for Certain Housing in Urban Growth Areas, and Oregon Administrative Rule (OAR) 660-007-0015: Clear and Objective Approval Standards Required). The City has drafted amendments to bring the CDC into compliance with State requirements for clear and objective housing approval standards, intended to reduce unnecessary costs and delays in permitting needed housing. Needed housing includes single- and multi-family dwellings, attached and detached.

Summary of Proposed Changes

Where do the changes apply?

The CDC includes discretionary standards in several sections. These discretionary standards apply to housing in the city’s design districts and to attached housing of three or more units. The standards that apply to single-family detached homes in the city’s residential zones have been written to be clear and objective. Following is a list of code sections that contain discretionary language applicable to housing, and are being addressed as part of this project:

- Building Design: Commercial, Industrial and Multi-Family Development and Minor Development in the R-DD (Old Town) Zone [LOC 50.06.001.5]
- Downtown Redevelopment Design District [LOC 50.05.004]
- West Lake Grove Design District [LOC 50.05.005]
- Old Town Neighborhood Design [LOC 50.05.006]
- Lake Grove Village Center Overlay District [LOC 50.05.007]
- Appendix A: Lake Oswego Styles [LOC 50.11.001]
- Appendix C: Old Town Styles [LOC 50.11.003]

What is a clear and objective standard?

Clear and objective standards are those code requirements with definition or measurement that provide for clear and consistent interpretation of the standard. Code language such as complementary to, enhance, integrate or incorporate (without stating how much), and visually engaging, are examples of discretionary language found in the current CDC that must be more clearly defined in order to meet the clear and objective requirement. Identifying specific design elements and quantities that must be included in a building design can provide the detail needed for the standard to become clear and objective.
What is the approach to providing clear and objective standards?
The approach to these amendments is to translate discretionary language into clear and objective standards, maintaining the current intent of Lake Oswego’s housing-related standards to the greatest extent possible. The clear and objective standards will become an optional new development review track for housing development.

One section being addressed is the citywide Building Design standards, which contain discretionary language that essentially calls for well-designed buildings. To achieve this intent, new standards have been added that include specific requirements for building articulation and building façade elements. Currently, the area-specific design district codes (with the exception of Old Town) supersede the citywide Building Design standards. The design districts, however, include similar requirements for complex massing and visually engaging facades that can be achieved in a clear and objective manner through the new clear and objective requirements outlined the Building Design standards (building articulation and façade element requirements). Instead of repeating these requirements in each code section, the design districts cross reference building articulation and building façade elements sections of the Building Design Standards (and they are no longer fully superseded).

The code Appendix [LOC 50.11] includes architectural style descriptions and guidelines for Lake Oswego Styles and Old Town Styles. Proposed amendments add specific architectural elements that are characteristic of each style, and would be required for the Clear & Objective review process where these styles apply.

Additional standards in the design district code sections must also be translated into clear and objective language as part of this project.

How will the development review process work with the new standards?
A two-track process is proposed. Developers can choose to follow the new clear and objective review track and comply with all of the specific standards, or follow the Discretionary Review track and comply with existing standards that are both discretionary and objective. The Planning Commission recently discussed what type of review would be involved with a clear and objective track, and favored classifying it as a Minor Development (the same process required for the review of design district, attached and multifamily housing today).

**Project Timeline**
- **May 15**: Informational Meeting, 4-6 p.m., City Hall Council Chambers
- **May 15-June 10**: Public Comment Period on Discussion Draft Amendments
- **June 23**: Planning Commission Work Session/Review of Public Comment
- **August 11**: Tentative Planning Commission Hearing

**For more information:**
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