

**ORDINANCE NO. 2561**

**AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING THE LAKE OSWEGO COMPREHENSIVE PLAN MAP, ZONING MAP AND COMMUNITY DEVELOPMENT CODE, SECTION 50.02.005 DEFINITIONS AND ARTICLE 50.13 (INDUSTRIAL ZONES), TO CREATE AN OVERLAY DISTRICT FOR PART OF THE INDUSTRIAL PARK (IP) ZONE, ALLOWING OFFICE, SERVICE AND LIMITED RETAIL USES, AND ADOPTING FINDINGS (LU 10-0042-1765).**

WHEREAS, a notice of public hearing for consideration of this Ordinance was duly given in the manner required by law; and,

WHEREAS, a public hearing was held before the Planning Commission on November 22, 2010 and February 14, 2011; and,

WHEREAS, a public hearing was held before the Lake Oswego City Council on June 7, 2011, and July 5, 2011, to review the Planning Commission's recommendation to amend Article 50.13 Industrial Zones;

WHEREAS, the affected area of the proposed change is located along Lower Boones Ferry Road in the vicinity of Pilkington and Jean Roads and affects only a portion of the IP zone; and

WHEREAS, the proposed amendments are intended to provide for greater flexibility for uses within existing buildings in IP-zoned properties in the vicinity of Boones Ferry Road;

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 10-0042), Attachment A.

**Section 2.** The sections and subsections of LOC 50.02.005 Definitions designated below are hereby amended by deleting text shown in ~~strike out~~ and adding new text shown in **bold underline**:

**Floor Area.** ~~The combined square footage area (measured from the exterior of the surrounding exterior wall framing) of a building or portions thereof of all stories of a building~~ **gross building floor area** excluding:

- vent shafts,
- court yards,
- garages, except as modified in:
  - the R-5 zone (Section LOC 50.06.035 (1)(b)(i), for residential development);
  - the R-6 zone (Section LOC 50.07.037 (1), for outright permitted residential development);

- the R-7.5, R-10, and R-15 zones (LOC Section 50.08.042 (1), for single family dwellings);
- allowable projections,
- decks,
- patios,
- uncovered exit stairs, and
- uncovered, above-grade driveways.

**Gross Building Floor Area. The combined square footage area (measured from the exterior of the surrounding exterior wall framing) of a building or portions thereof of all stories of a building.**

**Section 3.** Section 50.05.005 is hereby amended by adding new text shown in **bold underline**:

**50.05.005 Zoning Districts.**

The City is divided into the following zoning designations:

Residential	Map Designation
Residential – Low Density	R-15
Residential – Low Density	R-10
Residential – Low Density	R-7.5
Residential – Medium Density (FAN)	R-6
Residential – Medium Density	R-5
Residential – High Density	R-3
Residential – High Density (WLG)	R-2.5
Residential – High Density	R-2
Residential – High Density	R-0
Waterfront Cabanas	WR
Design District (Old Town)	DD
Mixed Residential/Commercial	Map Designation
Residential – High Density (WLG)	R-2.5/W
WLG Office Commercial/Town/Home Residential	OC/R-2.5
WLG Office Commercial/Neighborhood Commercial	OC/NC
Commercial	Map Designation

Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research & Development	CR&D
Mixed Commerce	MC
<b>Industrial (including Overlays)</b>	<b>Map Designation</b>
Industrial	I
Industrial Park	IP
<b><u>Industrial Park Overlay</u></b>	<b><u>IPO</u></b>
<b>Public Use</b>	<b>Map Designation</b>
Public Function	PF
<b>Overlays</b>	<b>Map Designation</b>
Planned Development	PD
Resource Conservation	RC
Resource Protection	RP
Willamette River Greenway	GM
<b>Neighborhood Overlays</b>	<b>Map Designation</b>
Glenmorrie R-15 Overlay District	GO
Lake Grove R-7.5/R-10 Overlay District	LGO

**Section 4.** The sections and subsections of Article 50.13 (Industrial Zones) designated below are hereby amended adding new text shown in **bold underline**:

**Section 50.13.005 Purpose.**

1. Industrial district - the purpose of the industrial district is to provide land where general industrial development can be located.
2. Industrial park - to provide lands where primarily light industrial, **employment**, and accessory uses can occur in a campus-like setting under controls to make activities mutually compatible and also compatible with existing uses bordering the district.

