

ORDINANCE NO. 2575

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) ARTICLE 50.11 TO LIMIT THE SQUARE FOOTAGE OF RETAIL USES IN THE MIXED COMMERCE (MC) ZONE, AMENDING ARTICLE 50.13 TO LIMIT THE SQUARE FOOTAGE OF RETAIL USES IN THE INDUSTRIAL PARK (IP) ZONE, AND ADOPTING FINDINGS (LU 11-0028 - 1773)

Whereas, the City of Lake Oswego is required by the Metro Code to demonstrate compliance with Metro Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan; and

Whereas, Metro Title 4 (Metro Code 3.07.410 - .450) requires the City to impose limits on the square footage of retail uses in designated areas; and

Whereas, the Community Development Code does not currently limit the square footage of certain retail uses in areas regulated by Metro Title 4;

The City of Lake Oswego ordains as follows:

Section 1. Section 50.11.010 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

2. Retail Sales - Food:

....

C. Delicatessen, no table service.

Uses:	P	Special District Limitations for Permitted Use
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D <u>and MC zones</u>)

D. Specialized food stores.

Uses:	P	X	<u>Special District Limitations for Permitted Use</u>
	NC, GC, HC, EC, MC	OC, CR&D	<u>(Not to exceed 20,000 sq. ft. floor area in MC zone)</u>

E. Bakery - where baked foods manufactured elsewhere are sold on the premises.

Uses:	P	Special District Limitations for Permitted Use
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D <u>and MC zones</u>)

....

4. Retail Sales - Restaurants, Drinking Places:

A. Restaurants, with or without associated lounge.

Uses:	P	Special District Limitations for Permitted Use
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D <u>and MC zones</u>)

....

C. Bar or cocktail lounge not associated with restaurant; use with retail malt beverage license.

Uses:	P	X	Special District Limitations for Permitted Use
	GC, HC, EC, MC	NC, OC and CR&D	(<u>Not to exceed 20,000 sq. ft. floor area in MC zone</u>)

....

Section 2. Section 50.13.025 of the Lake Oswego Code is hereby amended by adding the text shown in **bold, underlined type**, as follows:

....

2. Retail establishments which directly and primarily provide goods and services to employees and businesses in the industrial park, **not to exceed 20,000 square feet of floor area.**

....

7. Retail sales of tires, batteries and motor vehicle accessories, **not to exceed 20,000 square feet of floor area.**

....
Section 3. The City Council hereby adopts the Findings and Conclusions (LU-11-0028) attached as Exhibit 1.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 10th day of January, ~~2011~~ 2012.

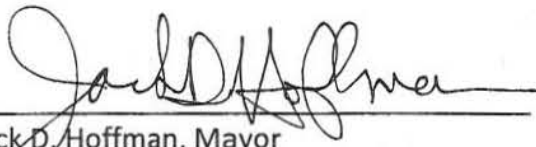
AYES: Mayor Hoffman, Kehoe, Jordan, Tierney, Moncrieff, Olson, Gudman

NOES: None

ABSENT: None

ABSTAIN: None

EXCUSED:



Jack D. Hoffman, Mayor

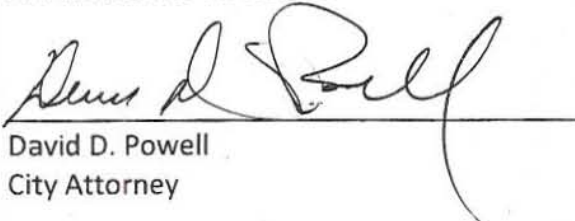
Dated: Jan 10, 2012

ATTEST:



Catherine Schneider, Interim City Recorder

APPROVED AS TO FORM:



David D. Powell
City Attorney

**BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO**

A REQUEST FOR AMENDMENTS TO THE)
 COMMUNITY DEVELOPMENT CODE LIMITING) LU 11-0028-1773
 SPECIFIED RETAIL USES IN THE MIXED) (CITY OF LAKE OSWEGO)
 COMMERCE AND INDUSTRIAL PARK ZONES)
) FINDINGS & CONCLUSIONS
 [ORDINANCE No. 2575])

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of the Lake Oswego Community Development Code to limit the sizes of specified retail uses in the Mixed Commerce (MC) and Industrial Park (IP) zones. Proposed amendments to the CDC will bring the City into compliance with Title 4 of Metro’s Urban Grown Management Functional Plan. The MC and IP zones are located within an Employment District on Metro’s Title 4 map.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of October 10, 2011. The City Council held a public hearing to consider the Planning Commission’s recommendation on December 13, 2011.

