

ORDINANCE NO. 2579

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO REORGANIZING THE COMMUNITY DEVELOPMENT CODE (LOC CHAPTER 50); CONSOLIDATING THE COMMUNITY DEVELOPMENT CODE WITH CODE PROVISIONS RELATING TO SOLAR ACCESS (CHAPTER 57), HISTORIC PRESERVATION (CHAPTER 58) AND FENCES (ARTICLE 45.15); AMENDING THE ZONING MAP AND COMPREHENSIVE PLAN MAP TO REFLECT CHANGED ZONE NAMES; AND ADOPTING FINDINGS LU 11-0036-1776

WHEREAS, the Community Development Code has been amended and expanded numerous times over the years and is complex in terms of content, format, and organization, making it difficult for the user to navigate and understand, and can be improved by reformatting, reorganizing, and making minor text amendments for clarity; and

WHEREAS, the Solar Access and Historic Preservation chapters and the Fence Article are part of the overall development review process by the City, but are contained in separate chapters from the Community Development Code, and incorporating these chapters into the Community Development Code would result in a more consolidated set of development regulations; and

WHEREAS, the reorganization, reformatting, and consolidation of the Community Development Code, Solar Access and Historic Preservation chapters, and the Fence Article are not intended to result in any substantive changes to the existing content of these codes; and

WHEREAS, some zone names are being changed in the text of the Community Development Code, necessitating corresponding changes for zone names on the zoning map and comprehensive plan map; and

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

WHEREAS, the Planning Commission has recommended that LU 11-0036-1772 be approved by the City Council; and

WHEREAS, a public hearing on LU 11-0036 was held before the City Council of the City of Lake Oswego on February 21, 2012.

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 11-0036-1776) attached as Exhibit "A".

Section 2. LOC 12.51.035(3) is hereby amended as follows (new text shown in **bold, double-underlined type**; deleted text shown in ~~strikethrough type~~):

12.51.035 Historic Resources Advisory Board.

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3. Duties. The Historic Resources Advisory Board shall:

- a. Carry out the purpose section and duties described in LOC ~~Chapter 58~~ 50.06.009 and 50.07.004.4 (Historic Preservation) and otherwise assist the City Council on historic preservation matters.
- b. Disseminate information to educate the public as to state and federal laws protecting antiquities and historic places.
- c. Act as a coordinator for local preservation groups, educational workshops, signing and monumentation projects, and other similar programs.
- d. Advise interest groups, agencies, boards, and citizens on matters relating to historic preservation within the city.
- e. Conduct historic inventories on a periodic basis and ensure that information on inventoried historic properties is updated and maintained.
- f. Research and recommend property owner incentives to City Council to assist in continued preservation of historic resources.

Section 3. LOC 12.52.010 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

12.52.010 Specific Recordable Instruments.

The following instruments maybe recorded in the appropriate county records:

1. Local Improvement Districts.
 - a. Petition for Formation of local improvement or assessment district. (See LOC 40.02.020 (3)).
 - b. Waiver of Right to notice, hearing, remonstrance or assessment for a local improvement district (LID), public improvement, facility or service. (See LOC 40.020.050.)
 - c. Notice of Pendency of Formation of a local improvement district or assessment. (See LOC 40.02.040 and 40.02.060 (1)).
 - d. Reapportionment of Special Assessment for LID's or public improvements. (See LOC 40.02.160.)

- e. Continuing Request for Public Improvements or Services approved for recording by City Manager or designee. (See LOC 40.02.020 (3)).
2. Development Review. Development restrictions relating to a major development, minor development, or ministerial development, including but not limited to land divisions, variances, conditional use permits, and the Conditions of Approval imposed on the subject real property when approved for recording by the City Manager or designee. (See ~~LOC 50.79.040~~ 50.07.003.5.)
3. Agreements to Pay Charges.
- a. System development charges. (See LOC 39.06.101). (May be recorded or may be posted in the Municipal Lien Docket.)
- b. Any impact fees or taxes imposed on real property pursuant to Lake Oswego Code.
- c. Agreement for Public Improvements, to construct or maintain public improvements required by the City Manager, City hearing body, or City Engineer. (See LOC ~~50.87.020~~ 50.07.003.9.)
- d. Zone Connection Charge to reimburse a person for the costs of financing a sewer, street, surface water management or water improvement. (See LOC 40.04.050.)
4. Real Property Conveyance Acceptance. Acceptance of Transfer or Acceptance of Dedications of road right-of-way or other public interest in real property approved for recording by the City Manager.
5. Property Line Adjustment. Property Lot Line Adjustment Approval, or agreement pursuant to Approval. (See LOC 12.52.010 (2), ~~50.79.010, 50.79.020 and 50.79.030~~ 50.07.003.13, 50.07.003.14, and 50.07.003.15.)
6. Change of Street Name. Change of Street Name approved for recording by City Engineer. (See LOC 43.02.090.)
7. Building Department Notices. Notice of Final Inspection, Notice of Occupancy Approval, Notice of Failure to Obtain Final Inspection, and Notice of Failure to Obtain Occupancy Approval if approved for recording by Building Official.
8. Declaration of Nuisance and Related Documents. Notice that a property is subject to a pending Declaration of Nuisance or has been determined to be a Nuisance or a Nuisance Lien amount has been approved for recording by City Manager or designee. (See LOC 34.08.405, 34.08.411 and 34.08.421.)

9. Permit of Entry. A permit or license of entry authorizing City, its employees, agents or contractors to enter onto private property.
10. Seizure or Forfeiture of Property. Notice of Intent to Seize or Intent to Forfeit Property, Certificate of Forfeiture or Sale approved for recording by City Manager or designee.
11. Verification of Official Act. Resolution and Order, Minute Order or other comparable order evidencing an official act of City board or commission approved for recording by the City Recorder or designee.
12. Agreement to Construct Public Improvements. Agreement to Construct Public Improvements if approved by the City Manager or designee for recording.
13. Agreement to Hold Harmless or Indemnification. Agreement to Hold Harmless, to indemnify, or defend City of Lake Oswego, its officers, employee, agents or contractors approved by the City Manager or designee for recording.
14. Land Use Required Documents. Any document required or directed to be recorded pursuant to or in furtherance of a land use, development approval or building permit issuance and approved for recording by the Planning Director, Building Official, City Manager, or any designee thereof. Examples include: Restrictive Covenant, Non-Access Strip, Waiver, Joint-use Agreement, Access Restriction, Maintenance Agreements, Development or Use Restriction.
15. Road Agreement. Road or Right-of-Way Maintenance Agreement approved for recording by the City Manager, City Engineer, or any designee thereof.
16. Encroachment Agreement. Encroachment Agreement approved for recording City Manager or designee. (See LOC 42.18.1010.)
17. Tree Permits.
 - a. Tree Removal or Tree Preservation Permits approved for recording by the Planning Director or designee. (See LOC 55.02.084, 55.02.094, 55.02.130 and 55.02.135.)
 - b. Tree Heritage Designation evidenced in a covenant and authorized for recording by Planning Director or designee. (See LOC 55.06.030.)
18. Historic Preservation. Historic Landmark or Historic District Designation, or Removal of Designation. (See LOC Article 58.02 50.06.009 and 50.07.004.4.)

19. Annexation. Annexation Documents executed by property owner or by City officer or employee in furtherance of current or future annexation, including but not limited to consent to annexation and waiver of time limitations for consent to annexation (See ORS 222.173). (Note: Annexation contracts are authorized for recording under ORS 222.115).

Section 4. LOC 15.06.610(5) is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

15.06.610 Oregon Fire Code Adopted.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion the Oregon Fire Code (as enacted on October 1, 2004, or as thereafter amended by the Department of Oregon State Police, Office of State Fire Marshal). Such a code is enacted and adopted in whole by this reference as though set forth at length except such portions as are hereinafter deleted, modified or amended by this section.

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5. Section 603.1 is amended to add, as additional subsections, the following:

A. Subsection 603.1.8. Storage may be permitted in residential zones subject to the following requirements:

B. Subsection 603.1.8.1. Screening. Above ground tanks are to be surrounded by fences, walls, or plant materials that are sufficient to fully screen their appearance from neighboring properties. If plant materials are used to provide the screening, they shall meet the requirements of Section ~~50.47.015~~ **50.06.004.1.c** of the Community Development Code.

C. Subsection 603.1.8.2. Setbacks. All structures supporting tanks shall be located a minimum of five (5) feet from any property line. For tanks larger than 275 gallons, the minimum setback shall be increased to ten feet. Additional setbacks shall be as specified in the Oregon Fire Code.

D. Subsection 603.1.8.3. Tank Requirements. All above ground tanks shall display a sticker indicating acceptance by Underwriters Laboratories or a comparable organization (e.g., ASME or Factory Mutual). Tanks shall be double-walled or shall otherwise provide containment for leaks. Tanks must be manufactured, installed, and maintained in compliance with the manufacturer's instructions, NFPA

Standard 31 (Installation of Oil Burning Equipment), and be approved by the Fire Chief.

E. Subsection 603.1.8.4. Clean-up. The property owner shall bear the responsibility for the prompt and thorough clean-up and proper disposal of any fuel oil that is spilled on or around any tank, whether the tank is located under ground or above ground.

F. Subsection 603.1.8.5. Closed system. Above ground tanks shall be closed systems, fueling only oil-fired appliances. All other distributions of fuel from such tanks shall be unlawful.

Section 5. LOC 40.06.010 is hereby amended to read as follows (new text shown in bold, double-underlined type; deleted text shown in ~~strikethrough~~ type):

40.06.010 Definitions.

City. The City of Lake Oswego.

City Engineer or Engineer. The person appointed by the City Manager to perform the duties of City Engineer pursuant to LOC Article 40.06.

City Manager. The person appointed by the City Council as the City Manager pursuant to the Lake Oswego Charter, or the City Manager's designee.

Gravity Sanitary Sewer. A pipe located within a public right-of-way and/or public utility easement that is designed to convey sewage by gravity.

Line charge. A uniform charge established to recover the cost of extending the sanitary sewer system to serve properties within the USB.

Parcel of Land or Parcel. A lot as defined in LOC ~~50.02.005~~ **50.10.003.2**.

Person. Any person or legal entity.

Pressure Sanitary Sewer. A pipe and related pumping facilities located within a public right-of-way and/or public utility easement that is designed to convey sewage by pressure.

Property Owner. The owner of the title to real property or the contract purchaser of real property of record as shown on the last available complete assessment roll in the Office of the County Assessor.

Septic Tank Effluent Pump/Gravity (STEP/G) Sanitary Sewer. A small diameter pipe located within a public right-of-way and/or public utility easement that is designed to convey sewage by pressure or gravity.

Urban Service Boundary (USB). The area consisting of the incorporated city limits of the City of Lake Oswego and the area outside of the corporate limits but within the area identified pursuant to the Lake Oswego Comprehensive Plan as territory for future annexation and service by the City of Lake Oswego.

Section 6. LOC 42.03.085(3) is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

42.03.085 Cul-de-Sacs and Dead End Streets.

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3. A cul-de-sac or dead end street shall be no longer than 200 feet in length and shall serve no more than 25 dwellings, except where extreme topography, the presence of Sensitive Lands as described in LOC ~~Article 50.16~~ **50.05.010 and 50.07.004.8**, floodplains as described in LOC ~~50.02.005~~ **50.10.003.2**, freeways, existing development patterns on abutting property or arterial access restrictions, preclude the logical connection of streets. A cul-de-sac shall provide a turnaround without the use of a driveway.

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Section 7. LOC 42.03.110 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

42.03.110 Provision for widening streets.

Whenever existing streets adjacent to or within a tract are of inadequate width, the provision of additional right-of-way may be required as a condition of development permit approval pursuant to LOC ~~50.79.040 (1)(c)~~ **50.07.003.5.a.iii.**

Section 8. LOC 42.12.610 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

42.12.610 Permit - Required.

1. It shall be unlawful for any person, without first obtaining a permit therefore to:

a. Dig up, break into, excavate, disturb, dig under, or undermine any street for the purpose of laying or working upon any water pipe, water main, sewer, branch sewer, or pipe of any kind;

- b. Make connection with, obstruct, or interfere with any public sewer or drain pipe;
- c. Cut or break into any brick, clay, terra cotta, cement pipe or other sewer;
- d. Connect with any sewer, except at the branches duly provided in such sewer for connection therewith;
- e. Excavate or dig up a street for the purpose of laying down, installing or constructing underground conduits for electric wires or steam, or for making any connection therewith;
- f. Connect the blowoff or exhaust pipe of any boiler or steam engine with any sewer or branch thereof;
- g. Do any other excavation work in a roadway.

In case of leakage or breakage in any pipe, main, sewer, or conduit, requiring immediate action, any person otherwise authorized to do so may commence the repairs on such pipe, main sewer, or conduit without first obtaining the permit; but he shall, as soon as practicable, file the application and deposit hereinafter provided and obtain the necessary permit.

2. The permit required by this section is a minor development permit and is obtained pursuant to the procedures set forth in LOC Article ~~50.81~~ **50.07.003.3** and **50.07.003.14**. The standards for approval set forth in LOC Section ~~50.79.025~~ **50.07.003.14.d.ii** apply in addition to those set forth in this chapter.

Section 9. LOC 42.19.010 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

42.19.010 Definitions.

1. **Adjacent sidewalk area.** That portion of the public sidewalk between the curb line, or the lateral line of a roadway, and the property line of the food or beverage sales business, delineated by extending the side building lines of the premises until they intersect with the curb or the lateral line of the roadway.
2. **Commercial zone.** Property that is designated Neighborhood Commercial, General Commercial, Highway Commercial, East End General Commercial, Mixed Commerce, Office Commercial/Neighborhood Commercial, Campus Research and Development, Campus Institutional or Office Campus on the Lake Oswego Zoning Map pursuant to LOC ~~50.05.010~~ **50.01.004.2**.

3. Operate a sidewalk cafe. Serving food or beverages from a food or beverage sales business to patrons seated at tables located within the adjacent sidewalk area.

Section 10. LOC 45.12.530 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

45.12.530 Building Permit Required.

Pursuant to the State Structural Specialty Code, enforced pursuant to LOC 45.09.005, a building permit is required for all buildings moved to a location within the City. The building permit required is a minor development pursuant to LOC ~~50.79~~ **50.07.003.14** and is in addition to, not in lieu of, the moving permit required by LOC 45.12.510. In addition to all requirements set forth in the building regulations, the following must also be met to the satisfaction of the City Manager before a development permit may be issued:

1. The building to be moved shall be located and used in a manner consistent with all zoning and land use ordinances of the City, together with any other applicable ordinances, laws or governmental regulations.
2. The building shall be sufficiently similar to other buildings in the immediate vicinity in size, age, architectural style and structural conditions so as to be compatible with other buildings in the area and so as not to cause property in the area to decrease in value.
3. Denial of a development permit application for failure to comply with subparagraphs (1) and (2) of this section may be appealed to the Development Review Commission, as provided for minor development, under LOC ~~50.82~~ **50.07.003.3.e, 50.07.003.7 and 50.07.003.15.b**. In any event, the City Manager may refer the application to the Development Review Commission for a determination of compliance with subparagraphs (1) and (2).

Section 11. The general description and the definitions of "Architectural Detail," "Commercial Zones" and "Residential Zones" in LOC 47.03.015 are hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

47.03.015 Definitions.

For the purpose of this chapter certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; the masculine gender includes the feminine gender, except as otherwise

provided. The definitions in LOC ~~50.02.005~~ 50.10.003.2, apply to this chapter to the extent that they do not conflict. The following terms shall mean:

* * *

Architectural Detail. Elements of building design commonly used in Lake Oswego building styles, including the Arts and Crafts, English Tudor and the Oregon Rustic Styles. (See photos and descriptions in Lake Oswego Community Development Code, LOC Article ~~50.65~~ 50.05.004 (Downtown Redevelopment District Design District Standards), LOC 50.11.001, Appendix ~~50.65-A~~ A-Lake Oswego Style).

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Commercial Zones. Commercial Zones shall mean the CR&D, EC, GC, HC, MC, NC, WLG RMU ~~OC/R-2.5~~, OC, WLG OC ~~OC/NC~~ and WLG RLWR ~~R-2.5/W~~ zones as described and established in the Lake Oswego Community Development Code.

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Residential Zones. Residential Zones shall mean the R-0, R-2, WLG R-2.5, R-3, R-5, R-6, R-7.5, R-10, R-15, R-DD and R-WR zones as described and established by the Lake Oswego Community Development Code.

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Section 12. The section listing in LOC 47.10 is hereby amended to read as follows (new text shown in bold, double-underlined type; deleted text shown in ~~strikethrough~~ type):

Article 47.10
Permit Requirements.

Sections:

- 47.10.400 Signs Requiring Permit.
- 47.10.405 Permanent Signage Requiring Permit Allowed in Residential Zones (R-0, R-2, WLG R-2.5, R-3, R-5, R-6, R-7.5, R-10, R-15, R-DD and R-WR).
- 47.10.410 Permanent Signage Requiring Permit Allowed in Commercial Zones (GC, NC, WLG RMU ~~OC/R-2.5~~, WLG OC/NC, and WLG RLWR ~~R-2.5/W~~).
- 47.10.412 Permanent Signage Requiring Permit Allowed in the EC Zone
- 47.10.415 Permanent Signage Requiring Permit Allowed in Commercial Zones (MC, HC, CR & D and OC).
- 47.10.420 Permanent Signage Requiring Permit Allowed in Industrial Zones I and IP.
- 47.10.425 Institutional, Public Facilities or Open Space Land Uses Listed As Conditional Nonconforming Uses.

Section 13. LOC 47.10.405 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

47.10.405 Permanent Signage Requiring Permit Allowed in Residential Zones (R-0, R-2, ~~WLG R-2.5~~, R-3, R-5, R-6, R-7.5, R-10, R-15, ~~R-DD~~ and ~~R-WR~~).

In addition to the temporary and permanent signage allowed without permit in the residential zones the following signage is allowed subject to permit and fee.

Section 14. LOC 47.10.410 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

47.10.410 Permanent Signage Requiring Permit Allowed in Commercial Zones (GC, NC, ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~, and ~~WLG RLWR-2.5/W~~).

In addition to the temporary and permanent signage allowed without permit in the following commercial zones: GC, NC, ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~, the following signage is allowed subject to permit and fee.

1. Free Standing Signs.
 - a. Allowable Area: Maximum 32 square feet.
 - b. Number: One sign shall be allowed for the primary frontage. Another sign shall be allowed on any secondary frontage that is 300 feet or more in length.
 - c. Height: Maximum 18 feet for pole signs and 8 feet for monument signs.
 - d. Sign Types: Monument signs shall be allowed. Pole signs shall only be allowed when necessary to provide vision clearance at driveways or intersections and when there is no alternative, visible on-building or monument sign location. No pole signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.
 - e. Exceptions in GC Zone: The City Manager may grant exceptions to the size and height limitations for monument signs under subsections 1(a) and 1(c) of this section, as well as exceptions to the design standards of LOC 47.06.200 (4), as necessary to allow an existing pole sign in the GC Zone, that was non-conforming prior to May 21, 2004, to be converted to a monument sign on the same premises, provided that:
 - i. the existing sign is widely recognized in the community as a unique symbolic icon identified with a particular era;
 - ii. the sign has been continuously displayed, unchanged, for at least 20 years prior to the conversion;

- iii. the area of the sign does not exceed 50 square feet;
- iv. the conversion results in no change to the face of the sign; and
- v. the height of the monument sign, including the base, does not exceed 10 feet.

Following conversion to a monument sign, any exceptions allowed under this subsection (1)(e) shall apply until there is any alteration or change of the sign, including any change of copy, or until any change of use of the premises, at which time the sign shall be made to comply with all requirements of this Chapter.

2. Sign Attached To Buildings.

- a. Allowable Area: The 32 square foot maximum allowed for freestanding signs may be transferred to allow signs attached to buildings as an alternative. Except in the WLG RMUOC/R-2.5, WLG OC/NC and WLG RLWR-2.5/W zones, an additional sign or signs shall be allowed within a two foot high horizontal sign band. The sign band length signs may be 75 percent of the building or business frontage whichever is less.
- b. Number: One 32 square foot sign shall be allowed on each street frontage. The maximum number of signs within the sign band on each street frontage shall equal the number of frontage businesses located on the ground floor.
- c. Height: The maximum 32 square foot sign shall not be placed higher than 18 feet on any structure. The sign band shall not exceed two feet in height and shall extend along one or more sides of a structure located between the windows and the parapet on a one story building with a flat roof and at or below the fascia on a one story building with a pitched roof. On a multi-story building it shall be located above the windows and below the second story line (retail cornice height).
- d. Sign Types: Wall signs and sign bands are allowed.

3. Additional Signs Allowed.

- a. Awning or canopy signs meeting the same size and number restrictions as sign bands may be substituted for the sign band signs allowed by LOC 47.10.410 (2). The awning or canopy may extend over the right-of way, but shall come no closer than two feet from areas subject to vehicular travel. No such signs shall be allowed in the WLG RMUOC/R-2.5, WLG OC/NC and WLG RLWR-2.5/W zones.
- b. Multi-building complexes shall be allowed an additional monument sign of 32 square feet. This sign shall be located at the primary entrance to the complex and

shall not extend more than ten feet in height. No such signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.

c. Any business which is required by law to post specific signs, such as service stations, shall be allowed up to an additional 22 square feet of signage to communicate the mandated message. The sign may be installed with the primary sign or installed as a separate 5-1/2 foot tall monument sign. No such signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.

d. A theater or movie house with more than one auditorium shall be allowed an additional 48 square feet of signage. No such signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.

e. Second story businesses shall be allowed an eight square foot sign erected at the second story level. No tenant signage shall be allowed above the second story. No such signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.

f. Blade signs which hang from canopies or awnings over the right-of-way perpendicular to the direction of pedestrian movement shall be allowed, but shall come no closer than 2 feet from areas subject to vehicular travel. The signs shall be consistently 8 inches in height and shall not exceed 6 feet in length. The bottom of the sign shall have 8-1/2 feet of clearance to the walkway or ground below. One sign shall be allowed for each ground floor tenant. No frontage is required. A blade sign shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones only as an alternative to a monument or wall sign.

g. A single overhanging sign may be substituted for the 32 square foot maximum sign. The overhanging sign shall be allowed to overhang the right-of-way provided it is attached to the building, comes no closer than 2 feet from areas subject to vehicular travel, maintains 8-1/2 feet of clearance to the walkway or ground below and does not extend more than 14 feet above that sidewalk or ground surface. No such signs shall be allowed in the ~~WLG RMUOC/R-2.5~~, ~~WLG OC/NC~~ and ~~WLG RLWR-2.5/W~~ zones.

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Section 15. LOC 47.12.500(1) is hereby amended to read as follows (new text shown in , deleted text shown in ~~strikethrough~~ type):

47.12.500 Variances.

1. All sign variances shall follow the same procedure as a ~~Class 1 (minor)~~ variance to the Community Development Code and shall be regulated pursuant

to the following procedural provisions:

a. LOC Article ~~50.81~~ 50.07.003.3.a, 50.07.003.14.d.i, and 50.07.003.14.d.iii.

b. LOC Article ~~50.82~~ 50.07.003.3.e, 50.07.003.7 and 50.07.003.15.b (except that the statement required by LOC ~~50.82.020 (3)(e)~~ 50.07.003.3.f.iv(5) shall not be given).

c. LOC Article ~~50.83~~ 50.07.003.4, except that:

i. In lieu of LOC ~~50.83.005 (5)~~ 50.07.003.4.a.v, a statement shall be given that the evidence and testimony must be directed to the applicable criteria described by the staff or to other criteria in the Sign Code which the person believes to apply to the decision.

ii. In lieu of LOC ~~50.83.005 (13)~~ 50.07.003.4.a.xiii, following testimony and argument, the hearing body's deliberations may include questions to or testimony by City staff regarding the criteria, evidence and testimony in the record. The hearing body may also direct questions to any person present. If any person other than City staff is questioned or allowed to make comments during deliberation, the Chair shall allow any other person to respond to such comments.

iii. In regards to LOC ~~50.83.030 (2)~~ 50.07.003.4.f.ii, the 120-day Rule is not applicable.

d. LOC Article ~~50.84~~ 50.07.003.7, except that:

i. In regards to LOC ~~50.84.065 (1)~~ 50.07.003.7.n.i, the 120-day Rule is not applicable.

ii. The statement required by LOC ~~50.84.075 (5)~~ 50.07.003.7.p.v shall not be given.

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Section 16. LOC 47.10.400(4) is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in **strikethrough** type):

47.10.400 Signs Requiring Permit.

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4. An application for a sign permit shall include, in addition to such information as may be specified by the City Manager:

- a. A completed Sign Permit Application form and fee
- b. A Site Plan and/or Building Elevation Plans drawn to scale and dimension showing (as applicable):
 - Existing Structures
 - Driveways
 - Street and Right-of-Way
 - Existing Signs
 - Proposed Sign
 - Vision Clearance (LOC ~~50.21.005~~ 50.06.011)
 - All Incidental Signs
- c. A proposed sign plan drawn to scale and dimension showing (as applicable):
 - Height
 - Width
 - Square Footage
 - Thickness
 - Size and style of letters
 - Color
 - Type of illumination
 - Materials

Section 17. LOC 47.10.412(7) is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

47.10.412 Permanent Signage Requiring Permit Allowed in the EC Zone

In addition to the permanent, temporary and exempt signs allowed pursuant to LOC 47.06.205, 47.08.300 and 47.08.305 the following signage is allowed in the EC zone subject to permit and fee.

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7. Exception to the Requirements of this Section.

a. The reviewing authority may allow exceptions to this section without the need to obtain a formal variance in one or more of the following circumstances:

- (1) The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical.

b. A request for exception under this provision may be processed as part of the underlying application or separately as a major development pursuant to LOC Chapter ~~50.79.030~~ 50.07.003.15.

Section 18. LOC 55.02.035(1) is hereby amended to read as follows (new text shown in bold, double-underlined type; deleted text shown in ~~strikethrough~~ type):

55.02.035 Tree Removal in Conjunction with Major or Minor Development Permit.

1. If a Major or Minor Development Permit applied for pursuant to LOC Article ~~50.79~~ 50.07.003.15 or 50.17.003.14, respectively, would require or result in tree removal and/or a tree cutting permit as defined in this Chapter, compliance with LOC 55.02.080 shall be a criterion of approval of such development permit. Tree removals in conjunction with a Major or Minor Development Permit shall be considered in conjunction with such permit and shall be subject to the application, notice, hearing and appeal procedures applicable to the proposed Major or Minor Development pursuant to LOC Articles ~~50.82 and 50.84~~ 50.07.003.3.e, 50.07.003.7.a, 50.07.003.15.b, and 50.07.003.7. The required Notice for Major or Minor Developments that would require or result in tree removals shall include a site plan indicating the location of any trees proposed for removal on the subject site. The proposed trees shall also be flagged with yellow flagging tape on site. Such flagging shall be maintained until a final decision on the proposal is rendered. The remaining, notice, hearing and appeal procedures in LOC Chapter 55 shall not apply to tree removals considered in conjunction with a Major or Minor Development request. Subsequent tree removals that have not been reviewed through either Major or Minor Development procedures shall be reviewed as provided in this Chapter.

* * *

Section 19. LOC 55.02.042(1) and (3) are hereby amended to read as follows (new text shown in bold, double-underlined type; deleted text shown in ~~strikethrough~~ type):

55.02.042 Permit Classifications and Review Procedures.

A person who desires to remove a tree shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

1. Type 1 Permit is required for:

a. A property that is located in a residential zone and is occupied by a single family dwelling;

- b. Removal of up to two trees, 10 inch caliper or less per tree at DBH within a calendar year; and
- c. A tree that is not:
 - i. Protected by a condition of approval of a development permit pursuant to the Lake Oswego Community Development Code;
 - ii. Located within an area or parcel that has been placed on the Historic Landmark Designation List pursuant to LOC ~~Chapter 58~~ 50.06.009;
 - iii. A Heritage Tree per LOC Article 55.06;
 - iv. Located within an RC or RP sensitive land overlay district;
 - v. Located within the Willamette River Greenway (WRG) overlay district;
 - vi. Located within the 25 foot Oswego Lake Special Setback;
 - vii. Located on property owned by the City of Lake Oswego or dedicated to the public, including parks, open space and public rights-of-way.

Type I permits shall be issued without further review upon application and demonstration by the applicant that the request qualifies as a Type I permit pursuant to this subsection.

* * *

3. Dead Tree Removal Permit:

- a. The City shall issue a tree cutting permit for a dead tree, except as provided by subsection (3)(b) of this section, if the applicant demonstrates that a tree is dead and warrants removal.
- b. In order to provide for wildlife habitat and natural processes, the City Manager may require the retention of a dead tree. Dead trees shall not be removed if located in wetlands, RC Protection Areas (~~LOC 50.16.055~~ 50.05.010.5.b), stream corridors, parks or open space areas required to be preserved as a condition of development approval, unless the tree presents a potential hazard to persons or property.

* * *

Section 20. LOC 55.02.130(4) is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

55.02.130 Penalties.

* * *

4. Restoration.

a. A person who removes a tree without first obtaining a Type II, dead tree, or hazard tree cutting permit from the City pursuant to this Chapter, removes a tree in violation of an approved Type II, dead tree, or hazard tree cutting permit, or violates a condition of such a permit shall pay into the City's Tree Fund a standard fee per caliper inch for the total number of caliper inches of the tree removed in violation of this Chapter in an amount as established by resolution of the City Council.

b. The City may require the person to pay into the City's Tree Fund an increased fee per caliper inch for the total number of caliper inches of the tree removed in violation of this Chapter in an amount as established by resolution of the City Council or the value of the tree as determined by an arborist in accordance with the methods set forth in the "Guide for Plant Appraisal" an official publication of the International Society of Arboriculture, whichever is greater, if any of the following apply:

i. The person has committed a previous violation of a provision of this Chapter, or

ii. Tree protection measures as required by LOC Article 55.08 were not installed or maintained, or

iii. The tree removed was any of the following:

(A) 36 caliper inches in diameter or greater,

(B) a heritage tree, per LOC Article 55.06,

(C) expressly protected or required to be preserved as a condition of approval of a development permit pursuant to the Lake Oswego Community Development Code,

(D) located within the Willamette River Greenway per LOC Article ~~50.15~~
50.05.009,

(E) part of a Resource Conservation (RC) or Resource Protection (RP) area, per LOC Article ~~50.16~~ 50.05.010,

(F) located on public right of way, City owned or dedicated property, a public or private open space area or conservation easement.

Section 21. LOC 34.06.164 is hereby amended to read as follows (new text shown in **bold, double-underlined** type; deleted text shown in ~~strikethrough~~ type):

34.06.164 Violations of the Historic Preservation Chapter.

Violations of the Historic Preservation Chapter provisions of the Lake Oswego Code (LOC Chapter ~~58~~ 50.06.009 and 50.07.004.4), except a violation of the demolition provisions of LOC ~~58.02.125~~ 50.06.009.6 and 50.07.004.4.b, as now or hereafter constituted, are hereby declared civil violations and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by State law or City Code, be enforced under the provisions of this chapter. Whenever the City Manager becomes aware of violations of the provisions of the above chapter, the City Manager may cause enforcement measures to be initiated as prescribed herein.

Section 22. Reorganization of Chapter 50; Incorporation of Chapters 57 and 58, and Article 45.15, into Chapter 50; Table of Contents.

1. The Lake Oswego Code is hereby amended by repealing Articles 50.01-50.91 of LOC Chapter 50 (Community Development Code) and its Tables and Appendices, Chapter 57 (Solar Access), Chapter 58 (Historic Preservation), and Article 45.15 (Fences) and adding new Articles, Tables, and Appendices for Chapter 50 (Community Development Code) as stated in Exhibit "B".
2. The general table of contents for the newly adopted Articles of Chapter 50 and detailed tables of contents before each article or section of Chapter 50 contained within Exhibit "B" are intended to be of assistance to the reader of Exhibit B. The tables of contents contained within Exhibit B are not adopted as part of Chapter 50 (Community Development Code). The City Attorney and City Recorder may add tables of contents to the codification of Chapter 50, and may edit the tables of contents, from time to time.

Section 23. Amendment of Zoning Map and Comprehensive Plan Map Due to Change of Zone Names.

The map designations of the following zones, as amended in Exhibit B (Section 50.01.004), are amended on the Zoning Map and Comprehensive Plan Map:

Zone District Category	Former Map Designation	Revised Map Designation
Design District (Old Town)	DD	R-DD
Waterfront Cabanas	WR	R-W
WLG Live/Work Zone	WLG R-2.5/W	WLG RLW
WLG Office Commercial / Town Home Residential	WLG OC/R-2.5	WLG RMU
WLG Town Home Residential	R-2.5	WLG R-2.5
WLG Office Commercial / Neighborhood Commercial	WLG OC/NC	WLG OC

Section 24. Revision of Code References. The City Recorder is authorized to revise all references in the Lake Oswego Code to repealed Articles and Sections of Chapters 50 (Community Development Code), Chapters 57 (Solar Access), and 58 (Historic Preservation), and Article 45.15 (Fences) to reference appropriate Sections in the newly adopted Articles and Sections of Chapter 50 (Community Development Code) enacted by this Ordinance.

Section 25. Transition to New Code. All obligations now existing pursuant to LOC Chapters 50, 57, and 58, and Article 54.15, including without limitation:

- a. Fees and charges,
- b. Conditions of approval,
- c. Covenants, conditions, and restrictions, and
- d. Development restrictions,

or otherwise arising as a result of an act, omission or action, or development permit, shall survive the repeal of the Articles of LOC Chapters 50, the repeal of Chapters 57, and 58, and the repeal of Article 54.15, and shall continue under the applicable provisions of the newly adopted Articles of LOC Chapter 50.

Section 26. Code Reorganization Variance. The City Manager may, upon application, grant a Code Reorganization Variance to any substantive provision of Chapter 50 if the applicant demonstrates that a use, setback, exception, adjustment, or other development right is not permitted under the newly adopted Articles of Chapter 50, but would have been permitted under the provisions of Chapters 50, 57, 58, and Article 45.15 repealed by this Ordinance, unless the use, setback, exception, adjustment, or other development right was amended or modified after the effective date of this Ordinance. The procedure for application, notice, hearing, decision, and appeal of the Code Reorganization Variance shall be the same as a Minor Variance, except that no Pre-application Conference shall be required.

Section 27. Sunset Provision; Codification of Code Reorganization Variance.

- 1. Section 26 shall expire for all applications filed after [three years from the effective date of this Ordinance].

2. The City Recorder may include Section 26 of this Ordinance within the Lake Oswego Code in such section or sections as the City Recorder determines appropriate. If included within the Lake Oswego Code:
- a. The expiration date of Section 26 shall be added to the codified section; and
 - b. The City Recorder shall remove the codification from the Lake Oswego Code upon the expiration date of Section 26.

Section 28. Correction of Errors in Clear and Objective Standards. The City Recorder shall correct errors or omissions to the listing of a use or to a stated numerical standard, and correct punctuation that substantively alters the meaning of a requirement or standard, when necessary to conform to the use, numerical standard, or meaning of a requirement or standard as existed under the provisions of Chapters 50, 57, 58, and Article 45.15 repealed by this Ordinance.

Section 29. Severability. The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

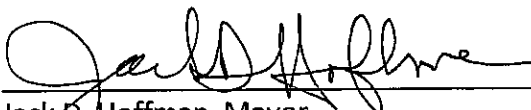
Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 20th day of March 2012.

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

NOES: None

ABSTAIN: ~~None~~

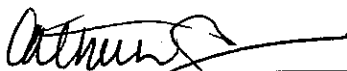
EXCUSED: None



Jack D. Hoffman, Mayor

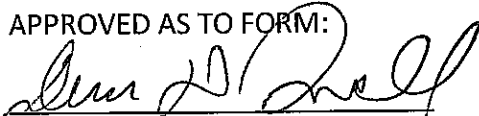
Dated: 3/20/12

ATTEST:



Catherine Schneider, City Recorder

APPROVED AS TO FORM:



David D. Powell, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST TO REORGANIZE CHAPTER 50) LU 11-0036-1776
OF THE LAKE OSWEGO CODE INCLUDING) (CITY OF LAKE OSWEGO)
MINOR TEXT AMENDMENTS, AND TO)
CONFORM THE COMPREHENSIVE PLAN) FINDINGS & CONCLUSIONS
MAP AND THE ZONING MAP)

NATURE OF PROCEEDING

This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the Lake Oswego Code and the Comprehensive Plan Map and Zoning Map to:

1. Adopt a new Chapter 50 consolidating, reorganizing, and making minor text amendments to the following chapters or articles of the Lake Oswego Code:

- Chapter 50 – Community Development Code
- Chapter 57 – Solar Access
- Chapter 58 – Historic Preservation
- Article 45.15 – (Fences) of Chapter 45, Building Code,

2. Rename the following zoning districts for clarity and consistency (there are no changes to regulations or density proposed):

- DD zone (Old Town Design District) to be renamed R-DD
- WR zone (Waterfront Cabana District) to be renamed R-W
- R-2.5 to be renamed WLG R-2.5 (West Lake Grove R-2.5)

1 WLG OC/R-2.5 to be renamed WLG RMU (West Lake Grove Residential Mixed
2 Use)

3 WLG OC/NC to be renamed WLG OC (West Lake Grove Office Commercial)

4 WLG R-2.5/W to be renamed WLG RLW (West Lake Grove Live/Work)

5 **HEARINGS**

6 The Planning Commission held a public hearing and considered this application at its
7 meeting of December 12, 2011. The City Council held a public hearing and considered the
8 Planning Commission’s recommendation at its meeting of February 21, 2012.
9

10 **CRITERIA AND STANDARDS**

11 A. City of Lake Oswego Comprehensive Plan:

12 Goal 1 Citizen Involvement, Policies 1 and 5

13 Goal 2 Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 23

14 B. City of Lake Oswego Community Development Code:

15 LOC 50.75.005 Legislative Decision Defined.

16 LOC 50.75.010 Criteria for Legislative Decision

17 LOC 50.75.015 Required Notice to DLCD

18 LOC 50.75.020 Planning Commission Recommendation Required

19 LOC 50.75.025 City Council Review and Decision

20 C. Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197

21 Goal 1 Citizen Involvement

22 Goal 2 Land Use Planning

1 **FINDINGS AND CONCLUSIONS**

2 The City Council incorporates the staff Council Report, dated February 2, 2012, for LU
3 11-0036 (with all exhibits) and the November 29, 2011, Staff Report (with all exhibits) as
4 support for its decision, together with the entire record of the proceedings before the City
5 Council (including Exhibits G-1 and G-2 received at the City Council hearing), supplemented by
6 the further findings and conclusions set forth herein. In the event of any inconsistency
7 between the supplementary matter herein and the incorporated matters, the matter herein
8 controls. To the extent they are consistent with the approval granted herein, the City Council
9 adopts by reference its oral deliberations in this matter.
10

11 Lake Oswego Code Chapter 50 (the Community Development Code) and related
12 chapters have become complex in their content, format and organization, making them difficult
13 for the user to navigate and understand. The reorganized Code recommended by the Planning
14 Commission is a significant improvement, presenting the material in a more logical, concise and
15 user-friendly manner.
16

17 The City Council finds that a number of minor adjustments should be made to the
18 proposed text.
19

20 As recommended by staff, the notation under LOC 50.02.002.1.h.ii should be changed to
21 read "Reserved," rather than "insert new purpose statements" and the notations under LOC
22 50.10.001 and 50.10.002 should be changed to read "Reserved," rather than "Proposed new
23 section."
24

25 The City Council received written testimony (Exhibit G-1) suggesting that the Solar
26 Access regulations could be improved by consolidating the exceptions in 50.04.004 with the

1 remainder of the Solar Access provisions in 50.06.007, and by providing graphic illustrations of
2 the regulatory parameters. Staff noted that the Solar Access regulations are overly complex
3 and in need of a complete overhaul. The Council concurs with the staff suggestion that cross-
4 references identifying the exceptions should be added to the text of LOC 50.06.007 for the time
5 being, and that an extensive re-working of this section should await the next phase of the Code
6 reorganization effort.
7

8 Other written testimony (Exhibit G-2) included a list of suggested revisions. The City
9 Council agrees that the title of Subsection 2 of LOC 50.01.004 should be changed from "Zoning
10 Map" to "Zone Districts Map;" the subparagraph numbering in LOC 50.03.003.2.b should be the
11 same as that used in 50.03.003.2.c; and the reference to "back-lighted" in 50.05.004.6.c.iv.(7)
12 should be changed to "backlit." Consideration of the other changes proposed in that testimony
13 should await the next Code reorganization phase.
14

15 The City Council also directs that the record in these proceedings should be corrected
16 to eliminate the inadvertent strikethrough of the minutes of the December 12, 2011 Planning
17 Commission public hearing as shown on Exhibit C-1.
18

19 **CONCLUSION**

20 The City Council concludes that LU 11-0036-1776, as modified to be consistent with the
21 above findings, complies with all applicable criteria. The City Council also concludes that
22 proposed Ordinance 2579 (incorporating the modifications) should be enacted.
23
24
25
26

COMMUNITY DEVELOPMENT CODE

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LOC 50.01: GENERAL PROVISIONS

50.01.001. TITLE AND PURPOSE

1. TITLE

Lake Oswego Code Chapter 50 may be referred to as "the Community Development Code of the City of Lake Oswego" and is referred to herein as "the CDC" and "this Code".

(Ord. No. 2316, Added, 03/05/2002)

2. PURPOSE

a. Generally Applicable Purposes

This Code has been drafted in accordance with the policies set forth in the Comprehensive Plan for the City of Lake Oswego. It is the general purpose of this Code, therefore, to provide the principal means for the implementation of the Comprehensive Plan. To fulfill this general purpose this Code is intended to:

SECTION 50.01.001. TITLE AND PURPOSE

SUBSECTION 2: PURPOSE

- i. Protect and promote the public health, safety, convenience and general welfare;
 - ii. Guide future land uses, growth and development in accordance with the Comprehensive Plan;
 - iii. Provide for review of those uses determined to carry the potential for adverse impact on surrounding uses;
 - iv. Assure prompt review of development applications for compliance with this Code's requirements, and the application of clear and specific standards;
 - v. Provide for public review and comment on development proposals which may have a significant impact on the community;
 - vi. Guide public and private policy and action to assure provision of adequate water, sewerage, transportation, drainage, parks, open space and other public facilities and services for each development and to implement Comprehensive Plan policies concerning the distribution of costs of public facilities and services required to serve development, and coordinate the timing of development with the provision of adequate public facilities and services;
 - vii. Provide the opportunity for a mixture of housing types which meet the needs of the City residents;
 - viii. Establish procedures, standards, and review of uses assuring that the design of site improvements and building improvements are consistent with applicable standards and minimize adverse impacts on surrounding land uses, and yet allow for and encourage flexibility in the design and layout of site improvements and buildings, and innovation in design and construction;
 - ix. Provide for review and approval of the relationship between land uses and traffic circulation in order to minimize congestion, with particular emphasis on not exceeding the planned capacity of residential streets to carry projected traffic; to provide for safe pedestrian and bicycle circulation; to provide for the proper location of street rights-of-way, easement and building lines; to assure provision of adequate internal vehicle circulation; parking, loading and pedestrian walkways;
 - x. Minimize pollution and damage to waterways and Oswego Lake; to assure the adequacy of drainage facilities and to protect the natural character and functions of waterways;
 - xi. Provide standards to regulate the impacts of development upon soils, trees and vegetation, distinctive areas and other natural features;
 - xii. Assure reasonable safety from fire, flood, landslide, erosion or other natural hazards;
 - xiii. Provide opportunities for economic development of the City;
 - xiv. Protect the City's aesthetic beauty and character; and
 - xv. Promote the conservation of energy through site and building design and orientation;
- b. Historic Preservation Purposes**
This Code incorporates the City's historic preservation regulations that are intended to:

SECTION 50.01.002. APPLICATION OF CODE

SUBSECTION 1: APPLICABILITY

- i. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the identification, preservation, restoration and protection of those structures, sites, objects, and districts of historic and cultural interest within the City;
 - ii. Foster community and neighborhood pride and sense of identity based on recognition and use of historic and cultural resources;
 - iii. Identify and designate as historic resources only those structures, sites and objects which possess historic features and characteristics viewed by this community as having true historical significance.
 - iv. Strengthen the economy of the City by enhancing the historic and cultural resources for tourists, visitors and residents;
 - v. Encourage public knowledge, understanding and appreciation of the City's history and culture;
 - vi. Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of Lake Oswego;
 - vii. Preserve diverse architectural styles reflecting periods of the City's historical and architectural development; and encourage complementary design and construction impacting historic resources;
 - viii. Enhance property values and increase economic and financial benefits to the City and its inhabitants;
 - ix. Identify and resolve conflicts between the preservation of historic or cultural resources and alternative conflicting uses;
 - x. Integrate the management of historic and cultural resources into public and private land management and development processes;
 - xi. Provide the principle means to implement and carry out the provisions of Statewide Planning Goal 5 and the Comprehensive Plan Policies relating to historic resources;
 - xii. Recognize the importance of Oswego Lake to this community and the attendant and long standing use of the lake and appurtenant assets for recreational, water quality and electrical power generation purposes;
 - xiii. Provide clear procedures and standards to insure that the ongoing operation and maintenance of residential, commercial and industrial uses are not affected in a manner that jeopardizes the economic viability of such uses; and,
 - xiv. Protect private property owners against extraordinary cost occasioned by the application of this chapter.
- c. Ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

[Editor's Note: From time to time, new state and federal laws, regulations, or court decisions are issued. The reader is advised that federal or state law may be determined to supersede portions of this Community Development Code, either generally or as applied to a specific situation.]

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.01.002. APPLICATION OF CODE

SUBSECTION 1: APPLICABILITY

50.01.002. APPLICATION OF CODE

1. APPLICABILITY

Development of real property within the corporate limits of the City of Lake Oswego shall be governed by this Code. All provisions in other sections of the Lake Oswego Code which conflict with applicable provisions of this Code are hereby superseded.

(Ord. No. 2316, Added, 03/05/2002)

2. COMPLIANCE

Except as otherwise specifically provided by this Code, no building or other structure shall be constructed, reconstructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after December 16, 1982, except in conformity with the requirements prescribed for each of the several zones and general regulations established hereunder. It shall be unlawful for any person to erect, construct, reconstruct, establish, occupy, alter, enlarge or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this Code contrary to the provisions of this Code. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations or Code provisions, the provisions of this Code shall control.

(Ord. No. 2316, Added, 03/05/2002)

3. MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard, or other open space, existing on or after December 16, 1982 shall be reduced in area, dimension, or size below the minimum required by this Code, nor shall any lot area, yard, or other open space which is required by this Code for one use be used as the lot area, yard, or other open space requirement for any other use, except as provided in this Code.

(Ord. No. 2316, Added, 03/05/2002)

4. RELATIONSHIP TO OTHER LAWS AND PRIVATE AGREEMENTS; PRIOR APPROVALS AND CONDITIONS OF APPROVAL

It is not an intent of this Code to interfere with, abrogate or annul any easement, covenant or agreement between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings, and premises, upon height of buildings, or requires larger open spaces or similar restrictions than are imposed or required by private agreements, easements and covenants, the provisions of this Code shall govern.

a. Approvals Granted Before December 16, 1982

Planned unit developments approvals, conditional use permits, variances and Development Review Commission approvals, and conditions attached to those approvals, and conditions attached to zone change approvals, granted prior to December 16, 1982 shall remain in effect until specifically amended or deleted by action pursuant to this Code. A request to amend approvals or delete or amend conditions of approvals is classified as a request to amend the zoning map and shall be considered as such unless the subject matter of the request is regulated by LOC 50.07.003.11, Modification of Approved Permits, in which case the request will be processed pursuant to that section. Those conditions imposed or approvals granted by ordinance under the prior zoning code may be amended or deleted by order of

SECTION 50.01.003. AUTHORITY
SUBSECTION 1: OFFICIAL ACTION

the hearing body, or, on appeal, by order of the City Council, without the necessity of adopting an amending ordinance.

b. Time Periods for Approvals

For the time periods stated below, construction may occur pursuant to the listed types of approvals granted under the prior zoning code:

- i. Conditional use permit - two years from the date of the order granting approval.
- ii. Variances - six months from the date of the order granting approval.
- iii. Planned unit developments - the time period stated in the approved development schedule, unless that schedule is modified pursuant to subsection (i), above, of this section. The time for filing plats must comply with LOC 50.07.007.3.a, Preparation and Submittal of Final Plan or Plat.

If 15% of the structural construction is not complete within the time periods stated, the approval shall be reviewed as a new application pursuant to the applicable City Code provisions. This subsection applies to uses which conform to the use requirements of this Code. If a conditional use permit, variance or PD is a non-conforming use under the terms of this Code it is subject to the provisions of LOC 50.01.006, Nonconforming Structures and Uses and not this subsection.

(Ord. No. 2316, Added, 03/05/2002)

50.01.003. AUTHORITY

1. OFFICIAL ACTION

- a. All officials, departments, employees, and commissions of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.
- b. Any permit or approval issued or granted in conflict with the provisions of this Code, whether intentional or otherwise, is void. It is the duty of the person receiving such permit to bring the structure or use subject to the permit into compliance with the terms of this Code immediately upon gaining knowledge that the permit is in conflict with the provisions of this Code.

(Ord. No. 2316, Added, 03/05/2002)

2. AUTHORITY OF CITY MANAGER

a. Interpret, Implement, Enforce Code

- i. The City Manager shall have the authority to interpret, implement, and enforce the requirements of this Code, subject to review by the hearing body and/or the City Council pursuant to this Code.
- ii. The City Manager may request an advisory opinion from the First Addition Neighborhood Association or the Old Town Neighborhood Association regarding interpretation or application of standards and requirements of the R-6 and R-DD zones, respectively.

b. Administrative Rules

The City Manager may adopt administrative rules to aid in implementing this Code.

SECTION 50.01.003. AUTHORITY
SUBSECTION 3: AUTHORITY OF HEARING BODY

(Ord. No. 2316, Added, 03/05/2002)

c. Delegation of Authority

The City Manager may delegate any authority or responsibility identified in this Code to any suitable person.

d. Interpretation of Approvals

The City Manager shall interpret the meaning and scope of approvals granted based on the record of the proceeding.

[**Cross-Reference:** See LOC 50.05.010.4.d, Construction Standards – Grading, Clearing or Construction in RP or RC zone.]

e. Concurrent Hearings

When more than one approval is sought for a particular property the City Manager may allow the requests to be processed concurrently. The City Manager may refuse to allow concurrent consideration if it is determined that such a process would be impractical or cumbersome, tend to create confusion before the hearing body or require a potentially unnecessary use of City resources.

f. Historic Resources

- i. The City Manager shall have the authority to make a decision to approve, approve with conditions, or deny applications for alterations of historic resources defined as a minor development, moving or demolition of a contributing resource; alterations of or additions of 30% or more floor area to noncontributing resources; and minor developments on or to a landmark or within a historic district.
- ii. At the discretion of the City Manager, an application for major alteration of a duplex or single family home designated as a landmark may be referred to the Historic Resources Advisory Board for hearing and decision.

3. AUTHORITY OF HEARING BODY

The hearing body shall be the Planning Commission, the Development Review Commission (DRC) or the Historic Resources Advisory Board (HRAB).

a. Planning Commission

Except as provided by LOC 50.01.003.3.d of this section, the Planning Commission shall hear:

- i. Applications to develop pursuant to a mixed-use Overall Development Plan and Schedule (ODPS); and
- ii. Applications for a quasi-judicial zone change or quasi-judicial Comprehensive Plan or Code amendment.

b. Historic Resources Advisory Board

Except as provided by LOC 50.01.003.3.d of this section, the HRAB shall hear applications as provided by LOC 50.07.004.4, Historic Preservation. The Historic Resources Advisory Board shall have the authority to make a decision to approve, approve with conditions, or deny an application for the following:

- i. Designation or removal of a designation of a historic resource;

SECTION 50.01.003. AUTHORITY

SUBSECTION 4: DEVELOPMENT PERMITS RESTRICTED FOR UNLAWFUL USES

- ii. Establishment, modification or abolishment of a historic district;
 - iii. Demolition or moving of a landmark; and
 - iv. Upon referral from the City Manager, major alteration of a duplex or single family dwelling designated as a landmark.
 - v. The Board may also delay a decision on demolition pursuant to the provisions of LOC 50.07.004.4.b, Moving or Demolition of a Landmark.
- c. Development Review Commission**
- i. Except as provided by LOC 50.01.003.3.d of this section, the Development Review Commission shall hear all other applications for a major development, including:
 - (1) Conditional use,
 - (2) Single use ODPS,
 - (3) Appeals of decisions of the City Manager on minor development applications, and
 - (4) Any application occurring on or to a historic resource or within a historic district.
- d. Consolidated Review**
- If a person desires to apply for a development which requires hearings before the Planning Commission, DRC, and/or the HRAB, the City Manager may either consolidate the proceedings before one hearing body or schedule the hearings in such a manner that a decision on the development can be made within the time period for final action established by state law. The City Manager has the sole discretion to determine which hearing body shall hear the application. As a non-binding guideline, the City Manager should refer the consolidated proceeding to the Planning Commission if the City Manager believes that the application raises significant policy issues. The City Manager should refer the consolidated proceeding to the DRC if the City Manager believes the primary issue involves siting or design. The City Manager should refer the consolidated proceeding to the HRAB if the City Manager believes that the primary issue involves a change or alteration to a property that has been placed on the Landmark Designation List.

4. DEVELOPMENT PERMITS RESTRICTED FOR UNLAWFUL USES

No development permit shall be issued for a development or use of land in violation of this Code, unless the violation is rectified as part of the development.

(Ord. No. 2316, Added, 03/05/2002)

5. DEVELOPMENT RESTRICTED ON ILLEGAL LOT

- a. No development permit shall be issued for the development or use of an illegal lot unless the lot is made legal pursuant to the applicable requirements for creation of a lot in effect at the time of application. The applicant shall demonstrate conformance with applicable legal requirements. This restriction applies regardless of whether the applicant was responsible for creation of the illegal lot.
- b. If an illegal lot cannot be made legal pursuant to LOC 50.01.003.5.a of this section because it does not comply with lot area or dimensional requirements in effect at the time of application, an application for the creation of the lot shall be exempted from compliance from such lot area or dimensional requirements if the applicant demonstrates that the lot would have complied with lot area and dimensional requirements applicable at the time of creation.

SECTION 50.01.004. ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION

SUBSECTION 1: ZONING DISTRICTS

- c. If an illegal lot cannot be made legal pursuant to LOC 50.01.003.5.a or 5.b of this section because it does not comply with applicable lot area or dimensional requirements at the time of application and did not comply with applicable lot area or dimensional requirements at the time of creation, an application for the creation of the lot shall be exempted from compliance with such lot area and dimensional requirements if the applicant demonstrates that development that would be allowed by legal creation of the lot will not have a significant negative impact on the neighborhood in terms of scale, noise, traffic, parking, loss of privacy, obstruction of views, or buffers from existing properties. In determining the degree of impact, the City shall consider the consistency of potential development on a lot with the existing development pattern in the vicinity. The City may impose conditions on development of the lot in order to ensure that legalization of the lot does not have a significant negative impact on the neighborhood. Public notice of an application to legalize a lot pursuant to this subsection shall contain a map of the property illustrating the building envelope. If the lot proposed to be made legal pursuant to this subsection has a lot area or dimension which is less than 65% of the size or length required by the zone at the time of application, the application to create the legal parcel shall be referred to the Development Review Commission for public hearing.

(Ord. No. 2316, Added, 03/05/2002)

50.01.004. ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION

1. ZONING DISTRICTS

The City is divided into the following zoning designations:

Table 50.01.004-1: Zoning Designations	
Zone District Category	Map Designation
Residential	
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 – Design District (Old Town)	R-DD
Residential – High Density	R-3
Residential – High Density	R-2
Residential – High Density	R-0
Residential – Waterfront Cabanas	R-W
Commercial	
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 Use	
Mixed Commerce	MC
West Lake Grove Districts	
WLG Town Home Residential	WLG R-2.5
WLG Residential Live/Work	WLG RLW

SECTION 50.01.004. ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION
 SUBSECTION 2: ZONING DISTRICTS MAP

Table 50.01.004-1: Zoning Designations	
Zone District Category	Map Designation
WLG Residential Mixed Use	WLG RMU
WLG Office Commercial	WLG OC
Industrial	
Industrial	I
Industrial Park	IP
Special Purpose Districts	
Campus Institutional	CI
Public Functions	PF
Park and Natural Areas	PNA
Overlay Districts – Area Specific	
Glenmorrie R-15 Overlay District	GO
Evergreen R-7.5 Overlay District	EO
Lake Grove R-7.5/R-10 Overlay District	LGO
Downtown Redevelopment Design District	DRD
West Lake Grove Design District	WLG
Old Town Neighborhood Design	OTN
Lake Grove Village Center Overlay District	LGVCO
Industrial Park Overlay District	IPO
Overlay Districts – Resource Specific	
Greenway Management Overlay District	GM
Sensitive Lands Overlay	
Resource Conservation (Tree Groves)	RC
Resource Protection (Streams and Wetlands)	RP
Flood Management Area	FMA

(Ord. 2546, Amended, 06/15/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

2. ZONING DISTRICTS MAP

- a. The boundaries of the zoning districts established in this Code are indicated on the City zoning map.
- b. Amendments to the City zoning map may be made pursuant to LOC 50.07.003.16, Legislative Decisions. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting document, on file in the office of the City Recorder.
- c. The City Manager shall maintain an up-to-date copy of the City zoning map to be revised from time to time so that it accurately portrays changes of zone boundaries. A separate map shall also be maintained and show the location of conditional use permits, planned developments and variances. The City Manager shall index on the appropriate map adjacent to such zone change, conditional use, planned developments, or variance, the file number of the document authorizing the same.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.01.004. ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION

SUBSECTION 3: INTERPRETATION OF ZONE DISTRICT BOUNDARIES

3. INTERPRETATION OF ZONE DISTRICT BOUNDARIES

a. Guidelines for Interpretation

Where due to the scale, lack of detail or illegibility of the City zoning map or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of any zone district boundary, the exact location of district boundary lines shall be determined by the City Manager in accordance with the following guidelines:

i. Street Lines

Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, such lines shall be construed to be such district boundaries.

ii. Street Vacations

Whenever any street is lawfully vacated, and the lands within the boundaries thereof attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall automatically be subject to the same zoning district designation that is applicable to lands to which same attaches.

iii. Lot Lines

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than 20 ft. If an adjustment of more than 20 ft. is required, the change in the district boundary shall be treated as a change of zone.

iv. Water Courses

District boundary lines are intended to follow the centerlines of water courses and the shore line of Oswego Lake unless such boundary lines are otherwise fixed on the City zoning map.