**Section 50.13.040 Special Requirements.**

1. Each industrial area identified on the City's Comprehensive Plan Map also is described in Appendix 50.13-A. The specific conditions for each area are by this reference made a part of this Code and are conditions and limitations of each zone.
2. Except for commercial self-storage facilities, thereThere is a maximum floor area ratio of 1.0:1 in the Lake Grove Industrial Park. The area of the Lake Grove Industrial Park is described in the Comprehensive Plan.

**Section 50.13.100 Industrial Park Overlay District.**

1. Purpose. The purpose of the Industrial Park Overlay District is to provide land that is available for both standard IP uses and office, business services, and limited retail uses along Lower Boones Ferry Road in the vicinity of Pilkington and Jean Roads.
2. Applicability. The Industrial Park Overlay (IPO) applies in the area depicted on the Industrial Park Overlay District Map in LOC Appendix 50.13.100.
3. Permitted Uses

In addition to the uses permitted in the IP zone (Section 50.13.020), the following uses are permitted in the IPO:

- a. Commercial recreational facilities with less than 5,000 sq. ft. of floor area;
- b. Retail sales of tires, batteries and motor vehicle accessories with less than 20,000 sq. ft. of floor area.
- c. Retail Sales – Food - - less than 2,000 sq. ft. in floor area; co-located within a building with another permitted use; no drive-thru service:
  - i. Delicatessen
  - ii. Specialized food store.
- d. Retail Sales – General Merchandise - under 10,000 sq. ft. of floor area - limited to office equipment, apparel and accessory, building supply (including paint), garden supply, florist, and furniture ( including antique and refinished furniture).
- e. Retail Sales – Restaurants - less than 2,000 sq. ft. in floor area; co-located within a building with another permitted use; no drive-thru service:
  - i. Restaurant, without associated lounge
- f. Services - Personal:
  - i. Radio and television repair shop
  - ii. Home appliance repair shop.
  - iii. Tailor shops & related services.
  - iv. Barber & beauty shop, personal care.
  - v. Clothing rental.

vi. Upholstery shop.

g. Services – Business:

- i. Adjustment and collection agencies (excluding impound yards);
- ii. Advertising agencies, including commercial artists;
- iii. Business and management services;
- iv. Employment agencies;
- v. Office equipment rental and repair agencies,
- vi. Offices housing personnel who provide special services to businesses;
- vii. Telephone answering service;
- viii. Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public and other like services;
- ix. Accounting, auditing and bookkeeping;
- x. Computer services; and
- xi. Commercial photographic studios.
- xii. Pet care, daily (fully enclosed within a building).

h. Services - Finance, Insurance, and Real Estate Service

- i. Financial and banking institutions.
  - ii. Insurance and bond carriers, agents, brokers, and services; and
  - iii. Real estate real estate brokers, agents, and services.
- i. Services - Medical and Health Services, limited to less than 20,000 sq. ft. of floor area:
- i. Clinic, outpatient, and medical office;
  - ii. Orthopedic equipment and supplies, rental, sale, and service.

j. Services - Professional Office

- i. Architecture;
- ii. Artist studios, including those that use industrial tools;
- iii. Engineering, including surveying;
- iv. Law;
- v. Landscape architecture;
- vi. Professionals, other;
- vii. Regional offices and corporate headquarters.

k. Services – Amusement

- i. Fitness, exercise, and sports facilities (including clubs and studios), and other individual and group exercise / fitness facilities; e.g. studios, dance studios and schools, gyms, and martial arts schools; indoor pool; indoor athletic fields for organized competitive games; billiard and pool parlors; bowling alleys; and skating rinks, ice and/or roller rinks, all with less than 5,000 sq. ft. of floor area.

l. Services - Membership Organization, Office

- i. Business and professional;
- ii. Civil, social, and fraternal;
- iii. Charitable;
- iv. Labor;