CRITERIA AND STANDARDS

A. City of Lake Oswego Comprehensive Plan:

- Goal 2: Land Use Planning
Section 1 Land Use Policies and Regulations, Policy 23
- Goal 9: Economic Development
Policies 20 and 21

1 B. Metro Urban Growth Management Functional Plan:

2 Title 4: Industrial and Other Employment Areas, Metro Code Sections
3 3.07.410-3.07.450

4 C. City of Lake Oswego Community Development Code:

5 LOC 50.75.005 Legislative Decisions Defined
6 LOC 50.75.015 Required Notice to DLCDC
7 LOC 50.75.020 Planning Commission Recommendation Required
8 LOC 50.75.025 City Council Review and Decision

8 **FINDINGS AND REASONS**

9 As support for its decision, the City Council incorporates the staff Council Report dated
10 December 2, 2011, for LU 11-0028 (with all exhibits), the October 10, 2011, Staff Report (with
11 all exhibits), and the Findings and Conclusions of the Planning Commission in this matter.
12

13 Following are the supplemental findings of the City Council:

14 The proposed legislative changes will bring the city into compliance with Metro's Title 4,
15 which requires that Employment Areas¹ be zoned to limit retail uses to 60,000 square feet in
16 area.² The city's Employment Areas include portions of several zoning districts, among which
17 the HC, GC, CR&D, MC and IP zones permit retail use. The HC and GC zones are exempted from
18 the Employment Land designations of Title 4.³ The CR&D zone was brought into compliance in
19 2009 through amendments that limited specified retail uses to 20,000 square feet (LU 09-0034).
20 Thus only the MC and IP zones currently require amendments.
21

22
23
24 ¹ As depicted on the Employment and Industrial Areas Map. Metro Code (MC) 3.07.450(A).

25 ² MC 3.07.440(B)

26 ³ MC 3.07.440(C) and Table 3.07-4.

1 Although retail stores in the MC Zone are currently limited to 60,000 square feet,
 2 delicatessens, specialized food stores, bakeries, restaurants and bars have no size limitations.
 3 Similarly the IP zone currently allows retail establishments that directly and primarily provide
 4 goods and services to employees and businesses in the industrial park, and retail sales of tires,
 5 batteries and motor vehicle accessories without size limitations.⁴ The proposed text
 6 amendment will limit these retail uses to 20,000 square feet. Although this is less than the
 7 60,000 square feet maximum allowed by Title 4, it is consistent with retail size limitations
 8 currently in place in the CR&D zone and in the recently adopted IP Overlay District (LU 10-
 9 0042).

11 The City Council agrees with the Planning Commission that there is no need to establish
 12 a 20,000 square feet size limitation for "incidental retail uses" in the IP zone as originally
 13 proposed, because such uses are already limited to 3,000 square feet (LOC 50.13.040(5)). The
 14 Council also agrees with the Planning Commission that the proposed area limitations in LOC
 15 50.13.025(2) and (7) should be clarified by including the words "of floor area."

17 **CONCLUSION**

18 The City Council concludes that LU 11-0028, as recommended by the Planning
 19 Commission, complies with all applicable criteria and that the proposed Code amendments
 20 should be enacted.
 21
 22
 23

24 ⁴ The recent IP Overlay amendment (LU 10-0042) included retail uses with limitations
 25 consistent with Title 4. However that overlay applies only to the IP-zoned properties north of
 26 Willow Lane. The current proposed changes apply to the entire IP zone.