(Ord. No. 2316, Added, 03/05/2002)

4. ZONING OF ANNEXED AREAS

a. Zoning designations on newly annexed territories shall be imposed as provided in LOC 50.01.004.5, below.

b. The City may consider the zoning for any area proposed for annexation at the same time the question of annexation for the area is considered. The notice and hearing procedures shall be the same as if the area in question were located within the City limits. The zoning decision shall not be a final decision for the purposes of judicial review until the date that the approval of the annexation of the area has become effective, or the date of the zoning order if that date is later in time.

(Ord. No. 2316, Added, 03/05/2002)

5. COMPREHENSIVE PLAN MAP DESIGNATIONS AUTOMATICALLY APPLIED UPON ANNEXATIONS; EXCEPTIONS

a. The Lake Oswego Comprehensive Plan Map provides for the future City zoning of all property within the City's Urban Service Boundary. In cases where the Comprehensive Plan Map requires a specific Zoning Map Designation to be placed on territory annexed to the

SECTION 50.01.004. ZONING DESIGNATIONS, BOUNDARIES, MAPS, AND ANNEXATION
SUBSECTION 6: EFFECT OF CONDITIONS OF APPROVAL OR DEVELOPMENT OR DESIGN REGULATIONS IMPOSED PRIOR TO
ANNEXATION

- City of Lake Oswego, such a zoning designation shall automatically be imposed on territory as of the effective date of the ordinance annexing such territory to the City. The City Manager shall modify the zoning map accordingly. In cases where the Comprehensive Plan Map does not require a specific Zoning Map Designation to be placed on territory annexed to the City, the City Manager shall prepare an application and recommend a specific Zoning Map Designation to the Planning Commission with all due speed following the effective date of an ordinance annexing such territory to the City of Lake Oswego. The Planning Commission shall hear the application pursuant to LOC 50.07.003.16, Legislative Decisions.
- b. Where the Comprehensive Plan Map indicates an RP or RC District Designation on territory proposed for annexation, the City shall notify the owners of the annexing territory that they have 20 days prior to the initial public hearing on the annexation to contest the designation pursuant to LOC 50.05.010, Sensitive Lands Overlay Districts. No fee shall be charged for such review. If following review, the decision maker determines the property was improperly designated, the RP or RC designation shall be removed.
 - c. When evidence indicates that a resource that potentially qualifies for an RP or RC District Designation exists on territory to be annexed, the City may conduct an Economic, Social, Environmental, and Energy (ESEE) Analysis and determine whether such a zone should be imposed pursuant to LOC 50.07.004.8, Sensitive Lands Overlay Districts. City staff may request a delay in the effective date of annexation to complete review.

(Ord. No. 2316, Added, 03/05/2002)

6. EFFECT OF CONDITIONS OF APPROVAL OR DEVELOPMENT OR DESIGN REGULATIONS IMPOSED PRIOR TO ANNEXATION

a. Purpose

The purpose of this section is to require owners of non-conforming uses, structures, or parcels annexed into the City of Lake Oswego to continue to comply with the use, design or development standards imposed by the prior jurisdiction until such time as the use, structure, or parcel is modified or developed under City development standards.

b. Definition of Prior Jurisdiction

For purposes of this section, “prior jurisdiction” shall mean the County or City that had zoning jurisdiction upon the parcel prior to its annexation to the City of Lake Oswego.

c. Compliance with Prior Jurisdiction Requirements

Following annexation of a parcel into the boundaries of the City of Lake Oswego, the owner of a parcel shall comply with the use limitations, development or design regulations, or conditions of approval applicable to the use, structure or parcel imposed by the prior jurisdiction prior to annexation of the parcel into the boundaries of the City.

d. Interpretation of Prior Jurisdiction Requirements

In the event it is necessary to interpret the design or development standards, or use limitations of a prior jurisdiction, or any condition of approval granted by a prior jurisdiction, the interpretation shall be made in the manner provided by LOC 50.01.005, Authority to Interpret CDC, Zoning Map and Comprehensive Plan.

e. Modification of Conditions of Approval

The owner’s obligation to comply with the conditions of approval of a development permit issued by a prior jurisdiction may be modified following annexation of the parcel into the City

SECTION 50.01.005. AUTHORITY TO INTERPRET CDC, ZONING MAP AND COMPREHENSIVE PLAN

SUBSECTION 1: CITY MANAGER INTERPRETATIONS

boundaries the same as if the conditions were imposed by the City, in the same manner as provided in LOC 50.07.003.11, Modification of Development Permits, except that “hearing body or City Council” shall be construed to mean the final approving authority of the prior jurisdiction. Except to the extent a condition of approval is modified pursuant to this subsection, the prior jurisdiction’s use limitations, and development or design regulations shall continue to apply to the use, structure or parcel.

f. Modification of Use, Structure or Parcel to Comply with Applicable City Use, Design, or Development Regulations

A property owner may seek modification of the requirements of a development permit, including use, design or development regulations, issued or imposed by the prior jurisdiction for the purpose of complying with comparable City use, design or development regulations. Such modification shall be in accordance with LOC 50.07.003.11, Modification of Development Permits,. Except to the extent the use, structure or parcel complies with City requirements following modification of development permit as provided under this subsection, the owner shall comply with the prior jurisdiction’s use limitations, and development or design regulations.

g. Effect of Compliance with Prior Jurisdiction Requirement or Modification Upon Non-Conforming Status

This section shall not be construed as remedying the non-conformance of any use, structure or parcel with the use limitations, design and development requirements of this Code. Notwithstanding the compliance of the owner with this section, the structure or use shall nevertheless be deemed non-conforming and shall be subject to the provisions of LOC 50.01.006.1.b and c and LOC 50.01.006.4, Non-conforming Structures and Uses.

[Cross-Reference: LOC 50.01.006.1 - Non-Conforming Use, Structure Defined; Rights Granted.]

(Ord. 2346, Add, 06/10/2003)

50.01.005. AUTHORITY TO INTERPRET CDC, ZONING MAP AND COMPREHENSIVE PLAN

1. CITY MANAGER INTERPRETATIONS

A person may request an interpretation of the City Comprehensive Plan or land use regulations from the City Manager. Such an interpretation may be formal or informal, as follows:

a. Formal Interpretation

An applicant may request a formal interpretation as it relates to the proposed development of a specific property owned by the applicant or by a person for whom the applicant is the agent. The application shall be in writing and shall set forth the issues the applicant desires interpreted. A fee set by resolution of the City Council may be charged for an application for a formal interpretation. Notice of a request for a formal interpretation shall be sent in the manner provided for a minor development pursuant to LOC 50.07.003.3.a and 50.07.003.14.c, and notice of the interpretation shall be sent in the same manner as notice of a decision on a minor development pursuant to LOC 50.07.003.14.d.iii(3), Notice of Final Decision. A formal interpretation may be appealed in the same manner as a minor development. Once a formal interpretation becomes final, it shall be binding on the City as it applies to a future application for development of the subject property unless the provision that is the subject of the interpretation is amended, repealed or construed differently by LUBA

SECTION 50.01.006. NON-CONFORMING STRUCTURES AND USES
SUBSECTION 1: NON-CONFORMING USE, STRUCTURE DEFINED; RIGHTS GRANTED

or a court of competent jurisdiction prior to the filing of the application for development. Such an interpretation shall not be binding as it relates to development of other properties.

b. Informal Interpretation

Any person may request the planning staff or the City Attorney for an informal interpretation. Such a request may either be oral or in writing, and is not subject to notice, appeal or a fee. Such an interpretation is not a final land use decision, however, and is not binding on City staff or City appellate authorities as it applies to future land use applications on the subject property or in general.

(Ord. No. 2316, Added, 03/05/2002)

50.01.006. NON-CONFORMING STRUCTURES AND USES

1. NON-CONFORMING USE, STRUCTURE DEFINED; RIGHTS GRANTED

a. Nonconforming Use or Structure

A use or structure is considered a nonconforming use or structure if the use or structure was lawfully established, but does not comply with or would not be permitted to exist under a subsequent enactment or amendment to this Code.

b. Approved Variance

A use or structure for which a variance was granted under these code provisions is not considered non-conforming solely by the fact that the characteristic of the use or structure for which the variance was granted fails to comply with the requirements of this Code. The existence of such variance does not prevent the use or structure from being classified as non-conforming if some other characteristic of the use or structure fails to comply with the requirements of this Code.

c. Expansion of Non-Conforming Residential Structure

A residential structure which is classified as a non-conforming structure by this section may be enlarged or expanded in the following circumstances:

- i. The enlargement or expansion does not increase the degree of non-conformity; or
- ii. A change in roof pitch on the non-conforming portion of the structure may be permitted if the building height is not increased by more than six ft. and is less than the underlying zone height.

d. Continuation of Non-Conforming Use or Structure

Subject to the provisions of this section, and except as otherwise provided by this Code, a non-conforming use or structure may be continued and maintained in reasonable repair so long as it remains otherwise lawful, but it shall not be altered in a manner to enlarge or expand or reconstruct the use or structure.

[**Cross-Reference:** LOC 50.07.005.1 - Uses Under Conditional Use Provisions Not Non-Conforming Uses.]

(Ord. 2524, Amended, 06/01/2010; Ord. 2314, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

SECTION 50.01.006. NON-CONFORMING STRUCTURES AND USES

SUBSECTION 2: DISCONTINUANCE OF A NON-CONFORMING USE

2. DISCONTINUANCE OF A NON-CONFORMING USE

If a non-conforming use is discontinued for a period of at least six months, further use of the property upon which the use was located shall conform to the requirements of this Code.

(Ord. 2316, Added, 03/05/2002)

3. APPLICABILITY TO APPROVALS, INCOMPLETED CONSTRUCTION

This Code does not require any change in plans, construction or use of a non-conforming use or structure for which a final development approval was received prior to the date that the use or structure became nonconforming if construction of project structures, or completion of the development where no structures are involved, is completed and use established no later than one year after the date that the use or structure became non-conforming, or in accordance with an approved development schedule. All rights granted by this section are extinguished if the development permit or building permit is revoked or for any reason becomes void. The structure or use shall thereafter conform to all applicable provisions of this code.

(Ord. 2316, Added, 03/05/2002)

4. DESTRUCTION, MOVEMENT, AND REPLACEMENT OF STRUCTURES

a. Single-Family or Duplex Dwellings, Accessory Structures, and Historic Landmarks

i. Applicability

Excluding structures within the Flood Management Area, this subsection (a) is applicable to nonconforming:

- (1) Single-family (attached or detached) or duplex dwellings;
- (2) Historic landmarks designated or listed upon the Landmark Designation List, and
- (3) Non-conforming accessory structures to a single-family dwelling, duplex dwelling, or historic landmark.

ii. Ability to Construct or Reconstruct Nonconforming Structure

Subject to the one-year time limitation provided below, when an applicable structure, or any portion thereof, is damaged or destroyed:

- (1) By causes not under the control of the owner (including but not limited to fire, earthquake, flood, landslide, and wind or tree damage, but not including destruction due to lack of structural maintenance by the owner, reconstruction, remodeling, or new construction), the rebuilding or reconstruction of the nonconforming structure, or portion thereof, shall be exempt from the provisions of this Code to the extent that the structure failed to conform.
- (2) By causes under the control of the owner, e.g., lack of structural maintenance by the owner, reconstruction, remodeling, or new construction, the portion of the nonconforming dwelling being rebuilt, reconstructed, or being newly constructed shall conform fully to City Codes and Standards.

iii. Time Limitation

In order to utilize the rights granted by LOC 50.01.006.4.a.ii, above, the building permit for the construction or reconstruction must be issued within one year from the date of damage or destruction. If the building permit is not issued within the one year period, or

SECTION 50.01.006. NON-CONFORMING STRUCTURES AND USES

SUBSECTION 5: EXPANSION OF NON-CONFORMING INDUSTRIAL OR COMMERCIAL USES OR STRUCTURES

if issued, the building permit expires, the ability to construct or reconstruct an applicable nonconforming structure shall cease.

iv. Maintenance of Non-Conforming Structure

Maintenance of a non-conforming structure that does not enlarge or expand the structure is permitted; maintenance that does enlarge or expand the structure is subject to LOC 50.01.006.4.a.v, below.

v. Expansion of Nonconforming Structure in Conforming Manner

Applicable non-conforming structures may also be enlarged or expanded in a manner which does not increase the degree of non-conformity.

b. Structures Other Than Single-Family or Duplex Dwellings, Accessory Structures, and Historic Landmarks

i. Applicability

This subsection (4.b) is applicable to all structures other than listed in LOC 50.01.006.4.a.i, above.

ii. Ability to Construct or Reconstruct Nonconforming Structure

Subject to the time limitation provided below, if a non-conforming structure is damaged or destroyed by any means to the extent that the cost of rebuilding the damaged portions would exceed 50% of the then current replacement cost of the entire building, the rebuilding shall conform fully to City Codes and Standards. Determination of the rebuilding costs shall be made by the City Manager, who may utilize an appraisal or other suitable method to determine current replacement costs. If the damage is 50% or less of the current replacement costs, the rebuilding or reconstruction need not comply with the terms of this Code only to the extent that the destroyed portions of the structure failed to conform.

iii. Time Limitation

In order to utilize the rights granted by subsection (ii) above, the building permit for the construction or reconstruction must be issued within one year from the date of damage or destruction. On demonstration that a good faith effort has been made by the owner to be able to apply for the building permit to construct or reconstruct the damaged or destroyed structure (including obtaining funding and completion of architectural work) and a written request for extension is submitted prior to expiration, the City Manager may extend the construction rights for an additional year. No more than two one-year extensions may be granted. If the building permit is not issued within the one year period, or if issued, the building permit expires, the ability to construct or reconstruct an applicable nonconforming structure shall cease.

(Ord. 2524, Amended, 06/01/2010; Ord. 2316, Added, 03/05/2002)

5. EXPANSION OF NON-CONFORMING INDUSTRIAL OR COMMERCIAL USES OR STRUCTURES

A non-conforming industrial or commercial use or structure located in a commercial or industrial zone may be altered, enlarged, or expanded after a conditional use permit has been issued for such activity.

(Ord. 2316, Added, 03/05/2002)

SECTION 50.01.006. NON-CONFORMING STRUCTURES AND USES

SUBSECTION 6: REPAIRS AND MAINTENANCE

6. REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, normal repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed in a manner not in conflict with the other provisions of the City Code. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 2316, Added, 03/05/2002)

7. NON-CONFORMING CHARACTERISTICS OF USE

Any matter regulated by this Code not directly related to a structure or type of use, that does not conform to the requirements of this Code may continue, but shall not be increased, enlarged, expanded or reconstructed. Any changes in such characteristics of use must not increase the nonconformity, but may take place to decrease the non-conformity. The rights granted by this section do not apply to the matters regulated by LOC 50.06.011, Vision Clearance.

(Ord. 2316, Added, 03/05/2002)

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LOC 50.02: BASE ZONING DISTRICTS

50.02.001. RESIDENTIAL DISTRICTS

1. RESIDENTIAL - LOW DENSITY ZONES

a. Districts

The residential-low density zone districts are R-15, R-10, and R-7.5.

b. Purpose

To provide lands for single family residential development with densities ranging from two to five dwelling units per gross acre.

2. RESIDENTIAL- MEDIUM DENSITY ZONES

a. Districts

The residential-medium density zone districts are R-6, R-5, and R-DD.

b. Purpose

i. R-5 and R-DD Zone

To provide lands for single and multi-family residential development with densities ranging from seven to eight dwelling units per gross acre.

ii. R-6 Zone

The FAN R-6 Zone is intended to implement the land use policies of the First Addition Neighborhood Plan. The purpose of this Zone is to ensure the design quality of proposed development in the neighborhood by:

- (1) Ensuring that proposed building designs are visually compatible with the character of existing structures, maintain adequate light and air between structures, and complement the neighborhood's architectural character.
- (2) Minimizing the visual impact of garages from the street, and to continue established alley uses and functions such as access to garages, off-street parking and trash removal.
- (3) Encouraging compatible and sensitive remodeling and renovation of existing residences.
- (4) Preserving the small-town character of the existing streetscape by allowing single family development that is human scale and pedestrian oriented.
- (5) Enhancing the natural environment of the neighborhood as one of the dominant characteristics.
- (6) Preserving FAN's historical and architectural character by encouraging infill development that is compatible in design character to Landmark structures on abutting lots.

3. RESIDENTIAL - HIGH DENSITY ZONES

a. Districts

The residential-high density zone districts are R-3, R-2, R-0, and R-W.

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES

SUBSECTION 1: PURPOSES

b. Purpose

To provide lands for single and multi-family residential development with densities of at least 12 dwelling units per gross acre.

50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES

1. PURPOSES

a. Neighborhood Commercial (NC)

To provide land near or within residential areas for commercial activities. The uses listed for the Neighborhood Commercial zone in Table 50.03.002-2, Commercial, Mixed Use, Industrial, and Special Purpose Districts Use Table, have been determined to implement the Neighborhood Commercial policies of the Comprehensive Plan.

b. General Commercial (GC)

To provide lands for commercial activities supplying a broad range of goods and services to a market area which includes the planning area identified in the Comprehensive Plan.

c. Highway Commercial (HC)

To provide lands for commercial activities which meet the needs of the traveling public as well as other highway-oriented retail uses which require access to a market area larger than the general commercial zone. This district is not intended for regional shopping centers.

d. Mixed Commerce (MC)

To provide for a mix of uses requiring highway access and which provide a strong visual identity. Intended uses include local and regional convention type facilities, office uses and supporting retail uses.

e. Office Campus (OC)

To provide lands for major concentrations of regionally oriented offices and employment opportunities for a market area larger than the planning area.

f. Campus Research and Development (CR&D)

To provide a mix of clean, employee-intensive industries, offices and high-density housing with associated services and retail commercial uses in locations supportive of mass transit and the regional transportation network.

g. East End General Commercial (EC)

To implement comprehensive plan policies directing revitalization of the East End Business District. The district should guide and encourage development and redevelopment of the East End Business District.

h. West Lake Grove Zones

i. Districts

The West Lake Grove zone districts are: Town Home Residential (WLG R-2.5), Residential Live Work (WLG RLW), Residential Mixed Use (WLG RMU), and Office-Commercial (WLG OC).

ii. Purposes

[Reserved]

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

i. Industrial Zone (I)

The purpose of the industrial district is to provide land where general industrial development can be located.

j. Industrial Park Zone (IP)

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.

2. SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

a. Standards Applicable in Commercial Zones

i. Residential Screening

All business, service, repair, processing, and storage, or the display of merchandise on property abutting or adjacent to a residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by a buffer area by either constructing a fence at least six ft. high or the buffer area is planted to create year-round sight obscuring landscaping that will reach six ft. high within two years from the date of planting. Driveway access is permitted through the buffer area.

ii. Vehicle Rental or Sales Lots

Motor vehicle, recreational vehicles, boat or trailer rental or sales lots shall be drained and surfaced with pavement except in those portions of the lot maintained as landscaped areas.

iii. Unified Site Plan

All development in any commercial zone will be developed under a unified site plan. The site plan will identify circulation patterns and access points, method of provision of public services and general placement of lots and structures, general area and type of uses. Proposals with multiple ownerships shall include a written agreement of all owners that development of the site will occur pursuant to the site plan approved.

b. Standards Applicable in Specific Zones

i. MC and CR&D Zones

(1) Access

No direct access from a lot shall be allowed to Kruse Way or to Kruse Woods Drive.

(2) Major Tree Removal Prohibited

No major trees (a tree with a trunk diameter of at least eight in. at 24 in. above grade) located within 30 ft. of the Kruse Way right-of-way may be removed for landscaping or development purposes under LOC 55.02.080.

(Ord. 2455, Amended, 04/01/2008; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

ii. OC Zone Development Plan and Schedule

Development of any site in the office campus zone requires an Overall Development Plan and Schedule, pursuant to LOC 50.07.006 showing the distribution of the proposed use(s), the general circulation pattern within all lots included in the site and general utility and drainage provisions. The site may be developed in phases, based on the overall site plan.

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

iii. EC and MC Zone Limitations Regarding Large Scale Commercial Use

- (1) In the EC zone, the cumulative square footage of a single commercial business on a site shall not exceed 35,000 sq. ft.
- (2) In the MC zone, the cumulative square footage of a single commercial business or building on a site shall not exceed 60,000 sq. ft.

iv. Specific Standards in the Industrial and Industrial Park Zones

- (1) Each industrial area identified on the City's Comprehensive Plan Map also is described in LOC 50.11.002: Appendix B. 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) Manufacturing, repairing, compounding, processing or storage uses permitted in the I zone shall operate in continuing compliance with the requirements of Oregon Administrative Rules Chapter 340 and City Codes and regulations.
- (3) Research facilities, testing laboratories, manufacturing, processing or assembling of products, and incidental retail uses in the IP zone shall not emit noise, smoke, glare, vibration, fumes or other environmental effects which adversely affect people, property or uses beyond the property lines of the IP site.
- (4) In addition, incidental retail uses are considered part of the manufacturing business and are not allowed additional signage.
- (5) Incidental retail uses in IP sites within 200 ft. of residentially zoned property may be open from 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 a.m. on Friday and Saturday.

(Ord. No. 2316, Added, 03/05/2002)

c. Standards Applicable to Specific Locations

i. Mountain Park Town Center Site

A maximum of 40,000 sq. ft. of retail and service use building area are allowed on the 32-acre site for the uses. The building height limitation is 45 ft. and lot coverage is 50%. There are no floor area ratio (FAR) requirements. The uses allowed are those allowed in the NC zone plus the following: adjustments and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair, equipment service and repair places (appliance, small engine); services to building (cleaning, exterminating); financial and banking (no more than 3,500 sq. ft.); regional offices, corporate headquarters; offices of all types of service and membership organizations. A maximum of 492 dwelling units are permitted at a density equal to that allowed in the R-0 zone. A maximum of 3.55 acres on the site will be allowed for church parking facilities. The requirements of the R-0 zone apply to the residential use.

ii. Monroe/Boones Ferry Site

A maximum of 131,535 sq. ft. of retail, service uses and office uses are allowed on the 13 acre site. Retail uses shall not exceed 60,000 sq. ft. The uses allowed are those allowed in the NC zone, plus the retail, service and office uses listed in LOC 50.02.002.2.c.i, above, and a totally enclosed veterinarian facility. Building height limitation is 45 ft., lot coverage is 50%. There are no floor area ratio (FAR) requirements.

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

iii. I-5/Kruse Way Highway Commercial Site

A maximum of 20 acres of the 35 acre site may be developed. A minimum of 15 acres of the site, including stream corridors and associated wetlands, shall be retained as open space. As a part of the development process, floor area maximums shall be placed upon the development. The site shall be developed by methods that insure that the traffic generated by the 35 acre site will not exceed the capacity of the intersection of the site with Kruse Way. The City Manager may require traffic management plans in conjunction with any development request for this site in order to preserve the capacity of Kruse Way.

The maximum building height on the site is 75 ft. with the overall average building height on the 35 acre site not to exceed 60 ft. Buildings which exceed 60 ft. in height shall be located no closer than 120 ft. to the boundary of the site. The boundary of the site is defined as the centerline of Kruse Oaks Boulevard on the east, the Kruse Way right-of-way boundary on the south, the State of Oregon right-of-way boundary on the west and the centerline of Ball Creek on the north. The traffic management provisions of LOC 50.02.002.d of this section apply to this site.

iv. Block Located in the EC District Bounded by A Avenue, 2nd Street, Evergreen Road and 3rd Street

Development on the block located in the EC district bounded by A Avenue, 2nd Street, Evergreen Road and 3rd Street is not subject to the height limitation stated in LOC 50.04.001.4, Commercial, Mixed Use, and Industrial Zones, if the following conditions are satisfied;

- (1) The use of the structure is a mixed use containing dwelling units.
- (2) The street level commercial uses are designed to provide a "village atmosphere" by the use of landscaping, emphasis on pedestrian access and small scale retail uses. The structure contains parking areas made available to the public and other uses in the area.

v. Boones Ferry Road/Jean Road Site

The following restrictions and requirements shall apply to the approximately 4.45 acre parcel located at the intersection of Boones Ferry Road and Jean Road (Tax Lot 2400 of Tax Map 2 1E 18BD). The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The site and building design shall create an aesthetically pleasing entry by creating a distinct design with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall create a sense of separation. Building design elements and landscaping shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building shapes and features, colors, kiosks, flagpoles, signs, landscaping, parking and other design details. Berms and existing mature trees shall be incorporated into the design.

The following specific restrictions and requirements shall apply to the site:

- (1) The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); services to building

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

(cleaning, exterminating); financial and banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.

- (2) The retail use building area to be located on the east side of Jean Road (i.e., on the parcel consisting of approximately 1.9 acres) shall not exceed 23,000 sq. ft. The retail use building area to be located on the west side of Jean Road (i.e., on the parcel consisting of approximately 2.5 acres) shall not exceed 31,000 sq. ft., and no one user shall exceed 26,500 sq. ft.
- (3) No building or parking shall be located within 25 ft. of Boones Ferry Road right-of-way or within 15 ft. of the Jean Road right-of-way. In addition, any loading area located to the west of Jean Road shall not be located within ten ft. of Jean Road.
- (4) Signs shall be limited to monument and wall signs (excluding signs on awnings) only. Monument signs may be located within the 25 ft. setback along Boones Ferry Road and within the 15 ft. setback along Jean Road.
- (5) A minimum of 20% of the net developable acre shall be devoted to landscaping.
- (6) All utilities shall be located underground.
- (7) The main access points for the site shall be from Jean Road. A "right-in" only secondary access may be provided from Boones Ferry Road for the west portion of the site (i.e., the approximately 2.5 acre parcel).
- (8) Any evergreen tree with a trunk diameter of more than five in. which is removed pursuant to development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than four in. in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

vi. Jean Way Site

The following restrictions and requirements shall apply to the approximately .34 acre parcel and the approximately 0.65 acre parcel located at the northeast corner of the intersection of Jean Road and Jean Way. The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The sites and building designs shall create an aesthetically pleasing entry by creating a distinct design with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building shapes and features, colors, kiosks, flagpoles, signs, landscaping, parking and other design details. Berms and existing mature trees shall be incorporated into the design.

The following specific restrictions and requirements shall apply to the sites:

- (1) The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); financial and

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.

- (2) The retail use building area to be located on Jean Way shall not exceed 4,200 sq. ft. for each parcel, or a combined 8,400 sq. ft. for development contained on both parcels.
- (3) No building or parking shall be located within 15 ft. of the Jean Way right-of-way.
- (4) Signs shall be limited to monument and wall signs (excluding signs on awnings) only. Monument signs may be located within the 15 ft. setback along Jean Way.
- (5) A minimum of 20% of the net developable acre shall be devoted to landscaping.
- (6) All utilities shall be located underground.
- (7) Regardless of the sequence of development of the 0.34 acre or 0.65 parcels, vehicular connectivity shall be provided between the 1.9 acre site to the north, and the development on the 0.34 acre and 0.65 acre parcels. A single, shared point of access shall be provided from Jean Way to serve the 0.34 acre and 0.65 acre parcels.
- (8) Any evergreen tree with a trunk diameter of more than five in. which is removed pursuant to the development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than four in. in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

vii. Boones Ferry Road/Opposite Jean Way Site

The following restrictions and requirements shall apply to the approximately 2.84 acre parcel located at the intersection of Boones Ferry Road and Jean Way (Tax Lot 600 of Tax Map 21E18BD). The intent of these restrictions and requirements is to create an aesthetically pleasing entry into Lake Oswego. The site and building design shall create an aesthetically pleasing entry by creating a distinct design with features that celebrate entry to the community. The design elements should signal the transition from the city of Tualatin and shall communicate a sense of separation. Building design elements and landscaping shall communicate a sense of quality, vitality and community. This may be accomplished through the use of visually identifying elements such as building materials and feature, colors, flagpoles, signs, landscaping, parking and other design details. Existing mature trees may be incorporated into the design.

The following specific restrictions and requirements shall apply to the site:

- (1) The uses allowed shall be those allowed in the NC zone, plus the following: adjustment and collection agencies; advertising agencies (including commercial artists); credit agencies; duplicating, addressing, blueprinting, photocopying, mailing and stenographic services; employment agencies; office equipment rental and repair; equipment services and repair places (appliances, small engines); services to building (cleaning, exterminating); financial and banking; regional offices, corporate headquarters; offices of all types of service and membership organizations.
- (2) The total building area to be located on the site shall not exceed 21,850 sq. ft.

SECTION 50.02.002. COMMERCIAL, INDUSTRIAL, MIXED USE ZONES
SUBSECTION 2: SPECIFIC STANDARDS FOR COMMERCIAL, MIXED-USE, AND INDUSTRIAL ZONES

- (3) No building or parking shall be located within 25 ft. of the Boones Ferry Road right-of-way.
- (4) Signs shall be limited to monument and wall signs (excluding signs on awnings). Monument signs may be located within the 25 ft. setback along Boones Ferry Road.
- (5) A minimum of 20% of the net developable acre shall be devoted to landscaping.
- (6) All utilities serving any new on-site development shall be located underground.
- (7) There shall be two main access points for the site from Boones Ferry Road. One shall be directly across from Jean Way and the other shall be northeast of the wetland. The northeast access may be a shared access with the adjacent property. An applicant for development of the northeast portion shall make a good faith effort to obtain a joint access prior to proposing a separate access. If such an effort is unsuccessful, however, a separate access may be approved.
- (8) Any evergreen tree with a trunk diameter of more than five in. which is removed pursuant to the development of the site shall be replaced by a specimen tree of the same variety. The replacement tree shall be of similar size as the tree removed. If a replacement tree of the size of the tree cut is not reasonably available on the local market or would not be viable, replacement may be provided with more than one tree with no individual tree less than four in. in diameter. The number of replacement trees required shall be determined by dividing the caliper of the tree cut by the caliper of viable replacement trees.

[**Cross-References:** In EC zone, see also Downtown Redevelopment District Design, LOC 50.05.004; Height Limitation: see also 50.06.001.5.b.]

(Ord. 2455, Amended, 04/01/2008; Ord. No. 2316, Added, 03/05/2002)

d. Traffic Management Requirements for Specific Locations

The following traffic management requirements apply to all uses in the CR&D, MC, OC, GC and HC zones located in the Kruse Way Corridor (the area north of Bonita Road, south of Melrose-Carman, west of Boones Ferry Road and east of I-5, including the S.W. Quadrant of the Kruse Way/Boones Ferry intersection and the property located between Kruse Way and Galewood Drive).

- i. It is the purpose of these transportation management provisions to require that traffic generation limitations will be placed on all development in order to assure the functioning of Kruse Way and the adjacent street system within Service Level "E" at p.m. peaks.
- ii. A Traffic Management Program (TMP) shall be submitted with each initial or revised development application. The program may include, but is not limited to, the following TM mechanisms: physical site controls on existing traffic, p.m. peak hour exiting traffic limitations; traffic monitoring, restrictions on the number of parking spaces, flextime, staggered working hours, transit ridership programs, car and van pools, and similar ride share programs.
- iii. At the time of review of any phase of a development, the developer will provide information from a registered traffic engineer on the then current p.m. peak service level status and volume to capacity ratio of the intersections affected by the development, and also provide information on the p.m. peak traffic that will be generated by the proposed phase of the development and the total development constructed to date.

SECTION 50.02.003. SPECIAL PURPOSE DISTRICTS

SUBSECTION 1: CAMPUS INSTITUTIONAL ZONE

- iv. Owners and employers shall be encouraged to implement TMP's at time of approval. However, when the traffic at an affected intersection consistently exceeds "C" level of service, the TMP must be implemented.
- v. A Traffic Management Plan Task Force will be formed, including a representative of each major complex within the Kruse Way Corridor, employers of more than 50 employees, major landowners, representatives of City, Tri-Met and any other person identified by the City. The task force will have authority to review TMP's of members and recommend TM when appropriate.
- vi. Notwithstanding the traffic management achievements reached by implementation of the provisions of paragraphs (i)-(v) of LOC 50.02.002.2.d, above, as development increases along the Corridor and the traffic flow on the street system, the City may assert its authority to regulate the use of land to assure all affected property owners, as well as through traffic, are allowed their appropriate share of the traffic capacity.
- vii. Necessary measures will be taken to assure a functioning traffic system at Service Level "E" or better and may include, but are not limited to:
 - (1) Green time regulation to facilitate through traffic,
 - (2) Access fees, or
 - (3) Fines related to access volumes exceeding allocations.

50.02.003. SPECIAL PURPOSE DISTRICTS

1. CAMPUS INSTITUTIONAL ZONE

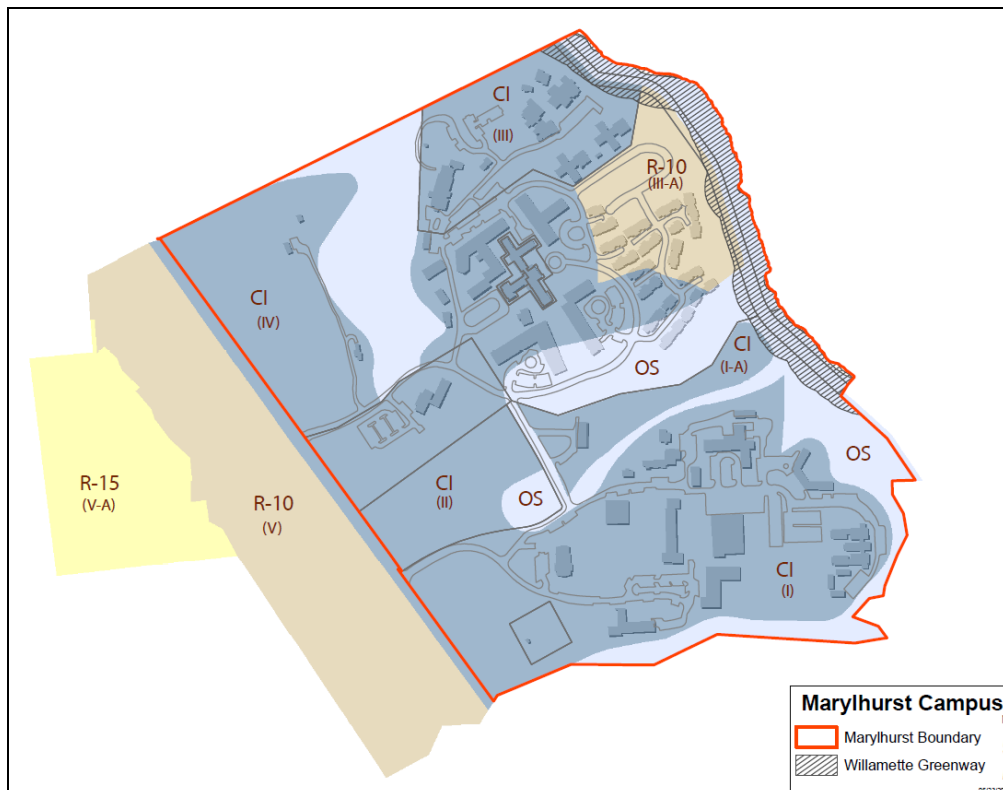
a. Purpose

The purpose of the CI zone is to provide zoning regulations for the Marylhurst Campus in order to provide land where permitted or conditional uses can be provided for in a unified campus setting.

(Ord. No. 2243, Amended, 04/02/2002; Ord. No. 2316, Added, 03/05/2002)

SECTION 50.02.003. SPECIAL PURPOSE DISTRICTS
SUBSECTION 2: PUBLIC FUNCTIONS ZONE

Figure 50.02.003-A: Marylhurst Campus



b. Site Development Limitations

- i. Required yards are those needed to maintain the appearance and character of the Marylhurst Campus.
- ii. There are no minimum lot area or dimensions.
- iii. Maximum height of a structure is 45 ft.

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

c. Special Requirements

The approved plan for the Marylhurst Campus Institutional Area is contained in LOC 50.11.006: Appendix F. The land use designations and conditions of that portion of the Plan are by this reference made a part of this Code and are conditions and limitations of the zone.

(Ord. No. 2316, Added, 03/05/2002)

2. PUBLIC FUNCTIONS ZONE

a. Purpose

The Public Functions (PF) Zone is intended to specify appropriate land uses and development standards for public uses, such as government services, education, and similar activities.

(Ord. No. 2334, Added, 12/17/2002)

SECTION 50.02.003. SPECIAL PURPOSE DISTRICTS

SUBSECTION 3: PARK AND NATURAL AREA ZONE

b. Site Development Limitations

i. Setbacks

The following setbacks shall be required for the construction of any structure in this zone:

- (1) The setback of any respective yard (front, side, street side, or rear) shall be equal to the minimum required yard for the property adjacent to the respective yard's lot line, except as provided below.
- (2) In cases where the PF-zoned property is adjacent to properties with two or more different yard requirements, the required setback for the yard adjacent to the properties with the two or more different yard requirements shall be equal to the average of the minimum yards required for the two or more adjacent properties.
- (3) Additional setback requirements for any yard may be established through the Conditional Use Permit process for any development that is subject to Conditional Use approval, pursuant to LOC 50.07.005, Conditional Use Permits.

ii. Height of Structure

Except as otherwise permitted by LOC 50.04.003.4, General Exceptions to Structure Height Limitations, the maximum height of any portion of a structure shall be the greater of:

- (1) 35 ft., or
- (2) A height as determined by the ratio of one ft. in height for every three and one-half ft. of distance from the portion of the structure to the lot line of the nearest residentially zoned property, to a maximum height of 75 ft.

iii. Lot Coverage

The maximum lot coverage shall not exceed 50%, except:

- (1) Lot coverage shall not exceed 35% if the lot abuts residentially zoned properties on two or more sides:
- (2) Lot coverage shall not exceed 30% for a school, including a mixed use development with a school as a component.

(Ord. 2543, Amended, 02/25/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2334, Added, 12/17/2002)

3. PARK AND NATURAL AREA ZONE

a. Purpose

The purposes of the Park and Natural Area (PNA) Zone are to:

- i. Protect, preserve, conserve and enhance natural areas, greenways and parks;
- ii. Permit a wide range of passive and active recreational uses, and accessory uses, on property for the future use and enjoyment of the City and its residents;
- iii. Implement Statewide Planning Goal 8, Recreational Needs; and
- iv. Establish a Master Plan process for park planning and development.

(Ord. 2462, Added, 12/19/2006)

SECTION 50.02.003. SPECIAL PURPOSE DISTRICTS

SUBSECTION 3: PARK AND NATURAL AREA ZONE

b. Master Plans

A Master Plan, including Master Plan modifications, may be used by the park/natural area provider to plan for uses on PNA zoned land, to provide for a coordinated plan that considers community needs, infrastructure and land use. PNA Master Plans are created pursuant to Section 50.07.004.6, Parks and Natural Areas Master Plan. A Master Plan is a plan that is:

- i. Established by a park/natural area provider and the hearing body authorized to adopt the Master Plan, at the time of adoption or thereafter, found that it met the following requirements described in this section:
 - (1) The minimum Master Plan element requirements,
 - (2) The procedural requirements,
 - (3) The Master Plan criteria requirements, and
 - (4) If a modification of a Master Plan, the Master Plan modification requirements.
- ii. Established by a park/natural area provider and the City Manager found that it was a minor modification of a Master Plan and complied with the requirements of LOC 50.07.004.6.e, Master Plan Modification, or
- iii. One of the following Master Plans adopted before December 12, 2006:
 - (1) Canal Area Master Plan,
 - (2) Luscher Farm Master Plan,
 - (3) George Rogers Park Master Plan, and
 - (4) Lake Oswego Trails and Pathways Master Plan.
(Ord. 2462, Added, 12/19/2006)

c. Site Development Limitations

i. Setbacks

The following setbacks shall apply:

- (1) Except as provided below, the setback of any respective yard (front, side, street side, or rear) shall be equal to the minimum required yard for the property adjacent to the respective yard's lot line.
- (2) In cases where PNA-zoned property is adjacent to properties with two or more different yard requirements, the required setback for the yard adjacent to the properties with the two or more different yard requirements shall be equal to the average of the minimum yards required for the two or more abutting properties.
- (3) Setback requirements for any yard may be modified by the master plan.

ii. Lot Coverage

The maximum lot coverage shall not exceed 35% or as established by the master plan.

iii. Height of Structure

Except as otherwise permitted by LOC 50.04.003.4, General Exceptions to Structure Height Limitations, the maximum height of any portion of a structure shall be the greater of:

- (1) 35 ft., or

SECTION 50.02.003. SPECIAL PURPOSE DISTRICTS

SUBSECTION 3: PARK AND NATURAL AREA ZONE

- (2) A height as determined by the ratio of one ft. in height for every three and one-half ft. of distance from the portion of the structure to the lot line of the nearest residentially zoned property, to a maximum height of 75 ft. [Height = Setback from Residential Zone/3.5].

(Ord. 2462, Added, 12/19/2006)

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LOC 50.03: USE REGULATIONS AND CONDITIONS

50.03.001. INTRODUCTION TO THE USE TABLE

Tables 50.03.001-1, Residential Districts Use Table and 50.03.001-2, Commercial, Mixed Use, Industrial, and Special Purpose Districts Use Table list land uses and indicate whether they are allowed by right or with a conditional use permit, or prohibited in each base zone district. The use table also includes references to any additional regulations applicable to that use.

50.03.002. USE TABLE

1. HOW TO USE

a. Permitted Uses

A “P” in a cell of a use table indicates that the land use is allowed by right in that base or overlay district zone district, subject to compliance with the use-specific standards referenced in the final column of the use table. Permitted uses are subject to all other applicable requirements of this Code, including those set forth in LOC 50.06, Development Standards.

b. Conditional Uses

A “C” in a cell of a use table indicates that the land use is allowed in that base or overlay zone district only upon approval of a conditional use permit as described in LOC 50.07.005, Conditional Use Permits, including the specific conditions listed in Section 50.07.005.3, and compliance with any use-specific standards referenced in the use table. Uses subject to a conditional use permit are subject to all other applicable requirements of this Code, including those set forth in LOC 50.06, Development Standards.

c. Prohibited Uses

A blank cell in a use table indicates that the land use is prohibited in that base or overlay zone district.

d. Overlay Districts Provisions Govern

When a property is located within the boundaries of an overlay district, the use table provisions for that overlay district prevail over those in the base zone district. For example, if a use is prohibited in the base zone district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zone district but is listed as a conditional use in an overlay zone district applicable to the same property, then the use is a conditional use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zone districts shall apply to the property.

e. Use-Specific Standards

There may be additional standards that apply to specific permitted or conditional uses. Those additional standards are either identified in a table note or cross-referenced in the use table. The cross-referenced standards appear in LOC 50.03.003, Use-Specific Standards, immediately following the use table.

f. Authorization for Similar Uses

The City Manager may authorize that a use not specifically named in the permitted, conditional or prohibited uses of a district be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone. However, the City Manager may not

SECTION 50.03.002. USE TABLE

SUBSECTION 1: HOW TO USE

authorize a use already specifically permitted in any other zoning district. A person disagreeing with the City Manager's decision may appeal that decision to the Planning Commission pursuant to LOC 50.07.003.7.b, Appeal of Minor Development Decision.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.03.002. USE TABLE
SUBSECTION 2: RESIDENTIAL USE TABLE

2. RESIDENTIAL USE TABLE

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE													
P = Permitted Use Blank = Not Permitted C = Conditional Use													
[x] Table notes located at the end of the table													
Use Cat.	Use Type	Residential										Use Specific Standards	
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3	R-2	R-0		
RESIDENTIAL USES													
Household living	Dwelling unit, any type					P			P		P		
	Single-family detached dwelling	P [one per lot]					P	P	P	P	P	P	50.03.003.1
	Single-family dwellings erected on piling over the water of Lake Oswego							P					
	Zero lot line dwelling	P	P	P	P	P	P		P	P	P		
	Dwelling, Duplex					P	P		P	P	P		
	Dwelling, Row House									P			
	Multi-family dwelling					P	P		P		P		
	Manufactured homes (individual lot)	P	P	P	P	P	P	P	P	P	P	50.03.003.1.c	
Manufactured home parks and subdivisions					P			P	P	P	50.03.003.1.d		
Secondary dwelling unit	P	P	P	P	P	P		P	P	P	50.03.003.1.f		
Group and Institutional Housing	Congregate housing	C	C	C		P			P	P	P	50.03.003.2	
	Skilled nursing facility					C	C		C	C [1]	C	50.03.003.2	
	Elder care												
	Group care home	P	P	P	P	P	P		P	P	P		
Residential care housing	C	C	C		P			P	P	P	50.03.003.2		
PUBLIC, INSTITUTIONAL, AND CIVIC USES													
Day Care	Family day care facility	P	P	P	P	P			P	P	P		
Education/ Recreation	Non-profit social, recreational, educational, or cultural facilities and uses [2]					P			P	P	P		
Institutional uses		C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.3	
Utilities/ Public facilities	Major	C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.3	
	Minor [3]	P	P	P	P	P	P	P	P	P	P	50.03.003.3	
	Telecommunications facilities, new	C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.3	
NON-RESIDENTIAL USES													
Agricultural	Raising of produce[4]	P	P	P	P			P					
	Large animals kept for owner's use [5]	P	P									50.03.003.4.c	
	Animals kept for owner's use [5]				P								
Office, Business, or Professional	Home occupation	P	P	P	P	P	P		P	P	P	50.03.003.4.b	
	Office uses (in structures on City's Landmark Designation List) [6]	C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.4.d	
Recreation/ Entertainment	Golf course, hunt club, or similar open land private recreational uses	C	C	C	C [1]								
	Social, recreational, or cultural facilities [7]					C			C	C [1]	C		

SECTION 50.03.002. USE TABLE
 SUBSECTION 2: RESIDENTIAL USE TABLE

TABLE 50.03.002-1: RESIDENTIAL DISTRICTS USE TABLE P = Permitted Use Blank = Not Permitted C = Conditional Use <i>[x] Table notes located at the end of the table</i>												
Use Cat.	Use Type	Residential										Use Specific Standards
		R-15	R-10	R-7.5	R-6	R-5	R-DD	R-W	R-3	R-2	R-0	
Notes	<p>[1] Conditional uses in R-2 and R-6 see LOC 50.03.003.1.b.</p> <p>[2] Such as open space, recreational sites, view points, community centers, swimming pools, tennis courts, and similar uses associated with a planned development, designed and intended for use by residents of the development</p> <p>[3] Includes collocated telecommunications facilities but excludes new telecommunications facilities.</p> <p>[4] Provided no retail sales office is maintained on the lot.</p> <p>[5] No commercial activity allowed.</p> <p>[6] The structure shall be located on an arterial street. For the purposes of this section, "office uses" include businesses and management services, except for medical or dental offices.</p> <p>[7] Such as swimming pools, recreation centers, or community centers, operated by a non-profit organization made up of a homeowners association or associations, neighborhood groups or an association of such groups or neighbors.</p>											

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

3. COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED-USE, INDUSTRIAL & SPECIAL PURPOSE DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A	
									O C	R M U	R- 2. 5	RL W						
RESIDENTIAL USES																		
Household Living	Residential use	P / C	P	P	P		P [3 6]											NC & GC zones: 50.03.003.1 .e.i
	Residential use at R-0 density					P												EC zone: 50.03.003.1 .e.ii
	Attached, residential town-home uses								P	P	P							50.03.003.1
	Dwelling for a caretaker or watchman working on the property												P	P				
Group and Institutional Housing	Congregate housing	C	C			C									P			50.03.003.2
	Continuing care retirement community (CCRD)														P			50.03.003.2
	Skilled nursing facility								P						P			50.03.003.2
	Elder care								P									
	Group care home																	
	Facilities for residence and care of the socially, mentally or physically handicapped or other special care needs														P			
Residential care housing	C	C			C				P					P			50.03.003.2	
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities	Cemetery														C			
	Libraries [35]															C		
	Membership organizations - business and professional, charitable, labor, political, and religious (not including churches).		P	P	P	P	P	P										
	Membership organizations - civic, social, fraternal		P	P	P	P	P	P										
	Public buildings [2, 35]																C	
Religious agency structures and related accessory uses														P			50.03.003 .3.a	

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

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Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A	
									OC	RMU	R-2.5	RLW						
Day Care	Family day care facility																	
	Nursery, day care centers	P	P	P	P	P	P	P	P									WLG OC zone: 5,000 sq. ft. or less in area
Education	Kindergartens, preschools								P									WLG OC zone: 5,000 sq. ft. or less in area
	Educational agency structures and related accessory uses														P			
	Music schools	C	P			P												50.03.003 .3.d
	Other educational uses associated with private or public institutions								P									5,000 sq. ft. max. area
	Private or public educational institutions	C	P			P			P									50.03.003 .3.d; WLG OC zone: 5,000 sq. ft. or less in area
	Schools and school district office buildings [35]																C	50.03.003 .3.d
	Vocational schools	C	P			P								P	P			50.03.003 .3.d
Health Care Facilities	Ambulance service	P	P			P								P	P [3]			
	Hospitals		P			P												
	Clinic, outpatient and medical office	P	P	P	P	P	P	P										
	Medical and dental laboratories		P		P	P	P	P						P	P			
Parks and Open space	Natural areas																	P
	Park uses existing as of December 1, 2011																	P
	Use authorized in Master Plan [33]																	P
	Minor park improvements																	P
	Major park improvements																	C
Utilities/ Public facilities	Major [35]	C	P	P	P	P	P	P						P	P	C	C	C
	Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Including collocated telecom. facilities but not new

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

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Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards	
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A		
									O C	R M U	R- 2. 5	RL W							
	Telecommunications facilities, new [35]								C	C	C	C					C	C	facilities
	Temporary private uses of public properties [35]																C		
COMMERCIAL USES																			
Agricultural	Agricultural use																P		
	Horticulture, farming, silviculture																		P
Animal and related services	Animal boarding facilities												C	C					
	Equestrian facilities																		C
	Pet care, daily, fully conducted within building	C	P	P	C	P	C	C											
	Pet care, daily, partially conducted outside building	C	C					C											
	Raising of livestock																		C
	Veterinarian's facilities, totally enclosed		P			P								P	P				
	Other veterinarian facilities		P										P						
Financial Institutions	Financial and banking institutions (includes credit agencies)		P [5]	P	P [5]	P	P	P											
Food and Beverage Services	Bakery								P										Seating area 700 sq. ft. or less
	Bakery, baked foods manufactured elsewhere sold on premises	P	P	P	P	P	P	P											CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area
	Bakery, manufacturing – where on-site baked foods are sold within the building, <5,000 sq. ft.	P	P	P		P	P	P											
	Bakery, manufacturing – where on-site baked foods are sold within the building, >5,000 sq. ft.		P			P			P										
	Bar or cocktail lounge, no restaurant; use with retail malt beverage license		P	P		P		P											MC zone: Not to exceed 20,000 sq. ft. floor area

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED-USE, INDUSTRIAL & SPECIAL PURPOSE DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards	
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A		
									O C	R M U	R- 2. 5	RL W							
	Concession facilities																	P	
	Delicatessen, no table service	P	P	P	P	P	P	P	P ^[6]										CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area
	Food markets, over 25,000 sq. ft. floor area		P / C ^[7]	P		P ^[8]		P ^[9]											
	Food markets, under 25,000 sq. ft. floor area	P	P	P		P		P											
	Restaurant with or without associated lounge	P	P	P	P	P	P	P		P ^[10]									CR&D and MC zones: Not to exceed 20,000 sq. ft. floor area
	Restaurant, take out only; or which include a drive-in window		C ^[11]	P															
	Specialized food stores (such as coffee shop or juice bar)	P	P	P		P		P		P									MC zone: Not to exceed 20,000 sq. ft. floor area
Lodging Facilities	Hotels, motels and associated retail uses (located within the hotel/motel and intended to serve guests)		P	P		P		P											
	Accounting, auditing & bookkeeping	P	P	P	P	P	P	P											
	Adjustment & collection agencies		P	P	P	P	P	P											
	Advertising agencies, including commercial artists		P	P	P	P	P	P											
	Artist's studios, including those that use industrial tools.	P	P	P	P	P	P	P					P	P					
	Business and management services	P	P	P	P	P	P	P											
	Employment agencies		P	P	P	P	P	P											
	Insurance and bond	P	P	P	P	P	P	P											

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

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		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A		
									O C	R M U	R- 2. 5	RL W							
Office, Business, or Professional [12]	carries, agents, brokers and services																		
	Regional offices & corporate headquarters		P	P	P	P	P												
	Commercial office space in buildings existing on 12-16-1982														P				
	Office - Employment and secretarial services for industrial park/ industrial users												P	P					
	Professional office – (meeting the guidelines in Industrial Park guidelines in Appendix B)														C				
	Offices accessory to manufacturing, warehousing or research uses														P				
	Offices providing special services to businesses	P	P	P	P	P	P	P											
	Private social service agency structures and related accessory uses															P			
	Professional offices [13]	P	P	P	P	P	P	P	P ^[26]	P			P		P				WLG & IP zones: 50.03.003 .4.e WLG RLW zone: 50.04.001.4 .b.ii(1)
	Research and testing facilities and laboratories		P	P	P	P	P	P						P	P				
Real estate brokers, agents & services	P	P	P	P	P	P	P												
Studios and offices for use in conjunction with authorized on-site radio transmission and receiving towers and earth stations																C			
Commercial Services	Business services, including auctioneers, bail bonds, drafting, detective	P	P	P	P	P	P												

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED-USE, INDUSTRIAL & SPECIAL PURPOSE DISTRICTS USE TABLE

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Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A	
									O C	R M U	R- 2. 5	RL W						
	agencies, notary public & other like services																	
	Clothing rental	P	P			P												
	Commercial photographic studios	P	P	P	P	P	P											
	Computer services	P	P	P	P	P	P											
	Duplicating, addressing, blueprinting, photocopying, mailing & stenographic services		P	P	P	P	P						P	P				
	Equipment rental		P										P					
	Equipment service & repair places, appliance small engine		P			P							P					
	Home appliance repair shop	P	P			P												
	Laundries & cleaning places	P	P	P		P	P	P					P [14]	P [15]				
	Mortuaries		P / C			P / C												Conditional use with accessory crematoriums
	Office equipment rental & repair agencies		P	P	P	P	P											
	Personal services (such as hair salons and personal care)	P	P	P	P	P	P	P [16]				P			P [25]			WLG RLW zone: 50.04.001.4 .b.ii(1)
	Printing, publishing & lithographic shop		P	P	P	P	P						P	P				
	Radio & television repair shop	P	P			P												
	Services to buildings (including dwellings), cleaning & exterminating		P	P		P	P						P	P				
	Tailor shops & related services	P	P			P	P	P										
	Telephone answering service	P	P	P	P	P	P											
	Upholstery shop	P	P			P							P	P [3]				
Recreation/ Entertainment	Art galleries	C	P			P	P											
	Arcade gaming (video, pinball, etc.) for amusement purposes [17]	P / C	P			P												
	Commercial recreational												P	C				

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED-USE, INDUSTRIAL & SPECIAL PURPOSE DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A	
									OC	RM U	R- 2. 5	RL W						
	facility													[18]				
	Fitness exercise and sports facilities, <5,000 sq. ft. floor area [19]	P	P	P	P	P	P											
	Fitness exercise and sports facilities, ≥5,000 sq. ft. and < 20,000 sq. ft. floor area [19]	C	P	C	C	C	P	P										
	Fitness exercise and sports facilities, ≥20,000 sq. ft. floor area [19]		P	C	C		C	P										
	Theaters, indoor		P	P		P		P										
Retail Sales	Incidental retail uses														P			Max. 3,000 sq. ft. total per site; 50.02.002.2 .b.iv(4) and (5)
	Over 20,000 sq. ft. floor area [20]		P / C [2 1]			P [2 2]		P [2 3]										
	10,000 – 20,000 sq. ft. floor area [20]		P	P		P	P	P										
	Under 10,000 sq. ft. floor area [20]	P	P	P	P	P	P	P										
	General retail sales, under 5,000 sq. ft. in WLG OC zone								P [24]									
	Orthopedic equipment & supplies, rental, sale & service		P			P	P	P										
	Retail establishments [25]														C			IP zone: not to exceed 20,000 sq. ft. of floor area
	Specialty retail (antique stores, art galleries, jewelers) in WLG								P [34]			P						WLG RLW zone: 50.04.001.4 .b.ii
Sign shop		P			P							P	P [3]					
Vehicle/ equipment sales and	Auto rental [27]		P	P	P	P	P	P										
	Auto sales		P			P												Not permitted in

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

TABLE 50.03.002-2: COMMERCIAL, MIXED-USE, INDUSTRIAL & SPECIAL PURPOSE DISTRICTS USE TABLE

P = Permitted Use | Blank = Not Permitted | C = Conditional Use

[x] Table notes located at the end of the table

Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards	
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A		
									O C	R M U	R- 2. 5	RL W							
services																			LGVCO
	Auto service station (primary use only)		P / C [28]	P		P								P					C in LGVCO
	Boat sales													P					
	Car wash		C [30]	P		C								P					
	Private off-street parking facilities (sole use on site, parking garages, etc.)		P			P	P	P											
	Retail sales of tires, batteries and motor vehicle accessories														C				IP zone: not to exceed 20,000 sq. ft. of floor area
	Truck & trailer rental and sales of accessories			P										P					
	Vehicle repair shops		P / C [18]			P [18]								P					C in VTAs in LGVCO [29]; 50.02.002.2 .b.iv
	Vehicle sales and rental													P					
INDUSTRIAL/MANUFACTURING USES																			
Industrial Service	Lumber yards													P					
	Nursery stock production and sale													P					
Manufacturing	Light manufacturing, processing, or assembly of product [31]		C	C			P	C											50.03.003.5
	Manufacturing						P												
	Manufacturing, repairing, compounding, processing or storage and accessory office use													P					50.02.002.2 .b.iv; 50.03.003.5
	Facilities for the manufacturing, processing or assembling of products														P				50.02.002.2 .b.iv; 50.03.003.5
	Remanufacturing or repair of vehicle engines and electrical systems														P				50.02.002.2 .b.iv; 50.03.003.5
Storage	Recreational vehicle storage													P	P				50.02.002.2 .b.iv; 50.03.003.5

SECTION 50.03.002. USE TABLE

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Use Cat.	Use Type	Commercial, Mixed-Use, Industrial													Special Purpose			Use Specific Standards	
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F	P N A		
									OC	RMU	R-2.5	RLW							
Transportation	Commercial transportation facilities														C				
	Railroad tracks and facilities (switching yards spur or holding tracks, freight depots)													P					
	Transportation facilities													P					
	Towing service & tow yard													P					
Wholesale	Wholesale distributor or outlet												P						
<p>[1] At a net site density of 2,500 sq. ft./lot area per unit area allowed in conjunction with office uses in the same building. [2] Including fire stations, community centers, police stations, city administrative or other city office buildings, and city motor pools or maintenance buildings. [3] < 5,000 sq. ft. max. area, totally enclosed within a building. [4] Such as open space, recreational sites, view points, community centers, swimming pools, tennis courts, and similar uses associated with a planned development, designed and intended for use by residents of the development. [5] In the GC and OC zones in the Lake Grove Village Center Overlay District, financial and banking institutions with drive-through facilities are allowed only when no more than one access to the site from a public street is provided on the parcel. Additional access through abutting parcels is permitted. Financial and banking institutions with drive-through facilities are prohibited in Village Transition Areas. [6] No table service and minimal on-site cooking of food. [7] Permitted: Not to exceed 35,000 sq ft., Conditional: exceeding 35,000 sq. ft. and not to exceed 45,000 sq. ft. [8] Not to exceed 35,000 sq. ft. (See also LOC 50.02.002.2.b.iii.) [9] Not to exceed 60,000 sq. ft. per building or business. (See also LOC 50.02.002.2.b.iii) [10] Service of food and beverages shall be primarily to persons seated within the building and designated outdoor areas. The total size of seating area, both in-doors and outdoors, of any restaurant allowed in this zone shall be limited to 1,500 sq. ft. [11] In the GC zone in the Lake Grove Village Center Overlay District, no more than 2 restaurants with drive-in service windows are permitted. Drive-in restaurant use is prohibited in Village Transition Areas. [12] Nonprofit office uses in structures on the City's Historic Landmarks List see 50.03.003.4.d. [13] NC, GC, HC, OC, EC, CR&D and MC: Professional Offices Examples: Architectural, artists' studios, engineering (including surveying), law, landscape architecture, other professionals. [14] Greater than 3,000 sq. ft. [15] Less than 5,000 sq. ft. [16] Limited to 1,000 sq. ft. or less in area. Includes massage, pedicure and manicure. [17] GC, EC: Any size permitted. NC: Permitted if < 2,000 sq. ft. floor area and conditional if ≥ 2,000 sq. ft. floor area. [18] Wholly conducted within an enclosed structure. [19] 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 or outdoor pool; athletic fields for organized competitive games; billiard and pool parlors; bowling alleys; and skating rinks, ice and/or roller. [20] Including apparel and accessory, department stores, building supply, garden, sporting goods, furniture, etc. [21] Permitted: not to exceed 35,000 sq. ft.; conditional use: exceeding 35,000 sq. ft. but not to exceed 45,000 sq. ft. [22] Not to exceed 35,000 sq. ft. floor area per business. [23] Not to exceed 60,000 sq. ft. floor area per building or business. [24] Such as apparel and accessories, small hardware store, nursery, florist, furniture and appliance stores, and office supplies. [25] Which directly and primarily provide goods and services to persons employed in the zone. [26] A single building which provides for any of the professional office permitted uses shall be limited to a maximum building</p>																			

SECTION 50.03.002. USE TABLE

SUBSECTION 3: COMMERCIAL, MIXED-USE, INDUSTRIAL, AND SPECIAL PURPOSE DISTRICTS USE TABLE

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Use Cat.	Use Type	Commercial, Mixed-Use, Industrial												Special Purpose			Use Specific Standards	
		N C	G C	H C	O C	E C	C R & D	M C	WLG- [32]				I	IP	C I	P F		P N A
									O C	R M U	R- 2. 5	RL W						
	footprint of 5,000 sq. ft. [27] CR&D, MC, EC, GC: Vehicle storage off site. [28] Conditional use is permitted as follows: No auto service station shall be closer than 1,000 linear feet to another auto service station. No more than two auto service stations shall be located within a distance of 5,000 linear feet. The number of auto fueling devices shall not exceed eight at any single auto service station. Use prohibited in Village Transition Areas. [29] I zone: screened by sight-obscuring fence from public right-of-way. In Village Transition Areas (VTA) of the Lake Grove Village Center Overlay (LGVCO) District, conditional use is permitted as follows: The use shall be an expansion of an existing vehicle repair use. Retail or office uses and a storefront appearance shall be provided along fronting collector and local streets. No direct vehicle access shall be provided from streets adjacent to residential zones. No operational repair by doors shall face collector or local streets [30] In the GC Zone in the Lake Grove Village Center Overlay District, car wash facilities shall not exceed a total combined area of 4,200 sq. ft. Use prohibited in Village Transition Areas. [31] Light manufacturing is the process when manufacturing is conducted within an enclosed building. [32] No drive through businesses are allowed in the West Lake Grove Design District. [33] Consistent with the purpose of the PNA zone or a modification that complies with LOC 50.02.003.3.b. [34] 5,000 sq. ft. or less [35] Uses that are accessory and incidental to Conditional uses in the PF zone are Permitted. [36] Residential use at R-7.5, R-10, and R-15 density not permitted in the CR&D zone.																	