- v. Political;
  - vi. Religious, not including churches.
- 4. Conditional Uses**
- a. Any conditional use in the IP zone (Section 50.13.025).
  - b. Pet care, daily (partially conducted outside a building).
  - c. Nursery, day care center – primarily serving employees within the IP zone.
  - d. Storage -limited to commercial self-storage facilities only and subject to the special requirements of Section 50.13.100 (5)(c).
- 5. Special Requirements**
- a. Except as set forth below, all special requirements of Section 50.13.040 shall apply within the Industrial Park Overlay District.
  - b. No retail use shall be approved in the IPO zone with more than 20,000 square feet of floor area:
    - i. In a single building, or
    - ii. On a single lot or parcel, or
    - iii. On contiguous lots or parcels, including those separated only by public right-of-way.
  - c. Commercial Self-Storage is allowed subject to the following standards:
    - i. The minimum FAR shall be 1.5:1.
    - ii. There shall be no roll up or “overhead” doors on the ground level that are visible from an arterial or collector street.
    - iii. Loading and docking areas shall be internal to the building and screened from street views.
    - iv. The building exterior shall be articulated using a variety of materials and colors. At least 20% of a street-facing façade shall be glass.

**Section 4.** The Lake Oswego Community Development Code Chapter 50 Appendix is hereby amended by adding the Industrial Park Overlay (IPO) district map as shown on Attachment B (LOC Appendix 50.13.100). The Comprehensive Plan Map and Zoning Map are hereby amended to depict the Industrial Park Overlay (IPO) district map as shown on Exhibit B.

**Section 5.** Effective Date of this Ordinance: Pursuant to the Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30<sup>th</sup> day after its enactment.


Enacted at the regular meeting of the City Council of the City of Lake Oswego held on 6<sup>th</sup> day of September, 2011.

AYES: Tierney, Jordan, Moncrieff, Olson, Kehoe, Gudman

NOES: none

ABSTAIN: none


EXCUSED: Mayor Hoffman

  
for Jack D. Hoffman, Mayor  
Dated: 9-6-11

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

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





- 1           Goal 1:    Citizen Involvement
- 2                    Policy 1
- 3
- 4           Goal 2:    Land Use Planning
- 5                    Section 1 Land Use Policies and Regulations, Policy 23
- 6
- 7           Goal 9:    Economic Development
- 8                    Policies 1, 6, 7, 8, 10, and 11
- 9
- 10          Goal 12:   Transportation
- 11                    Goal (12) 1 - Major Street System
- 12                    Policies 1 and 2

13

14   B.       Metro Urban Growth Management Functional Plan

15

16           Title 4: Industrial and Other Employment Areas, Sections 3.07.410-3.07.450

17

18   C.       City of Lake Oswego Community Development Code

- 19
- 20           LOC 50.75.005       Legislative Decisions Defined
  - 21           LOC 50.75.015       Required Notice to DLCDC
  - 22           LOC 50.76.020       Jurisdiction of Hearing Body
  - 23           LOC 50.77            Application Requirements
  - 24           LOC 50.79.030       Major Development Classification
  - 25           LOC 50.83            Hearings Before a Hearing Body

26

27   D.       Oregon Statewide Planning Goals and Administrative Rules

28

29           Goal 12 – Transportation and Oregon Administrative Rule 660-12-060

30

31   **FINDINGS AND REASONS**

32

33           As support for its decision, the City Council incorporates the staff Council Reports for LU

34   10-0042 (with all exhibits) dated May 4, 2011 and June 24, 2011, and the record of the

35   proceedings before the City Council, together with the findings and conclusions of the Planning

36   Commission, to the extent that those findings and conclusions are consistent with the

37   supplemental findings of the City Council.

1           Following are the supplemental findings of the City Council:

2           This proposal was initiated by the Planning Commission at the request of certain  
3 property owners to form an overlay district comprised of 23 properties within a portion of the  
4 Industrial Park (IP) Zone along Boones Ferry Road, north of Willow Lane. The proposal would  
5 have expanded the uses allowed within the overlay area to include office employment, limited  
6 retail and certain specialized uses.

7           The Planning Commission recommended adding to the allowed uses within the  
8 proposed overlay district, reasoning that the area is underutilized and that a wider range of  
9 employment uses should be allowed. However, the Commission also noted that the City is in  
10 the process of updating its Comprehensive Plan, and that allowing the additional uses  
11 throughout the overlay area could result in new construction that would be inconsistent with  
12 the ultimate direction of a revised Plan. To address this, and to ensure that the changes were  
13 structured to provide interim opportunities, the Commission concluded that the additional uses  
14 should be limited to existing buildings, including those expanded by not more than 5% of gross  
15 building floor area.