SECTION 50.03.003. USE-SPECIFIC STANDARDS
SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

50.03.003. USE-SPECIFIC STANDARDS

1. RESIDENTIAL USES – HOUSEHOLD LIVING

a. Attached, Residential Town Home Uses in West Lake Grove

- i. Subject to the following conditions, in addition to the other provisions of this Code:
 - (1) The minimum net density area for attached town-home housing is 2,500 sq. ft./lot area per unit.
 - (2) The minimum required lot width shall be 17 ft. The maximum lot coverage shall be 60% excluding parking.
 - (3) Each unit of attached town-home housing shall be constructed on a separate lot.
- ii. Within the WLG RMU zone:
 - (1) Attached town-homes are allowed in conjunction with office uses in the same building.
 - (2) When a combination of office-commercial and attached town-home residential uses are proposed together on the same site and in separate buildings, the commercial structures(s) shall front on Boones Ferry Road.
 - (3) Residential buildings shall occupy the rear portion the parcel which is most proximate to the surrounding residential zoning districts.
- iii. Within the WLG R-2.5 zone:
 - (1) The use is “Attached for-sale residential town homes”
 - (2) When subdivisions are proposed in the WLG R-2.5 zone, a minimum density of 80% of the maximum allowed by the zone is required. For purposes of this subsection, the number of lots required shall be determined by dividing the net developable square footage by the minimum lot size per unit required in the underlying zone, and multiplying this number by 0.8. The result shall be rounded up for any product with a fraction of 0.5 or greater and rounded down for any product with a fraction of less than 0.5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for all Zones.
- iv. Within the WLG RLW zone:

Attached for-sale residential town-homes;

 - (1) The required density shall be 1,700 sq. ft. of lot area per unit; and
 - (2) The minimum required lot width shall be 17 ft. The maximum lot coverage shall be 75% excluding parking.

b. Conditional Uses in the R-2 and R-6 Zones

In addition to the criteria contained in LOC 50.07.005, Conditional Use Permits, an application to establish a new conditional use in the R-2 or R-6 zones must comply with the following criteria:

- i. A new conditional use shall not be located on a street with a traffic level that exceeds the functional classification of the street as set forth in the Lake Oswego Comprehensive Plan Goal 12.

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

- ii. If the street upon which the new use will be located is an arterial or collector and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Goal 12, the use shall not cause the street to exceed the allowable amount of traffic for its functional classification.
- iii. If the street upon which the new use will be located is a local street and is currently operating within the parameters of its functional classification as set forth in the Lake Oswego Comprehensive Plan Goal 12, the use shall not generate more than ten additional Average Daily Traffic (ADT) trips when the projected ADT or increased ADT of the proposed conditional use is divided by a figure equal to the square footage of the lot or parcel on which the conditional use will be located divide by 2000 in the R-2 Zone or 6000 in the R-6 zone.
- iv. Where available, a conditional use shall take access from collector or arterial streets and not from local streets. Exception: A conditional use may take access from a local street if a professional traffic analysis indicates that across to the local street would improve public safety or traffic management when compared to access from the available collector or arterial.

(Ord. No. 2316, Added, 03/05/2002)

c. **Manufactured Homes**

i. **General Provisions**

(1) **Manufactured Homes Permitted on Individual Lots and Parcels**

Manufactured homes are permitted on individual lots or parcels in R-15, R-10, R-7.5, and R-5 residential zones in accordance with the placement standards below and all other provisions of this Code which apply to conventionally built dwellings.

(2) **Deed Covenants or Restrictions**

Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.

(3) **Manufactured Housing Construction and Safety Standards (HUD Code)**

Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential) as amended and rules and regulations adopted there under, and; including information supplied by the manufacturer which has been stamped and approved pursuant to HUD Rules by a "Design Approval Primary Inspection Authority," and; regulations and interpretations of the Act by the Oregon Department of Commerce; all or which became effective for mobile/manufactured home construction on June 15, 1976 shall be utilized as the minimum construction standard of the City of Lake Oswego to which all manufactured home placements shall comply except as provided otherwise by this section.

(4) **State Standards**

Where standards for Manufactured Home Construction and placement are established by state law or Department of Commerce Administrative Rules, such requirements shall apply in addition to those of this section.

(5) **Terms and Definitions**

For purposes of this section only, the definitions of terms used herein and not defined in this Code shall be as defined in ORS Chapter 446 or OAR Chapter 918, Div. 500 as amended.

SECTION 50.03.003. USE-SPECIFIC STANDARDS
SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

(Ord. No. 2316, Added, 03/05/2002)

ii. Manufactured Home Placement Standards (Individual Lots)

- (1) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 sq. ft.
- (2) Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and be:
 - (a) A new or not previously occupied unit, or;
 - (b) Be found upon inspection to be in excellent condition and free of structural, electrical, mechanical, and plumbing defects, any of which must be corrected prior to placement.
- (3) Transportation mechanisms including wheels, axles and hitch must be removed. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the finished floor elevation of the manufactured home is located not more than 12 in. above grade. The perimeter enclosure shall be a non-reflective material and give the outward appearance of a concrete, stone or masonry foundation. This material shall be of weather resistant, non-combustible or self extinguishing materials. The materials below grade and for a distance of six in. above finish grade shall be resistant to decay or oxidation.

All load bearing foundations, supports, and enclosures shall be installed in conformance with the Oregon Department of Commerce regulations (OAR, Chapter 814, Division 23) and with the manufacturer's installation specifications.

- (4) Have utilities connected in accordance with City of Lake Oswego and Oregon Department of Commerce requirements and manufacturers specifications.
- (5) The manufactured home shall have a pitched roof at a minimum of three ft. in height for each 12 ft. in width. Eaves must extend at least one ft. from the intersection of the roof and the exterior walls.
- (6) The manufactured home shall have exterior siding and roofing which is similar to the exterior siding and roofing material commonly used in the community or which is comparable to the predominant materials used on surrounding dwellings (greater than 50%) within 300 ft. of the subject property.
- (7) The manufactured home shall have either an attached or detached garage constructed at the same time the manufactured home is placed on the site or prior to occupancy. The garage shall be constructed of like materials as the manufactured home. An attached carport shall be allowed if more than 50% of homes within 300 ft. of the subject do not have garages.

Garages and carports shall be constructed to the Oregon State Structural Specialty Code.

- (8) If new or previously unoccupied, the manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss levels equivalent to the performance of single family dwellings constructed under the state building code as defined by ORS 455.010.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.03.003. USE-SPECIFIC STANDARDS
SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

iii. Placement Permit

(1) Requirements

Prior to the location, relocation, or establishment of any manufactured home, the homeowner, or authorized representative shall secure from the Building Official a Placement Permit which states that the building and its location conform with these and other relevant standards of this Code. Each application for a Placement Permit shall be accompanied by:

- (a) A plot plan as required for all dwelling units and elevations or photographs of all sides of the home; drawings showing exterior dimensions; information illustrating the type of roofing and siding materials, foundation support system, and; foundation enclosure method and materials.
- (b) A copy of the manufacturer's approved instructions to be used for installation purposes.
- (c) An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Building Official in the Placement Permit and other information as may be required for enforcement of these standards.

(2) Issuance of Permit

Following receipt of the required information, the Placement Permit shall be issued by the Building Official within ten days if all requirements have been met.

(3) Denial and Revocation of Placement Permit

The Building Official shall deny a Placement Permit which does not provide the proper information or which proposes to site a manufactured home not in conformance with the requirements of this code.

The Building Official shall revoke a Placement Permit when such permit was issued on the basis of incorrect or misleading information. In this case the applicant shall cease work on the placement and/or occupancy of the unit and reapply for a Placement Permit and pay the required fees within five days of written notification of revocation by the Building Official. If the Building Official determines that it is not possible for placement of the manufactured home or the unit itself to meet the requirements of this code, then it shall be removed from the site within 15 working days of written notice.

(Ord. No. 2316, Added, 03/05/2002)

iv. Occupancy Certificate

Occupancy Requirement: Prior to the occupancy of any manufactured home, the homeowner or authorized representative shall request from the Building Official a Certificate of Completion stating that all requirements of this code have been complied with. The building official shall inspect the property and if all requirements have been complied with, an Occupancy Certificate shall be issued.

If the applicant has not met the required conditions and standards, the Building Official may issue a temporary Occupancy Certificate along with a written statement of requirements to be met. The Temporary Occupancy Permit shall not exceed 30 days.

The Building Official may also elect not to issue the Certificate of Occupancy if there is a substantial degree of non-compliance with the standards of this code. The manufactured home shall not be occupied until these standards have been complied with.

SECTION 50.03.003. USE-SPECIFIC STANDARDS
SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

(Ord. No. 2316, Added, 03/05/2002)

d. Manufactured Home Park or Subdivision

- i. Must be located in the R-0, R-3 or R-5 zones.
- ii. Maximum project size of ten acres; one-half acre minimum project size.
- iii. Must be located on arterial or collector street.
- iv. Public services must have the capacity to serve the proposed development.
- v. Must be separated from other manufactured home parks or subdivisions by either;
 - (1) A distance of one mile or,
 - (2) By a permanent topographic or vegetative buffer such as a hill or wooded area which completely screens one manufactured home park from another or from existing residential development. If newly planted, the screening must be of a size to form an effective screen in five years.

(Ord. 2316, Added, 03/05/2002)

e. Residential Uses in Commercial Zones

i. GC and NC

(1) At R-0, R-3 and R-5 Density

- (a) In the NC zone, residential use at R-0, R-3, or R-5 density is a conditional use.
- (b) Except as specifically allowed in LOC 50.02.002.2, Specific Standards for Commercial, Mixed Use, and Industrial Zones, a residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use with the following exception: A residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the Lake Grove Village Center Overlay District (see village Character Map, LOC Figure 50.05.007-D).

(2) At R-7.5, R-10, and R-15 Density

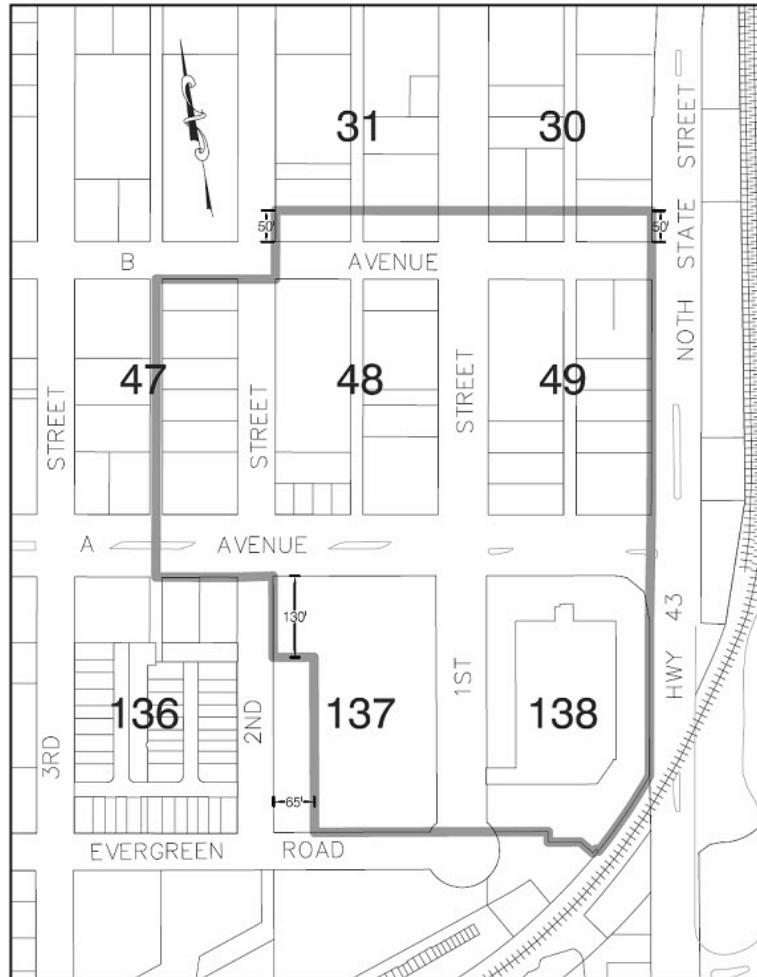
A residential use may occupy the ground floor in the GC or NC zones only if a commercial use is located along the street frontage and the residential use is located behind the commercial use.

ii. EC Zone

At R-0 density. With a maximum 3.0:1 FAR (four unit minimum) on parcels > 6,000 sq. ft. in size. For parcels ≤ 6,000 sq. ft. in size, there is no minimum unit requirement. Use not allowed on ground floor within the area depicted on Figure 50.05.003-A: Area of Residential Uses Prohibition in EC District.

SECTION 50.03.003. USE-SPECIFIC STANDARDS
SUBSECTION 1: RESIDENTIAL USES – HOUSEHOLD LIVING

Figure 50.05.003-A: Area of Residential Use Prohibition in EC District



f. Secondary Dwelling Unit

i. Generally Applicable Standards

A secondary dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of existing space, by means of an addition, or as an accessory structure on the same lot with an existing dwelling, when the following conditions are met:

- (1) The site is large enough to allow one off-street parking space for the secondary unit in addition to the required parking for the primary dwelling.
- (2) Public services are to serve both dwelling units.
- (3) The number of occupants is limited to no more than two persons in the secondary unit.
- (4) The unit does not exceed one bedroom and an area of 800 sq. ft., or a total FAR of 0.4:1 for all buildings. No more than one additional unit is allowed.
- (5) The unit is in conformance with the site development requirements of the underlying zone.

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 2: CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – GROUP AND INSTITUTIONAL HOUSING

(6) The following minimum area standards shall be met:

- (a) One person - 250 sq. ft.
- (b) Two persons - 500 sq. ft.

(7) One unit shall be occupied by the property owner. The owner shall be required to record a declaration of restrictive use in the appropriate county clerk deed records prior to issuance of a building permit for the secondary dwelling unit on the lot. The declaration shall state that use of the parcel is subject to compliance with the City of Lake Oswego's secondary dwelling unit requirements, including the requirement that one of the dwellings on the lot be occupied by the property owner to permit usage of a secondary dwelling unit on the lot.

(8) The reviewing authority may impose conditions regarding height modifications, landscaping, buffering and orientation of the secondary unit to protect privacy of the neighbors.

(Ord. 2316, Added, 03/05/2002)

ii. **R-5, R-3, R-2, and R-0 Zones**

Shall be associated with a detached single-family unit only.

iii. **R-15, R-10, R-7.5, R-6, R-DD**

One per lot.

g. **Single Family Dwellings in R-7.5, R-10 and R-15 Zones in First Addition Neighborhood**

Single family detached dwellings in the R-7.5, R-10 and R-15 zones and permitted accessory structures associated with such dwellings located within the boundaries of the First Addition Neighborhood Association, as they now exist or hereafter may be amended by ordinance of the City Council, shall be developed and altered pursuant to the standards for such dwellings contained in this Code.

(Ord. 2316, Added, 03/05/2002)

2. **CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – GROUP AND INSTITUTIONAL HOUSING**

a. **Residential Care Housing and Congregate Housing**

i. **Generally Applicable Standards**

(1) Any site to be used for residential care housing or congregate housing shall be at least one-half acre in size. All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.

(2) All requirements of the underlying zone, such as lot coverage, height limitations, setbacks and of the Lake Oswego Code generally, shall be complied with unless modified by this section. However, there are no density limitations on the number of residential care or congregate housing living units, which may be developed, provided all the other requirements of the code and other governmental regulatory agencies are met.

(3) Within the allowed single and multi-family zones, residential care housing and congregate housing shall be permitted only on those properties which abut a major or minor arterial or a major collector or neighborhood collector. Access to the

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 2: CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – GROUP AND INSTITUTIONAL HOUSING

development site shall be by the street with the highest classification unless prohibited by access constraints.

- (4) Any building to be occupied for residential care housing and congregate housing shall be designed or renovated specifically for this use. Any required regulatory licenses shall be obtained before residents occupy the building.
- (5) All public services shall be available and have the capacity to serve the facility.
- (6) Site design shall illustrate the accommodation of the special accessibility needs of those with varying levels of disabilities such as grade and width of walkways, exterior lighting, signage, resident parking, and orientation of entrances, which emphasize easy recognition.
- (7) Buffering and screening of the facility with fences, walls and landscaping shall be required to mitigate external noise and other disruptive conditions from surrounding uses such as light glare.
- (8) At least 20 percent of the development site exclusive of areas required for park land and sensitive lands protection shall be landscaped. The required landscaped area is inclusive of landscaping required for parking lots, and within required buffer areas. Landscaping may include courtyards, raised beds and planters, espaliers, arbors and trellises.
- (9) Large expanses of paving, including off-street parking and loading areas shall be landscaped. These areas shall be buffered and screened from adjoining land uses with landscaping. Trees shall be integral to the landscaping plan and incorporated into parking lot design to provide for shade and surface water runoff and quality benefits.
- (10) Buildings and the development site shall be designed with a residential character and theme. Development in the EC Zone is subject to the requirements of LOC 50.05.004, Downtown Redevelopment Design District. If a conflict exists between LOC 50.05.004 and the requirements below, LOC 50.05.004 shall prevail. To achieve a residential character and theme, the review authority may require design elements including, but not limited to, any or all of the following:
 - (a) Complex massing and asymmetrical building composition;
 - (b) Use of masonry, wood or wood appearing composites as exterior cladding materials;
 - (c) Use of harmonious building materials and earth and muted tone colors and compatible color accents;
 - (d) Lush landscaping including the use of border plantings and trees throughout the development site.
- (11) Monotony of design in single or multiple building shall be avoided. Variation of detail, form, and building siting shall be used to enhance design quality. To achieve these objectives, the review authority may impose requirements including, but not limited to, any or all of the following:
 - (a) No continuous blank walls shall be allowed along the public front of the buildings and shall not exceed 25 linear ft. without windows, recess, or change of plane. Appropriate use of windows shall be made to provide scale with the amount of fenestration or glazing proportional to the mass of the building facade.

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 2: CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – GROUP AND INSTITUTIONAL HOUSING

- (b) Architectural features and accents such as bay windows, gables, dormers and projecting eaves shall be used to break up roof expanses. Verandas and projecting balconies shall be used where safe and practical.
 - (c) Roof materials shall consist of cedar shingles, tiles, or three tab composite shingles in dark grey, green or black colors. Metal roofs and colored roofs, other than those mentioned above and mansard or decorative roof forms are prohibited.
- (12) Buildings shall use materials that are architecturally harmonious for all walls and exterior components. To achieve this objective, the review authority may impose requirements including, but not limited to the following:
- (a) Materials for building walls may consist of wood shingle, brick, horizontal wood or composite wood siding, stone, masonry, concrete block which mimics stone, brick or other masonry. Stucco and timbers shall be allowed on gable ends only.
 - (b) The following exterior materials are not allowed: EIFS or other synthetic stucco material; metal panels; flagstone; plywood paneling; vinyl cladding; mirrored glass; standard form concrete block; backlit fabrics.
- (13) Building vents and mechanical devices shall be screened from view with materials harmonious to the building. Exterior site elements such as storage, trash collection areas and noise generating equipment shall be located away from abutting property lines and sight obscuring fencing and landscaping shall be used to screen and buffer these areas.
- (14) Access to public and commercial services, parks and other recreation areas, churches, shopping, and other places frequented by the public in the course of daily life shall be made available to the residents through a transport service privately provided by the residential care housing facility.
- (15) Access to public sidewalks and/or pathways shall be provided. Street crossings bordering on streets three lanes and larger shall be located at traffic light controlled crossings. Crossings on two lane streets classified as either collectors or arterials may occur at sign controlled intersections. All other crossings may occur at non-controlled intersections provided that safe sight distance per the AASHTO Standards is present. When projects are located on streets greater than 10,000 ADT and it can reasonably be expected that future residents will cross these streets, a traffic study shall be required to show that safe sight distance and adequate traffic “gaps” exist to allow safe crossing.

b. Residential Care Housing Facilities and Congregate Housing in R-7.5, R-10 and R-15 Zones

- i. Any site to be used for residential care housing or congregate housing in an R-7.5, R-10 or R-15 zone shall be at least one-half acre in size.
- ii. Any site to be used for residential care housing or congregate housing and proposed to be located on a neighborhood or major collector street shall also have the following characteristics in addition to the other specific standards in this section:
 - (1) There are higher intensity land uses the vicinity of the site proposed for residential care housing such as:
 - (a) Commercial uses;
 - (b) Institutional uses such as schools, churches; or
 - (c) Multi-family residential development.

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SUBSECTION 2: CONDITIONAL USE STANDARDS FOR RESIDENTIAL USES – GROUP AND INSTITUTIONAL HOUSING

- (2) The proposed residential care housing or congregate housing project would be a transitional land use between more intense land uses and the collector streets(s) and abutting or adjacent residential uses;
 - (3) Public parks or useable public open spaces are easily accessible via public or private bus service or are within walking distance, and
 - (4) Retail and professional services and churches are within a short distance from the development site and can be walked to or are easily accessible by public or private bus service.
- iii. All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as one site.
 - iv. All setback and height requirements of the underlying zone shall be complied with unless modified by this section. However, there are no limitations on the number of residential care or congregate housing living units, which may be developed, provided all the other requirements of the code and other governmental regulatory agencies are met.
 - v. Maximum lot coverage shall be 40%.
 - vi. Except as modified by this section, all of the requirements of LOC 50.03.003.2.a shall also be applied to applications for residential care or congregate housing.
 - vii. Minimize to the extent practicable the effects of traffic caused by shift changes, particularly noise and the safety of pedestrians, particularly school children.
 - viii. Maintain any existing surrounding residential neighborhood scale and character in regard to lot coverage, design and size of structures, landscaping, buffering and screening, location and width of driveways, signage, exterior lighting, and location of parking, loading and service facilities.

(2243, Amended, 04/02/2002)

c. Skilled Nursing Facilities in the R-0, WLG R-2.5, R-3 and R-5 Zones

- i. Any site to be used for a skilled nursing shall abut a major or minor arterial street. Access to the development site shall be by the street(s) with the highest classification unless prohibited by access constraints.
- ii. Any site to be used for a skilled nursing facility shall be at least one-half acre in size. All property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.
- iii. All requirements of the underlying zone, such as lot coverage, height limitations, setbacks and of the Lake Oswego Code generally shall be complied with unless modified by this section. However, there are no density limitations on the number of beds or rooms within a skilled nursing facility provided all the other requirements of the Lake Oswego Code and other governmental regulatory agencies are met.
- iv. Any building(s) to be occupied as a skilled nursing facility shall be designed or renovated specifically for this use.
- v. All public services shall be available and have the capacity to serve the facility.
- vi. Minimum setbacks shall be as follows:
 - (1) 25 ft. for the front and rear yards and 15 ft. for side yards.

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- (2) 25 ft. from property lines abutting or adjacent to a residential zone or the setback required by the zone, whichever is greater. If an abutting or adjacent residential zone has been developed for a use other than for residential purposes the smaller setbacks shall apply.
- vii. The maximum height of a skilled nursing facility shall conform to the height requirements of the applicable zone.
- viii. Any of the requirements of LOC 50.03.003.2.a, Residential Care Housing and Congregate Housing, may also be applied to applications for skilled nursing facilities by the reviewing authority as necessary to comply with conditional use permit requirements.
- ix. On sites bordered by residential zones, the approval authority may apply additional conditions to:
 - (1) Mitigate the effects of traffic caused shift changes, particularly noise and the safety of pedestrians, particularly school children.
 - (2) Maintain residential neighborhood scale in regard to size of structures, location and width of driveways, signage, exterior lighting, and location of parking, loading and service facilities.
- x. Any buildings and the development site to be used for a skilled nursing facility shall be designed with a residential character and theme. To achieve a residential character and theme, the review authority may require design elements including, but not limited to, any or all of the following:
 - (1) Complex massing and asymmetrical building composition;
 - (2) Use of masonry, wood or wood appearing composites as exterior cladding materials;
 - (3) Use of harmonious building materials and earth and muted tone colors and compatible color accents;
 - (4) Lush landscaping including the use of border plantings and trees throughout the development site.
- xi. Monotony of design in single or multiple skilled nursing facility buildings shall be avoided. Variation of detail, form, and building siting shall be used to enhance design quality. To achieve these objectives, the review authority may impose requirements including, but not limited to, any or all of the following:
 - (1) No continuous blank walls shall be allowed along the public front of the buildings and shall not exceed 25 linear ft. without windows, recess, or change of plane. Appropriate use of windows shall be made to provide scale with the amount of fenestration or glazing proportional to the mass of the building facade.
 - (2) Architectural features and accents such as bay windows, gables, dormers and projecting eaves shall be used to break up roof expanses. Verandas and projecting balconies shall be used where safe and practical.
 - (3) Roof materials shall consist of cedar shingles, tiles, or three tab composite shingles in dark gray, green or black colors. Metal roofs and colored roofs, other than those mentioned above and mansard or decorative roof forms are prohibited.
- xii. Buildings to be used for a skilled nursing facility shall use materials that are architecturally harmonious for all walls and exterior components. To achieve this objective, the review authority may impose requirements including, but not limited to the following:

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(1) Materials for building walls may consist of wood shingle, brick, horizontal wood or composite wood siding, stone, masonry, concrete block which mimics stone, brick or other masonry. Stucco and timbers shall be allowed on gable ends only.

(2) The following exterior materials are not allowed: EIFS or other synthetic stucco material; metal panels; flagstone; plywood paneling; vinyl cladding; mirrored glass; standard form concrete block; backlit fabrics.

(Ord. No. 2243, Amended, 04/02/2002; Ord. No. 2316, Added, 03/05/2002)

(Ord. 2346, Amended, 06/10/2003; Ord. 2243, Amended, 04/04/2002; Ord. 2316, Added, 03/05/2002)

3. CONDITIONAL USE STANDARDS FOR PUBLIC, INSTITUTIONAL, AND CIVIC USES, INCLUDING STANDARDS FOR TELECOMMUNICATIONS FACILITIES

a. Churches, Convent and Related Facility

- i. Access streets have capacity to carry the projected traffic volumes.
- ii. The site has adequate area for proposed parking needs.
- iii. The structure may exceed the maximum height limitation of the zone, to a structure height of no more than 50 ft.
- iv. The lot is sufficient size to allow all required yards to be equal to at least two-thirds the height of the principal structure.
- v. Public services are adequate to serve the facility.

(Ord. No. 2316, Added, 03/05/2002)

b. Major Public Facilities and Institutional Uses Not Covered by Other Specific Standards

- i. Utilities, streets or other necessary improvements to the public facility or institutional use shall be provided by the agency constructing the use.
- ii. When located in a residential zone, access should be located on a collector street if practical. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection.
- iii. When located in a residential zone, lot area shall be sufficient to allow required yards which are at least two-thirds the height of the principal structure.
- iv. The height limitation of a zone may be exceeded to a maximum height of 50 ft.
- v. Noise generating equipment shall be sound buffered when adjacent to residential areas.
- vi. Lighting shall be designed to avoid glare on adjacent residential uses.
- vii. Levels of operations shall be adjusted to avoid conflict with adjacent uses where practical.

(Ord. No. 2316, Added, 03/05/2002)

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c. Non-profit Conditional Uses in Certain Zones

An application for a conditional use permit to locate a non-profit social, recreational, educational, or cultural facility or use such as recreational sites, community centers, swimming pools, tennis courts and similar uses, in the R-0, R-3 or R-5 zone shall comply with the following standards.

- i. The proposed facility or use shall be located on property adjacent on at least one side to a property of equal or larger size that is already developed with a non-profit use permitted outright or as a conditional use in the zone.
- ii. Members of the organization proposing and which will use the non-profit facility or use shall reside in adjacent planned developments or within one-fourth mile of a planned development with participating residents and shall not be separated from the proposed development or each other by a freeway, a major or minor arterial or the urban service boundary of the City of Lake Oswego.
- iii. Adequate utilities, streets or other improvements shall be provided by the developer of the facility or use.
- iv. When located in a residential zone, lot area shall be sufficient to comply with the lot coverage, setbacks and yards required by the zone.
- v. Sound barriers, buffers or reduction techniques shall be required for noise generating activities, facilities or equipment located on properties adjacent to residential areas.
- vi. Lighting shall be designed to avoid glare on adjacent residential uses.
- vii. The time, manner or nature of operation shall be adjusted to avoid conflict with adjacent uses.

(Ord. No. 2316, Added, 03/05/2002)

d. Schools

All public, private or parochial, elementary, secondary, preschools, nursery schools, kindergartens and day-care centers shall provide the following:

- i. See LOC 50.06.003.3.b, On-site Circulation – Bikeways, Walkway, and Accessways, and LOC Chapter 42 for requirements relating to walkways.
- ii. Safe loading and ingress and egress will be provided on and to the site.

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

e. Telecommunications Facilities

i. Purpose

The purpose of this section is to establish design and siting standards for telecommunication facilities that:

- (1) Reduce visual impacts of towers and ancillary facilities through careful design, siting, and vegetative screening;
- (2) Avoid damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of tower structures;

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SUBSECTION 3: CONDITIONAL USE STANDARDS FOR PUBLIC, INSTITUTIONAL, AND CIVIC USES, INCLUDING STANDARDS FOR TELECOMMUNICATIONS FACILITIES

- (3) Maximize use of any new transmission tower and any existing suitable structures to reduce the need for additional towers; and
- (4) Allow transmission towers in residential areas only when necessary to meet functional requirements of the telecommunications industry.

ii. Applicability

These standards shall apply to new telecommunication facilities and collocated telecommunication facilities and not pre-existing towers or pre-existing antennae.

iii. Approval Criteria for Collocated Facilities

(1) Site Size

No minimum lot size shall apply when a telecommunications facility is collocated on an existing building or structure. Telecommunications facilities collocated on existing towers or reconstructed existing towers shall not decrease the setback of the existing tower. For the purposes of this section, an increase in tower circumference to accommodate collocated facilities shall not be deemed to decrease setbacks.

(2) Suitable Facilities for Collocation

(a) Collocation shall occur in the following order of suitable facilities:

- (i) Previously approved telecommunication tower;
- (ii) Existing non-conforming telecommunications tower;
- (iii) Existing buildings suitable for collocation; or
- (iv) Utility (electric, cable, telephone, etc.) and light poles.

(b) The applicant shall show that there are no reasonably feasible telecommunication facilities in a higher classification suitable for collocation within the necessary service area to be approved for a collocated telecommunication facility lesser classification subject to compliance with the following:

- (i) No increase in the height of the existing telecommunication support structure is proposed;
- (ii) The proposed collocated antenna is no more than 20 feet higher than the existing antenna;
- (iii) The collocation improvements must satisfy the standards for the underlying zone; and
- (iv) The collocation may not involve the removal of any previously approved landscaping/buffering.

(c) Towers or attachments may be placed on existing structures such as athletic field light poles, utility poles, utility towers and tall buildings provided that the addition of the antenna equipment will not interfere with the normal operation of utilities or existing transmission facilities and the collocated facility complies with the height limit in subsection (3), below, of this section.

(d) Existing structures may be structurally enhanced when necessary to permit collocation as long as the setback of the reconstructed structure is not decreased as described in subsection (1), above, of this section and as long as the height of the reconstructed facility complies with the height limit contained in subsection (3), below, of this section as applied to the existing structure prior to replacement or reconstruction.

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(3) Height Limit

Collocated facilities are exempt from the height limits of the underlying zone, but shall be no more than ten ft. taller than the existing structure in a residential zone, a mixed residential/commercial zone, or Public Functions Zone, or no more than 20 ft. taller than the existing structure in a commercial, public use, or industrial zone.

Exceptions: A collocated facility shall be no taller than the existing facility where the height of the existing facility has previously been increased in excess of the height limit of the underlying zone as a result of approval of a prior collocation application pursuant to this section.

(4) Visual Impact

(a) All ancillary facilities shall be screened, hidden or disguised.

(b) Antennae shall be screened, hidden or disguised, or shall be painted or colored to blend into the structure or surroundings.

(5) Processed as New Facility

A proposed collocated facility that does not comply with LOC 50.03.003.e.iii of this section shall be processed as a new facility.

iv. Approval Criteria for New Facilities

(1) Site Size

A new facility shall be sited on a parcel of a size and shape that complies with the following criteria:

(a) Setbacks

The tower footprint shall be set back at least two-thirds the tower height from any property line. This setback may be reduced if the applicant can demonstrate that:

- (i) The shape or configuration of the parcel prevents compliance with the setback standard or that a reduction in setback is necessary to take advantage of screening opportunities (such as tall trees, tree groves, buildings, or other tall elements) not available within the required setback area;
 - (ii) The reduction in setback is the minimum required to best camouflage the facility;
 - (iii) Adequate clearance between the facility and property line can be provided to accommodate landscaping and fencing; and
 - (iv) The reduction in setback will not cause a greater visual impact to adjacent uses.
- (b) The tower pad shall be sited in a location that permits additional expansion to accommodate future collocated ancillary facilities. The tower shall be located centrally on this pad. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.
- (c) A licensed structural engineer's analysis shall be submitted to demonstrate that the potential impact of tower failure and ice falling from the tower will be accommodated on site.

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(d) Separation from Pre-Existing Towers

New towers shall be separated from existing towers by at least the following distances, measured in a straight line from the base of the proposed new tower to the base of any pre-existing tower:

TABLE 50.03.003-1: SEPERATION FROM PRE-EXISTING TOWERS				
	Lattice (ft.)	Guyed (ft.)	Monopole ≥ 80 ft in height (ft.)	Monopole ≤ 80 ft in height (ft.)
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole ≥ 80 ft in height	1,500	1,500	1,500	750
Monopole ≤ 80 ft in height	750	750	750	750

(2) Collocation to be Explored; Accommodated

(a) Before an application for a new transmission tower is accepted, applicants shall demonstrate that they have exhausted all practicable collocation options within the proposed service area pursuant to LOC 50.07.004.12.a.i and LOC 50.07.004.12.a.iv including placement of antennae on existing tall structures and placing multiple antennae or attachments on a single tower. To demonstrate that all practicable collocation options have been exhausted, the applicant shall demonstrate that:

- (i)** No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area required to meet the applicant's engineering requirements;
- (ii)** Existing towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- (iii)** Existing towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
- (iv)** The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or
- (v)** There are other limiting factors that render existing towers and support structures unsuitable.

(b) Accommodation of Future Collocation

New towers shall be constructed so as to accommodate future collocation, based on expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennae for every 40 vertical ft. of tower.

(c) Multiple Attachments on Utility Towers

In conformance with the Telecommunication Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right of way owned or controlled by it, unless there is insufficient capacity or access cannot be granted for reasons of safety, reliability, and generally applicable engineering purposes.

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(3) Height

New telecommunication facilities shall not exceed the height limits of the underlying zone, unless the applicant demonstrates that:

- (a) There is a service area need for the proposed facility at the proposed location;
- (b) The increase in height above the maximum allowed height for the zone is the minimum increase necessary to eliminate service shadows;
- (c) That providing coverage with telecommunications facilities which comply with the height requirements of the zone would result an unacceptable proliferation of such facilities. For the purposes of this subsection, "unacceptable proliferation" means an increase in the number of transmission towers by a factor of four in order to achieve the same level of adequate service. An increase in the number of transmission towers shall not include facilities or towers that would qualify as collocated facilities;
- (d) The negative visual impacts on adjacent properties can be minimized by screening or disguising the facility.

The applicant may be required to pay for an independent Radio Frequency Engineer or similar consultant to verify the need for this request.

(4) Visual Impact

The applicant shall demonstrate that telecommunications facilities will have the least practicable visual impact on the environment, considering technical, engineering, economic, and other pertinent factors.

- (a) The height and mass of the telecommunications facilities shall not exceed that essential for its intended use and public safety, as demonstrated in a report prepared by a licensed structural engineer.
- (b) Telecommunications facilities 200 ft. or less in height shall be camouflaged to ensure the facility is visually subordinate to surrounding objects and colors.
- (c) Towers more than 200 ft. in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration. Applicants shall attempt to seek a waiver from OSAD and FAA marking requirements. When a waiver has been granted, towers shall be painted and/or camouflaged in accordance with subsection (b), above.

(5) Accessory Uses

Accessory uses shall include only building facilities that are necessary for transmission function and associated satellite ground stations, and shall not include broadcast studios (except for emergency broadcast), offices, vehicle storage areas, nor other similar uses not necessary for the transmission or relay function. No unenclosed storage of materials is allowed.

(6) Lighting

No lighting shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division or Federal Aviation Administration. This standard shall not prevent shared use or replacement of an existing light pole. For collocation on existing or replaced light poles, the transmission tower shall have no net increase to the spread, intensity, or direction of the existing light source.

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(7) Fences and Landscaping

- (a)** The tower(s) and ancillary facilities shall be enclosed by a six ft. fence meeting the requirements of LOC 50.06.004.2.
- (b)** Landscaping shall be placed outside of fences and shall consist of fast growing vegetation placed densely so as to form a solid hedge with a minimum planted height of six ft.
- (c)** For new towers, landscaping and fencing shall be compatible with other nearby landscaping and fencing.
- (d)** Where antennae or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing requirements may be waived.

(8) Signs

One non-illuminated sign, not to exceed two sq. ft., shall be provided at the main entrance to the facility stating a contact name and phone number for emergency purposes. Signs shall not be placed on towers and antennae.

v. Abandoned Facilities

A telecommunication facility that is unused for a period of six consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner no later than 90 days from date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to the penalties established by LOC 34.04. Upon written application, prior to the expiration of the six month period, the City Manager shall, in writing, grant a six month extension for reuse of the facility. Additional extensions beyond the first six month extension may be granted by the City Manager subject to any conditions required to bring the project or facility into compliance with current law(s) and make compatible with surrounding development.

(Ord. 2398, Amended, 12/06/2005; Ord. 2369, Amended, 12/16/2003; Ord. 2316, Added, 03/05/2002)

f. Telecommunications Facilities in Residential or Mixed Residential/Commercial Zones

In addition to compliance with the approval standards in LOC 50.03.003.3.e.iv and 50.07.004.12, and the general conditional use criteria in LOC 50.07.005, Conditional Use Permits, telecommunications facilities designated as a conditional use in residential or mixed residential/commercial zones shall comply with the following standards:

- i.** New telecommunications facilities shall not be located on a parcel containing an existing single family dwelling, duplex, rowhouse or zero lot line dwelling.
- ii.** Antenna(e) must be located no closer than 35 ft. from any habitable structure. Tower guy anchors must meet the normal setbacks of the underlying zone.
- iii.** If the proposed facility will exceed the 50 ft. height limitation of the Lake Oswego Charter in a residential zone, the applicant shall demonstrate that:
 - (1)** The facility could not feasibly be located outside of a residential zone;
 - (2)** There are no alternatives available to meet the required coverage area; and
 - (3)** The height is no taller than necessary to provide adequate transmission.

(Ord. 2369, Amended, 12/16/2003; Ord. No. 2316, Added, 03/05/2002)

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 4: COMMERCIAL

4. COMMERCIAL

a. Conditional Uses Listed in Commercial or Industrial Zones and Not Covered by other Specific Standards

- i. The site will be designed so that ingress and egress will not cause hazardous turning movements, traffic slow-downs or blockages due to storage of vehicles waiting for services.
- ii. Public services are or can be provided at the site.
- iii. All outdoor lighting except security lighting shall be extinguished at the close of business hours.
- iv. Any adverse impacts on adjoining residential uses such as noise, lights, loss of privacy will be mitigated by landscaping, screening or increased setbacks.
- v. Parking shall meet the parking standards and may be increased if additional spaces are shown to be necessary.
- vi. For retail tire, batteries and accessory sales, the following criteria also apply:
 - (1) Must be located on an arterial street;
 - (2) Must be within one mile by road of an I-5 interchange;
 - (3) Must provide service to the industrial park uses as well as retail service to the general public. Such industrial service shall be included in routine advertising for the business;
 - (4) Site and building design shall give attention to the specialized requirements of industrial park users by such mechanisms as review of turning radii, height and width of service doors, dimensions of storage parking for vehicles waiting to be serviced, and internal site circulation; and
 - (5) Only one two-way access to the arterial is allowed. A one-way internal street with two access points located at least 100 ft. apart may be approved as an alternative.

(Ord. No. 2316, Added, 03/05/2002)

b. Home Occupations

A home occupation may be conducted where allowed by other provisions of this Code if the following conditions are continuously complied with:

- i. The use does not alter the residential character of the neighborhood nor infringe upon the right of residents in the vicinity to the peaceful enjoyment of the neighborhood.
- ii. A current and valid business license is maintained.
- iii. No employees other than family members who reside at the dwelling.
- iv. No outside storage of goods or materials other than vegetation.
- v. No more than 25% of the dwelling is devoted to non-residential use.

(Ord. 2316, Added, 03/05/2002)

c. Large Animals Kept for Owner's Use

This use may be permitted with no commercial activity under the following conditions:

SECTION 50.03.003. USE-SPECIFIC STANDARDS

SUBSECTION 4: COMMERCIAL

- i. The lot area shall be a minimum of one acre. The total number of large animals allowed on a specific property shall be determined by dividing the total area of the property by 15,000 sq. ft. per animal over the age of six months.
 - ii. Animal runs or barns shall not be closer than 70 ft. from the front property line and not closer than 35 ft. from a side or rear property line.
 - iii. Animals shall be properly housed and proper sanitation shall be maintained with food, other than hay or fodder, stored in metal or other rodent-proof receptacles.
- d. Office Uses in Structures on the City's Historical Landmarks List and which are Located on Arterial Streets**
- i. Public services are adequate to serve the facility.
 - ii. Notwithstanding LOC 50.06.002.2, the required parking for office uses in historic landmarks shall be determined in the conditional use approval. In applying the general conditional use criteria under LOC 50.07.005.3.a.iii and iv, the on-site parking may be reduced to protect the historic character of the landmark.
 - iii. Access should be located on an arterial street, if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. A traffic study will be required of the applicant to identify the projected average daily trips to be generated and their distribution pattern. Uses which are estimated to generate fewer than 20 trips per week shall be exempted from the requirements of this subsection.
 - iv. Noise generating equipment shall be sound buffered when abutting a residential use.
 - v. Exterior lighting and signage shall be designated to avoid glare onto adjacent residential uses.
 - vi. Levels of operations shall be adjusted to avoid conflict with adjacent uses, where practicable.
 - vii. The historical designation of the property shall be maintained throughout the period of the conditional use. The property owner shall provide a deed restriction with the application which ensures that the property owner will not remove the property from the City's Historical Landmark List for the duration of the conditional use permit. Request for removal from the list shall void the conditional use permit.

(Ord. No. 2316, Added, 03/05/2002)

e. Professional Offices

i. WLG RMU Zone

- (1) Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: Attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.
- (2) Professional Office Uses and Minor Public Facilities - A single building which provides for Professional Office uses or Minor Public Facilities shall be limited to a total floor

SECTION 50.03.004. ACCESSORY STRUCTURES AND USES

SUBSECTION 5: INDUSTRIAL/MANUFACTURING

area of 8,000 square feet in a multi-story building, with no more than 5,000 square feet on any floor.

ii. **WLG OC Zone**

(1) Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: Attorneys, physicians, dentists, counselors, insurance, travel agents, investment and financial services, real estate, studios (photography, commercial art, advertising), architects, landscape architects, engineers or other design businesses, research, software development, corporate offices, medical testing laboratories, specialty medical services.

(2) A single building which provides for any of the permitted uses shall be limited to a maximum building footprint of 5,000 sq. ft.

iii. **WLG RLW Zone**

Offices with limited customer or client traffic intended to attract and serve customers or clients on premises, such as: sole practitioner attorneys, counselors, investment and financial services, studios such as photography, artists, commercial software development and information technology services. (Such uses are subject to Conditions for Commercial Use set forth in LOC 50.04.001.4.b.ii(1).)

iv. **IP Zone**

Not to exceed 15% of gross site area.

5. **INDUSTRIAL/MANUFACTURING**

a. **Remanufacturing or Repair of Vehicle Engines and Electrical Systems**

Provided that:

- i. The use is limited to 18 or less service bays.
- ii. The use is located in an enclosed building.
- iii. No outdoor storage of parts, materials, or partially or totally dismantled vehicles is allowed.
- iv. The use shall not emit noise, smoke, glare, vibration, fumes or other environmental effects which adversely affect people, property or uses beyond the property lines of the IP site.

b. **Prohibited Uses in Any Industrial Zone**

Uses whose primary function is the storing, utilizing or manufacturing of explosive materials.

50.03.004. **ACCESSORY STRUCTURES AND USES**

1. **ACCESSORY USES**

- a. Accessory uses are allowed in conjunction with the principal use and shall comply with the requirements of this section and all requirements for the principal use, except where specifically modified by this Code.
- b. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.
- c. A guesthouse may be maintained accessory to a dwelling provided there is no kitchen space or cooking facilities in the guesthouse and the square footage is less than 400 sq. ft.

SECTION 50.03.005. TEMPORARY STRUCTURES AND USES
SUBSECTION 2: ACCESSORY STRUCTURES

2. ACCESSORY STRUCTURES

a. Structure Specific Regulations

- i. Pool covers shall not exceed 15 ft. in height.
- ii. "Dish" type antenna may only be placed in rear yards, on the ground, and must be screened by landscaping.
- iii. Except as provided in LOC 50.05.010, Sensitive Lands Overlay District, boat houses and docks along Oswego Lake and its canals may be placed on a property line.

b. Setback Reduction for Accessory Structures

- i. A rear yard setback may be reduced to three ft. and a side yard may be reduced to five ft. for an accessory structure in a residential zone if the structure complies with the following four criteria:
 - (1) The accessory structure is erected more than 40 ft. from any street. For the purposes of this section, an alley shall not be considered a street. The side and rear setbacks for a detached garage obtaining access from an alley may be reduced to three ft. or to the degree the garage maintains access that provides an outside front wheel turning radius of at least 25 ft., whichever is greater.
 - (2) The accessory structure is detached from other buildings by five ft. or more.
 - (3) The accessory structure does not exceed a height of ten ft. nor an area of 600 sq. ft.
 - (4) The parcel is zoned other than R-6.
- ii. The setback exception authorized by this subsection does not apply to setbacks required by LOC 50.04.002, Special Street Setbacks. The setback exception also does not apply to noise producing accessory structures such as heat pumps, swimming pool motors, etc., unless abutting property owners of the proposed site of the proposed noise producing accessory structure agree in writing that said accessory structure may be located within the accessory structure setback exception permitted under this subsection.
- iii. **Flag Lots**
The setback exception authorized by this subsection does not apply to flag lots. However, a side or rear yard accessory structure setback may be reduced to six ft. on a flag lot when the above criteria in LOC 50.03.004.2.b.i(1-4) are met.

[Cross-Reference: LOC 50.04.001.2.e.ii - R-6 Yard Setback Standards.]

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

50.03.005. TEMPORARY STRUCTURES AND USES

Temporary structures and uses are permitted only as follows:

1. IN ANY ZONE

- a. Temporary structures and use of recreational vehicles for temporary shelter for relief of victims of a disaster or emergency.
- b. One temporary construction office not to exceed 1,000 sq. ft. located on the construction site. This use does not include real estate sales or promotion.

SECTION 50.03.005. TEMPORARY STRUCTURES AND USES

SUBSECTION 1: IN ANY ZONE

- c. Temporary structures and uses in conjunction with installation or maintenance of utilities.
- d. Upon property for which the primary existing use is other than residential, temporary uses and non-substantial structures* for public or non-profit education, fund-raising, weekend fair, athletic events or jamborees/tournaments, artistic, musical/concert performances, or other similar uses, subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. Such use shall not exceed 15 days within any calendar year unless approval is granted by the City Manager, upon a determination that the public interest is not adversely affected and that the impact upon the surrounding neighborhood is minimal; in no event shall the use exceed 120 days. Any weekend fair shall occur between Friday and the following Monday, provided the number shall not exceed one in any calendar quarter. Examples of weekend fairs include Festival of the Arts and classic car shows. All produce and debris will be removed at the end of the business day. Temporary security facilities for the weekend fair, including overnight security by the occupancy of a caretaker or security personnel in trailers or recreational vehicles, is permitted.
- e. In addition to LOC 50.03.005.5.a, below, a tent canopy of any nature may be placed in a setback yard or special street setback of any lot for not more than three days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 30-day period. Tent canopies are typically composed of fabric or light metal roofs and sides, if any; they are also known as “cover-it garage”, car or boat canopy, car shed, quick-up folding canopy, and/or portable carport. Examples of these canopies are illustrated in the pictures, below.



- f. Portable Outdoor Storage Units (Portable On-Demand Storage). Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12-month period.
 - i. **Six month Renewal with Building Permit Exception**
A permit for a Portable Outdoor Storage Unit may be extended by the City Manager for up to six months upon written request by a Building Permit holder, demonstrating the Storage Unit is used in conjunction with an active building permit on the site. This extension may be renewed for successive six-month periods.

SECTION 50.03.005. TEMPORARY STRUCTURES AND USES

SUBSECTION 2: IN RESIDENTIAL ZONES

2. IN RESIDENTIAL ZONES

- a. Overnight use of tent or similar structure, but not a trailer or recreational vehicle, for family use within the rear yard of a dwelling.
- b. The showing of model or “showcase” homes, and non-substantial structures* for uses related thereto, within a subdivision for a fee is allowed for a period not to exceed one month, subject to obtaining a Special Event Permit. Only one showing is allowed per phase of a subdivision.

*Examples of non-substantial structures include: tents or three-sided booths, stages, and removable decks, secured to the ground by no more than stakes or pins, and that can be easily disassembled and removed from the site without significant damage to the site.

(Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

3. USE OF RECREATIONAL VEHICLE AS A DWELLING UNIT PROHIBITED

A recreational vehicle shall not be used as a dwelling unit. This section prohibits any use of such facilities for dwelling purposes for more than 72 hours in any seven day period.

(Ord. No. 2316, Added, 03/05/2002)

4. IN COMMERCIAL AND INDUSTRIAL ZONES

The following temporary uses are permitted in commercial and industrial zones. Business licenses are required for all temporary commercial activities.

- a. A tent, trailer or other portable structure for sales, promotional or educational events; such use not exceed two consecutive weeks and a total of 14 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) in any six month period.
- b. Seasonal retail sales as detailed below:
 - i. Christmas tree sales from November 26 to December 31.
 - ii. Outdoor restaurant uses in conjunction with an existing indoor year-round restaurant. No additional parking is required for the outdoor use.
 - iii. "Pushcart" vendors in the EC and GC zones. Food vendors will have all required Health Department licenses and certificates. Such uses limited to food and flowers.
- c. In the GC and EC zones, one sidewalk sale, not exceeding three days during each calendar quarter, when located in area abutting the seller's permanent business.

5. IN COMMERCIAL, INDUSTRIAL, AND PF/PNA ZONES

The following temporary uses are permitted in commercial, industrial, and PF/PNA zones. Business licenses are required for all temporary commercial activities.

SECTION 50.03.005. TEMPORARY STRUCTURES AND USES
SUBSECTION 5: IN COMMERCIAL, INDUSTRIAL, AND PF/PNA ZONES

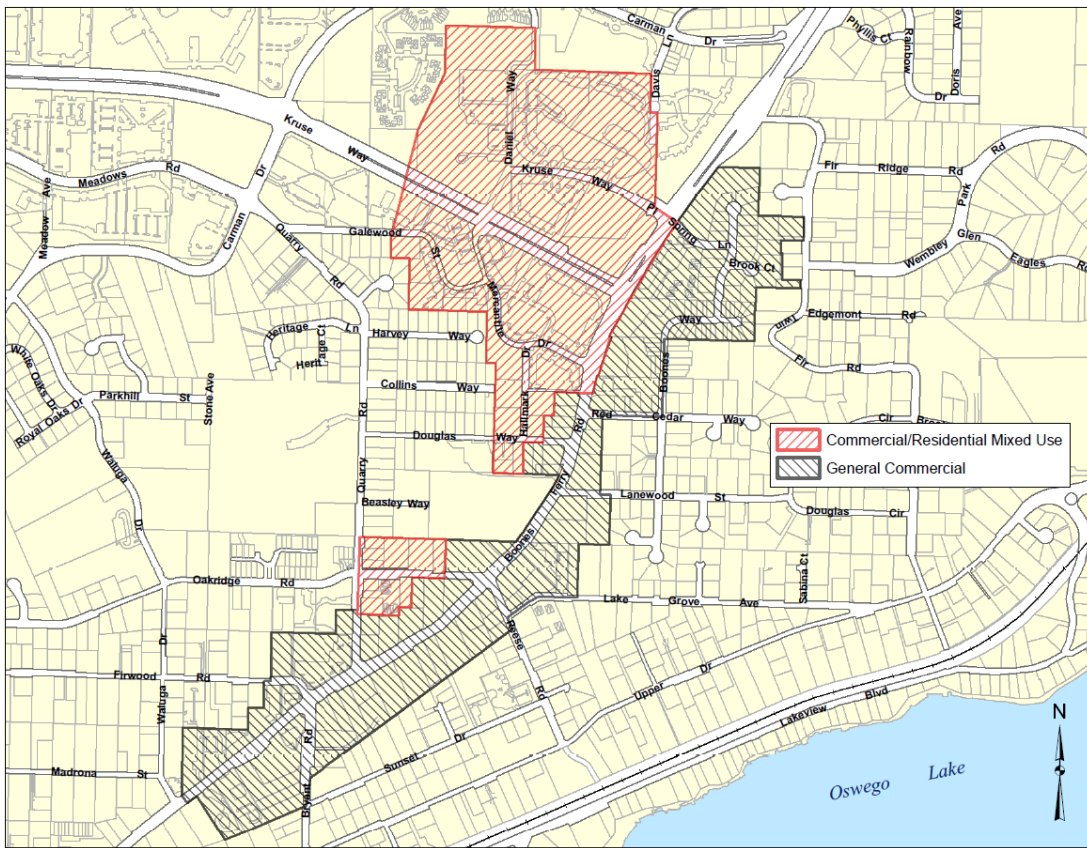
- a. "Saturday Market" type sales of produce from temporary sales shelters (including vehicles) from 8:00 a.m. to 4:00 p.m. on Saturdays and 1:00 p.m. to 5:00 p.m. on Sundays subject to obtaining a Special Event Permit pursuant to LOC 20.06.500. The type of products sold may include additional products, such as art, crafts, and food for consumption at the Market, so long as such non-produce sales are secondary to the Market's sale of produce. Such Market sales may locate in only one location each in the East End Commercial District (see Figure 50.03.005-A); West End Commercial District (see Figure 50.03.005-B), and Lake Grove Industrial Park District (See Figure 50.04.001-D) and shall have sufficient parking on-site or shall arrange to utilize the parking areas of an adjacent business which does not normally operate on weekends. All produce and debris will be removed at the end of the business day.

Figure 50.03.005-A: East End Commercial District



SECTION 50.03.005. TEMPORARY STRUCTURES AND USES
SUBSECTION 5: IN COMMERCIAL, INDUSTRIAL, AND PF/PNA ZONES

Figure 50.03.005-B: West End Commercial District



- b.** Fairs, carnivals, and other similar major public gatherings, and non-substantial structures* for uses related thereto, not to exceed 30 days in any 12-month period, and subject to obtaining a Special Event Permit. Temporary security facilities for the fair, carnival, or other major public gathering, including overnight security by the occupancy of a caretaker or security personnel in trailers or recreational vehicles, is permitted.

*Examples of non-substantial structures include: tents or three-sided booths, stages, and removable decks, secured to the ground by no more than stakes or pins, and that can be easily disassembled and removed from the site without significant damage to the site.

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LOC 50.04: DIMENSIONAL STANDARDS

50.04.001. DIMENSIONAL TABLE

The following dimensional regulations apply to the base zones as identified in each table. These dimensions may have exceptions or modifications as identified in LOC 50.04.003.1, Additional Dimensional Exceptions.

1. RESIDENTIAL LOW DENSITY ZONES

a. Dimensional Standards

Development in the R-7.5, R-10, and R-15 zones shall conform to the dimensional standards in Table 50.04.001-1 except as modified below.

TABLE 50.04.001-1: RESIDENTIAL – LOW DENSITY ZONES DIMENSIONS				
	R-7.5	R-10	R-15	Comments/ Additional Standards
DENSITY				50.04.001.1.b
Minimum [1]	80% of max	80% of max	80% of max	
Maximum (units/acre)	[2]	[2]	[2]	
MIN. LOT DIMENSIONS[3]				50.04.001.1.c
Area (sq. ft.)	7,500	10,000	15,000	Except PD [3]
Width (ft.)	50	65	80	
Depth (ft.)	100	100	100	
MAX. FLOOR AREA				50.04.001.1.d
Base Calculation: 3000 sq. ft. + [(actual lot size – 5800 sq. ft.) x 0.19]	Additional floor area allowance per residential unit providing a garage (sq. ft.)			
	600	750	850	50.04.001.1.e
YARD SETBACKS				50.04.001.1.e
Primary Structure				
Front (ft.)	25	25	25	
Side Adjacent to Street (ft.)				
Arterial/Collector	20	20	20	
Local	15	15	15	
Interior Side (ft.)	Height ≤ 18 ft. Total 15, 5 min.	10	10	
	Height > 18 ft.	10	15	
Rear (ft.)	30	30	30	
Accessory Structure				
Front (ft.)	25	25	25	
Side Adjacent to Street (ft.)				
Arterial/Collector	20	20	20	
Local	15	15	15	
Height	Side	10	10	
≤ 18 ft.	Rear	10	15	
Height	Side	10	15	
> 18 ft.	Rear	15	15	
MAX. LOT COVERAGE				50.04.001.1.f
MAX. BASE HEIGHT (FT.)				
Primary Structure	[4]	[4]	[4]	50.04.001.1.g
Flat Lot	28	30	35	
Lot with sloping topography	32 [5]	34 [5]	35	
Sloped Lot	35	35	35	
Accessory Structure	Lesser of 24 or	Lesser of 24 or	Lesser of 24 or	50.04.001.1.g

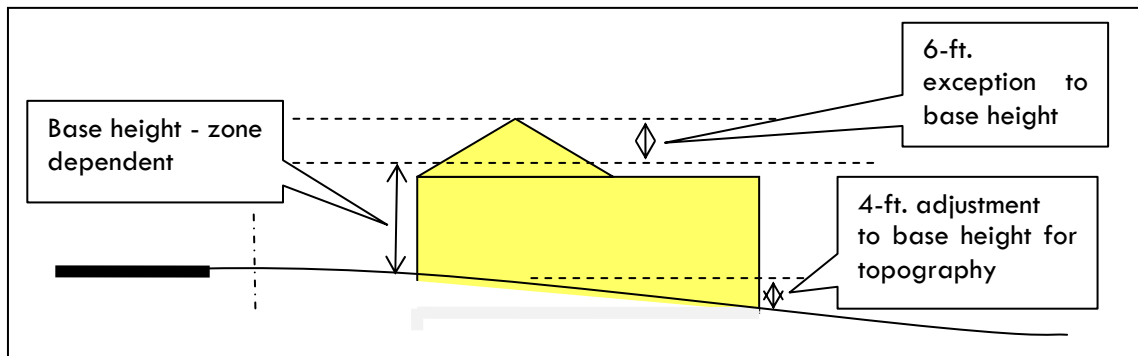
SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 1: RESIDENTIAL LOW DENSITY ZONES

TABLE 50.04.001-1: RESIDENTIAL – LOW DENSITY ZONES DIMENSIONS				
	R-7.5	R-10	R-15	Comments/ Additional Standards
	height of roof form of primary structure	height of roof form of primary structure	height of roof form of primary structure	
Additional Standards and Modifications	50.04.001.1.b - g			
<p>[1] For purposes of this section, the number of lots required shall be determined by dividing the net developable square footage by the minimum lot size per unit required in the underlying zone, and multiplying this number by .8. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5. The requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for all Zones.</p> <p>[2] Net developable footage divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum density will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.</p> <p>[3] Up to a 25% reduction in minimum required lot area for each dwelling unit shall be allowed to permit the relocation of a designated historic landmark, when relocation has been approved by the designated hearing body.</p> <p>[4] Base building height of single family dwellings may be increased by one ft. for every five additional ft. in yard setback on all sides.</p> <p>[5] Maximum base height across the site shall be established by a flat plane measured at 28 ft. (R-7.5 zone) or 30 ft. (R-10 zone) above the highest point of the natural grade within the building envelope, except that in no case shall the base height be greater than 32 ft. (R-7.5 zone) or 34 ft. (R-10 zone) above the natural grade. See Figure 50.04.001-A: Height Adjustment for Sloping Topography.</p>				

[Cross-References: Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: see LOC 50.04.003.4, General Exception to Structure Height Limitations.]

SECTION 50.04.001. DIMENSIONAL TABLE
SUBSECTION 1: RESIDENTIAL LOW DENSITY ZONES

Figure 50.04.001-A: Height Adjustment for Sloping Topography



b. Density – Additional Standards

There are no additional standards for density in this section.

c. Lot Dimensions - Additional Standards

There are no additional standards for lot dimensions in this section.

d. Floor Area – Additional Standards

i. Floor Area of Garages and Accessory Structures

(1) Garage and Accessory Structures Included in Calculation

For purposes of calculating maximum floor area for dwellings in the R-7.5, R-10, and R-15 zones, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.

(2) Exceptions

Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from floor area calculations:

(a) For lots less than or equal to 10,000 sq. ft. in area - up to 200 sq. ft.

(b) For lots greater than 10,000 sq. ft. in area - up to 400 sq. ft.

ii. Maximum Floor Area of Accessory Structures

An accessory structure \leq 18 ft. in height shall not exceed a total 800 sq. ft. in size, or the square footage of the footprint of the primary structure, whichever is less. An accessory structure $>$ 18 ft. in height shall not exceed a total 600 sq. ft. in size or the square footage of the footprint of the primary structure, whichever is less.

iii. Maximum Floor Area of Non-Residential Structures

Maximum floor area for uses other than residential structures and their accessory structures shall be as follows:

(1) Conditional uses: Established as part of the conditional use process.

(2) Other non-residential uses: No greater than 1:1.

(Ord. 2524, Added, 06/01/2010)

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 1: RESIDENTIAL LOW DENSITY ZONES

e. Yard Setback - Additional Standards

i. Zero Lot Line Units

Two lots that have zero lot line units are considered a unified site for the purposes of meeting all required setbacks.

ii. Planned Development

Setbacks for a planned development will be determined at the time of review. The maximum setback that can be required is 35 ft.

iii. Special Setbacks for Steeply Sloped Lots

On Steeply Sloped lots the minimum required front yard setback for detached dwellings shall be 18 ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

iv. Corner Lots

Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

v. Measurement of Side Yard Setback

For purposes of this section, the width of the side yard setback shall be measured from that portion of the side property line that is nearest to any portion of the structure to that portion of the structure.

vi. Common Party Walls Prohibited – Accessory Structures

Except for boathouses within the Oswego Lake Setback, accessory structures on abutting lots may not be built with common party walls.

f. Lot Coverage –Standards

i. Maximum Lot Coverage

Maximum lot coverage for the R-7.5, R-10, and R-15 districts shall be as follows:

TABLE 50.04.001-2: RESIDENTIAL LOW-DENSITY LOT COVERAGES			
Height (ft.) of primary structure	Maximum Lot Coverage (%)		
	R-7.5	R-10	R-15
22 or less	35	35	35
>22 to 23	33	34	34
>23 to 24	30	32	33
>24 to 25	28	30	32
>25 to 26	25	28	30
>26 to 27	25	27	29
>27 to 28	25	25	28
>28 to 29	25	25	27
>29 to 30	25	25	25
>30 to 31	25	25	25
>31 to 32	25	25	25

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 1: RESIDENTIAL LOW DENSITY ZONES

TABLE 50.04.001-2: RESIDENTIAL LOW-DENSITY LOT COVERAGES			
Height (ft.) of primary structure	Maximum Lot Coverage (%)		
	R-7.5	R-10	R-15
>32 to 33	25	25	25
>33 to 34	25	25	25
>34	25	25	25

ii. Special Requirements for Schools

- (1) Lot coverage shall not exceed 30% for a school built to accommodate at least 100 students and that has at least two grades within the range of K-12;
- (2) Lot coverage shall not exceed 30% for a mixed use development that includes a school built to accommodate at least 100 students and that has at least two grades within the range of K-12;

iii. Garage Footprint Exemption

The garage footprint, including any area directly above or below the garage, shall be exempt from lot coverage as provided below:

- (1) Up to a cumulative maximum of 200 sq. ft. shall be exempt for garages that are:
 - (a) Rear- or side-loading, or
 - (b) Located 20 ft. or more back from the closest point of the dwelling to the front lot line, or
 - (c) In case of corner lots, 20 ft. or more back from the closest point of the dwelling to the front and street side lot lines.
- (2) Up to a cumulative maximum of 400 sq. ft. shall be exempt for a detached garage that meets subsection (1), above, and the lot is greater than 10,000 sq. ft. in area.

(Ord. 2524, Amended, 06/01/2010; Ord. 2543, Amended, 02/25/2010; Editorial correction, Amended, 03/20/2008, Table 50.08.040, FAR/R-10 section; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

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 foot for every five additional feet 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

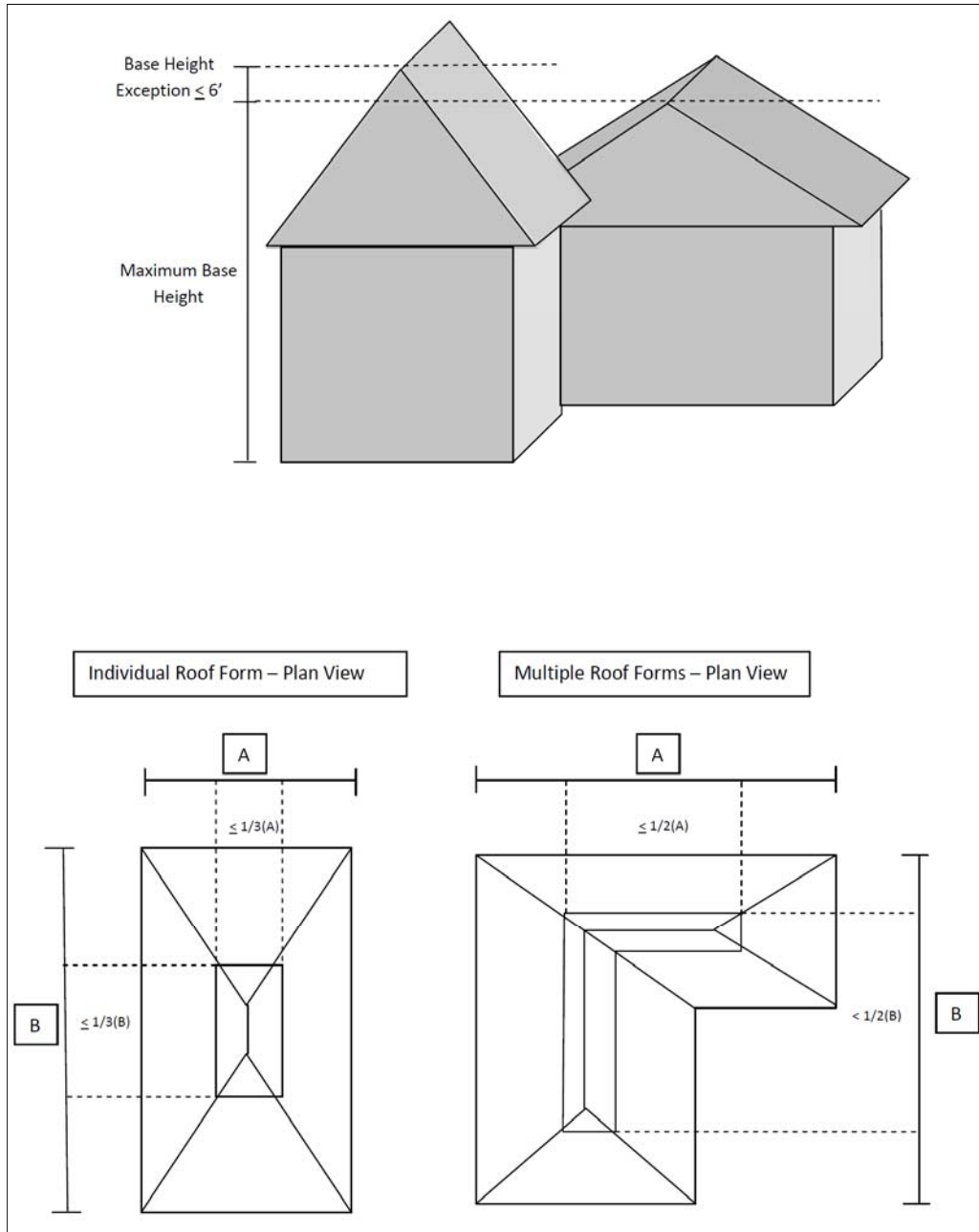
SECTION 50.04.001. DIMENSIONAL TABLE

SUBSECTION 1: RESIDENTIAL LOW DENSITY ZONES

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



SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 2: RESIDENTIAL MEDIUM DENSITY ZONES

[Cross-References: Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; Height Measure: see LOC 50.04.003.4, General Exception to Structure Height Limitations.]

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

2. RESIDENTIAL MEDIUM DENSITY ZONES

a. Dimensions

Development in the R-DD, R-5, and R-6 zones shall conform to the dimensional standards in Table 50.04.001-3 except as modified below:

TABLE 50.04.001-3: RESIDENTIAL – MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/ Additional Standards
DENSITY				50.04.001.2.b
Minimum [1]	80% of max	80% of max	SF Subdivisions: 5 lots/acre; Duplex: 10 units/acre; Multi-Family: 14 units/acre	
Maximum (units/acre)	--	[2]	[2],[3]	
MIN. LOT DIMENSIONS				50.04.001.2.c
Area (sq. ft.)	6,000 per du	5,000 per du	SF/Duplex. 5,000 (total); MD 15,000 (total) [4]	Except PD
Width (ft.)	50	--	--	
Depth (ft.)	100	--	--	
MAX. FLOOR AREA				50.04.001.2.d
	2750 sq. ft. + [(actual lot size - 6000 sq. ft.) x 0.19]	Lot ≥ 5,000 sq. ft. 2,850 sq. ft. + [(actual lot size - 5,000 sq. ft.) x 0.28]	--	R-5 and R-6 districts: + 500 sq. ft. floor area allowance per residential unit providing a garage
		Lot < 5,000 sq. ft. 2,850 sq. ft. + [(actual lot size - 5,000 sq. ft.) x 0.48]		
YARD SETBACKS	See 50.04.001.2.e			
MAX. LOT COVERAGE	See 50.04.001.2.f			
MAX. HEIGHT (FT.)				50.04.001.2.g
Primary Structure	28	--	28	
Flat Lot	28	28	--	
Sloping Lot	[5]	[5]	--	
Sloped Lot	32	35	--	
Accessory Structure	Lesser of 24 or height of roof form of primary structure	--	28	
[1] The number of lots required in the R-5 and R-6 zones shall be determined by dividing the net developable square footage by the minimum lot size per unit required in the underlying zone, and multiplying this number by .8. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5. The				

SECTION 50.04.001. DIMENSIONAL TABLE
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TABLE 50.04.001-3: RESIDENTIAL – MEDIUM DENSITY ZONES DIMENSIONS				
	R-6	R-5	R-DD	Comments/ Additional Standards
<p>requirements of this section are subject to the exceptions contained in LOC 50.04.003.10, Exceptions to the Minimum Density Requirement for All Zones. In the R-DD zone, the density is computed by multiplying the net developable acreage by either five, ten, or 14 per the applicable type of development. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5.</p> <p>[2] Net developable footage divided by the minimum lot area per unit and rounded down to the nearest whole number. The actual density allowed on a site will be determined at the time of development review. Maximum, density will be allowed to the extent that facts presented to the hearings body show that development at that density can occur within requirements set forth in the Development Standards.</p> <p>[3] R-DD zone maximum density expressed in number of dwelling units per net developable acre is computed by dividing the net developable acreage by 2,000 sq. ft. and rounding down to the nearest whole number.</p> <p>[4] Except for structures that have been determined by the State or National Register of Historic Places as being of historic significance.</p> <p>[5] Lots with sloping topography – Maximum base height across the site shall be established by a flat plane measured at 28 ft. above the highest point of the natural grade within the building envelope. The base height shall not exceed 32 ft. above the natural grade. See Figure 50.04.001-A: Height Adjustment for Sloping Topography.</p>				

[Cross-Reference: Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; LOC 50.04.003.4, General Exception to Structure Height Limitations; LOC 50.06.001.5.b.]

b. Density – Additional Standards

In the R-5 and R-DD zones, applicants may request up to a 25% density bonus for public agency rental housing projects. In the R-5 zone this request is processed as a conditional use and may not include residential care housing or secondary dwelling units. In the R-DD zone this may not include secondary dwelling units.

c. Lot Dimensions – Additional Standards

i. PD Designation

(1) R-5

For projects reviewed for approval as planned developments, pursuant to LOC 50.07.007.4, Planned Development Overlay, there is no required minimum lot area. Units may be placed on any portion of the site as long as the project complies with other requirements of this Code.

(2) R-6

(a) Lot sizes and dimensions may be reduced for projects reviewed as planned developments and as provided by subsection b, below. However, the overall density allowed on the site may not be exceeded except as allowed by subsection b, below.

(b) Up to a 25% reduction in minimum required lot area for each dwelling unit shall be allowed in the R-6 zone to permit the relocation of a designated historic landmark, when relocation has been approved by the designated hearing body in conformance with the provisions of LOC 50.07.004.4.

ii. R-5, R-6, and R-DD with RP/RC Designation

For projects on properties subject to an RP or RC designation, lot areas may be modified as provided in LOC 50.05.010, Sensitive Lands Overlay District.

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d. Floor Area – Additional Standards

i. Both R-5 and R-6 Zones

- (1) For purposes of calculating maximum floor area for dwellings, the floor area of garages and accessory structures shall be included in the total that is subject to the maximum floor area standard of this section.
- (2) Maximum FAR for uses other than residential uses and their accessory uses shall be as follows:
 - (a) Conditional uses: established as part of the conditional use process.
 - (b) Other non-residential uses: No greater than 1:1.

ii. R-5 Zones

(1) Garages

Floor area of attached garage located at the rear of the primary structure or for side-loading garages – up to 200 sq. ft is exempt from Floor Area.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

(2) Garages and Other Accessory Structures

Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from floor area calculations as follows:

- (a) For lot sizes up to 10,000 sq. ft. - up to a cumulative maximum of 200 sq. ft.
- (b) For lot sizes greater than 10,000 sq. ft. - up to a cumulative maximum of 400 sq. ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

iii. R-6 Zones

(1) Habitable Areas of Accessory Structures

Provided only one garage is located on the site, habitable areas of detached accessory structures that would normally be counted as floor area for purposes of floor area calculations, shall be exempt as follows in the floor area calculations, as follows:

- (a) For lots less than or equal to 10,000 sq. ft. in area - up to 200 sq. ft.
- (b) For lots greater than 10,000 sq. ft. in area - up to 400 sq. ft.

(Ord. 2524, Added, 06/01/2010)

(2) Floor Area of Accessory Structures

An accessory structure \leq 18 ft. in height shall not exceed 800 sq. ft. or the square footage of the ground floor area of the primary structure, whichever is less. An accessory structure $>$ 18 ft. in height shall not exceed 600 sq. ft. or the square footage of the ground floor area of the primary structure, whichever is less.

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 2: RESIDENTIAL MEDIUM DENSITY ZONES

e. Yard Setback – Additional Standards

i. R-5 Yard Setback Standards

(1) Required Setbacks

TABLE 50.04.001-4: YARD SETBACK REQUIREMENTS			
Structure Type	Front (ft.)	Side (ft.)	Rear (ft.)
Attached Dwelling	10	10 – exterior wall 0- attached wall	10
Detached Dwelling			
≤ 18 ft. in height	20	5 – Side Yard 10 – Street Side Yard	20
>18 ft. in height	20	5	20
Other Types of Primary Structures and All Accessory Structures	10	10	10

(2) Additional Setback Standards and Modifications

- (a) Where a lot zoned R-5 abuts a lot zoned R-6, 7.5, 10, or 15, the building on the R-5 lot shall be set back from the common line a distance equal to the required R-5 yard setback or the height of the primary building on the R-5 lot, whichever is greater.
- (b) Special Setbacks for Steeply Sloped Lots. On Steeply Sloped Lots, the minimum required front yard setback for detached dwellings shall be 18 ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

ii. R-6 Yard Setback Standards

(1) Required Setbacks

TABLE 50.04.001-5: MINIMUM YARD SETBACKS – R-6 ZONE				
	Primary Structures (ft.)	Accessory Structures (ft.) [1]	Other Accessory Structures (ft.)	Garage-Vehicle Opening (ft.)
Front	20	20 ft.	20 ft.	15 [2]
Side Adjacent to a Street	Arterial/Collector: 20; Local: 7.5 [3]	Arterial/Collector: 20; Local: 7.5 [3]	Arterial/Collector: 20 Local: 7.5 [3]	Arterial/Collector: 20; Local: 15
Side	7.5	5	7.5	7.5
Rear	15	5	15	15
Notes:	[1] < 600 sq. ft. and with walls < 10 ft. in height below the eave. [2] Behind the front building line of the house (excluding a porch) [3] Provided there is no less than 20 ft. between the road surface and the structure.			

(2) Additional Setback Standards and Modifications

- (a) A projecting covered front porch may extend into the front yard setback up to six ft.

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- (b) Primary and accessory structures built before July 1, 2010, are subject to the following minimum side yard setbacks:

TABLE 50.04.001-6: MINIMUM SIDE YARD SETBACKS FOR ADDITIONS TO PRIMARY AND ACCESSORY STRUCTURES BUILT BEFORE JULY 1, 2010	
Structures ≤ 18 ft. in height	Structures > 18 ft. in height
5 ft.	5 ft. minimum width on a side, 15 ft. cumulative, except a multi-story structure may have a smaller side yard setback than required by this section where the ground floor is setback a minimum of 5 ft. and the remainder of the structure is stepped back from the building line by at least 4 ft. on each side.

iii. R-DD Yard Setback Standards

(1) Required Setbacks

- (a) Except as otherwise provided in this section, the required setback in the R-DD zone is ten ft.
- (b) Structures shall be setback from a street right-of-way line a minimum of ten ft., or such greater distance required to accommodate off street parking.
- (i) **Exception**
 On lots abutting Durham Street, front yard setbacks for new structures may be reduced to three ft. for up to 50% of the building facade along Durham Street. The remaining 50% of the building may be between five ft. and ten ft. from the front property line.

(2) Additional Standards and Modifications

(a) Zero Lot Line Unit Setbacks

- (i) Zero lot line units must comply with all required setbacks except for the area of the common wall or walls.

(b) Landscape Buffer Required

Where a lot zoned R-DD abuts a lot zone EC or R-0/EC, a landscaped buffer a minimum of five feet in width is required on the lot zoned R-DD in the setback area abutting the EC or R-0/EC zone. The purpose of the landscaped area is to provide a vegetative screen. Plant material used for screening and buffering shall be of a size that will achieve sufficient height within three years of the date of planting to provide adequate screening.

(3) Multi-Family Dwelling and Duplex Development in R-DD

- (a) When a new multi-family development or the expansion or reconstruction of an existing multi-family development occurs in a R-DD zone subject to minor development review which abuts an existing less intensive residential use, the proposed multifamily structure shall be set back from the boundary of the less intensive use by at least the amount of feet equal to the height of the multi-family structure.
- (b) New duplex development, or the expansion or reconstruction of an existing duplex development in the R-DD zone subject to DRC review, shall be set back from the boundary of the less intensive use by at least 15 ft. when the proposed development:

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- (i) Is greater than 28 ft. in height, and
 - (ii) Abuts an existing, less intensive residential use.
- (c) Developments subject to subsection (a) or (b), above, shall provide a landscaped area at least five ft. wide within the setback area abutting the less intensive use. The purpose of the landscaped area is to provide a vegetative screen. Plant material used for screening and buffering shall be of a size that will achieve sufficient height within three years of the date of planting to provide adequate screening.

(4) Corner Lots

Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

(Ord. 2424, Amended, 06/06/2006; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

f. Lot Coverage/Impervious Surfaces – Additional Standards

i. R-5 Lot Coverage

(1) Maximum Lot Coverage

(a) The following maximum lot coverage percentages are applicable to single family detached structures in the R-5 zone:

TABLE 50.04.001-7: R-5 MAXIMUM LOT COVERAGE	
Height (ft.)	Maximum Lot Coverage (%)
22 or less	45
>22 to 25	42
>25 to 28	38
>28 to 30	35
>30	35

(b) The maximum lot coverage for all other structures in the R-5 zone is 50%.

(2) Garage Footprint Exemption

The garage footprint, including any habitable area directly above or below the garage, shall be exempt from lot coverage as provided below:

- (a) Up to a cumulative maximum of 200 sq. ft. shall be exempt for garages that are:
 - (i) Rear- or side-loading, or
 - (ii) Located 20 ft. or more back from the closest point of the dwelling to the front lot line, or
 - (iii) In case of corner lots, 20 ft. or more back from the closest point of the dwelling to the front and street side lot lines.
- (b) Up to a cumulative maximum of 400 sq. ft. shall be exempt for a detached garage that meets subsection (a), above, and the lot is greater than 10,000 sq. ft. in area.

(3) Detached Accessory Structures

Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from lot coverage calculations as follows:

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- (a) For lots less than or equal to 10,000 square feet in area - up to 200 square feet.
- (b) For lots greater than 10,000 square feet in area - up to 400 square feet.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

ii. R-6 Lot Coverage/Impervious Surfaces

(1) Lot coverage in the R-6 zone shall not exceed the following:

TABLE 50.04.001-8: LOT COVERAGE IN THE R-6 ZONE									
Lot size in sq. ft.	Base Height of Structure at Highest Grade								
	20' or less	>20' to 21'	>21' to 22'	>22' to 23'	>23' to 24'	>24' to 25'	>25' to 26'	>26' to 27'	>27'
7,000 or less	45%	43%	42%	40%	38%	36%	35%	35%	35%
>7,000 - 8,500	36%	36%	36%	36%	36%	36%	35%	34%	33%
>8,500 - 10,000	35%	35%	35%	35%	34%	33%	32%	31%	30%
>10,000 - 11,500	35%	35%	35%	33%	31%	30%	29%	28%	27%
>11,500	35%	34%	33%	30%	28%	27%	25%	25%	25%

- (2) For purposes of regulating lot coverage in relation to building height, base building height shall be established by a flat plane measured from the highest point of the natural grade within the building envelope, provided that the height is no more than four ft. higher than the base height listed in Table 50.04.001-3, Residential - Medium Density Zone Dimensions.
- (3) Decks less than five ft. above grade, stairs, pergolas, trellises or other landscaping structures, and concrete slabs shall be exempt from lot coverage calculations.
- (4) No more than 60% of the lot may be covered with impervious surfaces.
- (5) Provided it is the only garage on the site, the garage footprint, including any habitable area above or below the garage, of a detached garage area shall be exempt from lot coverage calculations as follows:
 - (a) Up to a cumulative maximum of 200 sq. ft. for lots less than or equal to 10,000 sq. ft. in area.
 - (b) Up to a cumulative maximum of 400 sq. ft. for lots greater than 10,000 sq. ft. in area.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

iii. R-DD Lot Coverage

(1) The following maximum lot coverage shall be permitted in the R-DD zone

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TABLE 50.04.001-9: R-DD MAXIMUM LOT COVERAGE	
Dwelling Type	Maximum Lot Coverage
Single Family Detached	35%
Duplex, zero lot line	45%
Multi-Family Dwelling	55%

- (2) The following maximum amounts of impervious surface coverage shall be permitted in the R-DD zone:

TABLE 50.04.001-10: R-DD MAXIMUM IMPERVIOUS SURFACE	
Dwelling Type	Maximum Impermeable Surface Allowed
Single Family Detached	60%
Duplex, zero lot line	60%
Multi-family Dwelling and rowhouse	60%

(Ord. 2424, Amended, 06/06/2006; Ord. No. 2316, Added, 03/05/2002)

g. Height - Additional Standards

i. R-5 Height Restrictions for Primary Structures

(1) Projects > 1/2 Acre

For attached development in the R-5 zone, the structure height may average 40 ft. over the project lot(s) with no individual structure exceeding 50 ft.

(2) Base Height

Except as provided in LOC 50.04.001.2.g.i(1) above, and LOC 50.04.001.2.g.i(4) and LOC 50.04.001.2.g.ii below, the base height of a structure in the R-5 zone shall not exceed:

- (a) Flat Lots - 28 ft.
- (b) Lots with Sloping Topography - See g.iii, below.
- (c) Sloped Lots - 35 ft.

- (3)** In the R-5 zone, a structure shall not exceed the base height standards set forth in LOC 50.04.001.2.g.i(2), above, if the structure is closer than 60 feet to a lot carrying a residential designation other than R-0, R-3, or R-5.

(4) Exceptions to Base Building Height

A greater height than otherwise permitted is allowed for single family dwellings - building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the underlying zone code standards provided in LOC 50.04.001.2.g.i(1) and (2), above.

ii. Exceptions to the Base Building Height Applicable to All Zones

A greater height than otherwise permitted is allowed for roof forms, or architectural features, such as cupolas or dormers provided that these roof forms or features:

- (1) Do not extend more than six ft. above the maximum specified base height;

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- (2) Do not, in total, exceed one-third of the width of the building 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, as measured on any elevation drawing; 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.

iii. R-5 and R-6 Height Exceptions and Adjustments

(1) Height Adjustment for Sloping Topography

Base building height across the site shall be established by a flat plane measured at 28 ft. above the highest point of the natural grade within the building envelope, except that in no case shall the base height be greater than 32 ft. above the natural grade. See Figure 50.04.001-A: Height Adjustment for Sloping Topography.

iv. R-DD Additional Height Standards

(1) Primary Structures

Average height may increase to 40 ft. over the entire site, with no individual structure exceeding 50 ft., in the following circumstances:

- (a) The lot or lots developed are ½ acre or greater in area; and
- (b) 25% or more of the gross site area is constrained by steep slopes, floodplain, or mapped sensitive lands; and
- (c) Any portion of structures taller than 35 ft. are set back at least 50 ft. from a public street.
- (d) On any lot in the R-DD zone which is closer than 60 ft. to a lot carrying a residentially zoned lot other than R-DD, R-0, R-3 or R-5, the structure height shall not exceed 35 ft.

(2) Detached Single Family Dwelling/Greater Height Due to Greater Setback

In addition to the building base height exceptions in this section, the building base height for detached single family dwellings may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the minimum code standards for the zone.

(Ord. 2424, Amended, 06/06/2006; Ord. 2398, Amended, 12/06/2005; Ord. 2243, Amended, 04/04/2002; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.001. DIMENSIONAL TABLE
SUBSECTION 3: RESIDENTIAL HIGH DENSITY ZONES

3. RESIDENTIAL HIGH DENSITY ZONES

a. Dimensions

Development in the R-W, R-3, R-2, and R-0 zones shall conform to the development standards in Table 50.04.001-11 except as modified below:

TABLE 50.04.001-11: RESIDENTIAL – HIGH DENSITY ZONES DIMENSIONS					
	R-W	R-3	R-2	R-0	Comments/ Additional Standards
DENSITY					50.04.001.3.b
Minimum	80% of max. [1]	80% of max. [1]	12 lots/acre [2]	20 lots/acre [2]	
Maximum (units/acre)	[3]	[3]	--	--	
MIN. LOT DIMENSIONS					50.04.001.3.c
Area (sq. ft.)	3,375	3,375	No min.	No min.	No min. for PD
Per Dwelling	3,375	3,375	No min.	No min.	
MAX. FLOOR AREA					50.04.001.3.c
Residential	No max.	1:1	1.2:1	1.2:1	Established as part of the conditional use process
Conditional Use					
Non-residential	1:1	1:1	1:1	1:1	
MAX. LOT COVERAGE					50.04.001.3.d
Lot Coverage	100	50	Table 50.04.001-12	40	
YARD SETBACKS					50.04.001.3.e
Primary Dwelling (Detached)					
Front (ft.)	0	20	Table 50.04.001-13	20	
Side Adjacent to Street (ft.)	0	10		10	
Side (ft.)	Height ≤ 18 ft.	5		5	
	Height > 18 ft.	0		10	
Rear (ft.)	0	20		20	
Primary Dwelling (Attached)					
Front	0	10	Table 50.04.001-13	10	
Side	0	10 (exterior wall); 0 (attached wall)		10	
Rear	0	10		10	
Other Types of Primary Structures and All Accessory Structures					
Front (ft.)	0	10	Table 50.04.001-13	10	
Side Adjacent to Street (ft.)	0	--		--	
Arterial/Collector	0	--		--	
Local	0	--		--	
Height ≤ 18 ft.	Side	10		10	
	Rear	0		10	
Height > 18 ft.	Side	10		10	
	Rear	0		10	
MAX. BASE HEIGHT (FT.)					
Flat Lot	--	28	28	28	
Lots with Sloping Topography	--	[4]	[4]	[4]	
Sloped Lot	--	35	35	35	
From the mean water level surface of Oswego Lake	24	--	--	--	

[1] The number of lots required shall be determined by dividing the net developable square footage by the minimum lot size per

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TABLE 50.04.001-11: RESIDENTIAL – HIGH DENSITY ZONES DIMENSIONS					
	R-W	R-3	R-2	R-0	Comments/ Additional Standards
<p>unit required in the underlying zone, and multiplying this number by .8. The result shall be rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections, and Encroachments.</p> <p>[2] This number is computed by multiplying the net developable acreage by either 20 or 12 per the applicable zone. The result shall rounded up for any product with a fraction of .5 or greater and rounded down for any product with a fraction of less than .5. The requirements of this subsection are subject to the exceptions contained in LOC 50.04.003, Exceptions, Projections and Encroachments.</p> <p>[3] Computed by dividing the net developable acreage by the minimum lot area per unit and rounding down to the nearest whole number.</p> <p>[4] Maximum base height across the site shall be established by a flat plane measured at 28 ft. above the highest point of the natural grade within the building envelope. The base height shall not exceed 32 ft. above the natural grade. See Figure 50.04.001-A: Height Adjustment for Sloping Topography.</p>					

[Cross-References: Maximum Density: See LOC 50.03.003.1.b - Conditional Uses in the R-2 and R-6 Zones; LOC 50.03.003.2, Conditional Use Standards for Residential Uses – Group and Institutional Housing. Height Limitation: see Charter Section 46A for 50 ft. Maximum Height of Structures in Residential Areas; LOC 50.04.003.4, General Exception to Structure Height Limitations; LOC 50.06.001.5.b.]

b. Density – Additional Standards

In the R-0, R-2, and R-3 zones, applicants may request up to a 25% density bonus for public agency rental housing projects. This request is processed as a conditional use and may not include residential care housing or secondary dwelling units.

c. Lot Area and Floor Area – Additional Standards

- i. For projects on properties subject to an RP or RC District Designation, lot areas may be modified as provided in LOC 50.05.010, Sensitive Lands Overlay District.
- ii. Habitable areas of detached accessory structures that would normally be counted as floor area, shall be exempt from floor area calculations up to a maximum of:
 - (1) For lot sizes up to 10,000 sq. ft. – up to a cumulative maximum of 200 sq. ft.
 - (2) For lot sizes greater than 10,000 sq. ft. – up to a cumulative maximum of 400 sq. ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

d. Lot Coverage – Additional Standards

i. R-2 Lot Coverage

TABLE 50.04.001-12: R-2 MAXIMUM LOT COVERAGE	
Structure Type	Max. Lot Coverage (%)
Single Family Detached	35
Single Family Attached	55
Rowhouse	55
Duplex	55
Other Structures	50

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 SUBSECTION 3: RESIDENTIAL HIGH DENSITY ZONES

ii. R-0, R-2, and R-3 Exemptions

(1) Garage Footprint Exemption

The garage footprint, including any habitable area directly above or below the garage, shall be exempt from lot coverage as provided below:

- (a) Up to a cumulative maximum of 200 sq. ft. shall be exempt for garages that are:
 - (i) Rear- or side-loading, or
 - (ii) Located 20 ft. or more back from the closest point of the dwelling to the front lot line, or
 - (iii) In case of corner lots, 20 ft. or more back from the closest point of the dwelling to the front and street side lot lines.
- (b) Up to a cumulative maximum of 400 sq. ft. shall be exempt for a detached garage that meets subsection (a), above, and the lot is greater than 10,000 sq. ft. in area.

(2) Habitable areas of detached accessory structures that would normally be counted as floor area shall be exempt from lot coverage calculations as follows:

- (a) For lots less than or equal to 10,000 sq. ft. in area - up to 200 sq. ft.
- (b) For lots greater than 10,000 sq. ft. in area - up to 400 sq. ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

e. Yard Setback – Additional Standards

i. Corner Lots

Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.

ii. R-2 Yard Setbacks

Development in the R-2 districts shall meet the following setbacks:

TABLE 50.04.001-13: R-2 YARD SETBACKS				
Structure Type	Front (ft.)	Side		Rear
		Exterior	Attached	
Duplex	10	7	0	10
Zero-lot Line	10	7	0	10
Rowhouse	10	7	0	10
Detached Dwelling	20	Single story dwelling: 5 ft. Multi-story dwelling: 15 feet cumulative, 5 feet minimum on a side [1]		20
Other Primary Structures and all Accessory Structures	10	10		10

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SUBSECTION 3: RESIDENTIAL HIGH DENSITY ZONES

NOTES:

[1] Multi-story dwelling: Cumulative yard may be reduced where ground floor is set back minimum of 5 feet and the remainder of the dwelling is set back a minimum of 9 feet from the side lot line.

iii. Abutting Low Density Residential

Where a lot zoned R-0, 2, or 3 abuts a lot zoned R-6, 7.5, 10, or 15, the building on the R-0, 2, or 3 lot shall be set back from the common line a distance equal to the required yard setback for the zone in Table 50.04.001-13 or the height of the primary building on the R-0, 2, or 3 lot, whichever is greater.

iv. Special Setbacks for Steeply Sloped Lots

On Steeply Sloped Lots, the minimum required front yard setback for detached dwellings shall be 18 ft.

(Ord. 2524, Amended, 06/01/2010; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

f. Height – Additional Standards

i. Projects > 1/2 Acre

(1) On a lot or lots developed as one project of 1/2 acre or greater in total area for the R-0 and R-3 zones, the structure height may average 40 ft. over the project lot(s) with no individual structure exceeding 50 ft.

(2) On a lot or lots being developed as one project of 1/2 acre or greater in total area for the R-2 zone, the structure height may average 32 ft. over the project lot(s) with no individual structure exceeding 35 ft.

ii. Base Height

Except as provided in LOC 50.04.001.4.f.i above and LOC 50.04.001.4.f.v, below, the base height of a structure in the R-0, R-2, and R-3 zone shall not exceed:

(1) Flat Lots - 28 ft.

(2) Lots with Sloping Topography - Maximum base height across the site shall be established by a flat plane measured at 28 ft above the highest point on the natural grade within the building envelope, except that in no case shall the base height be greater than 32 ft above the natural grade.

(3) Sloped Lots - 35 ft.

iii. In the R-0 or R-3, a structure shall not exceed the base height standards set forth in LOC 50.04.001.4.f.ii above if the structure is closer than 60 feet to a lot carrying a residential designation other than R-0, R-3 or R-5.

iv. Height in the R-W Zone

No structure in the R-W zone can exceed 24 ft. in height. Height is measured from the mean water level surface (elevation 98.6) of the water.

v. Exceptions to Base Building Height

A greater height than otherwise permitted is allowed as follows:

(1) Single family dwellings - building height may be increased by one foot for every five additional feet in yard setback on all sides, beyond the underlying zone code standards provided in LOC 50.04.001.4.f.i and f.ii above; or

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

- (2) Any structure - for roof forms, or architectural features, such as, cupolas or dormers, provided that these roof forms or features:
- (a) Do not extend more than 6 feet above the maximum specified **base** height;
 - (b) 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,
 - (c) 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.

4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

a. Dimensions

Development in the commercial, mixed-use, and industrial zones shall conform to the following dimensional standards except as modified below:

TABLE 50.04.001-14: COMMERCIAL, MIXED-USE, AND INDUSTRIAL DIMENSIONS										
Standard [1]	NC	GC	HC	OC	EC	WLG See 50.04. 001.4.b	CR& D	MC	I	IP
	<i>If a dimension or requirement is not shown it means there is no minimum or maximum, but that a requirement may be established at the time of Development Review Commission review.</i>									
FLOOR AREA RATIO										
	0.25: 1 [2]	--	--	0.30: 1	3.0:1		--	--	1.0:1	--
MAX. LOT COVERAGE (%)										
	None	50	50	25	None		55 [5]	No limit	--	--
SETBACK (FT.)										
Front	--	--	--	--	--		15 [12]	15 [6]	20 min. adj. to R zone; See LOC 45, Building Code [10]	Front and any yard with street frontage: 20 [10]
Side	--	--	--	--	--		15[4, 12]	0 [7]		10 [9]
Rear	--	--	--	--	--		15[4, 12]	0 [7]		10 [9]
Location - From Lot Line to:										
When Adjacent to R-DD, R-5, R-6, R-7.5, R-10 or R-15										
Structure	25	25	25	25	25		--	--	--	
Surface Parking	10	10	10	10	10		--	--	--	
Vehicular Accessway	5	5	5	5	5		--	--	--	
When Adjacent to R-0, R-2 or R-3 Zone										
Structure	10	10	10	10	10		--	--	--	

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

TABLE 50.04.001-14: COMMERCIAL, MIXED-USE, AND INDUSTRIAL DIMENSIONS											
Standard [1]	NC	GC	HC	OC	EC	WLG See 50.04. 001.4.b	CR& D	MC	I	IP	
Surface Parking	10	10	10	10	10		--	--	--		
Vehicular Accessway	5	5	5	5	5		--	--	--		
When Not Adjacent to Residential Zone											
All setbacks	0	0	0	0	0		--	--	--		
HEIGHT (FT.)							See 50.04.001.4.c, Additional Standards and Exceptions				
Max. Height	35 [3]	45 [3]	60 [3]	45 [3]	50.04. 001 .4.c.i		[11]	95 [13]	60 [8]	45	
Accessory Structures							60				

[1] Standards in this table may be modified by the Lake Grove Village Center Overlay District.
 [2] Except for the SE quadrant of Grimm's Corner, as determined by the Comprehensive Plan (See Figure 50.04.001-C: Grimm's Corner Neighborhood Commercial and Appendix E, Commercial Land Use Policy.)
 [3] Structures placed closer than 60 ft. to the property line of a lot which carries any residential zone designation have a maximum height of 28 ft. or 40 ft. minus one ft. for each ft. less than 60 ft. the portion of the structure is from the residential zone, whichever is greater.
 [4] Except along interior lot lines on a unified site.
 [5] Percent of the net site area after any required dedications for roadway purposes. A minimum of 25% of the site area shall be used for landscaping, natural areas, or outdoor recreational use areas.
 [6] Structures on corner lots shall observe the minimum setback on both streets.
 [7] When a side or rear yard abuts a more restrictive zone setbacks shall be 15 ft. 10 ft. shall be added to the side or rear yard setback for each 10 ft. increment in building height over 35 ft.
 [8] Structures placed closer than 60 ft. from the property line of a lot which carries any residential zone designation shall have a maximum height of 40 ft. minus one ft. for each ft. less than 60 ft. the structure is from the residential zone.
 [9] Zero for common wall development.
 [10] Front lot lines on corner lots may face either street. The City Manager shall determine the front lot line after taking into consideration the orientation of structures on the site and nearby lots, the ability to meet setbacks without variances, and physical site or solar access limitations. Street access should be to local streets.
 [11] See section 50.04.001.4.c.ii.
 [12] See section 50.04.001.4.c.iii.
 [13] See section 50.04.001.4.c.iv.

[Cross-References: In EC zone, see also Downtown Redevelopment District Design, LOC 50.05.004; Height Limitation: see also 50.06.001.5.b.]

b. West Lake Grove Zones

The following dimensions are applicable in the West Lake Grove zone districts.

i. WLG Town Home Residential (WLG R-2.5)

(1) Site Development Limitations

Yard Setbacks. The following exterior wall setbacks shall be required in the WLG R-2.5 zone, except as modified by LOC 50.04.003.1, Additional Dimensional Exceptions.

TABLE 50.04.001-15: WLG R-2.5 YARD SETBACKS		
Structure Type	Yard Type	Setback Distance
Permitted Use	Front (from property line)	10 ft.

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

	Rear and Side (abutting a single family residential zone)	25 ft.
	Rear and Side (not abutting a single family residential zone)	10 ft.

(2) Height of Structures

The maximum height of any structure in the WLG R-2.5 zone shall not exceed 35 ft.

[Cross-Reference: Height Limitation: See also LOC 50.03.003.3.e.iii(3) for collocated telecommunication facilities, and LOC 50.06.001.5.b for non-single-family dwellings.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2369, Amended, 12/16/2003; Ord. 2309A, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

ii. WLG Residential Live/Work Zone (WLG RLW)

(1) Conditions for Commercial Use

- (a) A person who conducts business within the WLG RLW zone must also reside within the same building. No more than one additional employee is allowed.
- (b) The business must be conducted in a specifically delineated area on the first floor of the structure and occupy no more than 700 sq. ft.

(2) Site Development Limitations

(a) Yard Setbacks

The following exterior wall setbacks are required within the WLG RLW zone, except as modified by LOC 50.04.003.1, Additional Dimensional Exceptions.

TABLE 50.04.001-16: WLG RLW YARD SETBACKS		
Structure Type	Yard Type	Setback Distance
Permitted Use	Front (from property line)	10 ft.
	Rear and Side (abutting a single family residential zone)	25 ft.
	Rear and Side (not abutting a single family residential zone)	10 ft.

(b) Height of Structures

The maximum height is 35 ft., except that the building height may be increased by one ft. for every five additional ft. in yard setback on all sides, beyond the minimum code standards for the zone.

[Cross-Reference: Height Limitation: See also LOC 50.03.003.3.e.iii(3) for collocated telecommunication facilities, and LOC 50.06.001.5.b for non-single-family dwellings.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2369, Amended, 12/16/2003; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.001. DIMENSIONAL TABLE
 SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

iii. WLG Residential Mixed Use (WLG RMU)

(1) Site Development Limitations

(a) Professional Office Uses and Minor Public Facilities

A single building which provides for Professional Office uses or Minor Public Facilities shall be limited to a total floor area of 8,000 sq. ft. in a multi-story building, with no more than 5,000 sq. ft. on any floor.

(b) Yard Setbacks

The following yard setbacks are required in this zone, except as modified by LOC 50.04.003.1, Additional Dimensional Exceptions.

TABLE 50.04.001-17: WLG RMU YARD SETBACKS			
Structure Type	Yard Type	Setback Distance	Special Setback Distance
Attached Town Homes	Front (from property line)	10 ft.	
	Rear and Side (abutting a single family residential zone)	25 ft.	
	Rear and Side (not abutting a single family residential zone)	10 ft.	
Primary Structures (all other)	Setbacks of structures abutting residential zones	25 ft.	Structures shall be set back at least six ft. from the meandering pathway or sidewalk along Boones Ferry Road (see Figure 50.05.005-D, WLG Pedestrian Facilities and Pathways)
	Setbacks of structures not abutting residential zones	0 ft	
Accessory Structures	Same setbacks as for type of primary structure		

(c) Height of Structures

35 ft. roof form.

[Cross-Reference: Height Limitation: See also LOC 50.03.003.3.e.iii(3) for collocated telecommunication facilities, and LOC 50.06.001.5.b for non-single-family dwellings.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2369, Amended, 12/16/2003; Ord. 2243, Amended, 04/02/2002; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.001. DIMENSIONAL TABLE
SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

iv. WLG Office Commercial (WLG OC)

(1) Site Development Limitations

(a) Setbacks

Buildings shall be set back at least six ft. from the sidewalk along Boones Ferry Road (See Figure 50.05.005-D, WLG Street Pedestrian Facilities and Pathways). The provisions of LOC 50.04.003.1, Additional Dimensional Exceptions shall not be applied in this zone.

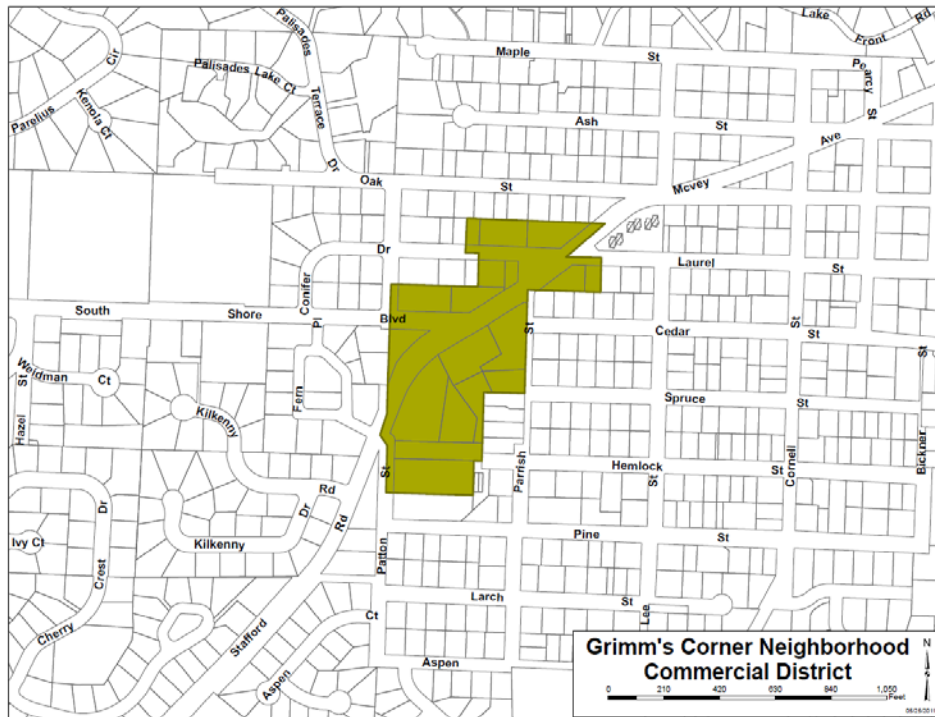
(b) Height of Structures

The maximum height of any structure shall not exceed 35 ft. The maximum height of the wall plane shall be no greater than 30 ft. measured from grade at the exterior wall of the building to the gutter line.

[Cross-Reference: Height Limitation: See also LOC 50.03.003.3.e.iii(3) for collocated telecommunication facilities, and LOC 50.06.001.5.b for non-single-family dwellings.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2369, Amended, 12/16/2003; Ord. 2316, Added, 03/05/2002)

Figure 50.04.001-C: Grimm's Corner Neighborhood Commercial



c. Additional Standards and Exceptions

i. EC Zone Height Measurement [1]

TABLE 50.04.001-18: EC MAXIMUM HEIGHT [1]

SECTION 50.04.001. DIMENSIONAL TABLE

SUBSECTION 4: COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

Structure Location	Max. Height (ft.)
Lot Abuts R-DD Zone	40
Structure is within 120 feet of a lot zoned R-6 or R-7.5	35 for the portion of the structure within 120 ft. of a lot zoned R-6 or R-7.5 [2]
Structure is within 120 feet to 240 feet of a lot zoned R-6 or R-7.5	45 for the portion of the structure within 120 ft. to 240 ft. of a lot zoned R-6 or R-7.5 [2]
Development on the block bounded by A Avenue, Second Street, Evergreen Road and Third Street	No height limit [3]
All other lots and those portions of structures beyond 240 ft. of a lot zoned R-6 or R-7.5	60
<p>Notes:</p> <p>[1] Except the block described in LOC 50.02.002.2.c.iv, Specific Standards for Commercial, Mixed Use, and Industrial Zones.</p> <p>[2] The measured distance is exclusive of intervening public right-of-way if any exists.</p> <p>[3] Provided the following conditions are satisfied: (1) the use of the structure is a mixed use containing dwelling units; (2) the street level commercial uses are designed to provide a “village atmosphere” by the use of landscaping, emphasis on pedestrian access and small scale retail uses; and (3) the structure contains parking areas made available to the public and other users in the area.</p>	

ii. CR&D Zone Height Measurement

For each CR&D zone the average height of all structures shall not exceed 78 ft. One structure is allowed a maximum structure height of 158 ft. No other structure shall exceed 104 ft. For the purpose of applying these height restrictions, all abutting lots with a Comprehensive Plan designation of CR&D, regardless of ownership, shall be considered as being located in one CR&D zone.

Within 120 ft. of property zoned R-7.5, R-10, or R-15 no structure shall exceed 60 ft.

SECTION 50.04.002. SPECIAL STREET SETBACKS

SUBSECTION 1: PURPOSE

iii. CR&D Zone Uses Allowed in Setback

- (1) The following uses may be allowed within a setback area which fronts a public road:
 - (a) Landscaping;
 - (b) Bikeways, trails, pedestrian walks and plazas;
 - (c) Access driveways;
 - (d) Bus shelters and other pedestrian amenities; and
 - (e) Identification signs
- (2) The following uses may be allowed within setback areas which are adjacent to other site areas:
 - (a) Landscaping
 - (b) Bikeways, trails, pedestrian walks and plazas;
 - (c) On-site directional signs;
 - (d) Coordinate joint-use circulation drives, parking, loading, recreational activity areas; plazas; and
 - (e) Coordinated joint-use structures, subject to provisions of the Building Code.