16           While the City Council agrees with the general objectives of the Planning Commission to  
17 provide reasonable enhancement of uses within the area while also anticipating the potential  
18 for a different direction from a revised Comprehensive Plan, the Council finds that the  
19 recommended list of additional uses is too limited to provide a meaningful expansion of  
20 commercial and employment opportunities in the interim. The City Council agrees with

1 property owners that the following uses should be added to those recommended by the

2 Planning Commission:

- 3 • General Merchandise: Apparel and accessory, building supply (including paint), garden  
4 supply, florist, and furniture (including antique and refinished furniture).  
5
- 6 • Service – Finance, Insurance and Real Estate: financial and banking institutions.
- 7 • Services – Personal: tailor shops and related services; barber and beauty shop, personal  
8 care; clothing rental; upholstery shop.  
9
- 10 • Commercial Self-Storage Facilities (discussed below).  
11

12 Limiting the new uses to existing (or modestly expanded) buildings in the district, as  
13 recommended by the Planning Commission, would unduly reduce the desired benefits and  
14 would create inequities among district property owners, all without doing much to ensure that  
15 interim development will be consistent with an updated Comprehensive Plan. Because it is  
16 likely that any Comprehensive Plan revisions and implementing Code changes will take many  
17 years, it would be inappropriate to unduly limit the interim eligibility for these additional uses,  
18 which will enhance the district without fundamentally changing its character. The City Council  
19 finds that the uses should be available throughout the overlay district, including within new  
20 structures.

21 Property owners and others provided convincing testimony that a commercial self-  
22 storage facility would benefit the overlay district and the wider community. The City Council  
23 finds that this type of use should be allowed, provided that a minimum Floor Area Ratio of 1.5:1  
24 is required (to avoid single-story units) together with the following standards:

- 25 • No ground level roll-up or “overhead” doors visible from an arterial or street;

- 1 • Loading and docking areas must be internal and screened from street view;
- 2 • The building exterior must be articulated using and variety of materials and colors; and
- 3 at least 20% of a street-facing façade must be glass.

4  
5 Commercial self-storage facilities should be allowed only as a conditional use, further ensuring  
6 compatibility with surrounding development. The Council notes that self-storage facilities will  
7 also be subject to the City’s current building design standards (LOC Article 50.45).

8 Policy 8 of Goal 9 of the Lake Oswego Comprehensive Plan requires the City to prevent  
9 further expansion of “strip commercial development,” which is defined as:

10 *Commercial or retail uses, usually one-story (sic) high and one store deep, that*  
11 *front on a major street and are oriented toward access by the automobile. Strip*  
12 *commercial development is typically characterized by street frontage parking lots*  
13 *servicing individual stores or strips of stores. Strip commercial development differs*  
14 *from central business districts in at least two of the following: 1) there are no*  
15 *provisions for pedestrian access between individual uses; 2) the uses are only one*  
16 *store deep; 3) buildings are arranged linearly rather than clustered; and 4) there*  
17 *is no design integration among individual uses.*

18  
19 It could be argued that adding certain retail and service uses along Boones Ferry Road amounts  
20 to expansion of strip commercial development. However, the City Council finds that, because  
21 many of the uses currently allowed in the IP zone and existing along Boones Ferry Road are  
22 commercial, and because of the pattern of such development, the development in that area  
23 already meets the Comprehensive Plan definition of strip commercial development. Allowing  
24 additional uses within existing strip commercial development does not constitute “expansion”  
25 of strip development within the meaning of Policy 8. The City Council finds that “expansion,”  
26 as used in that policy, refers to only to the creation or dimensional enlargement of a