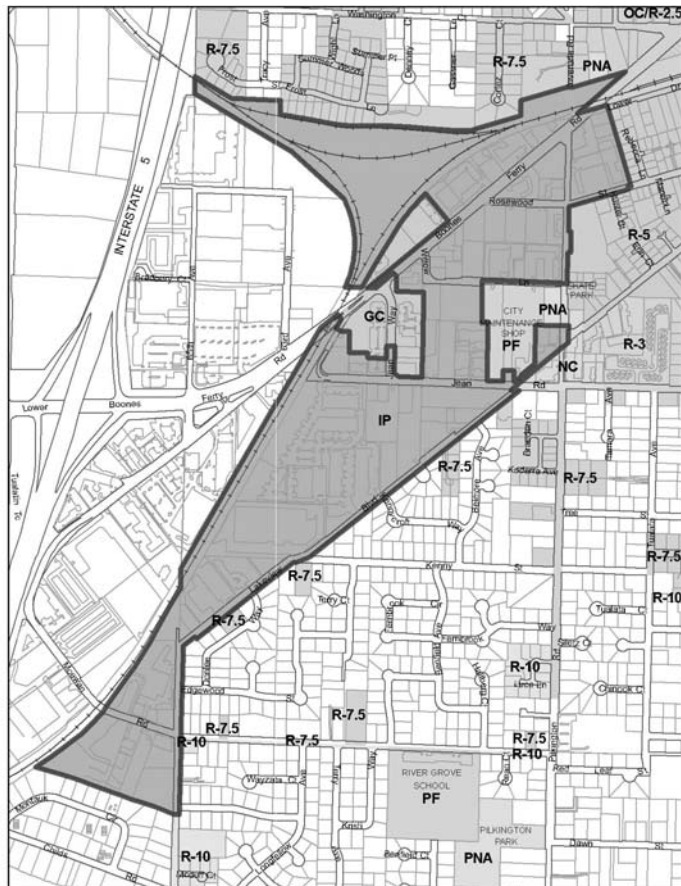
iv. MC Zone Height Measurement

The maximum height limit shall be 95 ft. except in the MC zone located south of Kruse Way and east of Bangy Road, within which zone for no more than two structures the maximum allowable height is 175 ft. For the purpose of applying these height restrictions all adjacent lots zoned MC, regardless of ownership, shall be considered as being located in one MC zone.

v. Lake Grove Industrial

Park Zone Maximum FAR
Except for commercial self-storage facilities in the Industrial Park Overlay (IPO) District, there 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 and shown in Figure 50.04.001-D: Lake Grove Industrial Park.

Figure 50.04.001-D: Lake Grove Industrial Park



50.04.002. SPECIAL STREET SETBACKS

1. PURPOSE

To preserve an obstruction-free area along public rights-of-way in anticipation of future street

SECTION 50.04.002. SPECIAL STREET SETBACKS
 SUBSECTION 2: ESTABLISHMENT OF SPECIAL STREET SETBACK REFERENCE LINE

improvements, such as additional lanes, pedestrian and bicycle facilities, transit facilities, drainage management improvements, lighting, and street landscaping.

2. ESTABLISHMENT OF SPECIAL STREET SETBACK REFERENCE LINE

A “special street setback reference line” is hereby established for the streets identified in LOC 50.04.002.5 below. On these streets, required yards shall be measured from the special street setback reference line.

3. METHOD OF MEASUREMENT

The reference line shall be established by measuring the prescribed distance from the center of the right-of-way or as described in the special street setback requirement.

4. PRIORITY OF OTHER PLANS

Special street setbacks are minimums. If a greater amount of additional right-of-way is warranted by improvements identified in a traffic impact study, corridor study, or transportation system plan, then the greater amount shall prevail.

5. SPECIAL STREET SETBACK LIST

The special street setbacks set forth in Table 50.04.002-1 shall not be reduced.

TABLE 50.04.002-1: SPECIAL STREET SETBACKS			
Affected Streets	From	To	Special Setback
Bangy Rd.	South of Alyssa Terrace		30 ft.
Bergis Rd.	Cornell St.	Stafford Rd.	30 ft.
Bergis Rd.	Cornell St.	Skylands Rd.	25 ft.
Boones Ferry Rd.	MercantileDr.	West Sunset Dr.	50 ft., but will be superseded by the City Council's adoption of a corridor study.
Bonita Rd.			30 ft.
Bryant Rd.	Boones Ferry Rd.	Lake View Blvd.	40 ft.
Bryant Rd.	Lake View Blvd.	Childs Rd.	30 ft.
Burma Rd.			25 ft.
“C” Ave.	State St. alley	Country Club Rd.	30 ft.
Carman Drive		North and east of Kruse Way	30 ft.
Carman Drive		South and west of Kruse Way	40 ft.
Cornel St.	Larch St.	Bergis Rd.	30 ft.
Egan Way	East/west leg only		20 ft.
Fielding Rd.			20 ft.
Firwood Road			30 ft. between Boones Ferry Rd. and Waluga Dr.; 20 ft. west of Waluga Dr.
Gassner Ln.			20 ft.
Inverurie Rd.	North of Washington Ct.		20 ft.
Knaus Rd. from	County Club Rd.	North City Limits	30 ft.
Lake Grove Ave.			20 ft.
Lake View Blvd.	Bryant Rd.	Iron Mt. Blvd.	25 ft., except between

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 1: ADDITIONAL DIMENSIONAL EXCEPTIONS

TABLE 50.04.002-1: SPECIAL STREET SETBACKS			
Affected Streets	From	To	Special Setback
			South Shore Blvd. and Summit Ct.
Lamont Way			20 ft.
Lanewood St.		Through south leg of Douglas Circle	20 ft.
Laurel St.	Dyer St.	Hallinan St.	30 ft.
Lower Dr.			20 ft.
McVey Ave.	State St.	South Shore Blvd.	40 ft.
Madrona St.	Boones Ferry	Bryant Rd. (south from railroad right-of-way)	50 ft.
North Shore Rd.	Abutting the railroad right-of-way		30 ft. measured from the south line of the railroad right-of-way
Oakridge Rd.	Quarry Rd.	Bonaire Ave.	25 ft.
Oakridge Rd.	Quarry Rd.	Boones Ferry Rd.	30 ft.
Overlook Dr.			30 ft.
Pilkington Road	South of Rosewood St.		Special street setback line shall be measured 30 ft. from the east line of Rosewood Plat.
Quarry Rd.	Boones Ferry Rd.	Galewood St. and extension to Carman Dr.	30 ft.
Reese Rd.	Boones Ferry Rd.	Upper Dr.	30 ft.
Rosewood St.	Pilkington Rd.	Tualatin St.	25 ft.
South Shore Blvd.			40 ft.
Stafford Rd.	South Shore Blvd.	south City limits	40 ft.
State Street			50 ft.
Summit Dr.	Lake View Blvd.	Ridgewood Rd.	20 ft.
Sunset Dr.			20 ft.
Tualatin St.			20 ft.
Twin Fir Rd.	Boones Ferry Rd.	Upper Dr.	30 ft.
Upper Dr.	Iron Mt. Blvd.	City limits	25 ft.
Waluga Dr.	South of Firwood Rd.		20 ft.
West Sunset Dr.	West of Lake Grove Design District Boundary		20 ft.

(Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

1. ADDITIONAL DIMENSIONAL EXCEPTIONS

The following section may include exceptions to the dimensional standards of LOC 50.04.001.

a. Adjustments

The setbacks set forth in LOC 50.04.001 may be adjusted or excepted by LOC 50.05.010.4.b (Sensitive Lands Setback Modifications), LOC 50.04.003.3 (General Exceptions to Yard Requirements), LOC 50.04.003.6 (Special Determination of Yards and Yard Requirements), LOC 50.04.003.8 (General Exemptions for Building Projections, Decks, and Walkways and Pathways to Setbacks), LOC 50.03.004.2.b (Accessory Structures), and LOC 50.08.002.3 (Solar Access). Structures which are permitted within the Oswego Lake setback

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 2: GENERAL EXCEPTION TO LOT AREA AND DIMENSION REQUIREMENTS

(LOC 50.04.003.7) are similarly permitted within the setbacks in LOC 50.04.001 to the extent the setback area is co-terminus with the Oswego Lake setback.

b. Additional Setbacks

The following setbacks are in addition to the setbacks in LOC 50.04.001: LOC 50.04.003.7 (Oswego Lake setback) and 50.04.002 (Special Street Setbacks).

2. GENERAL EXCEPTION TO LOT AREA AND DIMENSION REQUIREMENTS

a. Exceptions

If a proposed partition or subdivision would result in any existing structure becoming non-complying with any regulation of this Code, and the structure was constructed three or more years prior to the filing of the application for the partition or subdivision, the following adjustments are allowed: a 15% deviation from lot coverage, floor area, yard setback or height requirements (adjustment to yard setbacks and height may only be applied to the lot upon which the existing structure is located); or ten percent deviation from the lot area, lot width, lot depth, or lot frontage standard; provided the following criteria are met:

- i. After taking into consideration any proposed mitigation efforts, the adjustment will not have a significant negative impact on the neighborhood and adjacent properties, in terms of:
 - (1) Scale,
 - (2) Noise,
 - (3) Parking,
 - (4) Loss of privacy,
 - (5) Buffers from existing properties, and
 - (6) Neighborhood character
- ii. If more than one adjustment is requested, the cumulative effect of the adjustments will not cumulatively have a significant negative impact on the neighborhood and adjacent properties in terms of the criteria listed in LOC 50.04.003.2.a.i above.
- iii. City-designated historic resources are preserved in accordance with LOC 50.06.009.
- iv. Any impacts resulting from the adjustment are mitigated to the extent practicable.
- v. If in an RC or RP district, the partition or subdivision shall comply with LOC 50.05.010, Sensitive Lands Overlay District.

b. Substandard Lots or Dimensions

A lot which does not comply with the minimum lot area or dimensional requirements required by this Code at the time of application for development may be occupied by a permitted use in the zone in which the lot is located. Any proposed use of the lot must comply with all other applicable code provisions, including but not limited to setbacks, height limits, and lot coverage requirements. The lot lines of a lot which does not comply with the minimum lot area or dimensional requirements of this Code at the time of application may be adjusted as long as the adjustment does not increase the degree of noncompliance.

[Cross-reference: See LOC 50.07.007.2.e.iii for flag lot height requirements.]

(Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 3: GENERAL EXCEPTIONS TO YARD REQUIREMENTS

3. GENERAL EXCEPTIONS TO YARD REQUIREMENTS

a. Front Yard Setback Averaging

Except as otherwise provided in this section, the following exception to the front yard requirement for a dwelling or detached garage is authorized for a lot in any zone. If there are lawful dwellings or detached garages (including dwellings or garages deemed lawful non-conforming or through a variance approval), on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings and/or detached garages. If there is a lawful, non-conforming dwelling or detached garage on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. The front yard setback in the R-5, R-7.5, R-10 or R-15 zones shall not be reduced to less than 15 ft.

b. Front Porch

Except as provided in LOC 50.04.001.2.e.ii(2), a front porch may project up to five ft. into the front yard setback required by the zone or as adjusted in subsection (a), above provided the front porch is no more than ten ft. in width and if covered, the roof peak is no greater than 16 ft. in height.

(Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

4. GENERAL EXCEPTION TO STRUCTURE HEIGHT LIMITATIONS

a. General Exceptions

In addition to any other exceptions permitted to the maximum building height limitation of a zone, the following type of structures or structural parts are not subject to the structure height limitations of this Code in the following zones:

TABLE 50.04.003-1: EXCEPTIONS TO HEIGHT LIMITATIONS	
Zone	Structures or Structural Parts Exempt from Height Limitations
Residential Zones- Residential Uses	a. Chimneys, flag poles, ham radio aerials, and other structures b. Roof-mounted solar system (panels).
Residential Zones – Non-Residential Uses	a. Chimneys, church spires, belfries, domes, monuments, radio aerials, fire and hose towers, flag poles, and other similar structures. b. Roof-mounted solar system (panels).
Commercial, Public Use, and Industrial Zones	a. Chimneys, tanks, church spires, belfries, domes, monuments, radio aerials, fire and hose towers, observation towers, masts, ham radio aerials, cooling towers, elevator shafts, smokestacks, flagpoles, radio and television towers, and other similar structures. b. Roof-mounted solar system (panels).

b. Aerials and Collocated Telecommunications Facilities and Solar Panels

i. Aerials other than ham radio aerials are permitted to ten ft. over the building height maximum in a residential zone. Collocated telecommunication facilities in residential zones may exceed the height limits of the underlying zone, but shall not exceed ten ft. above the existing structure height. Collocated telecommunication facilities in commercial, public use, and industrial zones may exceed the height limits of the underlying zone, but shall not exceed 20 ft. above the existing structure height.

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 5: ONE YEAR EXCEPTION TO HEIGHT/SETBACK/LOT COVERAGE REQUIREMENTS FOR NEW SUBDIVISION LOTS

- ii. Roof-mounted solar systems (panels) may exceed the maximum building height limitation by the following:
 - (1) Roof slopes 2:12 or less – no more than four ft., or
 - (2) Roof slopes greater than 2:12 – no more than one ft.

[**Cross-Reference:** LOC 50.04.003.8 - General Exceptions for Building Projections, Decks, and Walkways and Pathways to Setbacks.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2316, Added, 03/05/2002)

5. ONE YEAR EXCEPTION TO HEIGHT/SETBACK/LOT COVERAGE REQUIREMENTS FOR NEW SUBDIVISION LOTS

A residential building permit applied for within one year of the date of recordation of the final plat of a subdivision shall be reviewed pursuant to the setbacks, height and lot coverage standards in effect at the time of the application for the subdivision.

(Ord. 2316, Added, 03/05/2002)

6. SPECIAL DETERMINATION OF YARDS AND YARD REQUIREMENTS; SETBACK PLANE EXEMPTION

a. Lots with More than Two Street Frontages

In the case of lots with more than two street frontages, the City Manager shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the zone; (2) Other front yards on such lot shall have setbacks equal to the street side yard setback of the zone; and (3) For sites where street front setback planes are required, only one frontage shall be required to meet the front yard setback plane standards. The other frontages shall comply with the setback plane requirements for side yards abutting a street.

b. Through Lots

Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all street frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the City Manager may waive the requirements for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

c. Determination of Front Yard for Flag Lots Created Prior to September 6, 1998 and Lots Accessing by Easement

The front yard shall be the area abutting the property line of the "flag" portion of the lot parallel to the street providing access to a flag lot created prior to September 6, 1998. If this standard is not practical due to placement of structures on adjacent lots, topography or similar reasons, then the front yard will be that portion of the lot abutting the property line of the greatest length abutting the access portion of the flag or easement.

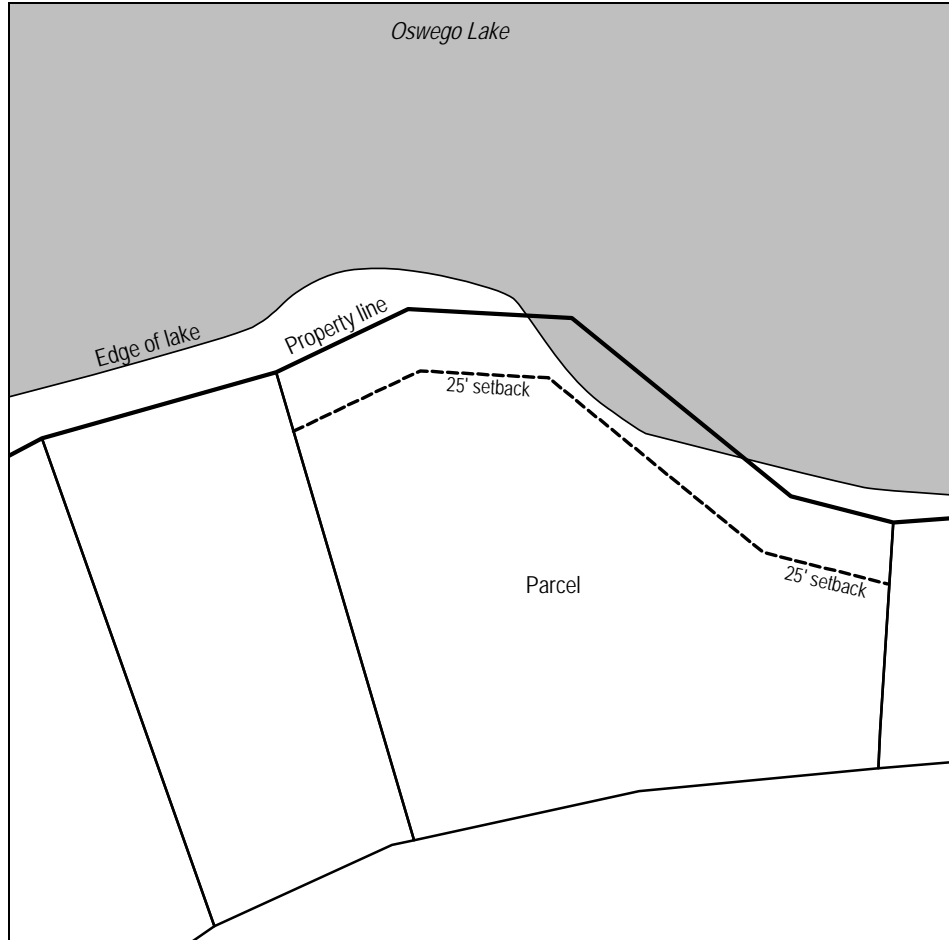
(Ord. 2524, Amended, 06/01/2010; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS
 SUBSECTION 7: OSWEGO LAKE SETBACK

7. OSWEGO LAKE SETBACK

- a. Except as permitted under subsection b, below, a structure shall be setback a minimum of 25 ft. from the property line of the parcels which constitute Oswego Lake, its bays and canals in all zones except in the R-W zone, as shown in Figure 50.04.003-A: Measurement of Oswego Lake Setback. The exception in LOC 50.03.004.2.b for siting accessory structures within setbacks shall not apply to this Oswego Lake setback.

Figure 50.04.003-A: Measurement of Oswego Lake Setback



- b. The following uses and structures are permitted within the Oswego Lake setback:

TABLE 50.04.003-2: USES AND STRUCTURES PERMITTED WITHIN OSWEGO LAKE SETBACK			
Uses and Structures	Maximum Height	Height Limitations	Other Standards
Barbeque; fireplace	6 ft.	Height exceptions in LOC 50.04.003.4 are NOT applicable	
Lights; steps; dock; deck; pool; spa / Jacuzzi	30 in.	Height exceptions in LOC 50.04.003.4 are NOT applicable	

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 8: GENERAL EXCEPTIONS FOR BUILDING PROJECTIONS, DECKS, AND WALKWAYS AND PATHWAYS TO SETBACKS

TABLE 50.04.003-2: USES AND STRUCTURES PERMITTED WITHIN OSWEGO LAKE SETBACK			
Uses and Structures	Maximum Height	Height Limitations	Other Standards
Outdoor shower	8 ft.	Height exceptions in LOC 50.04.003.4 are NOT applicable	
Boat house	13.5 ft., measured from Oswego Lake Surface Elevation	Height exceptions in LOC 50.04.003.4 are NOT applicable	<ul style="list-style-type: none"> • Wall Height: 10 ft., measured from Oswego Lake Surface Elevation, to eave • Maximum 560 sq. ft. footprint
Lake-related infrastructure structures and uses	None		None
Fences and Retaining walls (including seawalls)	See LOC 50.06.004.2		Only as permitted by LOC 50.06.004.2

(Ord. 2556, Amended, 08/03/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

8. GENERAL EXCEPTIONS FOR BUILDING PROJECTIONS, DECKS, AND WALKWAYS AND PATHWAYS TO SETBACKS

a. Projections from Buildings

Cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two ft. into a required yard or into required open space as established by coverage standards. Canopies, sunshades, chimneys, and flues may project not more than two ft. into a required yard or into required open space as established by coverage standards, but in no event may the projection be within five ft. of a side lot line.

b. Patios and Decks

Patios and decks on or above grade, but no more than 30 in. above grade, may project into a required yard, but may not be closer than three ft. to any property line. Patios and decks above 30 in. shall be subject to the zone setback. Such intrusion into the required yard are to be undertaken solely at the risk and expense of the owner. Any structure which is placed in a required yard, and is required to be moved for any reason, shall be moved without expense to the City and the person who bears such cost shall have no recourse against the City to recover such cost.

c. Access Walkways and Pathways

Walkways and pathways, regardless whether on grade or elevated, that provide principal access from the adjacent public right-of-way to a dwelling or as a public entrance(s) to a commercial, industrial, or public facility building are permitted in the required yard, so long as the elevation of the walkway or pathway is at or below the elevation of the driveway or parking area for the dwelling or building. If the walkway or pathway is elevated, it shall be the most direct route practicable.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

SECTION 50.04.003. EXCEPTIONS, PROJECTIONS, AND ENCROACHMENTS

SUBSECTION 9: EXCEPTIONS FOR SURVEY/CONSTRUCTION ERRORS, TREE PROTECTION, AND ALIGNMENT FOR ADDITIONS TO EXISTING STRUCTURES

9. EXCEPTIONS FOR SURVEY/CONSTRUCTION ERRORS, TREE PROTECTION, AND ALIGNMENT FOR ADDITIONS TO EXISTING STRUCTURES

a. Exceptions

The following exceptions to underlying zoning standards are permitted provided the criteria listed in subsection b, below, are satisfied:

- i. Up to 2.5% exception to lot area, or
- ii. Up to six in. to dimensional standards.

b. Criteria:

- i. The exception is for an alteration or addition to an existing structure (conforming or non-conforming); and
- ii. At least one of the following circumstances applies:
 - (1) The adjustment is necessary to address survey or construction errors;
 - (2) The adjustment will result in greater tree protection, including root protection; or
 - (3) The adjustment for the alteration or addition will allow the alteration or addition to align with the existing portion of the structure.

(Ord. 2524, Added, 06/01/2010)

10. EXCEPTIONS TO THE MINIMUM DENSITY REQUIREMENT FOR ALL ZONES

- a. The minimum density requirements are not applicable to sites identified on the City's Historic Landmark Designation list.
- b. The minimum density requirements are not applicable to publicly owned open space lands.
- c. The number of lots required by the minimum density provisions may be reduced as necessary in any of the following circumstances:
 - i. Where the most appropriate design and location for a storm water detention or water quality facility is above ground and outside a required open space, or
 - ii. Where in order to comply with the minimum density requirement it would be necessary to develop in a flood plain, or
 - iii. Where an RC tree grove is designated on the site and preservation of more than 50% minimum protection area required by LOC 50.05.010.5.b, Sensitive Lands Overlay District, would preclude development such that the minimum number of lots could not be developed, or
 - iv. Where topographic, natural resources and/or soil constraints exist on site, to the extent that an applicant can demonstrate that compliance with LOC 50.06.006.2, Hillside Protection, LOC 50.05.010, Sensitive Lands Overlay Districts, or other soil constraints regulated by the City's Codes or the State of Oregon Uniform Building Code, would preclude development such that the minimum number of lots could not be developed, or
 - v. Where the total number of residential dwelling units resulting from the development will be at least 80% of the maximum number permitted in the zone. For the R-0, R-2 zones, the minimum lots per acre and methodology specified in LOC 50.04.001.3.a, Residential High Density Zones, shall be used for calculating minimum density. For the R-DD zone, the

SECTION 50.04.004. SOLAR ADJUSTMENTS
SUBSECTION 1: EXEMPTIONS FROM SOLAR DESIGN STANDARD

minimum lots per acre and methodology specified in LOC 50.04.001.2.a, Residential Medium Density Zones, shall be used for calculating minimum density.

- vi. Where the location of an existing dwelling is such that the applicant can demonstrate that other requirements of this Community Development Code cannot be met if the minimum required number of lots is developed.

(Ord. 2309A, Added, 03/05/2002)

50.04.004. SOLAR ADJUSTMENTS

1. EXEMPTIONS FROM SOLAR DESIGN STANDARD

A development is exempt from the requirements of LOC 50.06.007.1.d, Solar Design Standard, if the hearing body finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from LOC 50.06.007.1.d to the extent the hearing body finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with the solar access requirements.

a. Slopes

The site, or a portion of the site for which the exemption is sought, is sloped 20% or more in a direction greater than 45° east or west of true south, based on a topographic survey by a licensed professional land surveyor.

b. Off-Site Shade

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.

- i. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
- ii. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
- iii. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to a development permit issued pursuant to this Code.
- iv. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable development permits have been approved on the date a complete application for the development is filed.

c. On-Site Shade

The site, or a portion of the site for which the exemption is requested, is:

- i. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or

SECTION 50.04.004. SOLAR ADJUSTMENTS
SUBSECTION 2: ADJUSTMENTS TO SOLAR DESIGN STANDARD

- ii. Contains non-exempt trees at least 30 ft. tall and more than six in. in diameter measured four ft. above the ground which have a crown cover over at least 80% of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City shall be made a party of any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

2. ADJUSTMENTS TO SOLAR DESIGN STANDARD

The hearing body shall reduce the percentage of lots that must comply with LOC 50.06.007.1.d, Solar Design Standard, to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply:

a. Density and Cost

If the solar design standard in LOC 50.06.007.1.d is applied, either the resulting density is less than that proposed, or on-site development costs (e.g. grading, water, storm drainage and sanitary systems and roads) and solar related off-site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with LOC 50.06.007.1.d would reduce density or increase per lot costs in this matter. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.

- i. The portion of the site for which the adjustment is sought has a natural grade that is sloped ten percent or more and is oriented greater than 45° east or west of true south based on a topographic survey of the site by a professional land surveyor.
- ii. There is a significant natural feature on the site, identified as such in the comprehensive plan or development standard, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
- iii. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards, future streets plan, or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
- iv. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

b. Development Amenities

If the solar design standard in LOC 50.06.007.1.d applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with the solar access requirement is relevant to whether a significant development amenity is lost or impaired.

c. Existing Shade

Non-exempt trees at least 30 ft. tall and more than six in. in diameter measured four ft. above the ground have a crown cover over at least 80% of the lot and at least 50% of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an aerial photograph.

SECTION 50.04.004. SOLAR ADJUSTMENTS

SUBSECTION 3: EXEMPTION FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD

- i. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to LOC 50.06.004, Site Design; and they do not need to be removed for a driveway or other development.
- ii. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

(Ord. No. 1974, Sec. 1; 10-18-88.) (Ord. 2316, Amended, 03/05/2002)

3. EXEMPTION FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD

The City Manager shall exempt a proposed structure or non-exempt vegetation from LOC 50.06.007.2.c, Maximum Shade Point Height Standard, and LOC 50.07.004.9.e, Solar Site Plan Required, if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

a. Exempt Lots

When created the lot was subject to LOC 50.04.004.1 and 2, above, LOC 50.06.007.1.a-e, and LOC 50.07.004.9.d, and was not subject to the provisions of LOC 50.06.007.1.e, Protection from Future Shade.

b. Pre-Existing Shade

The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:

- i. An existing or approved building or structure;
- ii. A topographic feature;
- iii. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it:
 - (1) is situated in a required building setback;
 - (2) is part of a developed area or landscaping required by this Code, a public park or landscape strip, or legally reserved open space;
 - (3) is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or
 - (4) is on the applicant's property and not affected by the development.

A duly executed covenant also can be used to preserve trees causing such shade.

c. Slope

The site has an average slope that exceeds 20% in a direction greater than 45° east or west of true south based on a topographic survey by a licensed professional land surveyor.

d. Insignificant Benefit

The proposed structure or non-exempt vegetation shades one or more of the following:

SECTION 50.04.004. SOLAR ADJUSTMENTS

SUBSECTION 4: ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD

- i. An undevelopable area; or
 - ii. The wall of an unheated space, such as a typical garage: or
 - iii. Less than 20 sq. ft. of south-facing glazing.
- e. Public Improvement**
The proposed structure is a publicly owned improvement.

4. ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD

The City Manager shall increase the maximum permitted height of the shade point determined using LOC 50.06.007.2.c, Maximum Shade Point Height Standard, to the extent it is found that applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted to the applicant.

a. Physical Conditions

Physical conditions preclude development of the site in a manner that complies with LOC 50.06.007.2.c due to such things as a lot size less than 3,000 sq. ft., unstable or wet soils, or a drainage way, public or private easement, or right of way.

b. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards

A proposed structure may be sited to meet the solar balance point standard described in LOC 50.06.007.2.e if:

- i. When the proposed structure is sited to meet the maximum shade point height standard, its solar feature will potentially be shaded as determined using LOC 50.06.007.2.c; and,
- ii. The application includes a form provided by the City that:
 - (1) Releases the applicant from complying with the maximum shade point height standard and agrees that the proposed structure may shade an area otherwise protected by that section; and,
 - (2) Releases the City from liability for damages resulting from the adjustment; and,
 - (3) Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of LOC 50.06.007.2.c, Maximum Shade Point Height Standard.
- iii. Before the City issues a permit for a proposed structure for which an adjustment has been granted pursuant to LOC 50.04.004.4.b, the applicant shall file the form provided for in b.ii above, in the office of the county recorder with the deeds to the affected properties.

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LOC 50.05: OVERLAY AND DESIGN DISTRICTS

50.05.001. GLENMORRIE R-15 OVERLAY DISTRICT

1. PURPOSE

The purpose of the overlay is to ensure that new residential development occurs in a way that is compatible with the unique character of the Glenmorrie Neighborhood by not adversely impacting the privacy of adjacent neighbors and by preserving the country character.

(Ord. 2546, Added, 06/15/2010)

2. APPLICABILITY

This overlay section applies to all land within the Glenmorrie Overlay District, as shown in Figure 50.05.001-A: Glenmorrie Overlay District Boundaries.

(Ord. 2546, Added, 06/15/2010)

3. RELATIONSHIP TO OTHER STANDARDS

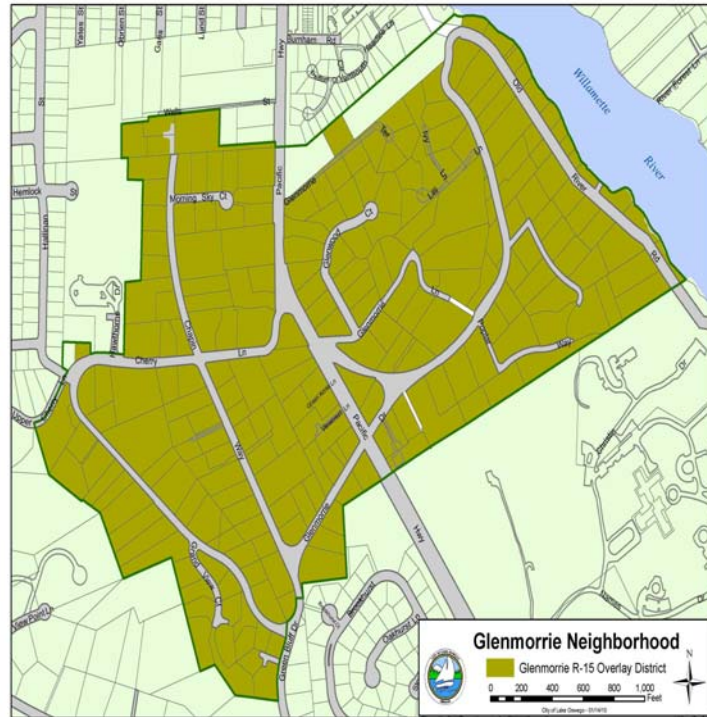
To the extent that any requirement of this overlay section imposes a regulation relating to the same matter as the use, dimensional or development regulations in the LOC, this overlay shall prevail.

(Ord. 2546, Added, 06/15/2010)

4. LIMITATION ON CERTAIN ELEMENTS

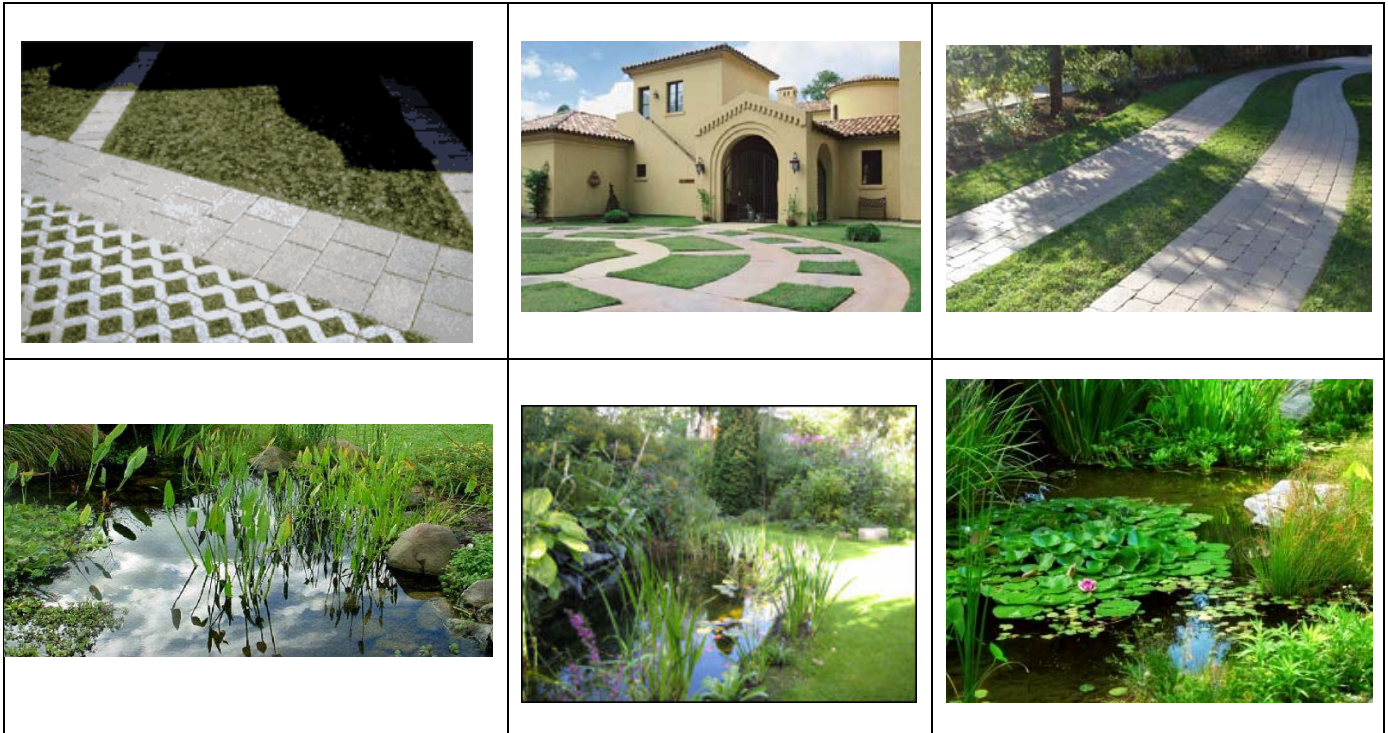
No more than 50% of a lot shall be covered with any of the following elements: structures, patios, paving or impervious walks. However, pervious decks and natural-appearing constructed ponds shall not be included within this limitation. Where a paved area contains mixed non-plant and plant elements, only the non-plant portions of the area shall be included within this limitation. (See Figure 50.05.001-B: Illustrative Mixed Paved Areas and Natural-Appearing Ponds for illustrations of natural-appearing constructed ponds and paved areas with mixed non-plant and plant elements.)

Figure 50.05.001-A: Glenmorrie Overlay District Boundaries



SECTION 50.05.001. GLENMORRIE R-15 OVERLAY DISTRICT
SUBSECTION 5: PLANTINGS AND BUFFERING

Figure 50.05.001-B: Illustrative Mixed Paved Areas and Natural-Appearing Ponds



(Ord. 2546, Added, 06/15/2010)

5. PLANTINGS AND BUFFERING

a. Applicability

A Plantings and Buffering Plan shall be submitted when a building permit is required for:

- i. Construction of new structures.
- ii. Remodeling that increases the footprint of an existing structure by more than 400 sq. ft.; or
- iii. Construction of a retaining wall four ft. tall or higher.

b. Plantings and Buffering Plan

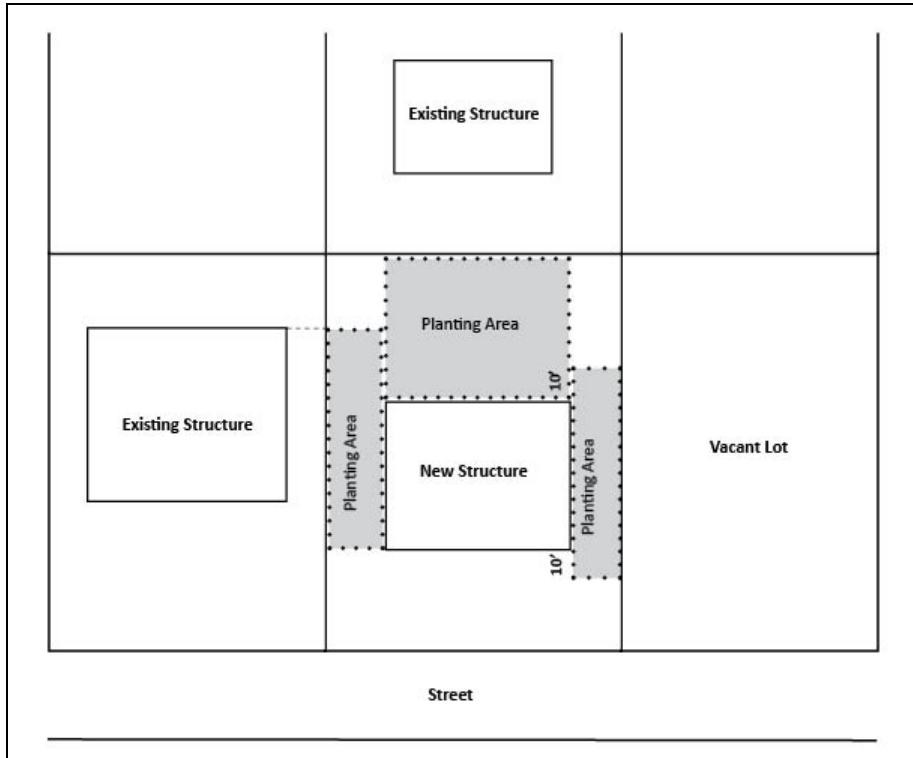
- i. At the time of submission of the building permit application, the applicant shall file either a Plantings and Buffering Plan or a waiver under LOC 50.05.001.5.b.iii below.
- ii. The Plantings and Buffering Plan shall meet the following requirements:
 - (1) Plant Units, as described in Table 50.06.001-2: Standard Plant Units, Standard Units A through D, plus Alternative Glenmorrie Standard Unit E consisting of 25 – three ft. high shrubs, shall be provided parallel and adjacent to the side yard and rear yard planes of the proposed structure or retaining wall as follows:
 - (a) If a structure exists on an abutting lot: one plant unit for every 50 linear ft. of the side yard and rear yard planes of the proposed retaining wall or structure plus the abutting plane of the structure on the abutting lot;

SECTION 50.05.001. GLENMORRIE R-15 OVERLAY DISTRICT

SUBSECTION 5: PLANTINGS AND BUFFERING

- (b) If no structure exists on an abutting lot: one plant unit for every 50 linear ft. of the side yard and rear yard planes of the proposed retaining wall or structure extended ten ft. beyond the structure or retaining wall. See Figure 50.05.001-C: Plant Unit Placement.

Figure 50.05.001-C: Plant Unit Placement



- (2) Where the linear measurement of the side or rear yard plane (plus the ten-ft. extension, if required) is less than 50 ft., or where dividing the linear measurement into 50-ft. segments results in a remainder segment of less than 50 ft., the planting density for that plane or remainder segment shall consist of a corresponding percentage of a Planting Unit. If the percentage results in a fraction of a plant, the fraction shall be rounded up to the next whole number.
 - (3) Where required Plant Unit areas overlap, the plants in the overlapped area may satisfy both Plant Unit requirements.
 - (4) Existing plants may be used to fulfill Plant Unit requirements.
 - (5) Native plants are encouraged (Consult Lake Oswego’s Master Plant List).
- iii. Waiver. If the abutting property owner consents in writing, a Plantings and Buffering Plan shall not be required for the side or rear yard of the proposed structure or retaining wall abutting the consenting owner’s property.
- c. Installation and Maintenance of Plantings**
- i. Plantings consistent with the Plantings and Buffering Plan shall be installed prior to the earlier of:
 - (1) A request for final inspection;

SECTION 50.05.002. EVERGREEN R-7.5 OVERLAY DISTRICT
SUBSECTION 1: PURPOSE

- (2) Occupancy of the dwelling or substantial use of the structure; or
- (3) Completion of the retaining wall.

ii. The required plantings shall be successfully maintained for a period of not less than three years.

(Ord. 2546, Added, 06/15/2010)

50.05.002. EVERGREEN R-7.5 OVERLAY DISTRICT

1. PURPOSE

The purpose of the overlay is to ensure that residential development occurs in a way that is compatible with the unique character of the Evergreen Neighborhood by assuring greater consistency in style and scale between buildings.

(Ord. 2500, Added, 03/20/2008)

2. APPLICABILITY

This section applies to all land within the Evergreen Overlay District, as shown on Figure 50.05.002-A: Evergreen R-7.5 Overlay Boundaries.

(Ord. 2500, Added, 03/20/2008)

3. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

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. 2500, Added, 03/20/2008)

4. DIMENSIONS AND DEVELOPMENT STANDARDS

a. Accessory Structure Roof Pitch

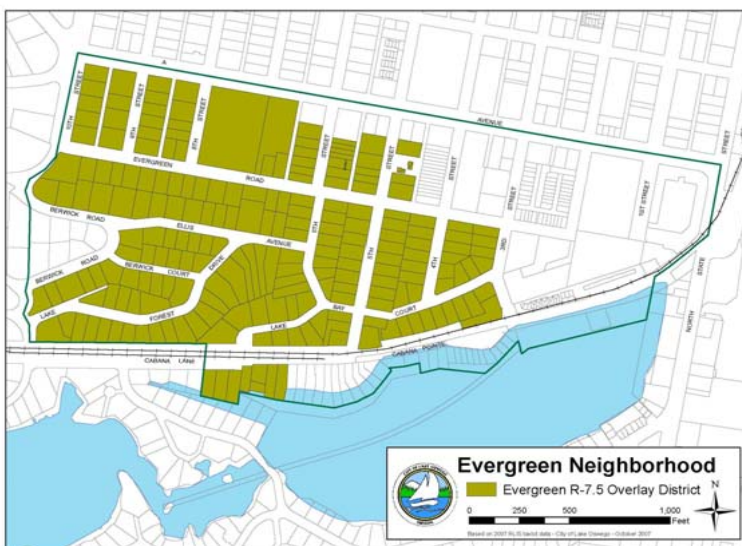
Roof pitch on new accessory structures exceeding 100 sq. ft. in size shall match the roof pitch of the primary structure. Boat houses are exempt from this requirement.

(Ord. 2500, Added, 03/20/2008)

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.

Figure 50.05.002-A: Evergreen R-7.5 Overlay Boundaries



SECTION 50.05.003. LAKE GROVE R-7.5/R-10 OVERLAY DISTRICT

SUBSECTION 1: PURPOSE

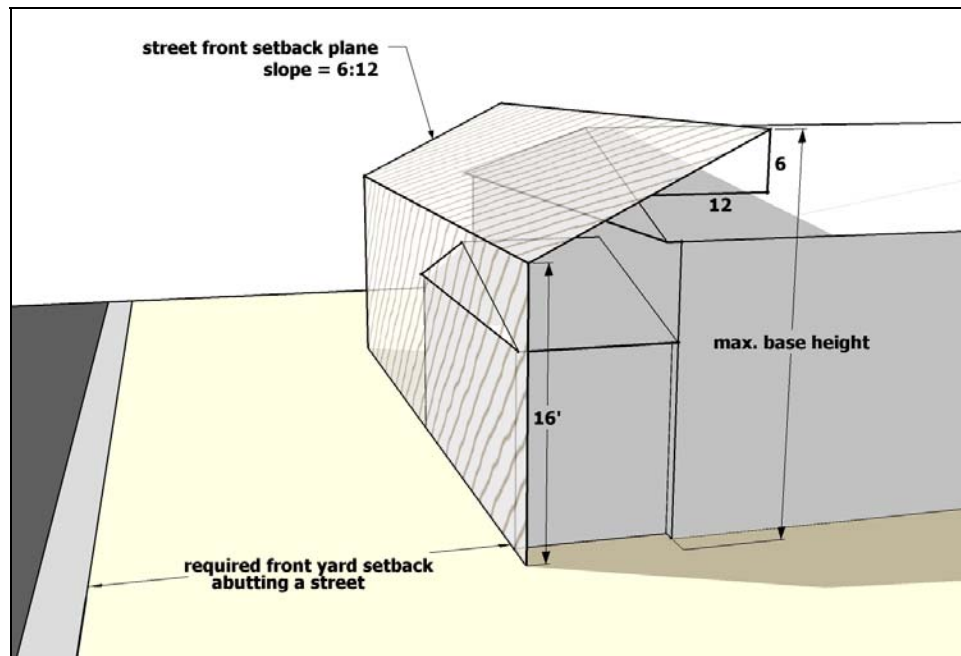
(Ord. 2500, Added, 03/20/2008)

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.

(Ord. 2500, Added, 03/20/2008)

50.05.003. LAKE GROVE R-7.5/R-10 OVERLAY DISTRICT

1. PURPOSE

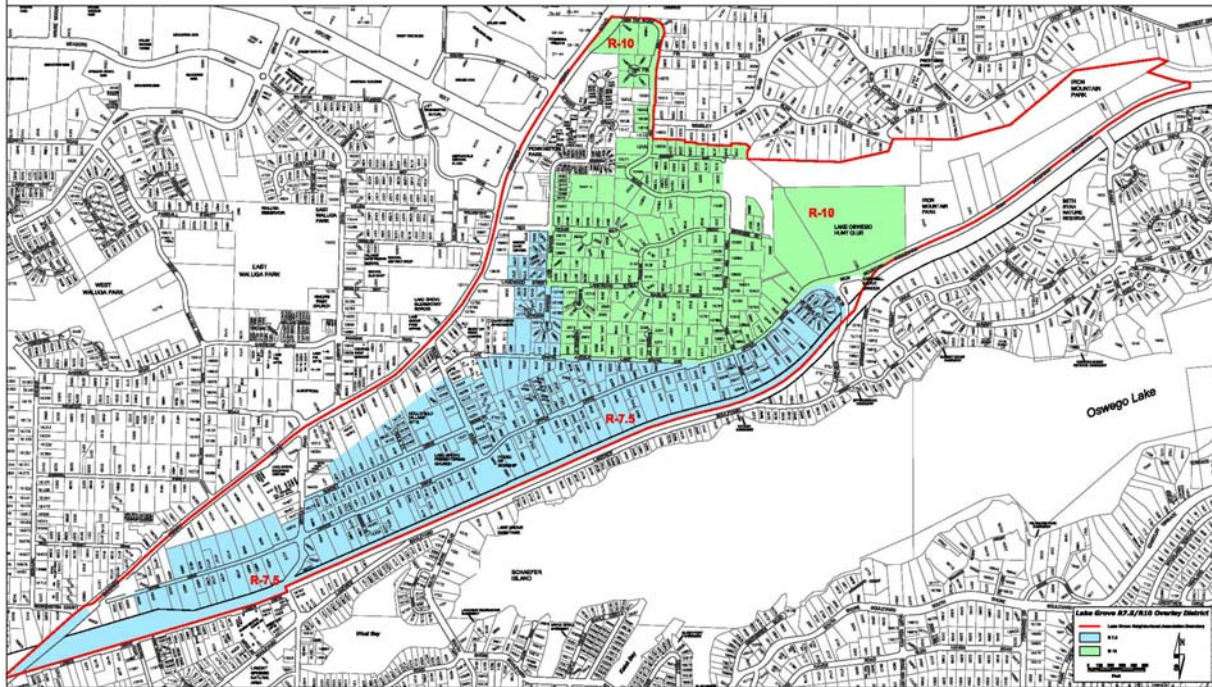
The purpose of the overlay is to ensure that development in the Overlay District promotes the unique character of the Lake Grove Neighborhood.

SECTION 50.05.003. LAKE GROVE R-7.5/R-10 OVERLAY DISTRICT
 SUBSECTION 2: APPLICABILITY

2. APPLICABILITY

This article applies to lands zoned R-7.5 or R-10 within the Lake Grove Overlay District, as shown on Figure 50.05.003-A: Lake Grove R-7.5/R-10 Overlay District.

Figure 50.05.003-A: Lake Grove R-7.5/R-10 Overlay District



3. RELATIONSHIP TO OTHER STANDARDS.

To the extent that any requirement of this overlay imposes a regulation relating to the same matter as a regulation applicable to the residential low density zones, this section shall prevail.

4. YARD SETBACKS.

a. The yard setbacks within the Lake Grove Overlay District shall be as follows:

TABLE 50.05.003-1: LAKE GROVE OVERLAY DISTRICT YARD SETBACKS							
Zone	Primary and Accessory Structures		Primary Structures			Accessory Structures	
	Front Yard	Side Yard Adjacent to a Street	Other Side Yards		Rear Yard	Side and Rear Yards	
			Portions of Structures ≤ 18 ft. in height	Portions of Structures > 18 ft. in height		Structures ≤ 18 ft. in height	Structures > 18 ft. in height
R- 7.5	25 ft.	20 ft. on arterial and collector, 15 ft. on local	10 ft.[1]	10 ft	30 ft.	5 ft., side 10 ft., rear	10 ft., side 15 ft., rear

SECTION 50.05.003. LAKE GROVE R-7.5/R-10 OVERLAY DISTRICT

SUBSECTION 5: LIMITATION ON CERTAIN ELEMENTS

R - 10	25 ft.	20 ft. on arterial and collector, 15 ft. on local	10 ft.	15 ft.	30 ft.	10 ft., side 15 ft., rear	15 ft.
[1] Different than 50.04.001.1.							

b. All other provisions of LOC 50.04.001.1, Residential Low Density Zones, are applicable.

5. LIMITATION ON CERTAIN ELEMENTS

No more than 50% of a lot shall be covered with any of the following elements: structures, patios, paving or impervious walks. However, pervious decks and natural-appearing constructed ponds shall not be included within this limitation. Where a paved area contains mixed non-plant and plant elements, only the non-plant portions of the area shall be included within this limitation. See Figure 50.05.001-B: Illustrative Mixed Paved Areas and Natural-Appearing Ponds for examples.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 1: PURPOSE

50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

1. PURPOSE

The purpose of this section, the Downtown Redevelopment District Design Standard, is to guide the redevelopment of downtown Lake Oswego in a manner that creates a feeling of vitality and sense of place in order to attract private investment and redevelopment of the area and create a community center that reflects and enhances the character of the City of Lake Oswego.

(Ord. No. 2316, Added, 03/05/2002)

2. APPLICABILITY

Except as otherwise expressly provided below, the following developments within the Downtown Redevelopment District (shown in Figure 50.05.004-C) are subject to the requirements of this section:

- a. Construction of a new building;
- b. Substantial remodeling of an existing building. For the purposes of this section “substantial remodeling” means:
 - i. Exterior remodeling that changes the appearance of more than 50% of any building elevation; or
 - ii. A restaurant building expansion of more than 100 sq. ft. or any other expansion of a building of more than 300 ft.

Exception: expansion is solely designed and constructed:

- (1) To provide for accessibility to the disabled,
 - (2) To provide for energy conservation (e.g. addition of an entry vestibule),
 - (3) To provide for screened recycling or trash storage, or
 - (4) To relocate or screen visible exterior mechanical equipment so that such equipment is no longer visible;
- c. Any development funded or partially funded utilizing a financial incentive granted, provided by or obtained through the authority of the City of Lake Oswego or LORA. As used in this section, a “financial incentive” includes a grant, fee waiver, revolving loan, tax abatement, property exchange or similar financial incentive provided by or secured through the City of LORA; and
 - d. Construction or modification of a sign (LOC Chapter 47 only).

Figure 50.05.004-C: Downtown Redevelopment District



SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 3: RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

(Ord. No. 2316, Added, 03/05/2002)

3. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

- a. LOC 50.05.004.5 to LOC 50.05.004.7 supersede LOC 50.06.001.5, Commercial, Industrial, and Multi-Family Development Standards for Approval, in its entirety for developments subject to this overlay district.
- b. LOC 50.05.004.8 shall apply in addition to the requirements of LOC 50.06.004.1, Landscaping, Screening and Buffering, but exceptions to the requirements of LOC 50.06.004.1 may be granted as provided in LOC 50.08.005, Downtown Redevelopment District Exceptions to Standards.
- c. The parking standards (LOC 50.06.002) apply in full, but the requirements may be modified as provided in LOC 50.05.004.9, and exceptions may be granted as provided in LOC 50.08.005, Downtown Redevelopment District Exceptions to Standards.
- d. LOC 50.05.004.12 shall apply in addition to street standards contained in the remainder of this Code.
- e. In the event of conflict between this overlay section and any other provision of this Code, the provisions in this section shall apply.

(Ord. No. 2316, Added, 03/05/2002)

4. DEFINITION OF VILLAGE CHARACTER

As used in this section, "Village Character" means a community of small scale structures that appears and operates like a traditional small town. A village is typically composed of an assembly of smaller mixed used structures often centered on a square of other public space or gathering area, such as a body of water, a transportation route or a landmark building. Adherence to village character is not intended to require an historical reproduction of a turn of the century small town, but rather to encourage the development of a sophisticated small city that is pedestrian friendly, creates a sense of community and attracts people to the downtown in the same manner and using similar design concepts as historic small towns and neighborhood centers.

(Ord. No. 2316, Added, 03/05/2002)

5. BUILDING SITING AND MASSING

Building siting and massing shall create a village character by compliance with the following requirements:

a. Complex Massing Required

New buildings shall use the siting and massing characteristics of the Lake Oswego Style such as complex massing and asymmetrical composition. See 50.11.001, Appendix A - Lake Oswego Style.

b. Pedestrian Oriented Siting

New commercial buildings shall be sited in order to maximize the amount of building frontage abutting pedestrian ways.

c. Roof Forms

New buildings shall use gable or hipped roof forms. Flat roofed building shall only be allowed pursuant to LOC 50.08.005.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 5: BUILDING SITING AND MASSING

d. Number of Stories

New buildings shall be at least two stories tall, and new and remodeled building shall be no greater than three stories tall, except:

i. Fourth Story

A fourth story may be permitted subject the following:

- (1) The fourth story is residential and is contained within a gabled or hipped roof;
- (2) The site is sloping and the structure has three or fewer stories on the uphill side;
- (3) The fourth story is significantly stepped back from the building plane created by the lower stories; or
- (4) Fourth story design elements are used break up the mass of a building, create visual interest and variety, hide mechanical equipment, define an entry or define a particular building's function. Examples of such design elements include dormers, towers, turrets, clerestories, and similar features.

ii. Single Story

Single story construction may be permitted subject to the following:

- (1) It is limited to a small portion of a taller structure, such as an entry area, canopy over an outdoor restaurant, building ends or wings which relate to open space or as a step down to an adjacent one story viable existing structure; or
- (2) When a minimum height of 20 ft. is maintained at the right-of-way or street side building edge.

e. Height Limit

No building shall be taller than 60 ft. in height. No flat roofed building shall be taller than 41 ft. in height. Height shall be measured pursuant to this Code.

f. Entrances

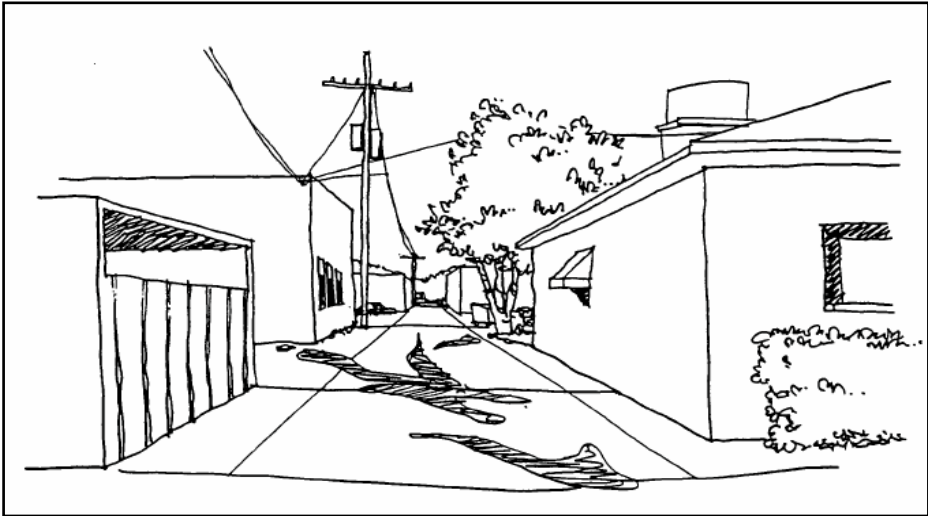
When a new building is constructed or an existing building is substantially remodeled, the primary building entrances shall be oriented to pedestrian ways along streets to encourage increased pedestrian density on existing streets, sidewalks and other public ways. Secondary building entrances or tenant space shall be required along alleys to take advantage of and enhance the intimate scale of the alley space, as illustrated in Figure 50.05.004-A: Alley with Entrances and Figure 50.05.004-B: Alley without Entrances, below.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 5: BUILDING SITING AND MASSING

Figure 50.05.004-A: Alley with Entrances



Figure 50.05.004-B: Alley without Entrances

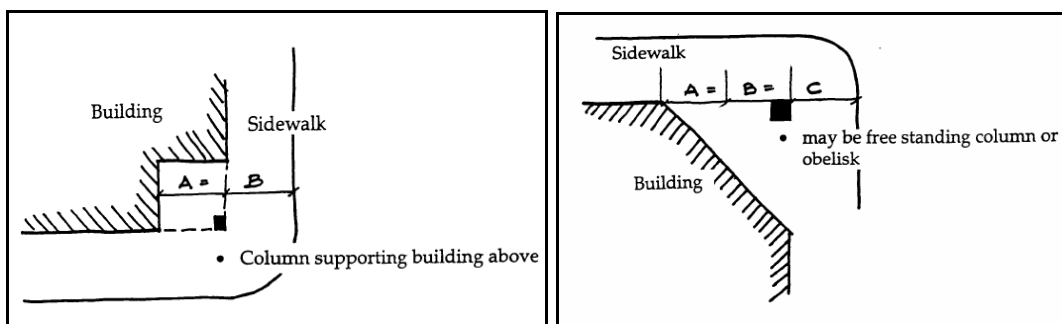


g. Street Corners

New structures shall be located to preserve or create strong building edges at street corners. Structures may “cut the corner” to create a building entry or to provide pedestrian space but shall use building design elements to create a structured corner as illustrated in Figure 50.05.004-C: Building Design at Street Corners, below.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 6: BUILDING DESIGN

Figure 50.05.004-C: Building Design at Street Corners



(Ord. 2333, Amended, 07/15/2003; Ord. No. 2316, Added, 03/05/2002)

6. BUILDING DESIGN

Building elements shall be designed to create a village character through compliance with the following requirements:

a. Lake Oswego Style Required

Buildings shall be designed using building design elements of the Lake Oswego Style to create distinctive buildings which have richly textured, visually engaging facades. See 50.11.001, Appendix A - Lake Oswego Style.

b. Storefront Appearance Required

Buildings fronting on streets or alleys designed for pedestrian use shall create a storefront appearance on the ground floor. This may be accomplished by changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals of about 25 ft. as illustrated in Figure 50.05.004-D: Break in Awning or Canopy Construction.

Figure 50.05.004-D: Break in Awning or Canopy Construction



In addition, such design shall maximize the opportunity for window shopping through compliance with the following requirements:

- i. A minimum of 80% (linear measurement) of the exterior ground floor abutting pedestrian ways shall be designed as storefront with display windows and entry features.
- ii. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in. above the abutting walkway surface and shall be no closer than 12 in. above the walkway surface.
- iii. Sufficient interior or soffit lighting to allow night-time window shopping shall be provided.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 6: BUILDING DESIGN

c. Materials

i. Ground floor

Buildings shall use masonry as the predominant building material for walls on the ground floor. "Masonry" includes fabricated bricks, blocks, stucco and glass. The design of these materials shall create an historic or vernacular Lake Oswego Style appearance as shown in 50.11.001, Appendix A - Lake Oswego Style.

ii. Upper Stories

Buildings shall use wood and glass as the predominant building materials for upper stories. These materials are intended to soften the appearance of a building that sits on a heavier appearing masonry/glass base and thereby effectively creating a mixed-use village appearance. Wood siding or cedar shingles may be used.

iii. Roof

Roofs shall use the following roofing materials:

- (1) Slate, tile, shakes or wood shingles, or synthetic materials (e.g. concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake, or wood shingles.
- (2) Copper or zinc roofing materials in styles representative of period architecture in the Lake Oswego Style. Metal roofs other than copper and zinc shall only be allowed in subdued colors and on small roof sections, not as a whole roof application.
- (3) If new or substantially remodeled building utilizes a flat roof, materials that will not cause roof repairs (patching) to be readily visible.

iv. Prohibited Materials

The following exterior building materials or finishes are prohibited:

- (1) Plastic, except when use to replicate old styles (e.g. vinyl clad windows, polyurethane moldings, plastic columns, etc.);
- (2) Metal or vinyl siding;
- (3) Mirrored glass;
- (4) T-111 Type plywood;
- (5) Corrugated metal or fiberglass;
- (6) Standard form concrete block (not including split faced, colored or other block designs that mimic stone, brick or other similar masonry); and
- (7) Backlit fabrics, except that awning signs may be backlit fabrics for individual letter or logos.

d. Ground Floor Design

Buildings shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings as shown in Figure 50.05.004-E: Ground Floor Design.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 6: BUILDING DESIGN

Methods for compliance with this requirement include but are not limited to:

- i. Use of the same or similar building materials and/or colors from storefront to storefront or building to building; or
- ii. Painting the wood elements in the first floor storefront areas white, black, dark brown, dark green or grey-blue. This color range is not intended to be an exclusive list, but is recommended to create compatibility and design strength at the ground floor storefront level while encouraging diversity with multi-tenant buildings and in large lot (whole block) developments.

Figure 50.05.004-E: Ground Floor Design



e. Molding Design

Moldings, window casings and other trim elements shall be designed in a dimension and character reflecting the Lake Oswego Style. Larger dimensions may be used to exaggerate or illustrate a creative design concept or to match the scale of the new building. Moldings shall match or compliment the detailing of adjacent buildings that comply with this section.

f. Enclosure or Screening of Mechanical Equipment

Mechanical equipment shall be mounted within gable or hip roof attics where possible. Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.

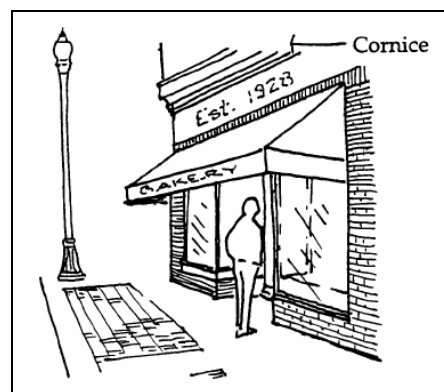
g. Awnings

Awnings or canopies shall be provided for weather protection extending six ft. from window walls. Awnings shall be shed type with opened or closed ends as shown in Figure 50.05.004-F: Awning Design and Brick Pavement Panel. Curved awnings shall not be allowed. Awnings may have a front valance.

h. Outdoor Relationships

Buildings shall be designed to open up to outdoor seating and display areas that are intended to be accessory to an indoor use, such as a restaurant or cafe.

Figure 50.05.004-F: Awning Design and Brick Pavement Panel

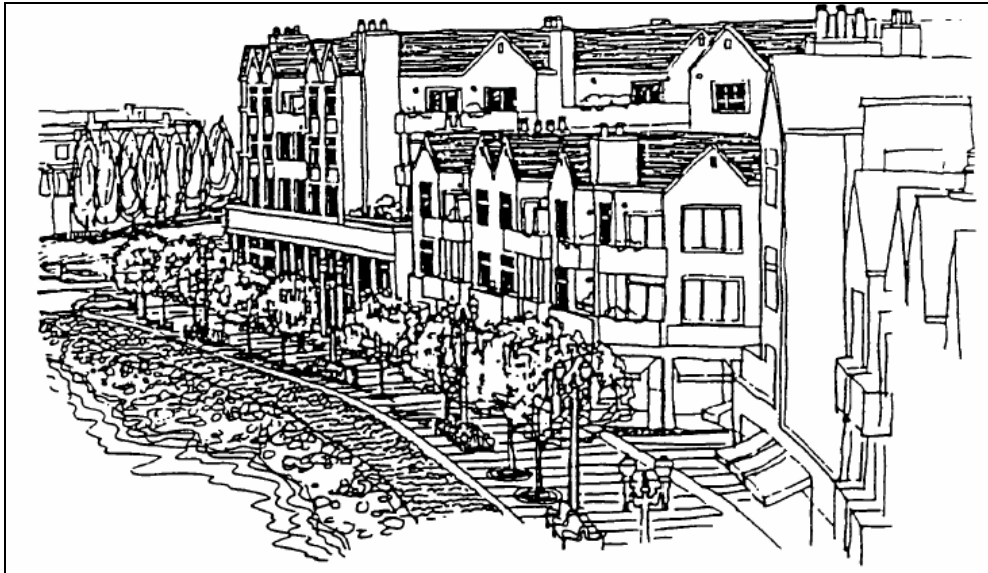


SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 7: VIEW PROTECTION

i. Mixed Use Residential

Mixed use buildings with a residential component shall define the residential portion of the structure through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas as shown in Figure 50.05.004-E: Ground Floor Design and Figure 50.05.004-G: Mixed Use Residential. Masonry should be used for chimney construction.

Figure 50.05.004-G: Mixed Use Residential



j. Corner Buildings

Buildings located on street corners shall:

- i. Be designed to compliment and be compatible with other corner buildings at the same intersection by repeating or echoing the same pattern of corner treatment by creating similar focal points such as entries, towers, material or window elements, signage, etc.
- ii. Reinforce building corners by repeating facade elements such as signs, awnings and window and wall treatments on both "Avenue" and "Street" sides.
- iii. If the building "cuts" the corner at ground level, anchor the corner with a column supporting the upper levels or roof or with a free-standing column or obelisk. The area of the "cut" corner shall be equal to or greater than the public area in the abutting sidewalk as shown in 50.11.001, Appendix A - Lake Oswego Style, Figure 2.

k. Alley Space

Alley space shall be designed to minimize service functions, to screen trash/storage areas and to enhance pedestrian/patron use. Outdoor cafe seating, landscaping, signage, lighting and display features shall be included in alley design where feasible.

(Ord. No. 2316, Added, 03/05/2002)

7. VIEW PROTECTION

New development shall preserve and enhance any available views of Mount Hood and Lakewood Bay by compliance with the following requirements. These regulations are not intended as a

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 7: VIEW PROTECTION

guarantee that a view will be preserved or created, only to require special and significant efforts to maintain and provide views.

- a.** Street trees on "A" Avenue shall be selected and located to preserve views of Mt. Hood.
- b.** New structures shall be designed and located to preserve and enhance views of Lakewood Bay from the south end of Block 138 and from the Lakewood Bay bluff.
- c.** Restaurants, outdoor cafes, housing and hotels shall be oriented to available views, especially views of Lakewood Bay, where feasible. Public gathering places shall be designed to maximize any available toward Lakewood Bay.
- d.** Staff may require site sections, photographs, view diagrams, survey spot elevations, view easements and other similar tools in order to ensure compliance with the requirements of this section.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 8: LANDSCAPING AND SITE DESIGN REQUIREMENTS

8. LANDSCAPING AND SITE DESIGN REQUIREMENTS

All developments subject to this overlay district shall comply with the following landscape and site design requirements.

a. Street Furniture and Lighting

Buildings shall incorporate street furniture and lighting within the public right-of-way and in private areas open to public pedestrian activity. Street furniture and lighting shall comply with designs approved by the City of Lake Oswego as shown in Figure 50.05.004-H: Street Furniture and Lighting.

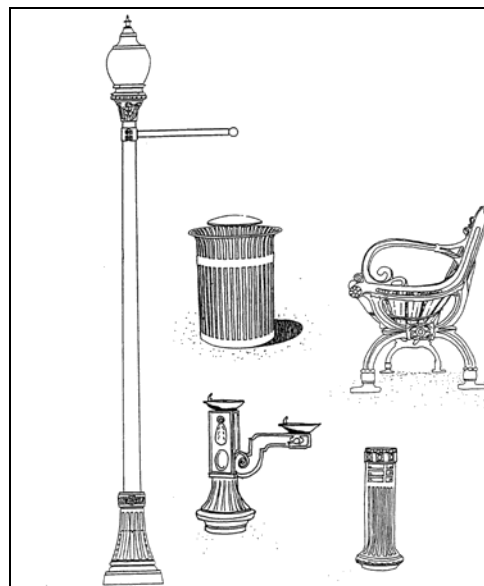
b. Street Trees

Street trees shall be required to be installed in compliance with the Downtown Street Tree Plan as a condition of approval.

c. Brick Paving

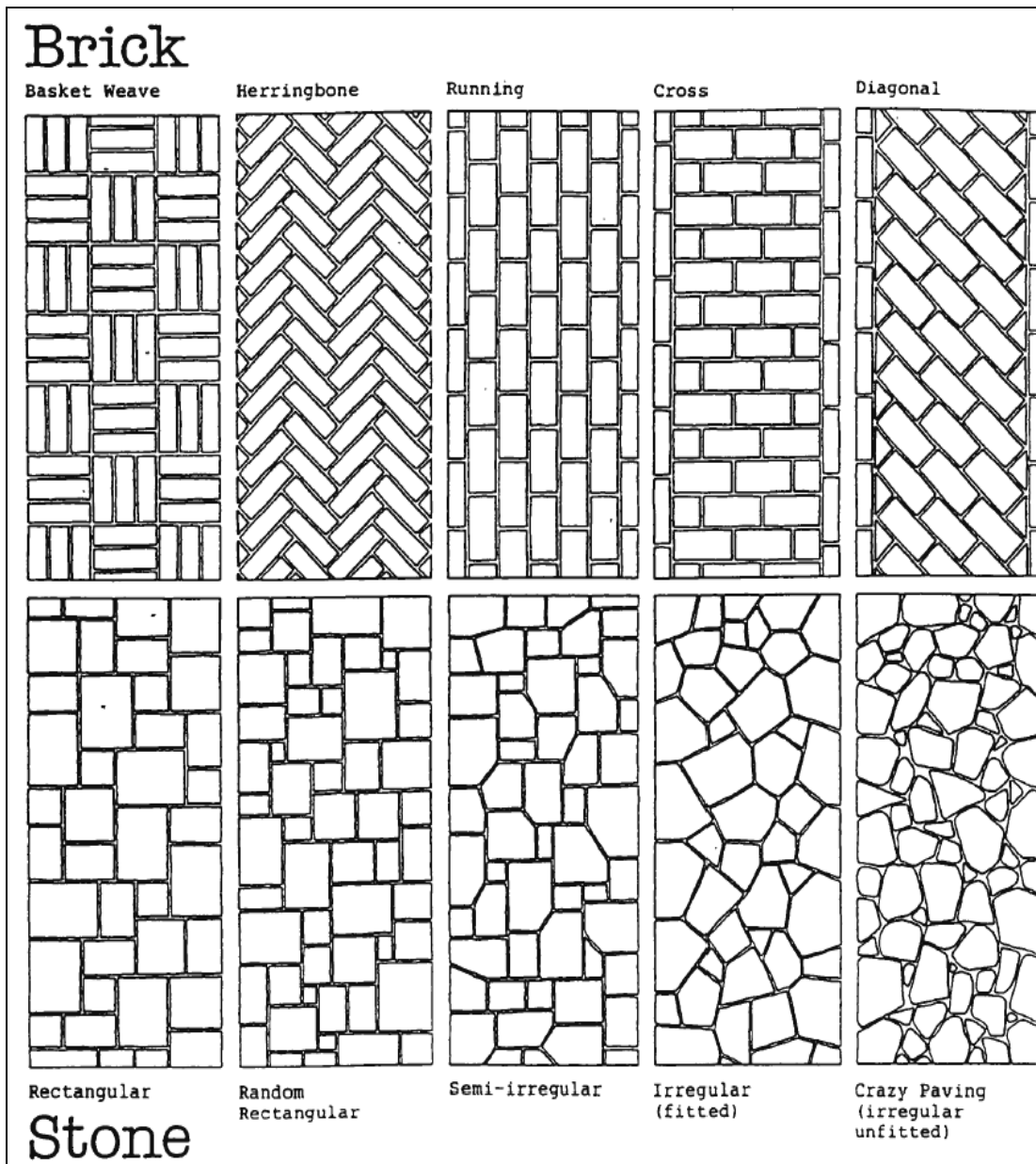
Where a development is proposed abutting to a sidewalk or intersection, brick paving shall be required for sidewalk surface detail panels on numbered streets and at primary building entrances as shown in the paving detail diagrams. Brick pavers shall be used to provide color and texture on north-south streets. The use of brick, cobbles or flagstones as pavement for other pedestrian ways, courtyards or parking lots is encouraged, but is not required. See Figure 50.05.004-I: Paving Materials and Design, below.

Figure 50.05.004-H: Street Furniture and Lighting



SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 8: LANDSCAPING AND SITE DESIGN REQUIREMENTS

Figure 50.05.004-I: Paving Materials and Design



d. Walls

New and substantially remodeled buildings shall use natural stone (preferably Columbia River Basalt) for retaining walls, courtyard walls or similar landscape applications as illustrated in Figure 50.05.004-K: Wall Materials and Design.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
 SUBSECTION 8: LANDSCAPING AND SITE DESIGN REQUIREMENTS

e. Gates and Hangers

Decorative iron gates and hangers for signs, flags and hanging baskets shall be required as part of the landscape plan and shall be designed in the Arts and Crafts style.

f. Hanging Baskets

Any required landscaping shall include seasonal hanging flower baskets placed within parking lots and along streets and sidewalks.

g. Art

The site design for a new or substantially remodeled existing building shall include locations for placing public or private art.

h. Protecting Pedestrians

In areas of potential vehicle/pedestrian conflict, City approved street furniture or bollards (see Figure 50.05.004-H: Street Furniture and Lighting) shall be used to help create a “protected zone” for the pedestrian.

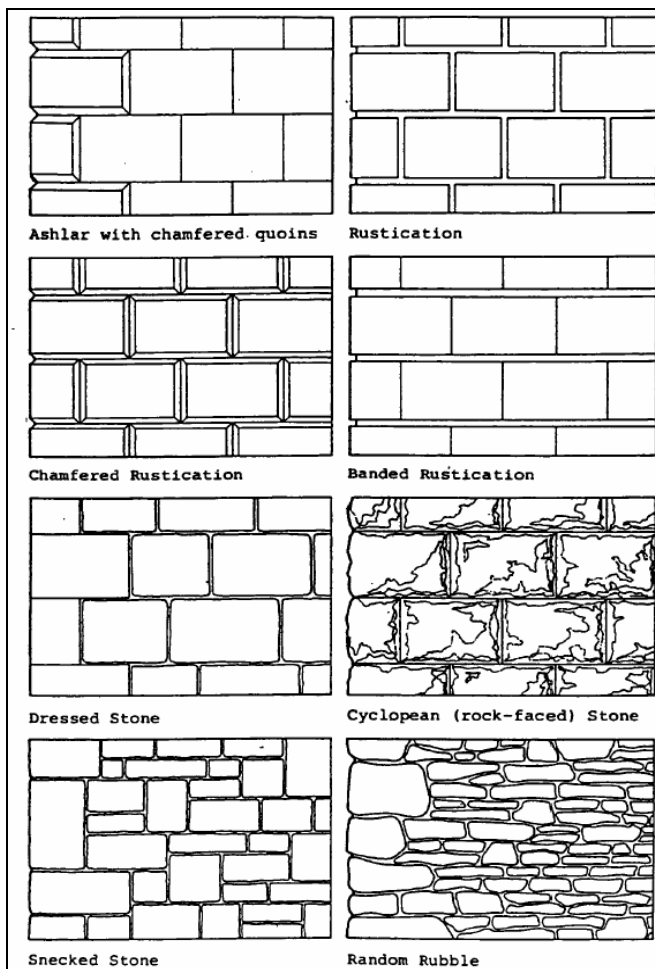
i. Landscape Design

- i. Where new or substantially remodeled buildings are set back from property lines and sidewalks, intervening landscaping shall be designed to invite the public in, not to provide separation.
- ii. Where non-pedestrian space is placed between a building and a sidewalk, benches, low sitting walls or other street furniture shall be placed in order to enliven the sidewalk.
- iii. Small areas of landscaping and paving in courtyards, entryways, building nooks and other areas shall use materials and designs similar to adjacent public spaces where such use will make the area appear larger or more inviting. This requirement is intended to minimize the transition from public to private space, but is not intended to restrict changes in material where it is functionally necessary or where it will avoid visual monotony.
- iv. Drinking fountains, display windows or other street furniture shall be located in stopping areas created outside of pedestrian circulation areas. Stopping areas may be created by an enclosure, a change in grade, or a change in paving materials (See Figure 50.05.004-H: Street Furniture and Lighting).

j. Undergrounding of Utilities

Overhead utilities shall be placed underground in conjunction with the construction of a new building.

Figure 50.05.004-J: Wall Materials and Design



SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 9: PARKING REQUIREMENTS

(Ord. No. 2316, Added, 03/05/2002)

9. PARKING REQUIREMENTS

Parking shall be designed to provide adequate, but not excessive, space while preserving and enhancing the village character of Lake Oswego, through compliance with the following criteria.

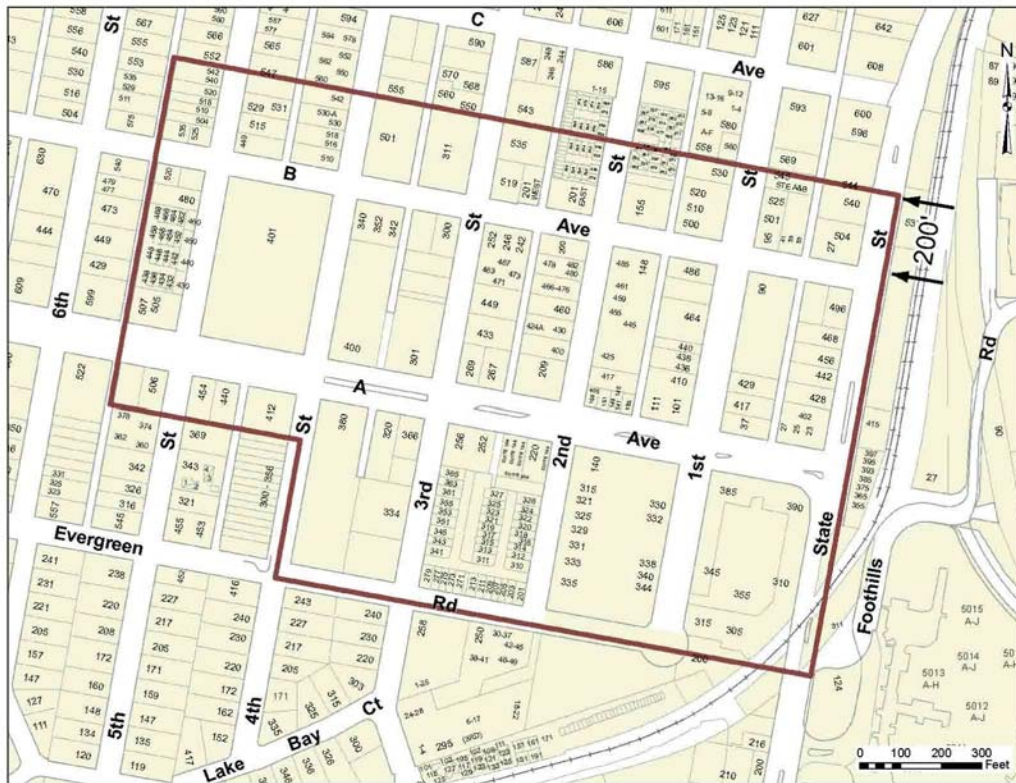
a. Number of Spaces

New uses shall provide the number of parking spaces required under the City of Lake Oswego Parking Standards (LOC 50.06.002), modified as follows:

- i. Because of the layout of Downtown Lake Oswego and the ready availability of on-street parking and transit, the minimum parking requirement shall be .75 of the total required for each use pursuant to Table 50.06.002-1, Minimum Off-Street Parking Space Requirements.
- ii. Retail uses within 1,000 ft. of 100 or more residential units may further reduce their total parking requirements to .9 of the total spaces required after all other adjustments are made pursuant this section.
- iii. Within the East End General Commercial zone only, only the parking modifiers permitted by the Downtown Redevelopment District Design Standards, and Development Size, or the Parking Study provision are permissible for reduction options.
- iv. New uses within existing buildings may demonstrate compliance with the parking requirement through the use of existing spaces on adjacent property if the applicant complies with all of the following criteria:
 - (1) The applicant demonstrates that the proposed use has substantially different peak period parking needs than uses served by the parking spaces on the adjacent property. Evidence necessary to support such demonstration may include a by-the-hour parking study, patron use evidence from register tapes, or written employees transportation and parking policies.
 - (2) The applicant demonstrates that he or she has permission of the owner of the adjacent property to utilize his or her property for parking, either by an easement or a parking agreement or leases that will last for the life of the use.
 - (3) The location of the adjacent property complies with LOC 50.05.004.9.b of this section.
- v. High turnover eating or drinking establishments such as coffee shops, ice cream parlors and “take-and-bake” food services may vary from the parking requirements for restaurants by providing evidence that demonstrates the short term nature of their employee and patron parking needs. In no case, however, shall parking be reduced below the number of spaces that would be required for an equal size retail store.
- vi. Existing on-street parking along the property frontage shall be used to calculate parking requirements.
- vii. In the portion of the downtown shopping and business district shown on Figure 50.05.004-K: Downtown - No Required Parking, below, no parking shall be required for existing or proposed uses when:
 - (1) A retail use locates in an existing structure, or
 - (2) An existing structure is expanded and the ground floor footprint does not increase in area.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT
SUBSECTION 10: PARKING LOT DESIGN

Figure 50.05.004-K: Downtown - No Required Parking



b. Employee and Patron Parking Restrictions

Employee and patron parking shall be restricted to available parking within the commercial district as follows:

- i. On-site parking,
- ii. Owner or easement parking for patrons within 500 ft. of the business site,
- iii. Owned or easement parking for employees within 1,000 ft. of the business site, or
- iv. On street parking along the property frontage.

(Ord. No. 2316, Added, 03/05/2002)

10. PARKING LOT DESIGN

Parking shall be designed in compliance with the following criteria:

- a. Parking configuration and circulation shall be designed to provide access from streets within the District and direct traffic away from residential zones, particularly delivery vehicles. Off-site, signal or signage improvements may be required if needed to direct traffic away from residential zones.
- b. Driveways to parking areas shall be located to avoid breaking the storefront pattern along primary pedestrian ways. First Street south of "B" Avenue shall be considered a primary pedestrian way.

SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 11: PARKING STRUCTURES

- c. Parking lots and structures shall be sited and designed to mitigate adverse lighting and noise impacts on residents. The reflection of sound by the Lake surface shall be specifically considered.

(Ord. 2501, Amended, 03/20/2008; Ord. 2316, Added, 03/05/2002)

11. PARKING STRUCTURES

In addition to compliance with the requirements of LOC 50.05.004.10, a proposed parking structure or garage shall comply with the following design standards:

- a. Retail storefronts at the ground level of parking structures shall be located at the periphery of parking areas and structures. The street side of residential parking structures may contain facilities or services for residents, such as laundry rooms, lobbies, or exercise rooms.
- b. Building materials shall compliment abutting building materials as illustrated in Figure 50.05.004-L: Parking Structure Building Materials. In cases where a parking structure extends to the periphery of a site, the design of the structure shall reflect the massing, fenestration and detailing of adjacent and abutting buildings.
- c. Architectural elements such as a frieze, cornice, trellis or other device, shall be continued from a residential portion of the building onto a parking structure.
- d. Entries shall be designed to be subordinate to the pedestrian entry in scale and detailing. If possible, parking structure entries shall be located away from the street, to the side or rear of the building.
- e. If possible, parking structures should be designed so that portions of the parking structure decks are used for landscaping or entry courts to abutting buildings.
- f. Parking structures shall be detailed at ground level in a manner similar to adjacent or abutting buildings in order to create a strong/emphasized base.

(Ord. No. 2316, Added, 03/05/2002)

Figure 50.05.004-L: Parking Structure Building Materials and Entries



12. STREET, ALLEY AND SIDEWALK DESIGN

Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing village character through compliance with the following design standards. These standards shall apply in addition to any other City requirements for street, alley or sidewalk design. In the event of a conflict, the provisions of this section shall control.

- a. **Compliance with Comprehensive Plan**

Development shall comply with the Major Street System Policies contained in the Goal 12, Transportation Chapter of the Comprehensive Plan. Pursuant to this element, "A" Avenue and State Street are classified as major arterials, "B" Avenue from State Street to Fifth Street and First through Fifth Streets from "A" to "B" Avenues are classified as major collectors.

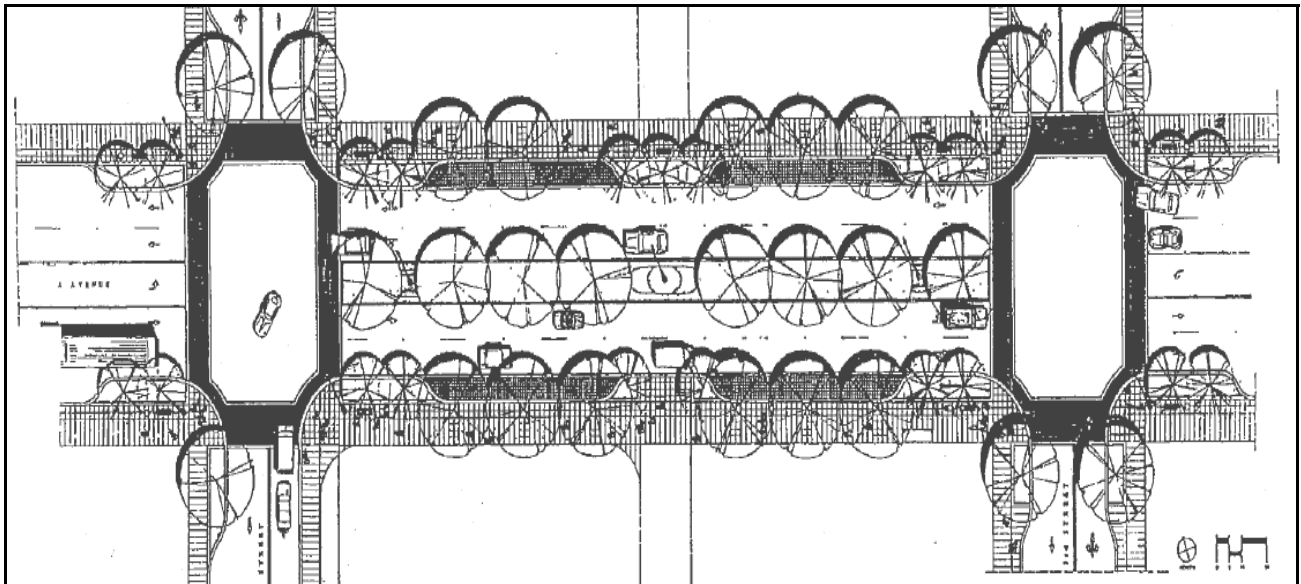
SECTION 50.05.004. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

SUBSECTION 12: STREET, ALLEY AND SIDEWALK DESIGN

b. "A" Avenue

Any improvements to "A" Avenue shall be designed and constructed in conformance with the 1994 Concept Plan as it exists now or may in the future be amended by LORA. This plan identifies turn lane configuration, island location, signal location and general scope of the project. "A" Avenue shall be designed to blend with and continue the design themes of the Demonstration Street Project as shown in Figure 50.05.004-M: Demonstration Street Project, or in conformance with the completed construction plans for the next phase if such plans are available and have been approved by LORA.

Figure 50.05.004-M: Demonstration Street Project



c. Intersection Design

- i. Intersections on "A" and "B" Avenues shall create crosswalks in a different material and texture than the street paving (e.g. concrete, cobbles, or brick) to bridge the intervening streets.
- ii. Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of Emergency Service Vehicles (e.g. Fire Trucks, ambulances), buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.

d. Sidewalks

Sidewalk design shall consider and encourage opportunities for outdoor cafes, pushcart vendors, seasonal sidewalk sales, festivals and similar uses and activities which enliven pedestrian walkways.

e. Alleys

Alleys shall be incorporated into design plans as pedestrian and vehicular accessways.

f. Undergrounding of Utilities

Utilities shall be placed underground where feasible.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT

SUBSECTION 1: PURPOSE

g. Angle Parking

On numbered streets, angle parking shall be installed when it will maximize the number of spaces provided and still comply with the capacity, service level and safety requirements of the street system.

[Cross-Reference: LOC 42.03.400 - Sidewalk Standards.]

(Ord. No. 2316, Added, 03/05/2002)

50.05.005. WEST LAKE GROVE DESIGN DISTRICT

1. PURPOSE

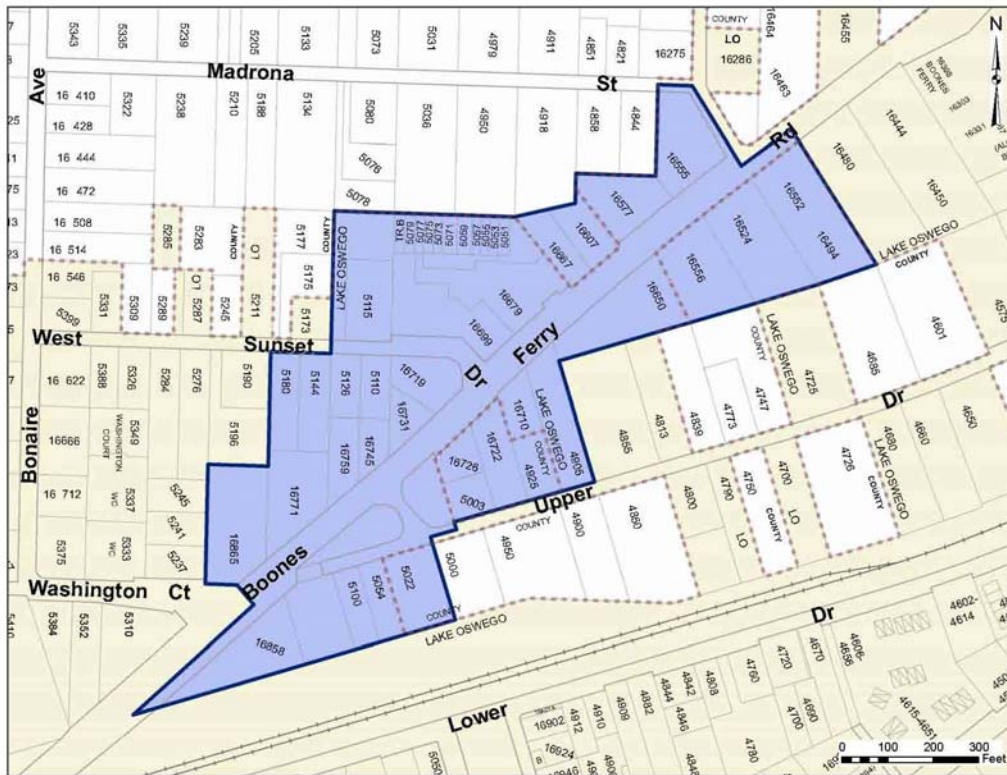
These provisions are intended to implement the Lake Oswego Comprehensive Plan and the West Lake Grove Design District, identified in Figure 50.05.005-A: West Lake Grove Design District Boundaries, by specifying allowed land uses and providing design and development standards to ensure:

- a.** The characteristics of allowed land uses are appropriate for this location in terms of function, transportation characteristics, and compatibility with nearby residential uses.
- b.** Development of specific transportation improvements necessary to:
 - i.** Minimize impacts on adjacent local streets through measures such as site planning, building design, and building orientation;
 - ii.** Allow for efficient and safe shared access to Boones Ferry Road to minimize traffic conflicts;
 - iii.** Ensure cohesive internal circulation and cross easements between all properties at full development; and
 - iv.** Provide for pedestrian, bike and public transit facilities.
- c.** Effective buffering and screening occurs between land uses allowed within the West Lake Grove Design District and existing single-family residential neighborhoods.
- d.** The creation of a built environment complementary to the existing character of Lake Grove which includes:
 - i.** The creation of an aesthetic entry to the City,
 - ii.** Architecturally designed structures of high design quality sited to orient towards the public streets, and
 - iii.** Conservation of existing mature Douglas Fir trees and other significant trees to retain the landmark status imparted by these resources.
- e.** High quality site planning and designed landscapes.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 2: APPLICABILITY

Figure 50.05.005-A: West Lake Grove Design District Boundaries



2. APPLICABILITY

This section applies to all land within the West Lake Grove Design District, as shown on Figure 50.05.005-A, which consists of four zones:

- a. Residential Mixed Use (WLG RMU),
- b. Office Commercial (WLG OC),
- c. Residential Townhome (WLG R-2.5), and
- d. Residential Live/Work (WLG RLW), as described in LOC 50.02.002.1, Commercial, Industrial, and Mixed Use Zones, Purposes.

To the extent that any requirement of this overlay imposes a regulation relating to the same matter as the use, dimensional, or development regulations in this Code, this section shall prevail.(Ord. No. 2316, Added, 03/05/2002)

3. WEST LAKE GROVE DESIGN STANDARDS EXPLAINED

This section provides for two levels of design and development standards to implement the West Lake Grove Design District. The first level are those overall design and development standards which apply to the entire District found in LOC 50.05.005.4, Standards Applicable to the Entire WLG Design District. The second are those standards which apply specifically to the individual West Lake Grove zones found in LOC 50.05.005.5, 6, 7, and 8.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

(Ord. No. 2316, Added, 03/05/2002)

4. STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

a. General Requirements

Development which occurs within the West Lake Grove Design District shall create an aesthetically pleasing entry into Lake Grove through the following design elements:

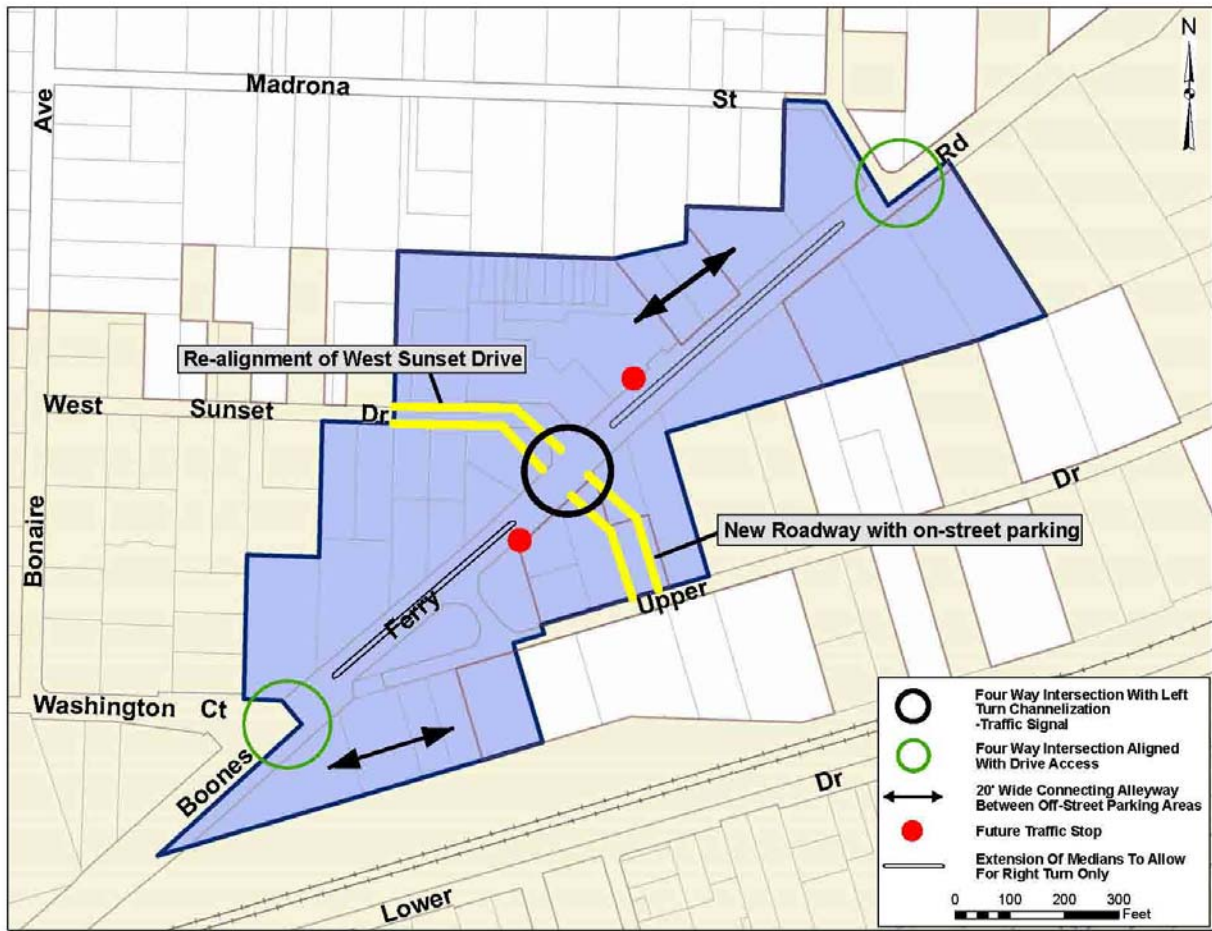
- i. Architecturally designed structures of high design quality that are in scale with the site, in proportion to similar buildings in the West Lake Grove Design District and which utilize a pleasing variety of harmonious earth and muted tone materials, colors, finishes and textures;
- ii. Conservation of mature Douglas fir trees and other significant trees to retain the landmark status imparted by these resources;
- iii. Orientation of building entrances shall conform to the provisions of LOC 50.06.001.5, Commercial, Industrial, and Multi-Family Development Standards for Approval;
- iv. Buildings design and orientation shall be provide for effective screening and buffering of the subject properties from adjacent residential neighborhoods; and
- v. High quality designed landscapes involving native plant materials or those which have naturalized to the locale, which will grow to significant size and impart seasonal color and interest.

b. Streets and Circulation

Access to Boones Ferry Road, new streets, internal vehicular driveways, parking, pedestrian and bike facilities shall be provided and developed in accordance with the Streets and Circulation Element of the West Lake Grove Design District shown below in Figure 50.05.005-B: Auto and Transportation Circulation, Figure 50.05.005-C: Internal Parking and Circulation, and Figure 50.05.005-D: Street Pedestrian Facilities and Pathways.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
 SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Figure 50.05.005-B: Auto and Transportation Circulation



SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
 SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Figure 50.05.005-C: Internal Parking and Circulation

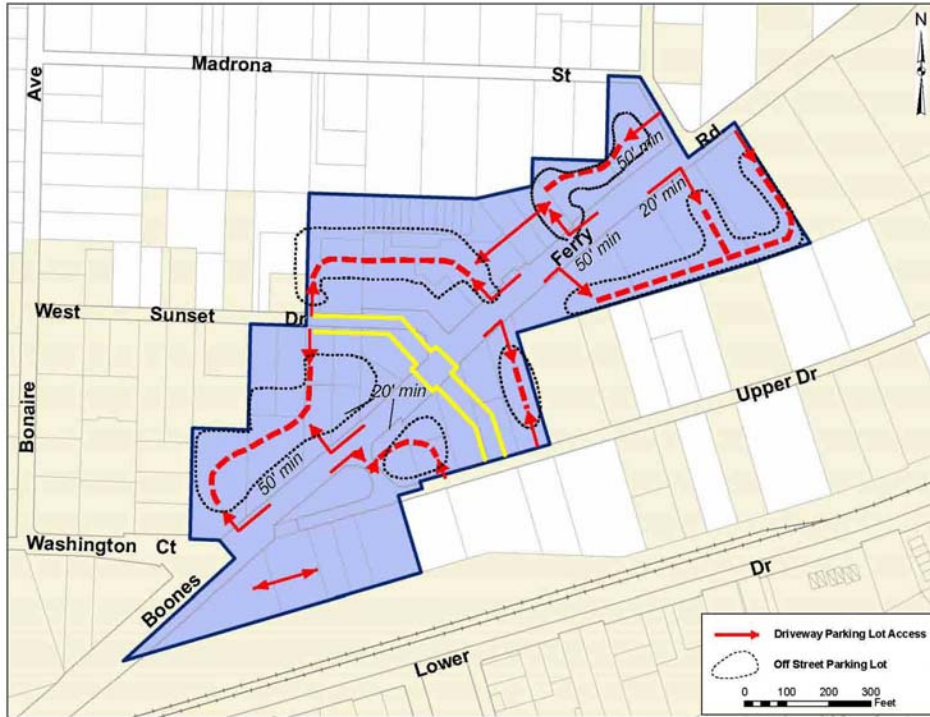
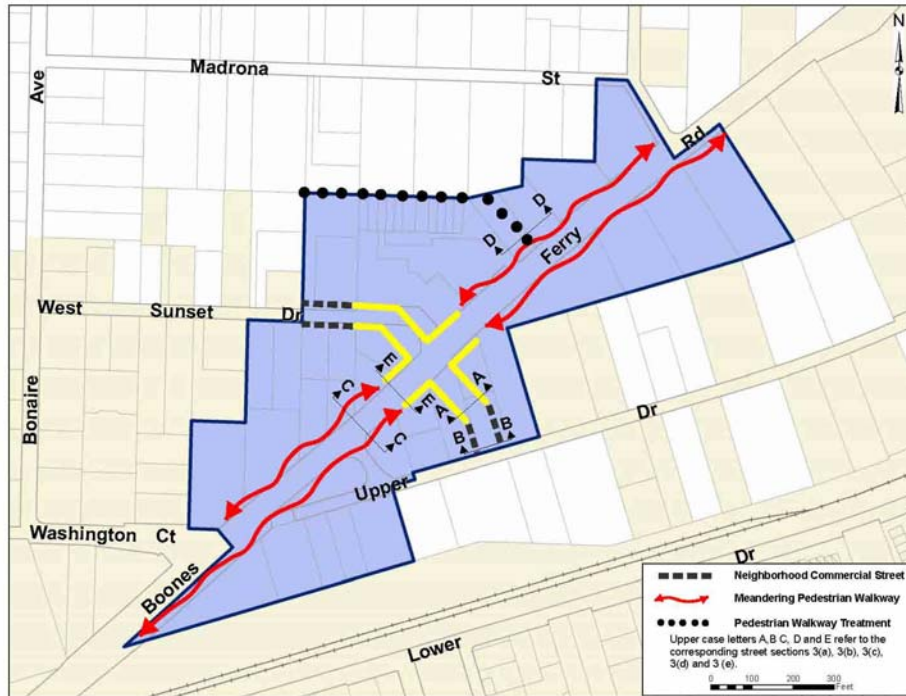


Figure 50.05.005-D: Street Pedestrian Facilities and Pathways



SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
 SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Through provision of shared access and driveways, parking and pedestrian system, development shall occur in a manner to ensure the phased construction of the planned circulation and access system and in no circumstance shall prevent the development of a cohesive access and circulation system. Furthermore, public bike and pedestrian facilities shall be provided on both sides of Boones Ferry Road as illustrated by Figures 50.05.005-B, C, and D. Figures 50.05.005-E, F, G, H, and I illustrate the desired design treatment of West Sunset Street, Lower Boones Ferry Road and a pedestrian path intended to serve a portion of the WLG R-2.5 Residential Townhome Zone.

Figure 50.05.005-E: West Sunset Street Typical Street Section A-A

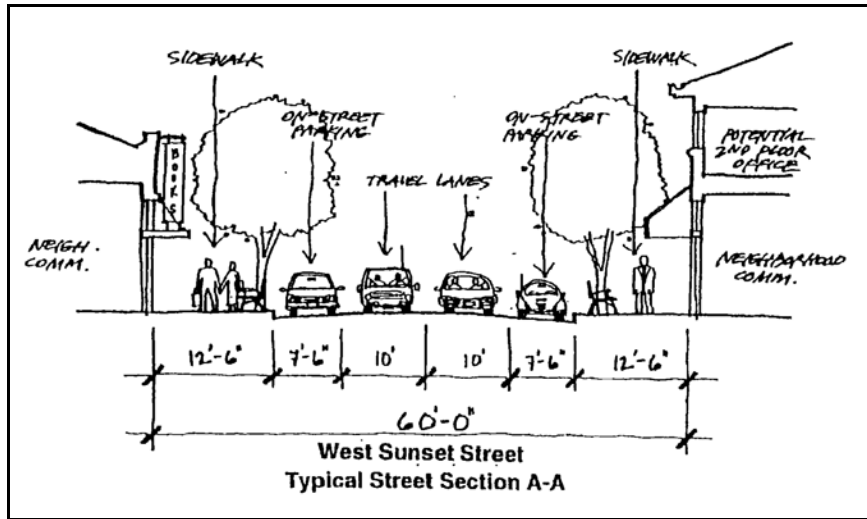
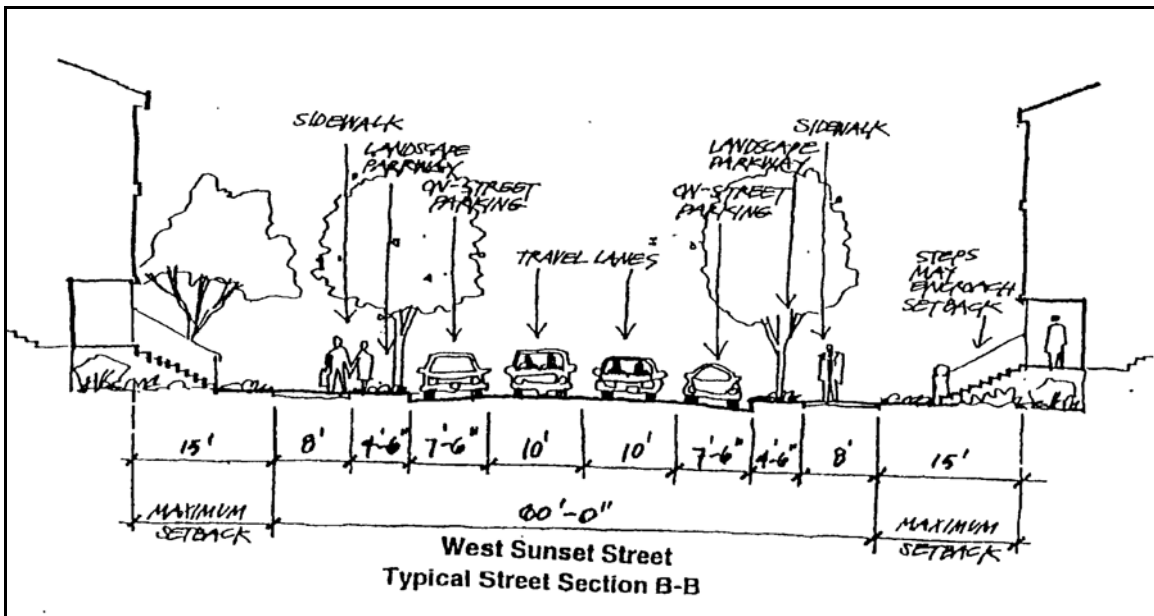


Figure 50.05.005-F: West Sunset Street Typical Section B-B



SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
 SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Figure 50.05.005-G: Lower Boones Ferry Road Typical Section C-C

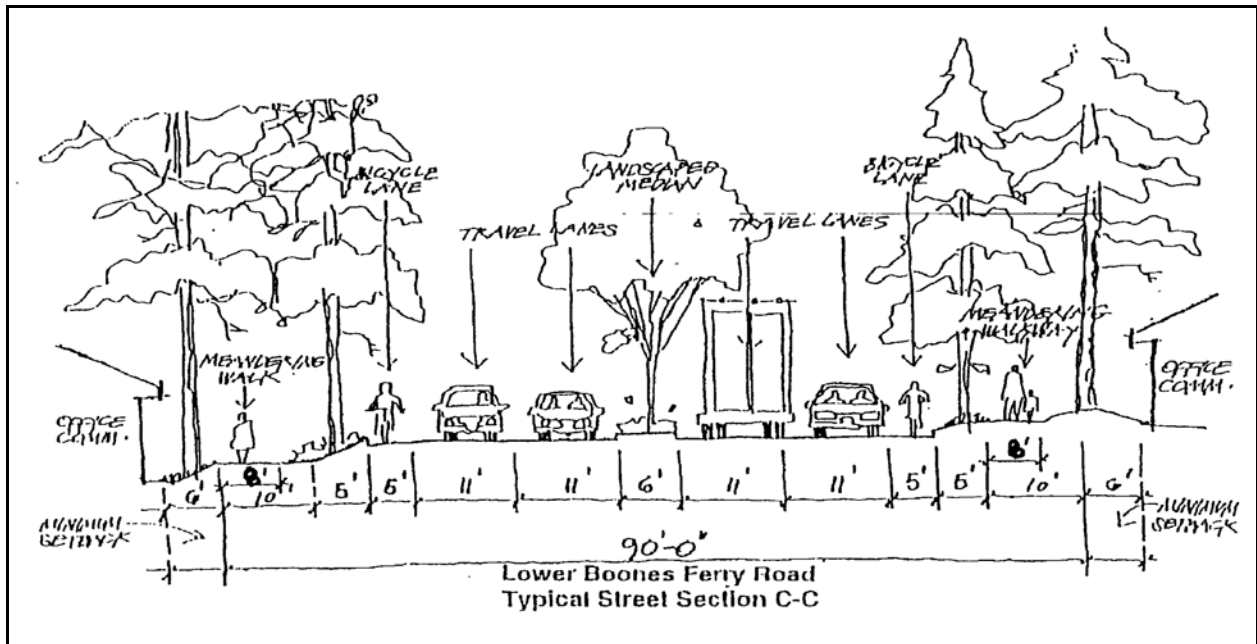
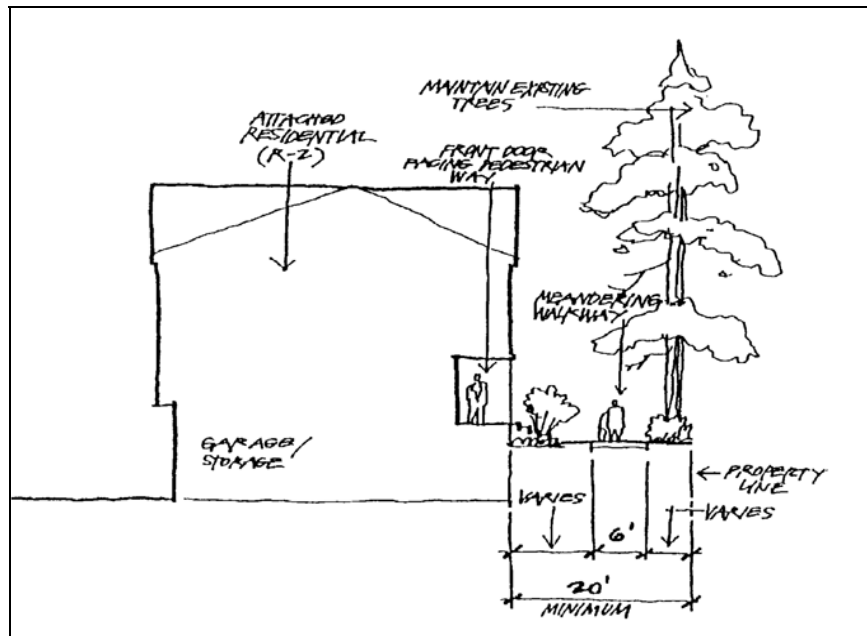
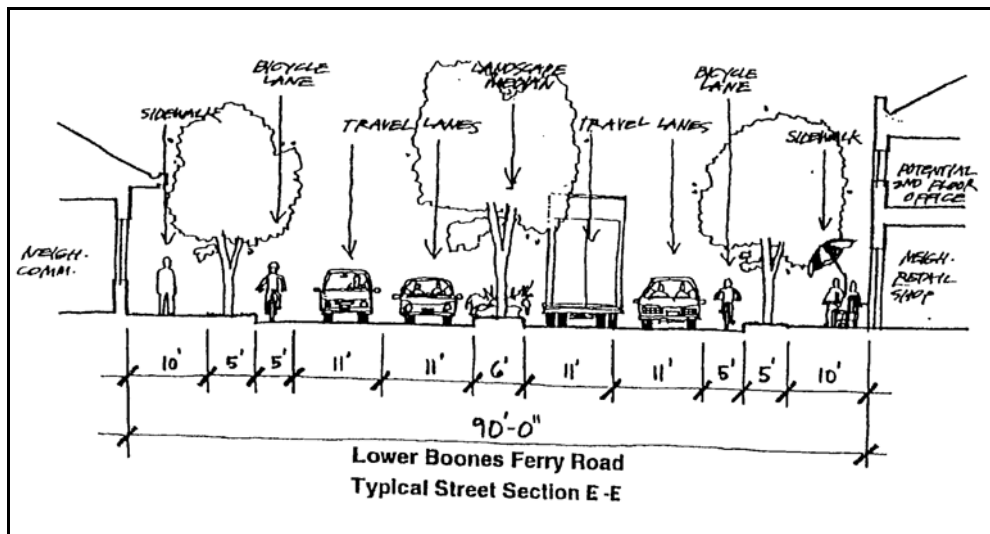


Figure 50.05.005-H: Pedestrian Walkway Typical Section



SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Figure 50.05.005-I: Lower Boones Ferry Road Typical Section E-E



The number of access points on Boones Ferry Road shall be minimized through the use of consolidated driveways sufficiently wide enough to allow for simultaneous ingress and egress. This shall require property owners to agree to construct, or share in the cost of consolidated driveways either:

- i. At the time of development; or
- ii. At such future time when sufficient land area is developed to make driveway consolidation practical.

If it is impractical, due to the timing of development, to develop consolidated driveway access for more than one parcel, the location of future consolidated access shall be determined by the approval authority based upon the:

- (1) Streets and Circulation Element of the West Lake Grove Design District, Figures 50.05.005-B, C, and D;
- (2) The ability to serve the maximum number of land uses and properties;
- (3) Traffic safety and operational characteristics; and
- (4) Use of more than one property to ensure future consolidated access, such as at property lines.

The approval authority may approve interim individual driveways access to Boones Ferry Road subject to the findings of a traffic analysis and the condition that when adjoining properties develop, permanent shared access be developed pursuant to this section. In circumstances where the location of permanent shared access is not in the same location as an interim driveway, the driveway shall be removed and the area landscaped or otherwise integrated into the design of the subject site under the provisions of this section.

Driveway consolidation shall require the execution of reciprocal, non-revocable easements in a form necessary to ensure unimpeded property access and driveway maintenance.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

All driveways shall include safety features such as changes in surface material, signage and lighting to alert drivers to the potential presence of pedestrians.

c. Pedestrian and Bicycle System

Continuous and connecting hard-surface pedestrian pathways, including a continuous meandering pathway on both sides of Boones Ferry Road, a minimum of eight ft. in width and accessible to the public, shall be provided throughout the West Lake Grove Design District (see Figure 50.05.005-D: Street Pedestrian Facilities and Pathways). The location and radii of the pathway shall ensure a sufficient setback from Boones Ferry Road to allow for amenities such as effective landscaping, street trees and lighting.

These pathways shall provide access to all Design District properties and to the public pedestrian system in the surrounding residential neighborhoods and Lake Grove Commercial District. Pedestrian pathways shall be a minimum of six ft. from the exterior wall of any structure.

A walkway shall be developed as illustrated by Figures 50.05.005-D and H to provide continuous pedestrian access to townhomes developed within the north portion of the WLG R-2.5 zone.