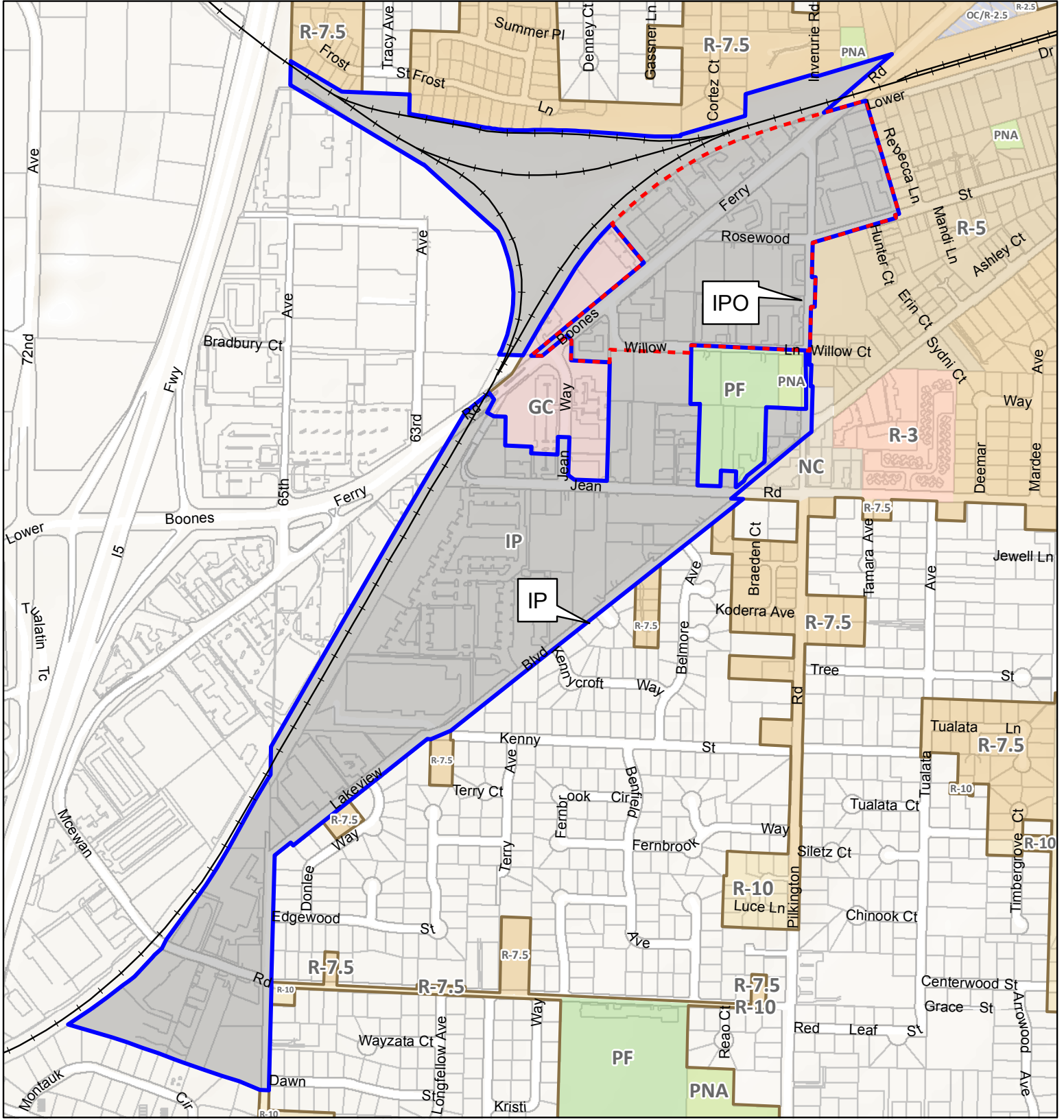
1 commercial strip, and not to an addition to the types of commercial uses allowed within an  
2 existing commercial strip.

3 Finally, the proposal to create an IP Overlay District does not violate Policy 10 of Goal 9,  
4 which requires the City to “designate the Downtown and Lake Grove Commercial Districts as  
5 the primary centers of general commercial activity in Lake Oswego.” Nothing about the limited  
6 addition of certain employment and commercial uses to the IP Overlay District, pending the  
7 Comprehensive Plan update, creates conditions that overshadow or significantly compete with  
8 the General Commercial opportunities and planned streetscape and aesthetic improvements  
9 that combine to make the Lake Grove Village Plan area a primary commercial center.

#### 10 **CONCLUSION**

11 The City Council concludes that LU 10-0042, as modified to be consistent with these  
12 findings, complies with all applicable criteria, including applicable Statewide Planning Goals and  
13 Lake Oswego Comprehensive Plan Policies.

# Lake Oswego Industrial Park Zone (IP) and Industrial Park Overlay Zone (IPO) Zone



**ATTACHMENT B  
(LOC APPENDIX 50.13.100)**

**LU 10-0042**