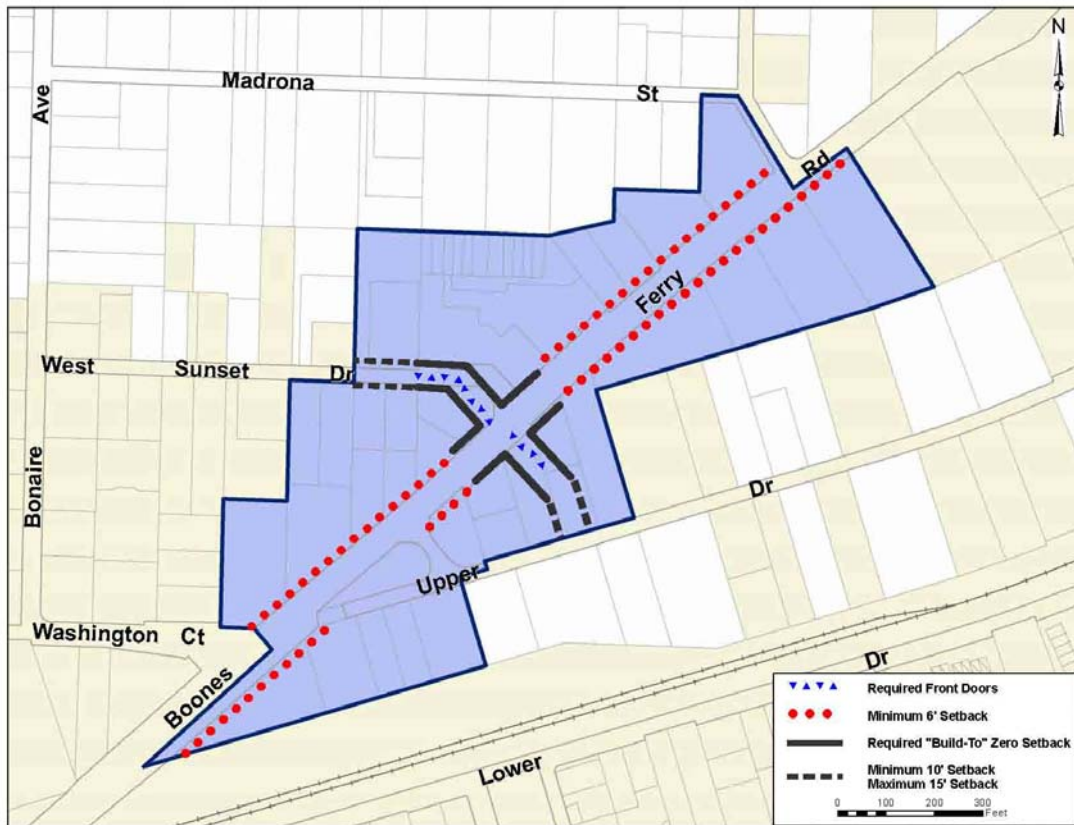
If inadequate right-of-way exists within which to construct the above 8 ft. wide meandering pathway, then property owners shall be required to provide a public easement of sufficient size for pathway construction and maintenance.

d. Intersection Design

Intersections shall serve as design focal points through the application of landscaping, surface treatments and appropriately scaled lighting. Buildings adjacent within the WLG RMU zone shall, where feasible, orient entrances to intersecting streets to facilitate pedestrian usage. Buildings within the WLG OC Zone shall orient entrances to intersecting streets as illustrated by Figure 50.05.005-J: Building Orientation.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

Figure 50.05.005-J: Building Orientation



e. Public Safety

Intersection design and improvements shall enhance pedestrian safety and ease of crossing Boones Ferry Road and other streets within the Design District. Street lighting of a consistent style shall be provided within the Design District.

f. Landscaping Standards

Landscape development shall reinforce the informal "village" scale and character of Lake Grove.

i. Landscape Styles

The following appropriate landscape styles shall be emphasized for residential, office/commercial and neighborhood commercial development within the Design District:

- (1) Informal massing and arrangement of plant materials around buildings, parking lots, and within required landscaped buffers;
- (2) Rows of street trees within areas designated for neighborhood commercial;
- (3) Meandering pedestrian pathways;
- (4) Wide concrete or brick sidewalks adjacent to buildings designated as Office Commercial/Neighborhood Commercial; and

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

- (5) Use of trees which grow to a significant size including native evergreen trees where possible, and avoiding use of columnar form hybrids.

ii. Parking Area Landscaping, Buffering, and Screening

The overall design themes for parking lot landscapes shall emphasize development of a natural appearing landscape, which utilizes plant materials that are either native or have naturalized to the locale.

(1) Purpose

Off-street parking areas shall be designed and landscaped to:

- (a) Be buffered and screened from adjoining residential uses;
- (b) Ensure that trees are integral to parking lot design to provide for aesthetics and shade;
- (c) Be an integral part of a development's overall site plan, taking into special consideration the requirement to preserve significant vegetation;
- (d) Visually mitigate large expanses of paving and allow for alternative surface treatments, such as the use of gravel and other pervious surfaces to preserve existing mature trees; and
- (e) Preserve existing significant vegetation, especially existing mature Douglas firs and other significant vegetation.

(2) Minimum Parking Lot Landscaping Standards

All parking lots shall be landscaped to conform to the following minimum standards:

- (a) Trees planted to meet the landscaping requirements for parking lots shall be deciduous shade trees of at least three in. in caliper which reach a minimum mature height of at least 30 ft. and have the canopy and structure necessary to cast moderate to dense shade.
- (b) Where adequate room is available, large scale evergreen trees such as western red cedar, western hemlock, California incense cedar, and Douglas fir of at least four to six ft. in height and reach a mature height of at least 70 ft. shall be incorporated into the landscape theme.
- (c) Exceptions to the requirements of (2)(a) and (b) above, may be allowed for circumstances that limit placement of trees such as overhead lines, underground utilities and confined spaces.
- (d) Parking areas shall be divided into bays of not more than eight parking spaces. Between and/or at the end of each parking bay there shall be curbed planters of at least five ft. in width. Each planter shall contain one shade tree of at least three in. in caliper. The planter shall also be planted with appropriate ground cover or shrubs at a rate of two 2-gallon plants for every 20 sq. ft. of landscape area. The intervening area between plantings shall be mulched with an appropriate material to a minimum depth of three in.
- (e) Parking lots fronting a driveway, sidewalk, pathway or public street shall be bordered by a minimum five ft. wide landscaped area. Within this area, shade trees shall be planted every 30 ft. Planting of shrubs and ground cover and mulching shall occur pursuant to subsection 2(d) above.
- (f) Parking areas shall be separated from the exterior wall of a structure by a minimum of a ten ft. buffer which may include a pedestrian pathway and/or landscaped strip. Parking areas or driveways shall be separated from abutting

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

residential zones by a minimum 15 ft. landscape buffer pursuant to LOC 50.05.005.4.i.ii, Landscape Buffering, below.

- (g) All parking area landscaping shall be provided with underground irrigation.

iii. Site Landscaping

(1) Generally

- (a) All new development shall install landscaping on at least 20% of the development site on which buildings are constructed. This is inclusive of landscaping required for parking lots, and landscaping within required buffer areas. Landscaping may include courtyards, raised beds and planters, espaliers, arbors and trellises. The landscape plan shall incorporate large-scale evergreen tree such as Douglas fir, western red cedar, hemlock or California incense cedar.
- (b) Planting plans shall emphasize development of an informal, natural appearing landscape, which utilizes drought resistant plant materials that are either native or have naturalized to the locale.
- (c) Existing significant vegetation, which is preserved as part of an approved development application shall be counted towards fulfillment of this section.

(2) Minimum Site Landscape Requirements

Minimum landscaping shall be as follows:

(a) Tree Size and Quantity

One tree, a minimum of two to three in. in caliper at four and one-half ft. above grade for every 500 sq. ft. of landscaped area. Where site conditions warrant, evergreen trees such as western red cedar, western hemlock and Douglas fir of at least three in. in caliper and which reach a mature height of at least 70 ft. shall be planted.

(b) Shrub Size and Quantity

At least 15 shrubs of a minimum two-gallon in size for every 500 sq. ft. of landscaped area. All remaining areas shall be treated with suitable mulch applied to a depth of no less than three in.

(c) Irrigation

All landscaping shall be provided with underground irrigation.

(d) Street Trees

- (i) One street tree shall be provided within or immediately adjacent to the public right-of-way an average of every 30 linear ft. along the entire development site frontage.
- (ii) Street trees shall be a minimum of three in. in caliper, measured four and one-half ft. above grade when planted. When trees are not planted in a planter strip or landscaped area, tree wells, with approved grates that provide a minimum of 16 sq. ft. of surface area, shall be provided for each tree. Alternative arrangements to a linear street pattern may be implemented at the discretion of the approval authority. Existing preserved trees within 20 ft. of the public right-of-way shall be counted towards fulfillment of this standard.
- (iii) In order to provide for a more natural and informal setting, groupings of trees may be allowed.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

(e) Exemptions from Street Tree Requirements

Exemptions from street tree requirements may be granted by the approval authority provided the following conditions exist:

- (i) Trees would create problems with existing above or underground utilities.
- (ii) Trees would conflict with clear vision requirements, or;
- (iii) There is inadequate space in which to plant trees.

However, the approval authority may require the applicant to plant street trees elsewhere within the Design District in lieu of trees which would normally be required for a specific development. If trees cannot be planted due to inadequate space or line clearance, the commensurate planting of shrubs or small trees more appropriate to the area may be required.

g. Unifying Design Elements

Development shall incorporate landscape features which contribute to a unifying design theme and continuity within the West Lake Grove Design District such as paving materials and textures, lighting, street furniture, signage and plant material selection, especially trees.

h. Preservation of Mature Douglas Fir Trees and Other Significant Vegetation

- i. Development plans shall preserve existing mature, evergreen trees and other significant vegetation to the extent practicable.
- ii. The approval authority shall have the discretion to allow modifications or require changes to the paving standards, such as the use of pervious surfaces, to preserve mature trees.
- iii. Tree removal shall be mitigated. Where possible, the caliper inches of trees, with a trunk diameter of five in. or greater, which are removed shall be replaced with trees of the same or approved variety, of no less than three caliper in. in diameter each, to equal or exceed the caliper inches of trees removed. Where complete mitigation is not practicable, payment shall be made into the City of Lake Oswego Tree Fund pursuant to LOC 55.02.084(3).
- iv. A protection and maintenance plan to promote the continued survival of preserved trees shall be submitted for approval in conjunction with any development application.

i. Buffer Areas

Adjoining residential land uses shall be buffered and screened from land uses within the Design District as follows:

i. Separation by Right-of-Way

Where the boundary of the West Lake Grove Design District is adjacent to a residential zone but separated by a public right of way, buffering requirements shall be met by setback requirements.

ii. Landscape Buffering

There shall be a minimum 15 ft. wide landscaped buffer along the entire edge of the West Lake Grove Design District where it abuts a residential zone and along the property boundaries of new commercial and town home residential development which abut existing single family dwellings within the Design District. A buffer area may only be occupied by utilities, screening and landscaping. No buildings, access ways or parking

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

areas shall be allowed in a buffer area except where an access way has been approved by the approval authority. The buffer area is required to be landscaped as follows:

- (1) One row of two to three inch caliper deciduous trees, spaced no more than 15 ft. apart; or one row of evergreen trees not less than six ft. tall and spaced no more than 15 ft. apart, or a mix of evergreen and deciduous trees planted 15 ft. apart.
- (2) Ten shrubs planted a minimum of five ft. from each other which shall attain a height of at least six ft. within three years of planting.
- (3) The remaining area shall be planted in ground cover and mulched with a suitable material to a depth of three in.

iii. Screening

Screening shall be provided by a six ft. tall wood or masonry, sight obscuring fence or wall. The unfinished or structural side shall face the use to be screened.

j. Noise Mitigation

The approval authority shall require a noise mitigation plan when the proposed development is reasonably expected to produce noise that can be heard in the abutting single-family residential districts above ambient residential levels. The development proposal shall incorporate noise reduction designs into construction of the development, and/or provide for additional noise reduction procedures to be implemented in order to reasonably reduce noise from the development so that it cannot be heard in the abutting residential district above ambient residential levels.

k. Signage

Signs shall be limited to monument, blade and wall signs pursuant to LOC 47.10.410, Permanent Signage Requiring Permit Allowed in Commercial Zones. Entrances to parking areas shall be specifically indicated through pedestrian-scale signage and lighting.

l. Undergrounding of Utilities

All public and private utility services shall be placed underground.

m. Building Design

i. Elements and Styles

Buildings shall be architecturally designed with a residential character and theme that reflect the architecture types that are historically indigenous to Lake Grove and Lake Oswego. Building character should reflect the residential English Country or Cottage style, borrow from the Arts and Crafts tradition, English Tudor style and the American Rustic Style. Elements of these styles which can be used for both residential, office/commercial and commercial uses, and major public facility structures within the design district include:

- (1) Complex massing;
- (2) Asymmetrical composition;
- (3) Masonry and wood as exterior cladding materials;
- (4) An intimate, pedestrian friendly scale;
- (5) Richly textured and visually engaging facades, and
- (6) Lush landscaping and border plantings.

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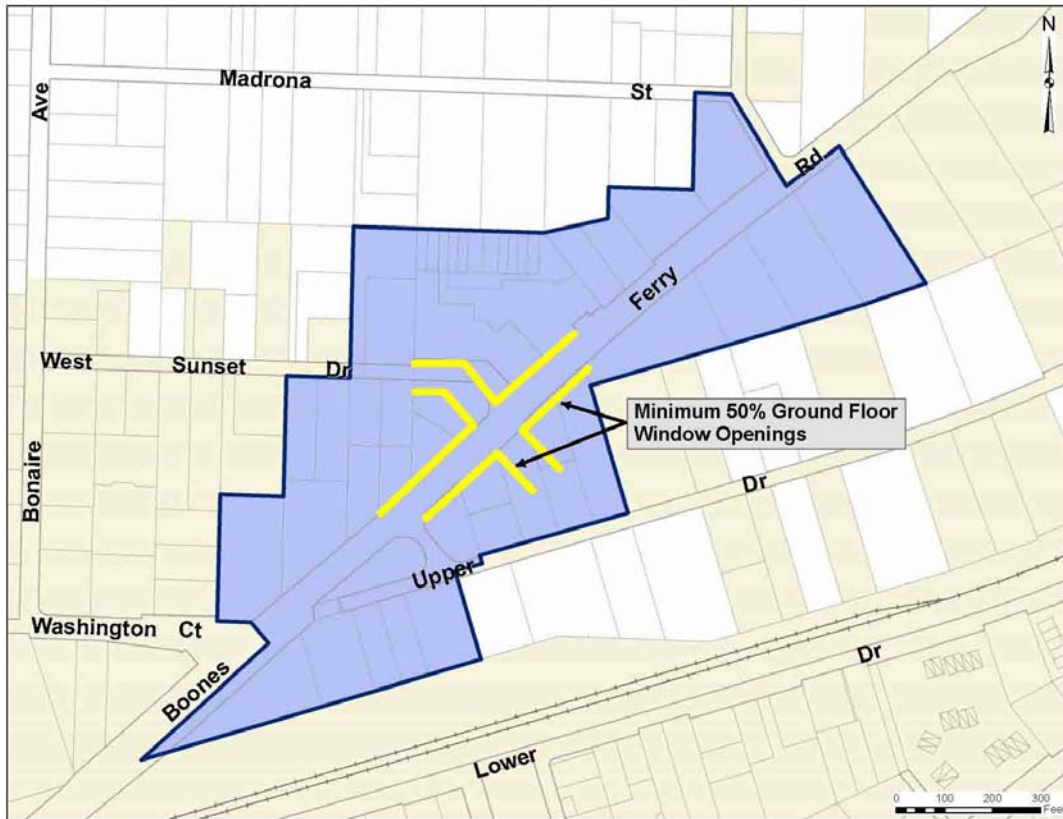
Evaluation of the appearance of buildings and their conformance with these standards shall be based on the quality of design and relationship to the surroundings.

ii. Design Standards

The following building design standards shall apply to all office and neighborhood commercial development which occurs within the West Lake Grove Design District. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest as follows:

- (1) No continuous blank walls shall be allowed along pedestrian and vehicular ways and shall not exceed 25 linear ft. without recess or change of plane. Pursuant to Figure 50.05.005-K: Building Window Openings and Blank Walls, at least 50% of the ground floor walls within the WLG OC Zone shall consist of windows. Windows types shall consist of double hung or divided lights. Large plate glass windows and simulated divided lights are not allowed.

Figure 50.05.005-K: Building Window Openings and Blank Walls



- (2) Buildings shall use materials that are architecturally harmonious for all walls and exterior components. Materials shall be durable and of high quality.

(a) Permitted Exterior Materials

- (i) Wood shingle,
- (ii) Brick,

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

- (iii) Stone-granite or concrete at street level only for WLG Office Commercial,
- (iv) Horizontal lap siding, and
- (v) Stucco and timbers on gable ends only.

(b) Prohibited Exterior Materials

- (i) EIFS or other synthetic stucco material,
- (ii) Metal panels,
- (iii) Flagstone,
- (iv) Plywood Paneling,
- (v) Vinyl Cladding,
- (vi) Composite wood siding of any kind,
- (vii) Mirrored glass,
- (viii) Standard form concrete block (not including split faced, colored or other block designs, which mimic stone, brick or other masonry), and
- (ix) Back-lighted fabrics.

(3) Buildings which abut the office and neighborhood commercial zones shall incorporate a combination of the following design elements to foster a comfortable and interesting pedestrian experience:

- (a)** Modulations of scale,
- (b)** Definitive indoor-outdoor relationships,
- (c)** Harmonious materials and earth and muted tone colors and compatible color accents, and
- (d)** Outdoor lighting and other design treatments.

Other architectural features such as awnings, arcades, bay windows, projecting balconies shall be required.

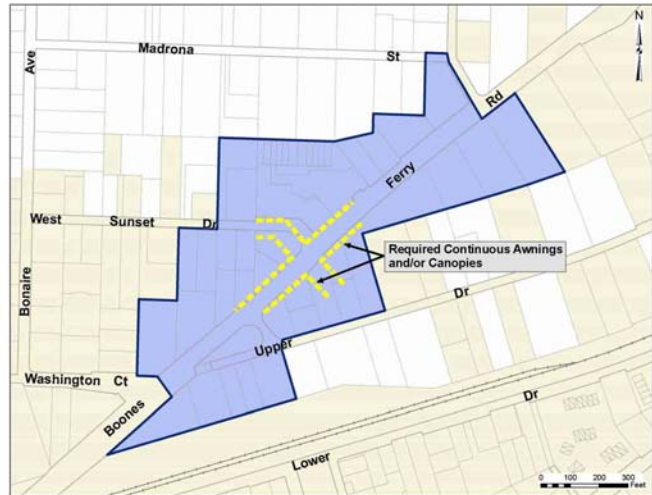
- (4)** Pitched roofs are required and includes pitched gable end or hipped roofs. Small areas of flat roof not visible by the public or from adjoining residential areas may be allowed where necessary to accommodate mechanical equipment.
- (5)** Roof materials shall consist of either cedar shingles or three tab composite shingles in dark grey, green or black colors. Metal roofs, colored roofs (red, blue or tan colors), and mansard or decorative roof forms are prohibited.
- (6)** Building entrances shall be located for visibility and ease of pedestrian use. Entrances to upper floors shall be located so as not to conflict with street level activities and pedestrian use.
- (7)** Building vents and mechanical devices shall be screened from view with materials harmonious to the building. Exterior site elements such as storage, trash collection areas and noise generating equipment shall be located away from abutting residential districts and sight obscuring fencing and landscaping shall be used to screen and buffer these features.
- (8)** Building components, such as windows, doors, eaves and parapets shall have proper proportions and be placed in relationship to one another.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 4: STANDARDS APPLICABLE TO THE ENTIRE WLG DESIGN DISTRICT

(9) Exterior building lighting shall be designed as part of the architectural concept. Fixtures, standards and exposed accessories shall be of the proper scale and compatible with the building and overall site design.

(10) Rain protection is encouraged throughout the Design District and shall be afforded to the WLG RMU Zone pursuant to Figure 50.05.005-L: Building Rain Protection. Rain protection shall consist of fabric awnings or metal canopies. Vinyl awnings are prohibited.

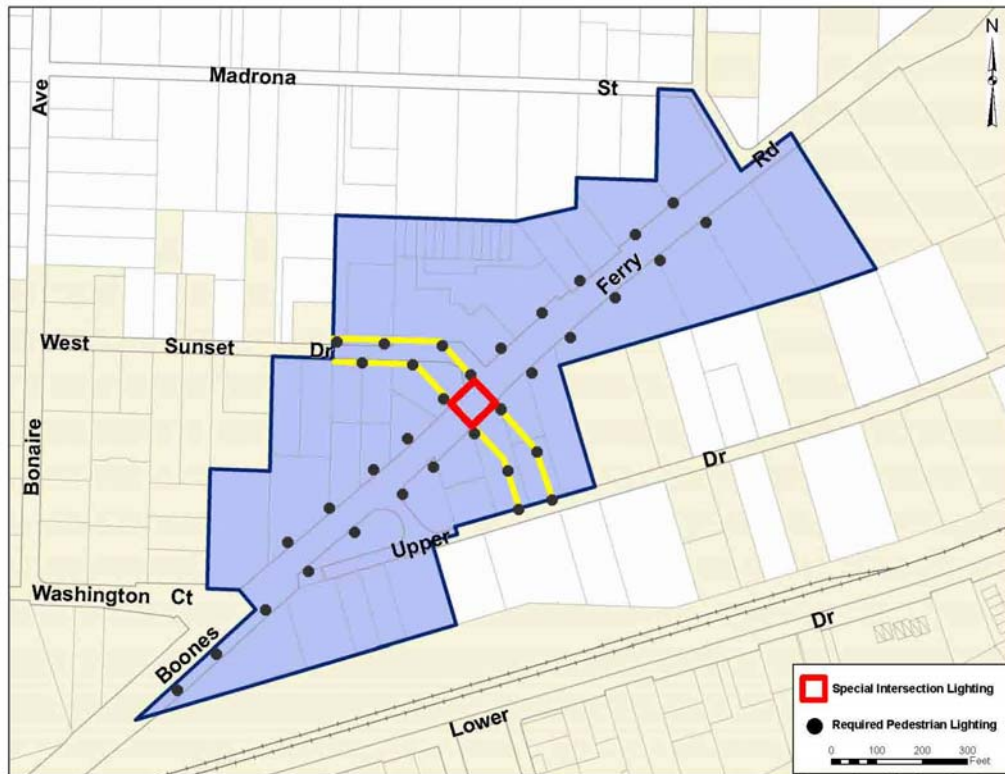
Figure 50.05.005-L: Building Rain Protection



n. Street and Pathway Lighting

Street and pathway lighting shall be provided per Figure 50.05.005-M: Required Street Lighting. Street and parking lot lighting shall consist of historic style fixtures. Cobra-head and contemporary fixtures are prohibited.

Figure 50.05.005-M: Required Street Lighting



SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 5: DESIGN STANDARDS FOR THE RESIDENTIAL MIXED USE (WLG RMU) ZONE

- i. Street Lighting**
Additional street lighting on Boones Ferry Road made necessary by new development shall be determined by the approval authority, who may require a street lighting study commensurate with a development review application to determine the appropriate level of lighting.
- ii. Lighting of Sidewalks, Public and Private Pathways, and Access ways**
Low level pedestrian-scale lighting of less than 0.3 average foot-candles, and with a maximum uniformity of illumination ratio not to exceed 20:1 shall be required. On-site lighting shall be of a pedestrian scale and of a continuous style that is maintained throughout the Design District.
- iii. Lighting Equipment**
All street and pathway lighting equipment shall be approved by the approval authority.
- iv. Shielding of Lighting from Adjoining Properties**
Lighting shall be designed so that light is directed away and screened from adjoining residential properties and/or streets.
- o. Outdoor Storage**
No outdoor storage is allowed.
- p. Stormwater Management**
Storm drainage and surface water management facilities shall be required pursuant to LOC 50.06.006.3, Drainage Standards, and shall ensure stormwater is not directed onto adjacent residential neighborhoods.

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

5. DESIGN STANDARDS FOR THE RESIDENTIAL MIXED USE (WLG RMU) ZONE

- a. Purpose**
The purpose of this zone is to provide for the development of office commercial land uses along with opportunities for attached town home residential housing. Housing may occur in the same building as office uses. The design character and theme of this district is intended to foster a residential architectural character, site design, and scale.
- b. Required Design Elements**
 - i.** Development within this district shall create a viable pedestrian scale streetscapes and public places inclusive of pedestrian ways, parking areas, interior courtyards and public and private spaces. These areas shall be designed to foster the comfort and enjoyment of pedestrians and other users. In addition the streetscape/public place shall provide for “layers” of design elements such as benches and walls, landscaping, street trees and walkways. Windows should be numerous and placed at the pedestrian level to provide building occupants with a visual connection to the streetscape/public place.

Dwelling units shall provide connections to the streetscape/public place with design elements such as balconies and windows.
 - ii.** Building design shall foster interest and compatibility between adjoining buildings through appropriate scale relationships. This shall be accomplished through a combination of the following:

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT

SUBSECTION 6: DESIGN STANDARDS FOR THE OFFICE COMMERCIAL (WLG OC) ZONE

- (1) Exterior building wall designs that provide distinct and separate areas with balconies and/or dormers;
 - (2) Setting back parts of the facade to reduce the mass of large buildings or row of attached dwellings; and
 - (3) Architectural features that provide a variety of harmonious colors, textures, material changes in rooflines eaves, gables, trim details, bay windows, balconies and verandas.
- iii. The expanse of large facades and building planes shall be broken down both horizontally and vertically into smaller units through a mix of the following design elements:
- (1) Recessed or projected entries and porches;
 - (2) Mixing roof gables and eaves facing on public sides of the building(s);
 - (3) Appropriate use of windows to provide scale;
 - (4) Dormers to break up roof expanses; and
 - (5) Balconies.
- (Ord. No. 2316, Added, 03/05/2002)

6. DESIGN STANDARDS FOR THE OFFICE COMMERCIAL (WLG OC) ZONE

a. Purpose

This zone is intended to provide for a mix of professional office and neighborhood commercial uses to serve the frequently reoccurring needs of the Lake Grove and Rural Lake Grove Neighborhoods and serve as an activity focus for the West Lake Grove Design District.

b. Required Design Elements

- i. The design theme of the WLG OC zone is intended to reflect the residential character and scale of the surrounding WLG RMU and WLG R-2.5 zones through the incorporation of common building elements and to also create a store-front character. This shall be achieved through the use of design elements and features described in this section.
- ii. The architecture of buildings shall establish a strong design relationship to one another to create a visually compatible ensemble. This relationship shall be especially reinforced at all four corners of the intersection of Boones Ferry Road and West Sunset Drive.
- iii. A clear visual distinction shall be made between the pedestrian oriented ground floor and upper stories through the use of an ample cornice above the first floor, a change of building materials, a row of clerestory windows, arcade or overhang;
- iv. Main public entrances shall be located directly off a sidewalk abutting the public street. Entries shall be sheltered and emphasized through the use of canopies or overhangs.

(Ord. No. 2316, Added, 03/05/2002)

7. DESIGN STANDARDS FOR THE RESIDENTIAL TOWNHOME ZONE (WLG R 2.5)

a. Purpose

The purpose of this zone is to provide for the development of medium density town home residential housing. The design character and theme of this zone is intended to foster a residential architectural character, site design and scale which is harmonious with the surrounding office, commercial and single-family residential districts.

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT
SUBSECTION 8: DESIGN STANDARDS FOR THE RESIDENTIAL LIVE/WORK (WLG RLW) ZONE

b. Design Elements

- i. Future development in this zone shall create a viable pedestrian scale streetscape, or public place which includes pedestrian ways, parking areas, interior courtyards and public and private spaces which are designed to foster the comfort and enjoyment of pedestrians and other users.
 - ii. The streetscape/public place shall provide for “layers” of design elements such as benches, walls, landscaping, street trees and walkways.
 - iii. Building design shall foster interest and compatibility between adjoining buildings through appropriate scale relationships. This shall be accomplished through a combination of the following design elements:
 - (1) Exterior building wall designs that provide distinct and separate areas with balconies and/or dormers;
 - (2) Setting back parts of the facade to reduce the of a row of attached dwellings; and
 - (3) Architectural features that provide a variety of harmonious colors, textures, material changes in rooflines, eaves, gables, trim details, bay windows, balconies, porches and verandas.
 - iv. The expanse of large facades and building planes shall be broken down both horizontally and vertically into smaller units through a mix of the following design elements:
 - (1) Recessed or projected entries and porches;
 - (2) Mixing roof gables and eaves facing on public sides of the building(s);
 - (3) Appropriate use of windows to provide scale, where the amount of fenestration or glazing shall be proportional to the mass of the building facade;
 - (4) Dormers to break up roof expanses; and
 - (5) Balconies or projected bays.
- (Ord. No. 2316, Added, 03/05/2002)

8. DESIGN STANDARDS FOR THE RESIDENTIAL LIVE/WORK (WLG RLW) ZONE

a. Purpose

The purpose of this district is to provide an opportunity for persons to operate a business out of their residence consistent with the range of professional office, retail and service uses allowed within the WLG OC zone.

b. Required Design Elements

- i. The design theme of the WLG RLW zone is intended to reflect the residential character and scale of the surrounding WLG RMU and WLG R-2.5 zones. Buildings shall also incorporate design elements which reflect the store-front character of the adjacent WLG OC zone.
- ii. The residential character and theme shall be reinforced through the application of design elements and features listed in Sections 50.05.005.5 and .7, Design Standards for the Residential Mixed Use (WLG RMU) Zone and Design Standards for the Residential Townhome Zone (WLG R-2.5), and supplemented by the following:
 - (1) Building walls shall create a visual relationship between activities within the building and the streetscape by:

SECTION 50.05.005. WEST LAKE GROVE DESIGN DISTRICT

SUBSECTION 8: DESIGN STANDARDS FOR THE RESIDENTIAL LIVE/WORK (WLG RLW) ZONE

- (a)** The use of transparent windows and doorways which allow views into and from the portion of a building that is used as a business, and
 - (b)** Awnings, fixed overhangs, arcades and recessed entries to provide dimension and a sheltered transition between the sidewalk and buildings.
- (2)** On-street parking and regularly spaced street trees shall be provided to separate the pedestrian and sidewalk activities from moving traffic and create a well-defined pedestrian corridor.
- (3)** The architecture of buildings within the zone shall establish a clear design relationship to one another to create a visually compatible ensemble.
- (4)** A strong visual distinction shall be made between the pedestrian oriented ground floor and upper stories through the use of an ample cornice above the first floor, a change of building materials, a row of clerestory windows and an arcade or overhang.
- (5)** Main public entrances shall be oriented toward public street. Entries shall be sheltered and emphasized through the use of canopies or overhangs.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.006. OLD TOWN NEIGHBORHOOD DESIGN
SUBSECTION 1: PURPOSE

50.05.006. OLD TOWN NEIGHBORHOOD DESIGN

1. PURPOSE

The purpose of this design overlay is to develop a cohesive and orderly relationship between existing and proposed buildings in the Old Town Neighborhood by providing visual connections defined by the predominant architectural characteristics of the Old Town Styles (see LOC 50.11.003, Appendix C). Copying the existing building styles is not the intention of these guidelines. While a new development may have a distinctive identity, its overall effect should support and reinforce the Old Town Styles.

(Ord. No. 2316, Added, 03/05/2002)

2. DEFINITIONS OF OLD TOWN STYLES

- a. Structures in the Old Town Style shall be characterized by simple massing and composition, use of natural building materials, window and door openings emphasized with trim, and gable and hip roof forms.
- b. Structures shall consist of elements from not more than two of the following traditional American home building styles:
 - i. Early 1900 Vernacular style (gable-front or gable front-and-wing);
 - ii. Craftsman; and
 - iii. Cape Code.

[See LOC 50.11.003, Appendix C]

(Ord. 2424, Amended, 06/06/2006; Ord. No. 2316, Added, 03/05/2002)

3. APPLICABILITY

This standard is applicable to Major Development or Minor Development within the R-DD (Design District) Zone as described in LOC 50.07.003.14.a.ii.1.

[**Cross-Reference:** See LOC 50.07.002.4 – Minor development applications in R-DD zone to be reviewed by Development Review Commission.]

(Ord. 2424, Amended, 06/06/2006; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

4. BUILDING SITING AND MASSING

a. Simple Massing Required

New buildings shall utilize massing and composition characteristic of the Old Town Styles (see LOC 50.11.003, Appendix C) and shall be compatible with existing structures of the Old Town Styles located on the block face where the proposed structure will be located as well as those structures of the Old Town Styles in the block face across the street from where the proposed structure will be located. In addition to the other requirements of this section, rowhouse or townhouse units shall be differentiated from one another through the use of varied setbacks for each unit or groups of units and/or varied roof lines and heights to provide visual interest and create the appearance of a single family development pattern along the street. Abutting rowhouse or townhouse units shall not have identical facades.

SECTION 50.05.006. OLD TOWN NEIGHBORHOOD DESIGN

SUBSECTION 5: BUILDING DESIGN AND MATERIALS

b. Roof Form and Pitch

New structures shall be designed with gable and hip roof forms. Flat or shed roof forms are prohibited for primary structures, but may be allowed for secondary building projections such as dormers or porches (see LOC 50.11.003, Appendix C, Figure 1). Roof pitch shall be similar to typical pitches of Old Town Styles. In no case shall pitch be less than 6 ft.:12 ft. for the primary roof form. Structures located on the same block face as the proposed development as well as on the block face across the street, that are examples of the Old Town Styles, shall also be considered in determining preferable roof pitch. For corner lots, structures in the Old Town Styles on both block faces of the proposed development, as well as adjacent blocks across these streets, shall be considered.

(Ord. No. 2316, Added, 03/05/2002)

5. BUILDING DESIGN AND MATERIALS

a. Old Town Style Required

New buildings shall be designed using the building design elements described in the Old Town Styles, to create buildings which blend with existing structures in these styles located on the same block face as the proposed development and on the block face across the street.

b. Materials

i. Moldings

Moldings, window casings and other trim elements utilized on buildings shall be similar to those represented in the Old Town Styles. Where possible, they shall match or compliment the detailing of structures on the same block face as the proposed development and on the block face across the street, which are designed in the Old Town Styles.

ii. Siding

The predominant exterior siding materials in the Old Town Styles are:

- (1) Horizontal wood siding (three to eight in. wide shiplap or clapboard);
- (2) Board and batten siding;
- (3) Stone, brick or stucco of a type used in the Old Town Styles; and
- (4) Plain or patterned wood shingles as described in the Old Town Styles.

These materials may be used alone or in combination.

Development should use traditional materials as discussed in the Old Town Styles Description, but may include representations of the actual materials in pressed wood products, vinyl or metal. Traditional masonry materials, or concrete or other products made to appear like brick or stone, may also be used.

iii. Prohibited Siding Materials

Grooved, presawn plywood, (e.g., T-111), corrugated metal, diagonally applied or vertically oriented siding materials with the exception of LOC 50.05.006.5.b.ii(2), above, are prohibited.

iv. Roofing Materials

Composition shingles, wood shingles or ceramic tiles, or materials which have the appearance of composition or wood shingles, or ceramic tiles, shall be used.

SECTION 50.05.006. OLD TOWN NEIGHBORHOOD DESIGN

SUBSECTION 6: FENCING AND LANDSCAPING

v. Chimneys

Chimneys shall be brick or stone, or boxed-in with the predominant siding material of the building.

vi. Windows

The general window shape and typical window placement and trim of the Old Town Styles shall be followed. Sash materials shall be wood, or vinyl, or other material with the appearance of wood.

vii. Entrances and Stairs

(1) Entrances

New buildings should have a minimum of one principal entry clearly visible from the street. This entry should be accentuated by characteristic elements of the Old Town Styles to make it a visual focal point. Where an entry to an additional unit is not directly visible from the street, its location should be clearly marked by some identifying feature such as an entry trellis, or entry gate with a visible address.

(2) Stairs

Front entry stairs shall contain no more than seven risers between each landing.

(Ord. 2424-A, Amended, 07/06/2007, Reinstated Sec. 7 of Ord. 2424, LOC 50.66.025 (2)(b)&(c).; Ord. 2424, Amended, 06/06/2006, Sunset provision: Sec. 7 of Ord. 2424, automatically reinstates on 7/6/07.; Ord. 2316, Added, 03/05/2002)

6. FENCING AND LANDSCAPING

a. Fencing

Fencing is not required. When fencing is included in the front yard, it shall be used in an ornamental or symbolic way rather than as a visual barrier. Fences and gates constructed of metal chain link are prohibited except for:

- i. Temporary fencing used in tree protection measures as required in LOC Section 55.08.030, Tree Protection Measures Required, or in construction fencing; and
- ii. Vinyl clad metal chain link in the side and rear yards of properties located east of Furnace Street provided that the fence does not extend into the front yard setback.

The maximum height of fencing within the front yard setback area shall be four ft. Retention of existing stone fences is encouraged when new development is proposed. Construction of new stone fences that are of similar height and character to existing stone fences is also encouraged.

All fences or walls over five ft. in height shall incorporate an open design where areas, either at the top of the fence or wall, or throughout the fence or wall surface in a regular pattern, are permeable to light and air. The solid surface area of any fence or wall over five ft. in height shall not exceed 83% of its total area measured in any five ft. wide section (see LOC 50.11.003, Appendix C, Fence types A-C). Trellis and arbors are exempt from the above calculation.

SECTION 50.05.006. OLD TOWN NEIGHBORHOOD DESIGN

SUBSECTION 7: GARAGES

b. Trees and Landscaping

- i. Mature trees or tree groves shall be preserved and incorporated into the site plan for new development, where feasible, unless doing so would substantially reduce development options on the site.
- ii. Two street trees for every 50 feet of street frontage are required as a condition of approval of a new structure. 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. New street trees shall be selected from the City of Lake Oswego Master Plant List, Approved Street Trees - Old Town Neighborhood Design (see LOC 50.11.004, Appendix D).

(Ord. 2424, Amended, 06/06/2006; Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

7. GARAGES

If a garage is provided, it shall meet the following siting requirements: (See also LOC 50.11.003, Appendix C, Figure 4)

- a. Minimize the visual impact of garages and parking from the street by:
 - i. Facing the garage on a separate street frontage from the front door of the primary structure; or
 - ii. Setting back the side of the garage facing the street a minimum of five feet behind the front elevation of the primary structure, when the garage faces the same street frontage; or
 - iii. Accessing the garage or parking area from the rear of the lot, where feasible.
- b. For single garage openings (1-2 cars) not facing the alley, providing a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 in. deep and six ft. tall; or
- c. For multiple garage openings (three or more cars) not facing the alley, only the garage openings for the first two vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of two ft. from the previous garage building plane.
- d. Exceptions. The standards in subsections b and c shall not apply in the following circumstances:
 - i. Where the average slope of a parcel exceeds 20%,
 - ii. Where the width of a parcel is less than 50 ft., or
 - iii. Where the garage is proposed to be set back at least 60 ft. from the public right-of-way.
- e. Detached garages shall have the same roof pitch as the primary structure.

(Ord. 2398, Amended, 12/05/2005; Ord. 2316, Added, 03/05/2002)

8. ADDITIONAL REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS.

Due to the potential size of multi-family structures, attention should be given to incorporating design forms and elements of surrounding buildings that are in the Old Town Styles, so that new structures are visually reduced in scale and relate to nearby residential structures and

SECTION 50.05.006. OLD TOWN NEIGHBORHOOD DESIGN
SUBSECTION 8: ADDITIONAL REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS.

neighborhood scale in general. In addition to compliance with LOC 50.05.006.4 through .6, multi-family projects shall also be subject to the following considerations: (see LOC 50.11.003, Appendix C, Figures 2 and 3)

- a. Create visual linkages with surrounding buildings in the Old Town Styles by repeating or incorporating similar ridge lines, eaves, window and door openings.
- b. Offset building walls and roof lines to approximate width and height ratios of surrounding buildings.
- c. Incorporate similar roof forms and gables, and smaller elements like porches, dormers or bays, to reduce the scale of new buildings and better relate them to nearby residential structures. Roof pitch may be less steep than 6':12' if a reduction results in visually reducing the scale of the proposed structure and better relates the proposed structure to those surrounding structures in the Old Town Styles.
- d. Use landscape buffers between parking areas and the street as well as abutting residences.
- e. Create visual interest along the street by breaking walls into smaller planes with windows, entrances, dormers or other appropriate design elements (see LOC 50.11.003, Appendix C, Figure 3).
- f. Break large parking areas into smaller groupings, where possible. Minimize the width of driveway curb cuts. Screen parking from the street with landscaping. Locate parking under, or at the sides and rear of buildings.

(2316, Added, 03/05/2002; Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 1: PURPOSE

50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

1. PURPOSE

The purpose of the Lake Grove Village Center Overlay District (LGVC Overlay) is to implement the vision, goals, and policies of the Lake Grove Village Center Plan, a special district plan within the City of Lake Oswego Comprehensive Plan. Implementation is intended to occur through land use requirements, development standards, and incentives that promote an attractive, pedestrian and bicycle friendly, mixed-use center. The LGVC Overlay features special standards to address specific conditions and ensure desired features and character as follows:

- a. Village Transition Area standards are intended to provide a transition between the core commercial area of the district and the surrounding residential areas.
- b. Village Commons and Village Gathering Places standards are intended to enhance community identity and provide opportunities for social and cultural engagement.
- c. Design Area standards are intended to ensure building design enhances the pedestrian environment and provides visual interest and appropriate scale suitable to either a street orientation or a campus orientation.
- d. Village Streetfront standards are intended to ensure spatial enclosure and either an urban, transitional or park character along public streets.

(Ord. 2455, Add, 04/01/2008)

2. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

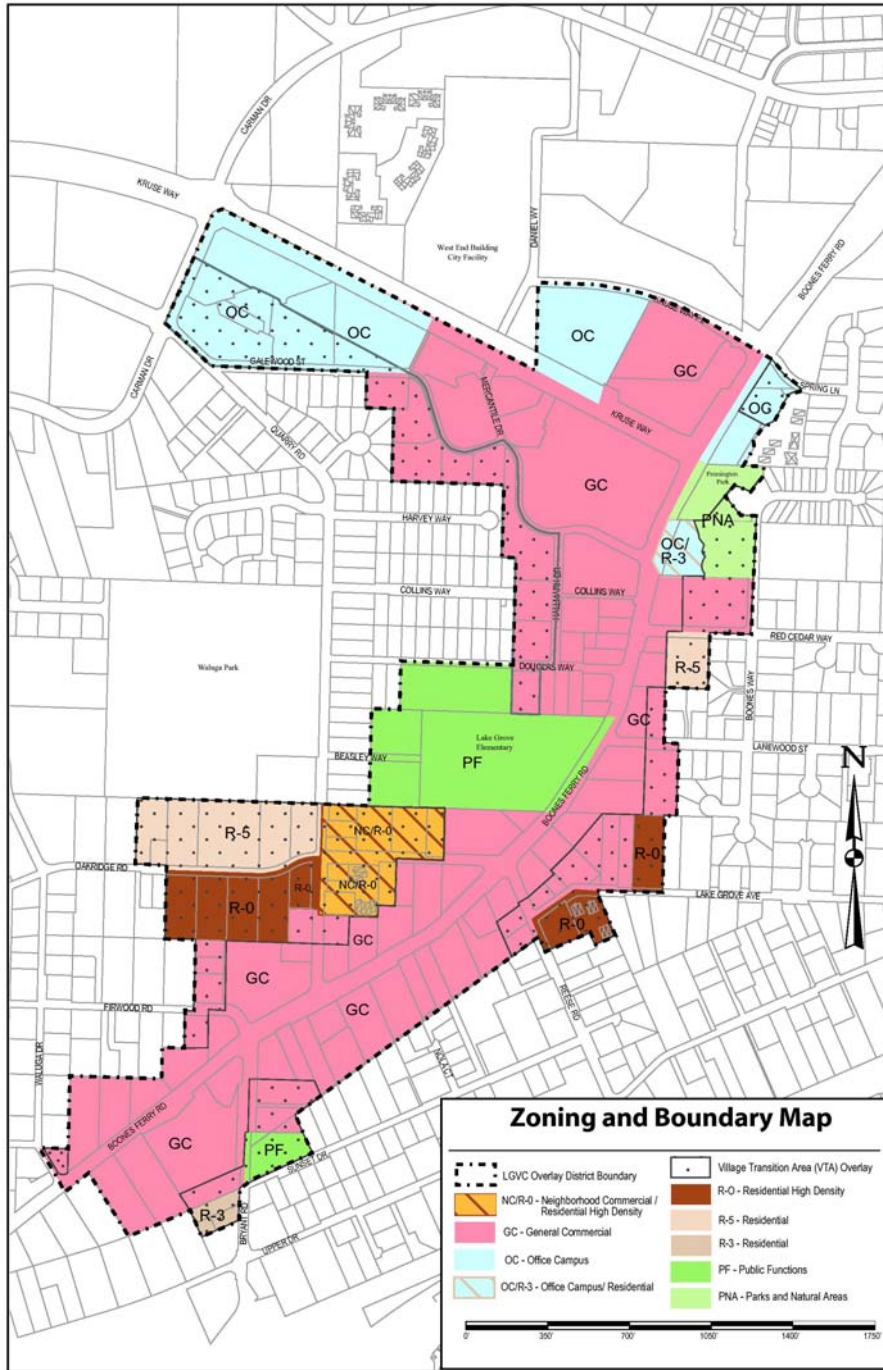
Developments subject to this overlay district shall be in accordance with the standards of this section and, except in the event a section is superseded below (in part or whole), all other applicable Lake Oswego codes, standards and regulations.

- a. This overlay district supersedes the following sections in this Code:
 - i. Commercial Site Development Limitations, LOC 50.04.001.4.a;
 - ii. Medium and High Density Residential Lot Coverage, Yard Setbacks and Buffers, and Height of Structures, Table 50.04.001-3, Residential – Medium Density Zones Dimensions and Table 50.04.001-11, Residential – High Density Zones Dimensions; and
 - iii. LOC 50.06.001.5, Commercial, Industrial, and Multi-Family Development Standards for Approval.
- b. In the event this section and other Lake Oswego codes, standards and regulations regulate the same matter, the LGVC Overlay standards shall supersede the other Lake Oswego codes, standards, and regulations, even if the LGVC Overlay standards are less restrictive than the other standard.

(Ord. 2455, Add, 04/01/2008)

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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Figure 50.05.007-A: LGVC Overlay Boundaries



3. APPLICABILITY

a. Purpose

The purpose of the applicability section is to define the circumstances under which provisions of the LGVC Overlay apply to property, especially in regard to sites that are redeveloping or where buildings are being remodeled. To encourage incremental growth of existing, small

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

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local businesses, greater flexibility in application of the standards is allowed for projects that involve the remodeling of existing structures within the district.

b. General Applicability

i. LGVC Overlay Applicability

The LGVC Overlay applies to all land within the boundaries of the Lake Grove Village Center Plan as identified on the Zoning and Boundary Map, Figure 50.05.007-A: LGVC Overlay Boundaries.

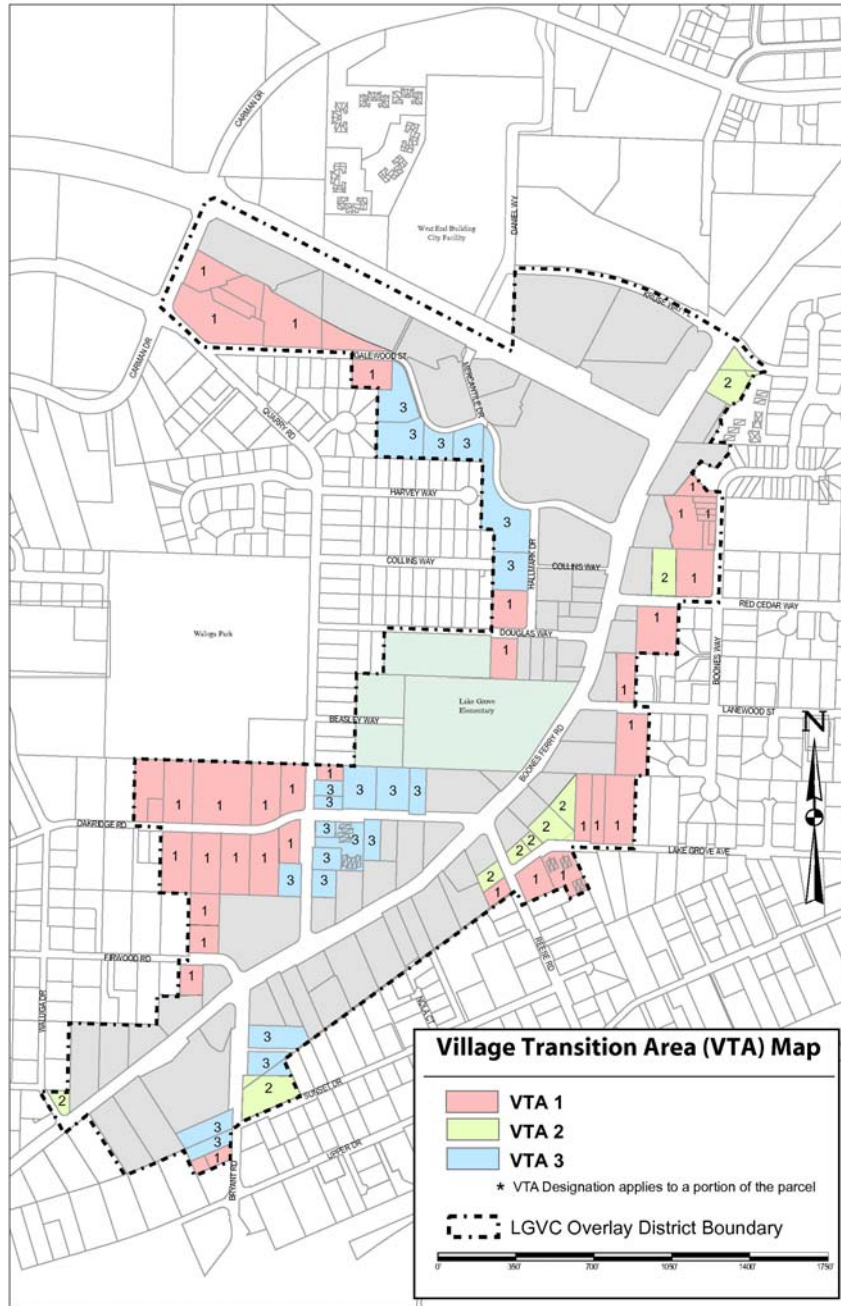
ii. Village Transition Area Applicability

Figure 50.05.007-B: Village Transition Areas (VTA) Map, sets forth the areas in which special height and design standards and use restrictions apply. Three different types of Village Transition Area are depicted on the VTA Map. Standards set forth in the following sections apply to Village Transition Areas:

- (1) LOC 50.05.007.4.b-e, Structure Height, Lot Coverage and FAR, Yard Setbacks and Streetfront Environment, and Site Dimensional Standards;
- (2) LOC 50.05.007.5.h, Special Design Standards within the Village Transition Area; and
- (3) LOC 50.05.007.7.b, Village Transition Area Uses.

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Figure 50.05.007-B: Village Transition Areas (VTA) Map

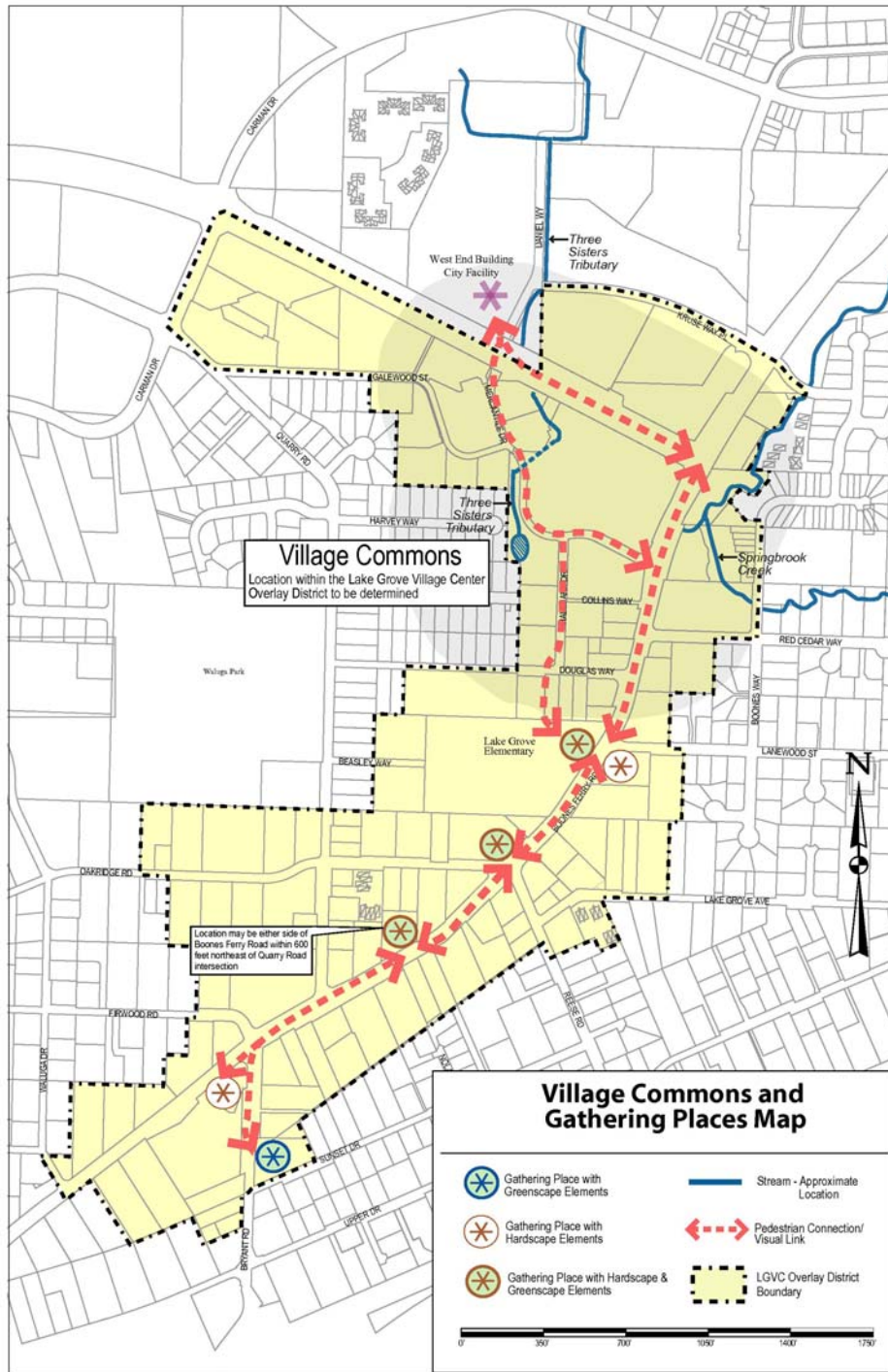


iii. Gathering Places and Village Commons Applicability

Figure 50.05.007-C: Village Commons and Gathering Places Map, identifies a Village Commons and locations for seven Village Gathering Places. Standards set forth in LOC 50.05.007.7.c, Village Commons and Gathering Places, apply to these designated open area features.

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 SUBSECTION 3: APPLICABILITY

Figure 50.05.007-C: Village Commons and Gathering Places Map

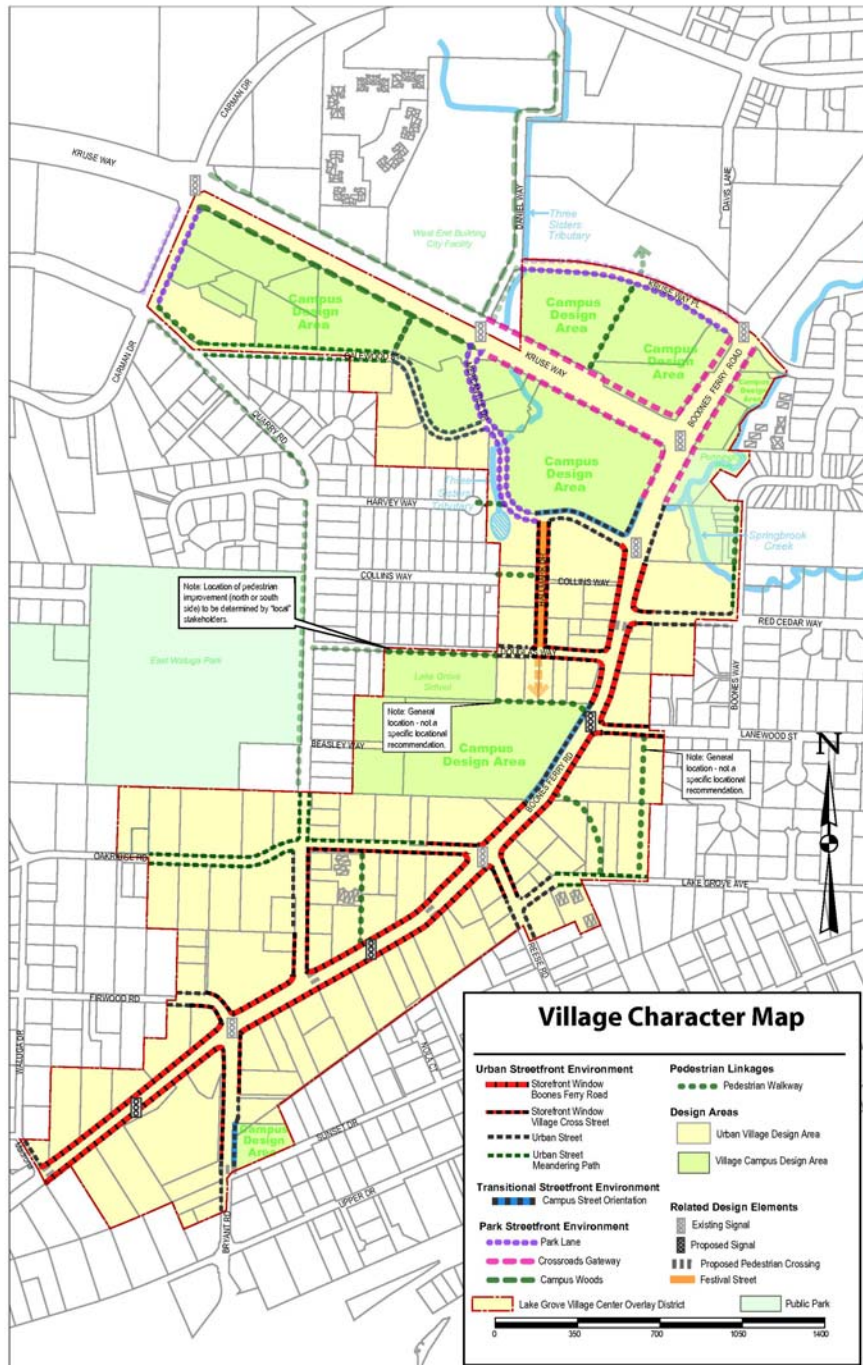


iv. Design Area Applicability

Figure 50.05.007-D: Village Character Map, sets forth the areas in which special building design standards apply.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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Figure 50.05.007-D: Village Character Map



(1) Urban Village Applicability

Standards set forth in LOC 50.05.007.5.i, Urban Village Design Areas, Building Design Standards, apply to locations designated as Urban Village.

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(2) Village Campus Applicability

Standards set forth in LOC 50.05.007.5.j, Village Campus Design Areas, Building Design Standards, apply to locations designated as Village Campus.

v. Village Streetfront Applicability

Standards set forth in LOC 50.05.007.7.d, Village Streetfront, apply to all public street frontage within the Lake Grove Village Center Overlay District. Distinct site dimensional, sidewalk or pathway, streetscape and landscape standards apply along public streets at locations identified on Figure 50.05.007-D: Village Character Map.

(1) General Requirements Applicability

Standards set forth in LOC 50.05.007.7.d.i, General Requirements, apply to all public street frontages within the Lake Grove Village Center Overlay District.

(2) Additional Village Streetfront Standards

Additional standards apply at specific locations as set forth below:

(a) Urban Streetfront Environment Applicability

Standards set forth in the following sections apply to locations designated Urban Streetfront Environment:

- (i) LOC 50.05.007.7.d.ii, Urban Streetfront Environment, Special Requirements and Standards;
- (ii) LOC 50.05.007.4.b and e, Structure Height and Streetfront Environment in the Site Dimensional Standards section. Village Transition Area dimensional standards may also apply;
- (iii) The following standards apply to street frontage designated Storefront Window Boones Ferry Road or Store Front Window Village Cross Streets:
 - (A) LOC 50.05.007.5.i.vii, Storefront Window;
 - (B) LOC 50.05.007.7.d.ii(4), Storefront Window Orientation;
 - (C) Figure 50.05.007-CC: Storefront Window Streetscape; and
 - (D) Figure 50.05.007-DD: Storefront Sidewalk Zone Requirements.
- (iv) The following standards apply to street frontage designated Urban Street or Urban Street Meandering Path:
 - (A) LOC 50.05.007.7.d.iii, Urban Street Orientation; and
 - (B) Figure 50.05.007-EE: Urban Street Orientation Streetscape.

(b) Transitional Streetfront Environment Applicability

Standards set forth in the following sections apply to Transitional Streetfront Environment, Campus Street Orientation designations:

- (i) LOC 50.05.007.7.e, Transitional Streetfront Environment; and
- (ii) Figure 50.05.007-FF: Campus Street Orientation Streetscape.

(c) Park Streetfront Environment Applicability

Standards set forth in the following sections apply to Park Streetfront Environment designations:

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- (i) LOC 50.05.007.4.d, Yard Setbacks, Site Dimensional Standards. Village Transition Area yard setbacks in LOC 50.05.007.4.d.ii may also apply;
- (ii) LOC 50.05.007.7.f, Park Streetfront Environment;
- (iii) Park Lane Applicability
Standards set forth in the following sections apply to Park Lane designations:
 - (A) LOC 50.05.007.7.f.iii, Park Lane Special Requirements; and
 - (B) Figure 50.05.007-GG: Park Lane Streetscape.
- (iv) Crossroads Gateway Applicability
Standards set forth in the following sections apply to Crossroads Gateway designations:
 - (A) LOC 50.05.007.7.f.iv, Crossroads Gateway Special Requirements; and
 - (B) Figure 50.05.007-HH: Crossroads Gateway Streetscape.
- (v) Campus Woods Applicability
Standards set forth in the following sections apply to Campus Woods designations:
 - (A) LOC 50.05.007.7.f.v, Campus Woods Special Requirements; and
 - (B) Figure 50.05.007-II: Campus Woods Streetscape.

c. Applicability by Type of Development

i. New Construction/Redevelopment

All standards of this section apply to new building(s) or site improvements on any vacant or redeveloped site and to new building(s) and related site improvements on any partially developed or developed site.

ii. Remodeled Buildings, Building Expansion, and Site Improvements

The standards of this section apply to any remodeling, building expansion, or site improvement project on a partially developed or developed site, except as expressly provided below:

- (1) Standards apply only to the structure or to that portion of a structure or site that is being constructed, modified, remodeled, or built upon.
- (2) Standards that enhance the pedestrian environment apply only when the proposed building or site improvement changes, remodels or results in new construction occurring within the build-to line, LOC 50.05.007.4.e.i. For purposes of this subsection, the following standards are the standards that enhance the pedestrian environment:
 - (a) LOC 50.05.007.4.e, Streetfront Environment;
 - (b) LOC 50.05.007.5.d.v, Rain Protection;
 - (c) LOC 50.05.007.5.i.iii, Public Plaza;
 - (d) LOC 50.05.007.5.i.iv, Urban Village Standards for Buildings Exceeding 35 ft. or Two and One-half Stories;
 - (e) LOC 50.05.007.5.i.vii, Storefront Window;
 - (f) LOC 50.05.007.7.d.ii, Urban Streetfront Environment; and
 - (g) LOC 50.05.007.7.e, Transitional Streetfront Environment.

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(3) The following standards do not apply to building remodeling projects. The standards apply to site improvement projects only if the proposed site improvement includes the abutting street right-of-way:

- (a) LOC 50.05.007.7.d, Village Streetfront;
- (b) LOC 50.05.007.6.k.vii, Street Trees; and
- (c) LOC 50.05.007.7.c, Village Commons and Gathering Places.

d. Non-conforming Uses

This section supersedes the following sections of LOC 50.01.006, Non-conforming Structures and Uses.

- i. LOC 50.01.006.1.c, Expansion of Non-Conforming Residential Structure;
- ii. LOC 50.01.006.4, Destruction, Movement, and Replacement of Structures;
- iii. LOC 50.01.006.5, Expansion of Non-Conforming Industrial or Commercial Uses or Structures; and
- iv. LOC 50.01.006.6, Repairs and Maintenance.
(Ord. 2455, Add, 04/01/2008)

4. SITE DIMENSIONAL STANDARDS

a. Purpose

These standards are intended to encourage buildings to be built at a pedestrian scale and create a district that appears and operates like a traditional town or village with commercial and mixed-use structures centered on a primary commercial street, Boones Ferry Road. Village Edge and Village Transition Area requirements ensure heights compatible to adjacent residential development and provide a transition in scale, massing and height from the core commercial area to surrounding residential areas. Standards requiring a storefront environment do not apply to street frontage along Kruse Way and other locations where a different character is desired.

b. Structure Height

i. Maximum Height Limits

Maximum height limits are set forth in Table 50.05.007-1 below and in the provisions that follow. Height limits apply at locations identified on Figure 50.05.007-E: Village Height Map. In case of a conflict, locations identified on the Village Height Map apply.

TABLE 50.05.007-1: VILLAGE CENTER MAXIMUM HEIGHT LIMITS	
Applicability	Maximum Height
Base Zone Height Limits – LOC 50.05.007.4.b.i(1):	
GC, OC, R-O, R-3, R-5, OC/R-3	45 ft.
PF, NC/R-O *(see NC/R-O below for residential use):	35 ft.
*NC/R-O on a lot or lots developed as one project of 1/2 acre or greater in total area with residential dwellings at a minimum density of 20 units per acre.	45 ft.
Step Back Above Second Story – LOC 50.05.007.4.b.i(2):	
Structures exceeding 35 ft. in height or two and on-half stories at locations designated on the Village Character Map, LOC Appendix 50.11A.020-D as	Stories above the second story shall be stepped

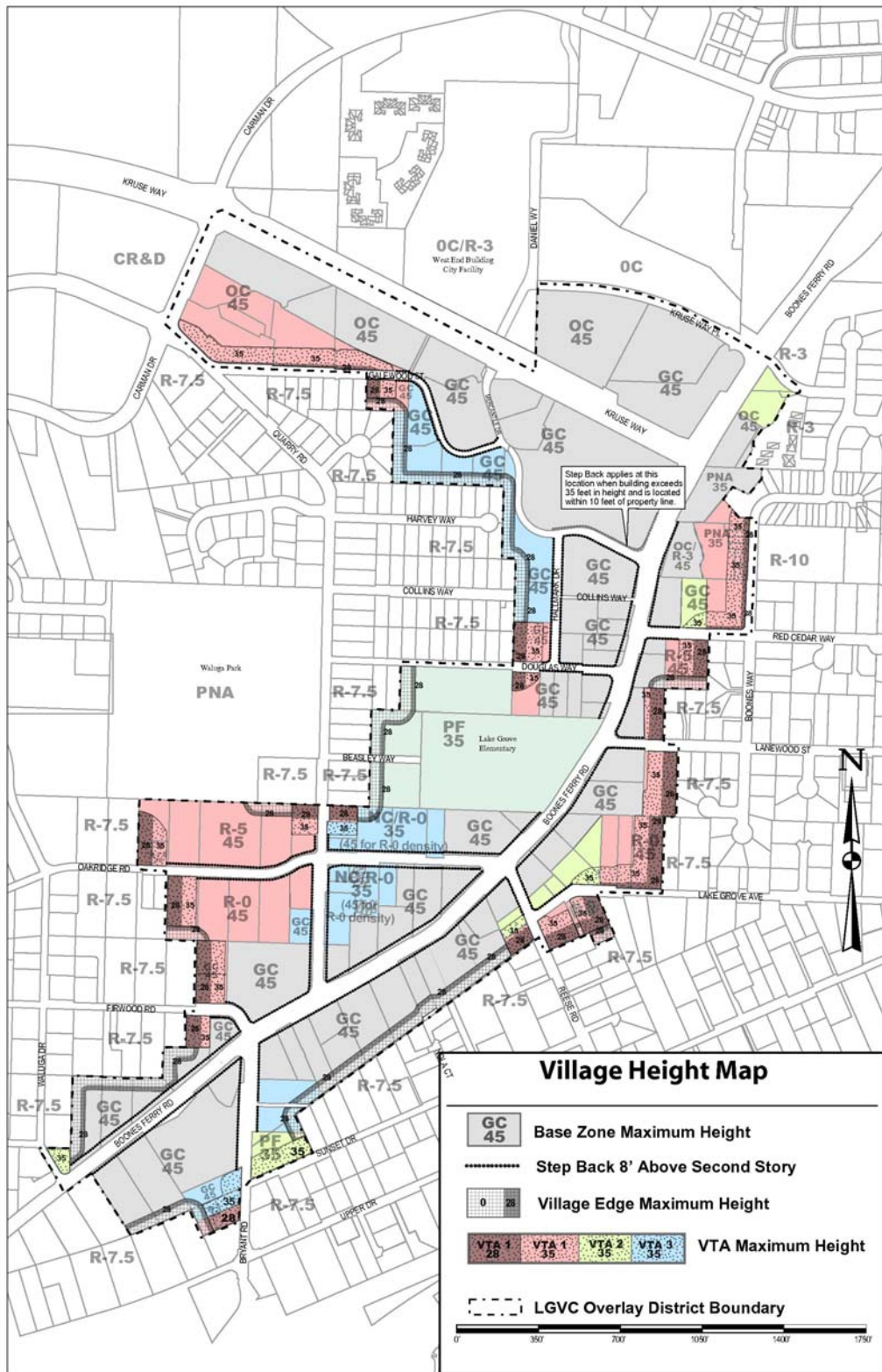
SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 4: SITE DIMENSIONAL STANDARDS

TABLE 50.05.007-1: VILLAGE CENTER MAXIMUM HEIGHT LIMITS		
Applicability		Maximum Height
Urban Streetfront Environment, or as Transitional Streetfront Environment – Campus Street Orientation and located within 10 ft. of property line.		back from the adjacent lower story facing a street by a minimum of eight ft.
Village Edge Height Limits – LOC 50.05.007.4.b.i(3):		
All Zones	Applies to a distance of 30 ft. to 48 ft. from parcels zoned R-7.5 or R-10 adjacent to the rear property line of the subject property	28 ft.
	Applies at a distance less than 30 ft. from parcels zoned R-7.5 or R-10 adjacent to the rear property line of the subject property. Exceptions shall be allowed for legal fence and walls.	0 ft.
Village Transition Limits – LOC 50.05.007.4.b.i(4):		
Village Transition Areas (VTA)	Applies within VTA 1 at a distance less than 60 ft. from parcels zoned R-7.5 or R-10 and front or side property line of the subject property.	28 ft.
	Applies within VTA 1 at a distance of 60 ft. to 120 ft. from parcels zoned R-7.5 or R-10 and the front or side property line of the subject property.	35 ft.
	Applies within VTA 2 and VTA 3 at a distance up to 120 ft. from parcels zoned R-7.5 or R-10 and the front or side property line of the subject property.	35 ft.

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Figure 50.05.007-E: Village Height Map



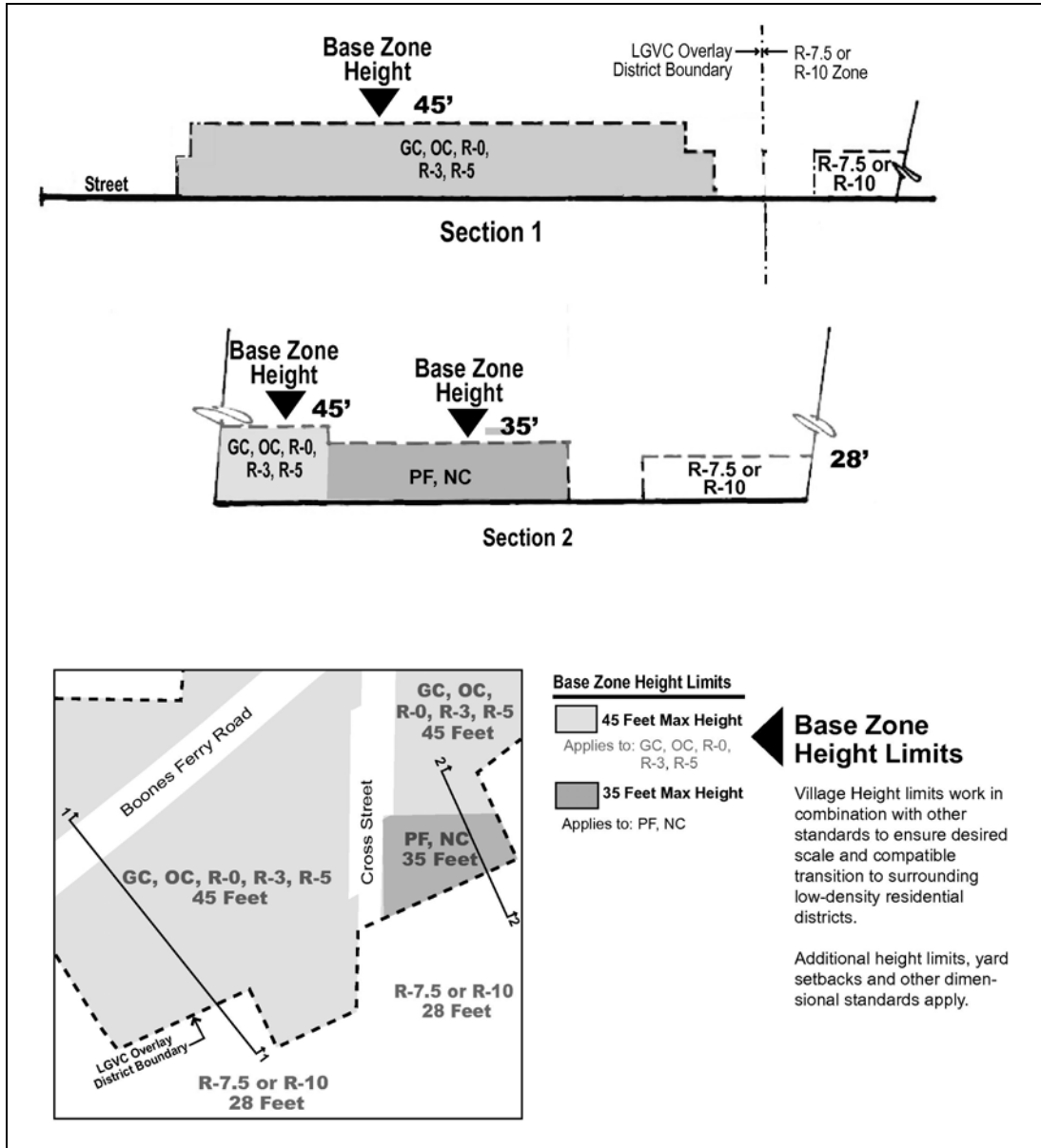
SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 4: SITE DIMENSIONAL STANDARDS

(1) Base Zone Height Limits

Maximum heights are established for each zone in the Lake Grove Village Center Overlay District as set forth below. Base zone height limits are illustrated in Figure 50.05.007-F: Height Measurement.

Figure 50.05.007-F: Height Measurement



- (a) This standard applies at locations identified on Figure 50.05.007-E: Village Height Map. Maximum base zone height limits are reduced in accordance with special conditions and at locations set forth in this subsection.
- (b) Maximum height in the PF zone is 35 ft.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 4: SITE DIMENSIONAL STANDARDS

- (c) Maximum height in the NC/R-0 zone is 35 ft. except 45 ft. maximum height is allowed on a lot or lots developed as one project of ½ acre or greater in total area with residential dwellings at a minimum density of 20 units per acre.
- (d) Maximum height in the GC, OC, R-0, OC/R-3 and R-3 zones is 45 ft.
- (e) Notwithstanding the provisions above, heights are permitted in accordance with LOC 50.04.003.4, General Exception to Structure Height Limitations.

(2) Step Back Above Second Story

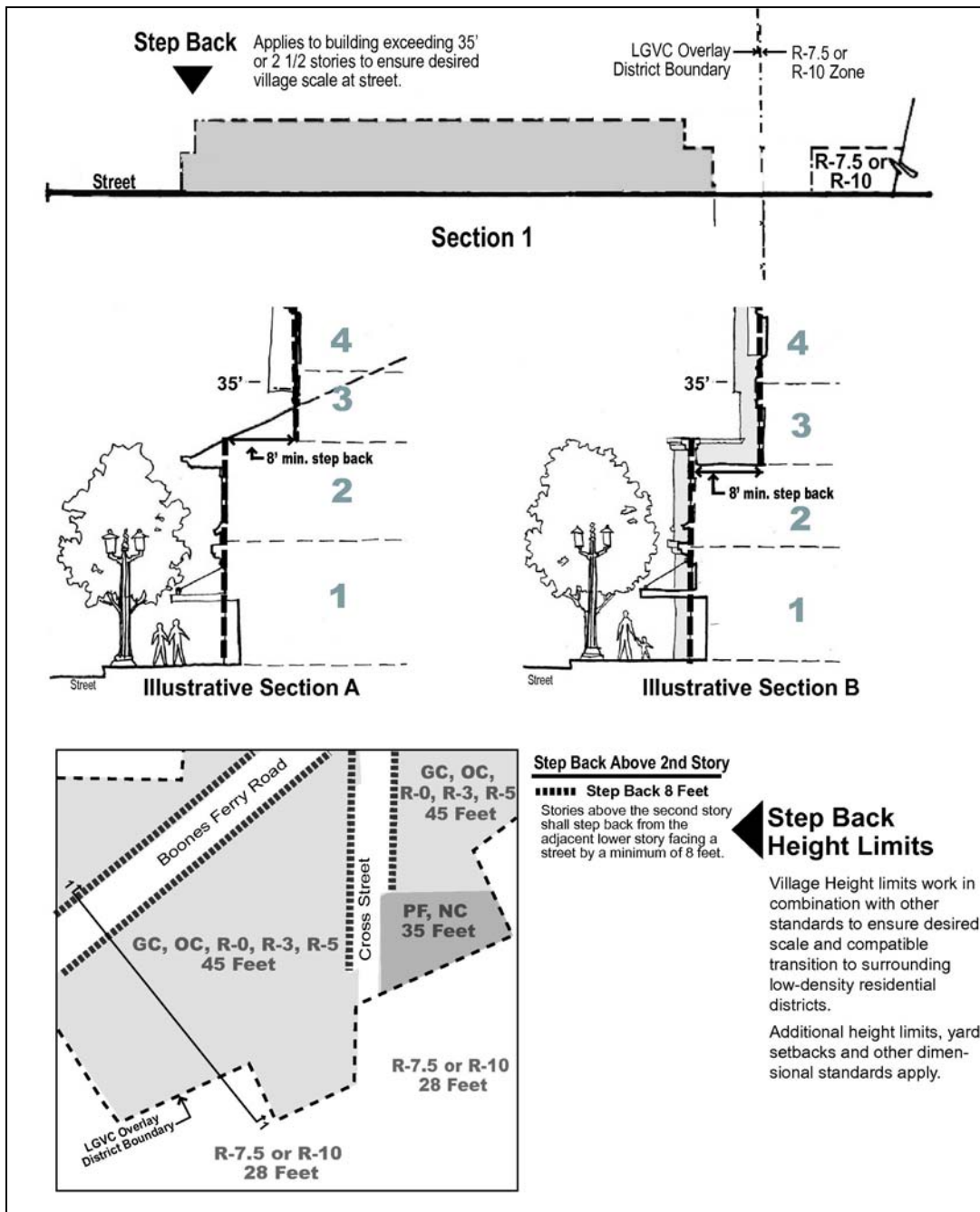
This standard ensures a desired building scale along street frontages throughout the Village Center where Urban Streetfront Environment standards require buildings to be located close to a public street, or where Transitional Streetfront Environment standards allow a building to be located close to a public street. This standard also ensures compatible transitions to surrounding low-density residential districts as illustrated in Figure 50.05.007-G: Step Back Above 2nd Story.

- (a) This standard applies to all buildings exceeding 35 ft. in height or two and one-half stories at locations identified on Figure 50.05.007-E: Village Height Map.
- (b) Stories above the second story shall be stepped back from the adjacent lower story facing a street by a minimum of eight ft.

[Cross Reference: Streetfront Environment standards apply at locations on the Village Character Map, Figure 50.05.007-D, designated as Urban Streetfront Environment or Transitional Streetfront Environment - Campus Street Orientation when the building is located within 10 ft. of the property line at the street.]

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Figure 50.05.007-G: Step Back Above 2nd Story



(3) Village Edge Height Limits

This standard ensures heights compatible to low density residential properties backing up to Village Center development at the edge of the Lake Grove Village Center Overlay District. Village Edge Height Limits standards are illustrated in Figure 50.05.007-H: Village Edge Height Limits.

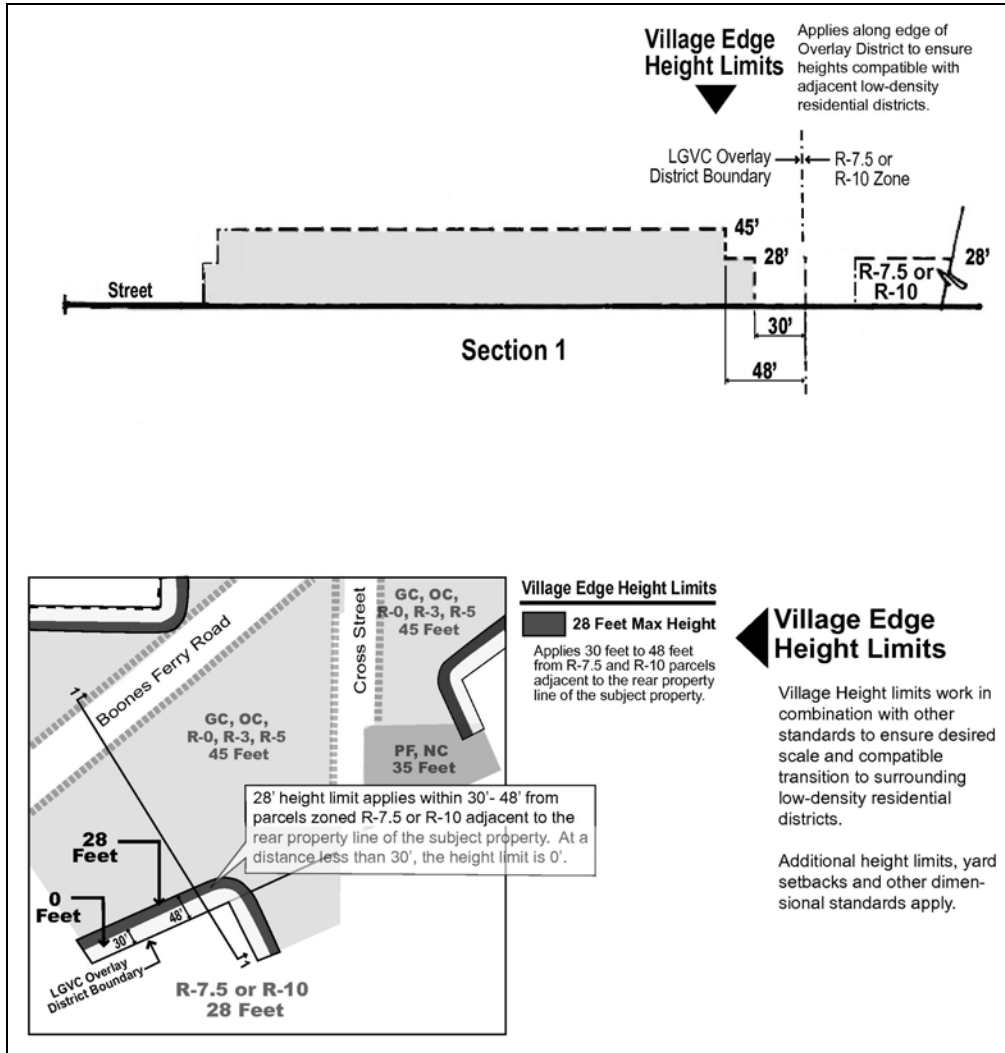
- (a) Village Edge Height Limits apply at locations along the edge of the overlay district as identified on Figure 50.05.007-F: Height Measurement.

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- (b) Maximum height is 28 ft. at a distance of 30 ft. to 48 ft. from parcels zoned R-7.5 or R-10 adjacent to the rear property line of the subject property. Village Edge Height Limits may apply at the side property line of the subject property adjacent to parcels zoned R-7.5 or R-10 at limited locations identified on Figure 50.05.007-E: Village Height Map.
- (c) At a distance less than 30 ft., the height limit is 0 ft.

Figure 50.05.007-H: Village Edge Height Limits

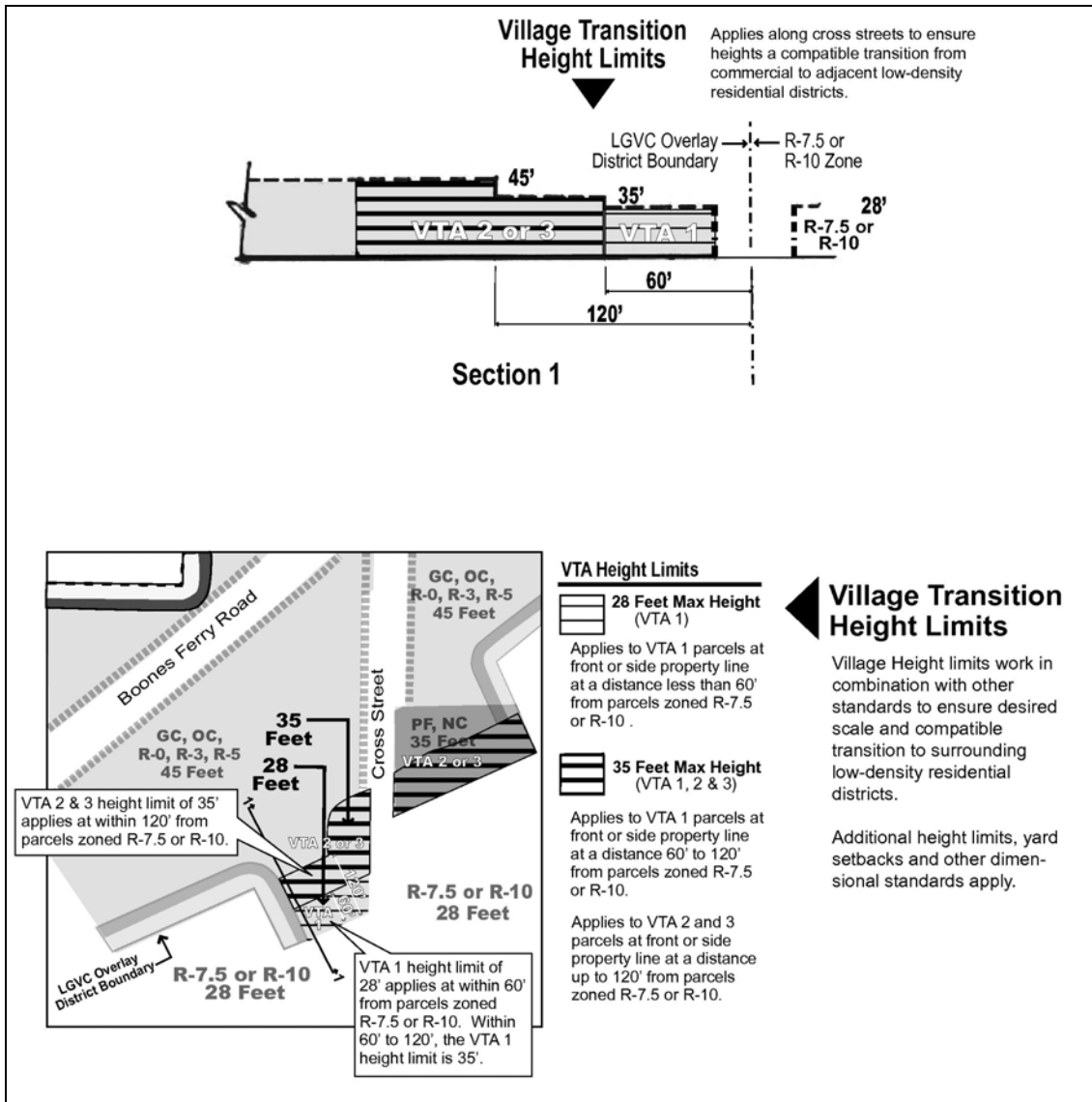


(4) Village Transition Height Limits

This standard provides the height transition along streets connecting residential neighborhoods to the Village Center ensuring a desirable scale and compatible transition from commercial to adjacent low-density residential districts. Village Transition Height Limits are illustrated in Figure 50.05.007-I: Village Transition Height Limits.

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 SUBSECTION 4: SITE DIMENSIONAL STANDARDS

Figure 50.05.007-I: Village Transition Height Limits



- (a) Village Transition Height Limits apply to each transition area at locations identified in Figure 50.05.007-E: Village Height Map.
- (b) For areas identified as VTA 1, maximum heights are provided below. In case of a conflict, height limit applies to locations identified on the Village Height Map.
 - (i) Maximum height is 28 ft. at a distance less than 60 ft. from parcels zoned R-7.5 or R-10 and the front or side property line of the subject property.
 - (ii) Maximum height is 35 ft. at a distance of 60 to 120 ft. from parcels zoned R-7.5 or R-10 and the front or side property line of the subject property.
- (c) For areas identified as VTA 2 or VTA 3, maximum heights are 35 ft. at a distance up to 120 ft. from parcels zoned R-7.5 or R-10 and the front or side property line

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of the subject property. In case of a conflict, height limit applies to locations identified on the Village Height Map.

- (d) Village Transition Height Limits may not apply at the side property line of the subject property and parcels zoned R-7.5 or R-10 at limited locations identified on the Village Height Map.

[**Cross Reference:** Village Transition Area locations are identified on the Village Transition Area Map, Figure 50.05.007-B.]

ii. Standards for Buildings Exceeding 35 ft. in Height or 2.5 Stories

These standards ensure taller buildings contribute to the pedestrian environment and to desired village scale and character. The following standards apply for any building exceeding 35 ft. in height or two and one-half stories:

- (1) **Maximum Height at Boones Ferry Road.** This standard applies for properties along Boones Ferry Road. The maximum building height shall not exceed a plane that starts at the opposite street right-of-way and extends up toward the subject property at a 26.6 degree angle (two to one slope).
- (2) **Public Sidewalk or Pathway.** A minimum 12-ft. wide area for a public sidewalk or pathway consistent with Figure 50.05.007-V: Pedestrian Facilities and Streetscape Map shall be provided. This may be accomplished within the public right-of-way or within a public pedestrian access easement on private property adjacent to the right-of-way.
- (3) **Urban Village Design Standards.** These requirements apply to locations designated Urban Village on the Village Character Map, Figure 50.05.007-D.

iii. Standards for Buildings Greater Than Three Stories

This standard ensures that residential uses and additional landscape buffering adjacent to low-density residential zones are provided for buildings exceeding three-stories. Any building with more than three stories shall comply with subsection ii, above, and the following:

(1) Residential Use

All stories above the second story shall be used exclusively for residential dwelling units.

(2) Requirements Adjacent to Low-Density Residential Zones

The following standards apply to properties adjacent to low-density residential zones:

(a) Screen Views from Upper Stories

Landscaping shall be provided to screen views of adjacent low-density residential property from upper stories. Applicant shall provide graphic documentation such as site cross-sections or enhanced photos to demonstrate how proposed screening treatment effectively satisfies this requirement with consideration of distance and sight lines to and from adjacent low-density residential property windows, decks and outdoor living spaces, and topography. Trees provided to satisfy this requirement must be of sufficient size to screen views at the time of planting.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

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(b) Preserve Existing Trees and Features

Existing trees and features of perceived value to adjacent low-density residential property shall be preserved to the extent practicable. If removal of existing features is proposed, applicant shall demonstrate why it is not practicable to preserve these existing features and how the proposed site plan provides features of equal or better perceived value to adjacent low-density residential property.

c. Lot Coverage and FAR

i. FAR

FAR restrictions do not apply within the LGVC Overlay.

ii. Lot Coverage

Lot coverage shall be permitted as set forth in Table 50.05.007-2 below and the provisions that follow:

TABLE 50.05.007-2: LOT COVERAGE				
Zone Districts and Village Transition Areas	Maximum Lot Coverage Base Case	Maximum Site Coverage with Site Amenities Provided	Additional Lot Coverage Allowed for Site Amenities	
			Housing [1]	Sustainability Features
GC	50%	70%	Up to 15%	5%
OC, OC/R-3	30%	60%	Up to 25%	5%
NC/R-0, PF	40%	60%	Up to 15%	5%
R-0, R-3, R-5	40%	50%	NA	10%
VTA 1	40%	60%	Up to 15% [1]	5%
VTA 2	40%	60%	Up to 15% [1]	5%
VTA 3	40%	60%	Up to 15% [1]	5%
[1] Applies only when base zone is GC, OC, NC, NC/R-0, OC/R-3 or PF.				

iii. Site Amenities

Site amenities include one or both of the following:

(1) Housing

One sq. ft. of additional lot coverage up to the maximum amount listed in the housing column of Table 50.05.007-2 shall be permitted for every two sq. ft. of housing provided on site. A minimum of three dwelling units per acre are required to use this provision. A fractional dwelling unit shall be counted as the next highest whole dwelling unit.

(2) Sustainability Features

If any two of the following sustainability features are provided, an additional five percent of lot coverage is allowed within GC, NC, OC and PF zones, and an additional ten percent of lot coverage is allowed within R-0, R-3 and R-5 zones:

- (a)** Provide an ecoroof over 50% of the building roof area. For the purposes of this section, an ecoroof shall be a lightweight, low-maintenance vegetated roof system that serves as a stormwater facility as reviewed and approved by the City Engineer. As part of the conditions for approval, applicant shall execute a

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covenant ensuring installation, preservation, maintenance, and replacement, if necessary, of the ecoroof.

- (b) Reduce heat islands through one or more of the following:
 - (i) Provide shade (within five years) on at least 30% of non-roof impervious surfaces on the site, including parking lots, walkways, plazas, etc.; or
 - (ii) Place 50% of the parking underground or within a lower level of a parking structure; or
 - (iii) Use Energy Star Roof compliant, high reflectivity and low emissivity roofing (initial reflectance of at least .65 and three-year aged reflectance of at least .5 when tested in accordance with ASTM E408) for a minimum of 75% of the roof surface.
- (c) Reduce potable water consumption by 50% over conventional means through use of captured rain and recycled site water for site irrigation.
- (d) Reduce wastewater and potable water demand by employing strategies that in aggregate use 20% less water than the water use baseline calculated for the building (not including irrigation). Strategies may include use of high efficiency fixtures, dry fixtures such as composting toilets and waterless urinals, and use of treated stormwater and graywater for nonpotable applications.

iv. Gathering Places

Lot coverage may be increased in accordance with LOC 50.05.007.7.c.ii.5.a.

v. Public Easements

Lot coverage may be calculated in accordance with LOC 50.05.007.6.e.ii.

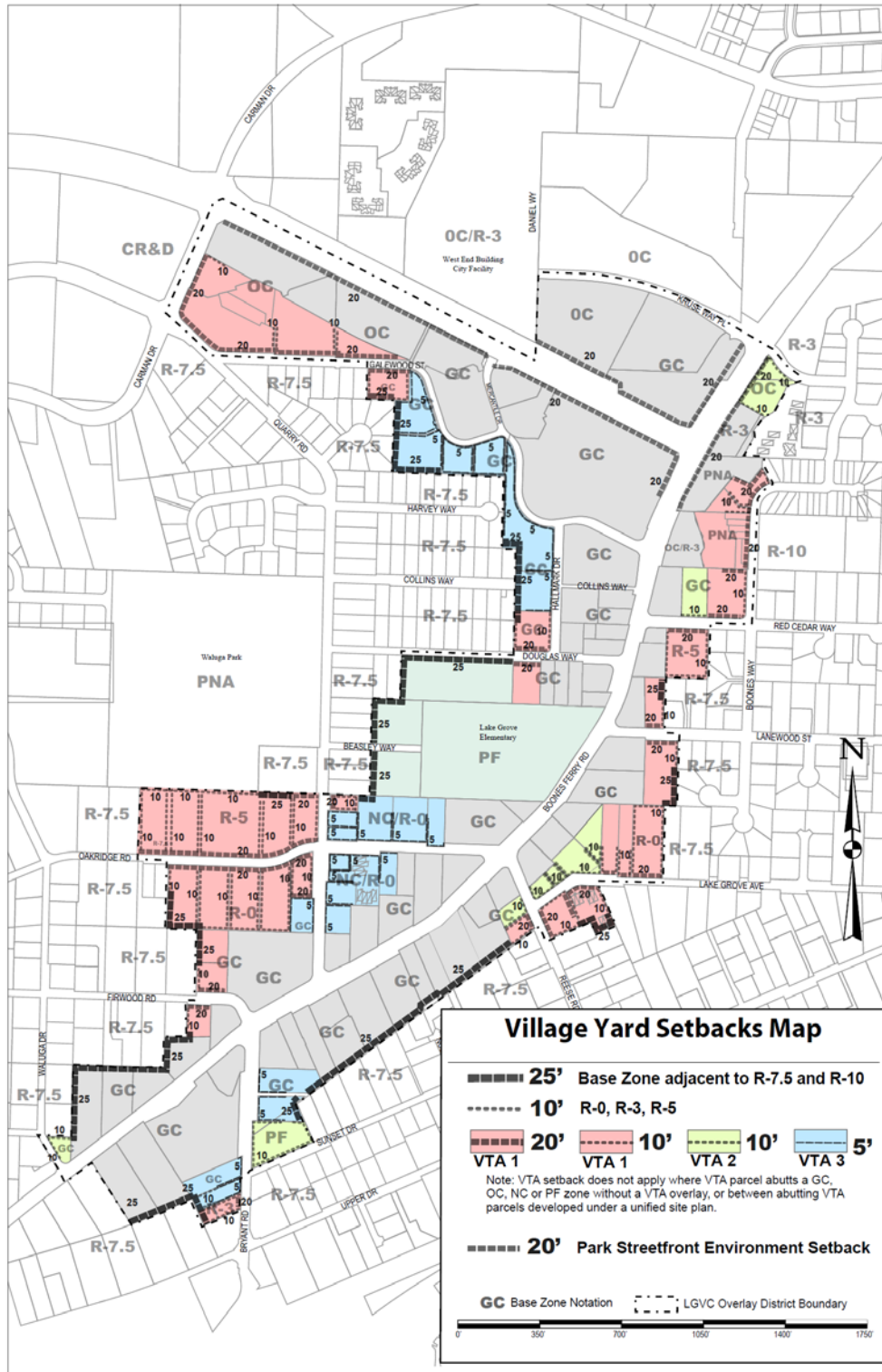
[Cross-Reference: Village Gathering Place, LOC 50.05.007.7.c.ii; Easement, LOC 50.05.007.6.b.ii(2)(f)(ii).]

d. Yard Setbacks

Yard setback requirements apply at locations identified on Figure 50.05.007-J: Village Yard Setbacks Map. In case of a conflict with the standards set forth below, locations identified on the Village Yard Setbacks Map apply.

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Figure 50.05.007-J: Village Yard Setbacks Map



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Required yard setbacks are set forth in Table 50.05.007-3 below and by the provisions that follow. Village Yard Setbacks are illustrated in Figure 50.05.007-J: Village Yard Setbacks Map.

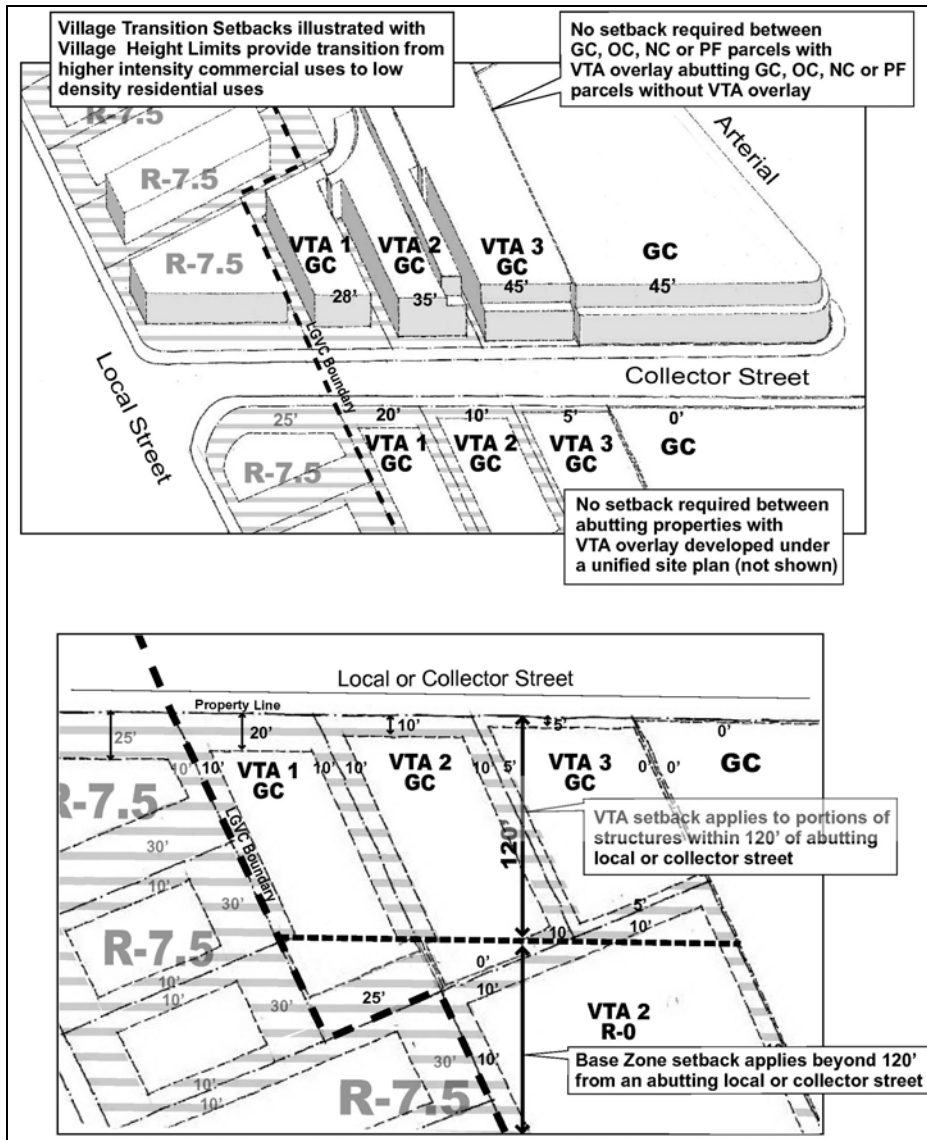
TABLE 50.05.007-3: VILLAGE YARD SETBACKS (LOCATIONS IDENTIFIED IN VILLAGE YARD SETBACKS MAP, FIGURE 50.03.004-G)		
Applicability	Required Setback (minimum distance)	
Base Zone Yard Setbacks LOC 50.05.007.4.d.i:		
GC, NC/R-0, OC, PF, OC/R-3	Yard adjacent to other than R-7.5 or R-10: None Yard adjacent to R-7.5 or R-10: 25 ft., except: <ul style="list-style-type: none"> • 10 ft. – surface parking • 5 ft. from southern line of the commercial area as described in LOC 50.05.007.l.vi(1) [ROW north of Sunset St.] (no surface parking in setback) 	
R-0, R-3, R-5	Front: 10 ft. Rear: 10 ft. Side: exterior wall: 10 ft. Side: interior wall: 0 ft.	
Village Transition Yard Setbacks LOC 50.05.007.4.d.ii		
Village Transition Areas (VTAs) within 120 ft. of an abutting local or collector street	VTA 1	Front: 20 ft. Rear: 20 ft. Side: 10 ft. GC, OC, NC, or PF abutting a GC, OC, NC, or PF zone without the VTA overlay: 0 ft.
	VTA 2	Front: 10 ft. Rear: 10 ft. Side: 10 ft. GC, OC, NC, or PF abutting a GC, OC, NC, or PF zone without the VTA overlay: 0 ft.
	VTA 3	Front: 5 ft. Rear: 5 ft. Side: 5 ft. GC, OC, NC, or PF abutting a GC, OC, NC, or PF zone without the VTA overlay: 0 ft.
Park Streetfront Environmental Setbacks LOC 50.05.007.4.d.iii		
Kruse Way and Boones Ferry Road at locations where Park Streetfront Environment Setbacks apply.	Front (at street): 20 ft. Additional special pedestrian facilities, streetscape, and landscape requirements may apply within setback areas as set forth in LOC 50.05.007.7.f, Park Streetfront Environment.	

[Cross-Reference: Village Character Map, Figure 50.05.007-D; Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V]

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Figure 50.05.007-K: Village Yard Setbacks



i. Base Zone Yard Setbacks

Yard setbacks are established for each zone in the Lake Grove Village Center Overlay District as set forth below.

- (1) This standard applies at locations identified on Figure 50.05.007-J: Village Yard Setbacks Map. Base Zone Yard Setbacks are modified in accordance with special conditions and at locations as set forth in the Village Transition Yard Setbacks and Park Street Front Setbacks standards in this section.
- (2) Required yard setback in GC, NC/R-0, OC, and PF zones adjacent to an R-7.5 or R-10 zone shall be 25 ft.
- (3) Required yard setback in R-0, R-3 and R-5 zones shall ten ft. front, ten ft. rear, ten ft. side for exterior wall, and zero ft. side when attached.

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ii. Village Transition Yard Setbacks

Village Transition Yard Setbacks apply as identified on Figure 50.05.007-J: Village Yard Setbacks Map, in addition to other requirements set forth in this section. In case of a conflict, Village Transition Yard Setbacks apply. Village Yard Setbacks are illustrated in Figure 50.05.007-K.

- (1) Village Transition Yard Setbacks apply to each transition area identified on the Village Yard Setbacks Map in Figure 50.05.007-J.
- (2) Village Yard Setbacks apply to portions of structures within 120 ft. of an abutting local or collector street. For structures at a distance greater than 120 ft. from an abutting local or collector street, base zone yard setbacks apply.
- (3) No yard setback is required between abutting properties that are subject to the Village Transition Area overlay when both properties are developed under a unified site plan.

iii. Park Streetfront Environment Setbacks

Park Streetfront Environment Setbacks identified on Figure 50.05.007-J: Village Yard Setbacks Map apply along Boones Ferry Road and Kruse Way in addition to other requirements set forth in this section. In case of a conflict, Park Street Front Setbacks apply.

- (1) Required yard setback along Boones Ferry Road and Kruse Way shall be 20 ft.
- (2) Additional special pedestrian facilities, streetscape and landscape requirements may apply within setback area in LOC 50.05.007.7.f, Park Streetfront Environment.

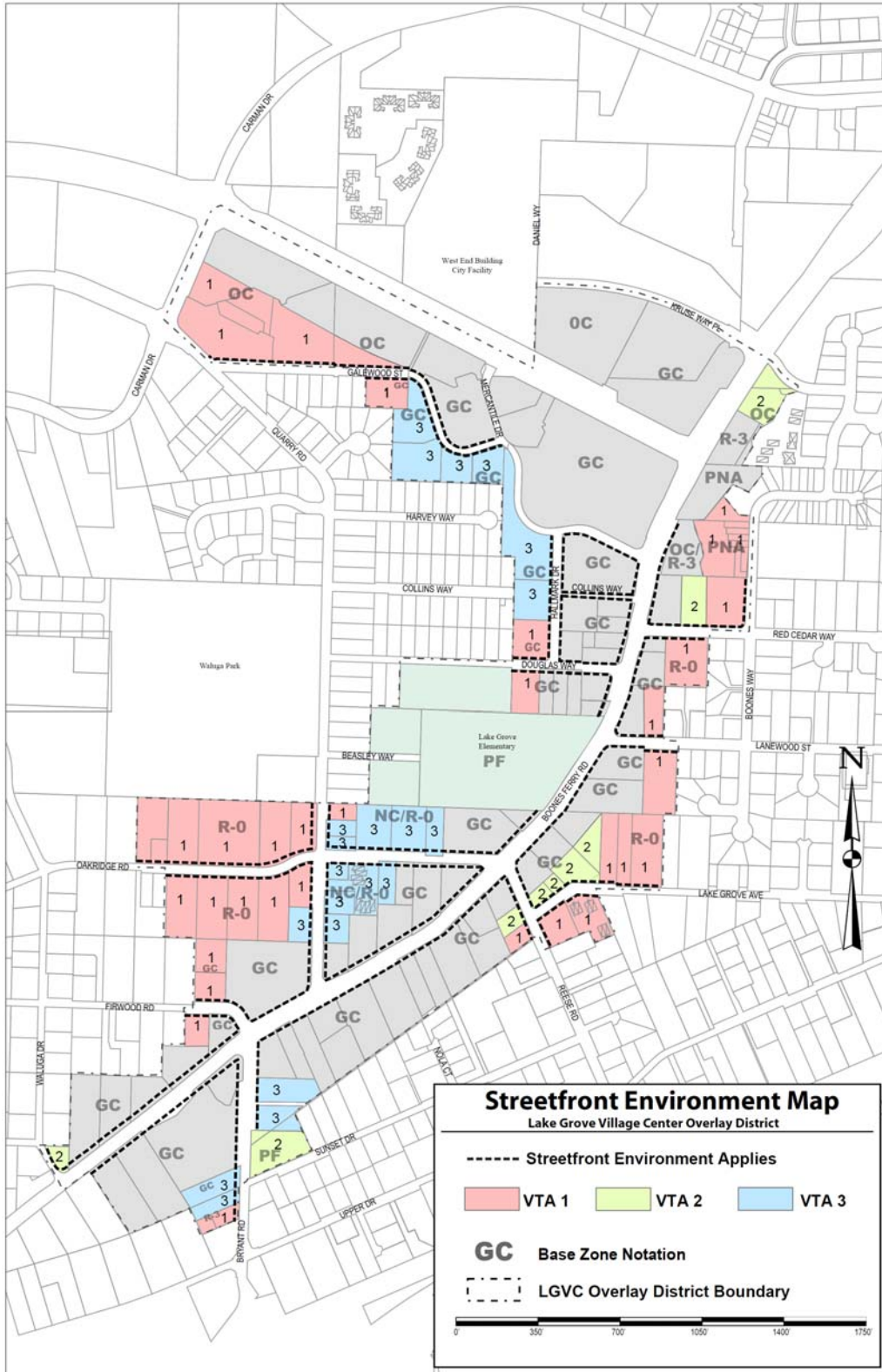
[**Cross-Reference:** Park Streetfront Environment Setbacks apply to locations identified on the Village Character Map, Figure 50.05.007-D.]

e. Streetfront Environment

These standards ensure that buildings create a sense of enclosure along public streets. The following standards apply at locations identified on the Figure 50.05.007-L: Streetfront Environment Map.

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Figure 50.05.007-L: Streetfront Environment Map

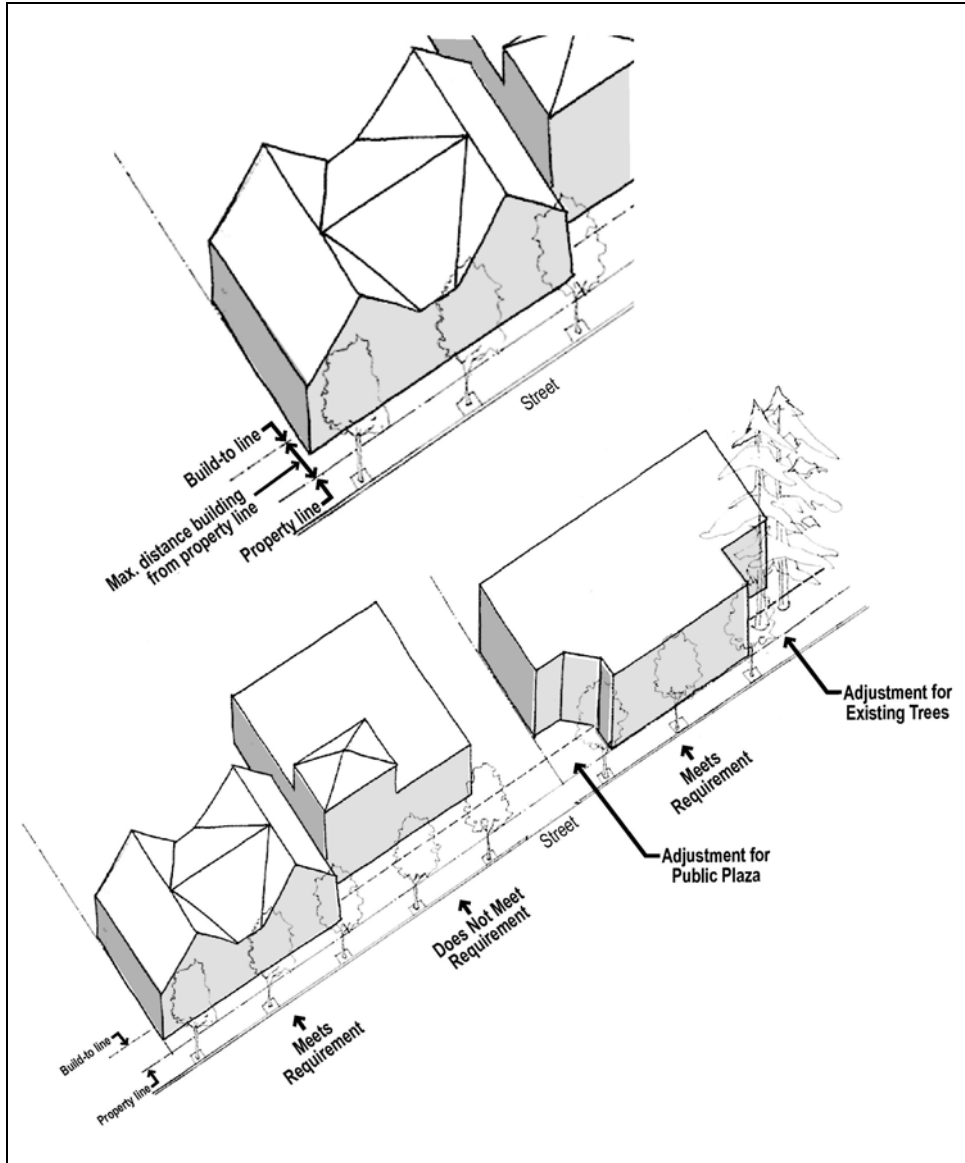


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i. Build-to Line

The build-to line is the maximum distance a building may be set back from the front property line as illustrated in Figure 50.05.007-M: Build-to Line.

Figure 50.05.007-M: Build-to Line



- (1) In case of a conflict with yard setback requirements in LOC 50.05.007.4.d, Yard Setbacks, build-to line standards apply.
- (2) If a parcel has more than two street frontages designated Streetfront Environment, the build-to line applies to two frontages only. On through lots where two street frontages are designated Streetfront Environment and only one building is proposed, the build-to line applies to the frontage to which the building is oriented. In all cases, the build-to line shall be met on the street with the highest street classification (i.e. an

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arterial street over a local street) subject to Streetfront Environment standards as set forth in this section.

- (3) The build-to line may be changed as set forth below:
 - (a) Up to ten ft. to protect any tree with a trunk diameter of at least five caliper in. or larger measured at 54 in. above mean ground level at the base of the trunk.
 - (b) As necessary to accommodate a public plaza meeting the requirements set forth in Building Design LOC 50.05.007.5.i.iii, Public Plaza.
 - (c) As necessary to accommodate a Village Commons or Gathering Place in accordance with LOC 50.05.007.7.c.
 - (d) As determined by the City Engineer to preserve existing trees and satisfy requirements set forth in LOC 50.05.007.6.b-e, Site Planning Standards.
- (4) Notwithstanding permitted adjustments, buildings shall meet build-to line requirements set forth in Table 50.05.007-4 below. The build-to line standard is illustrated in Figure 50.05.007-M: Build-to Line.

TABLE 50.05.007-4: BUILD-TO LINE STANDARDS		
Zone Districts and Village Transition Areas	Frontage Conditions	Build-to Line
GC, NC/R-0, R-0, R-3, OC/R-3	All	10 ft.
VTA 1	All	25 ft.
VTA 2	All	20 ft.
VTA 3	All	10 ft.

[Cross-Reference: Urban Streetfront Environment in the Special Requirements and Standards, LOC 50.05.007.7.d.ii and Village Character Map, Figure 50.05.007-D.]

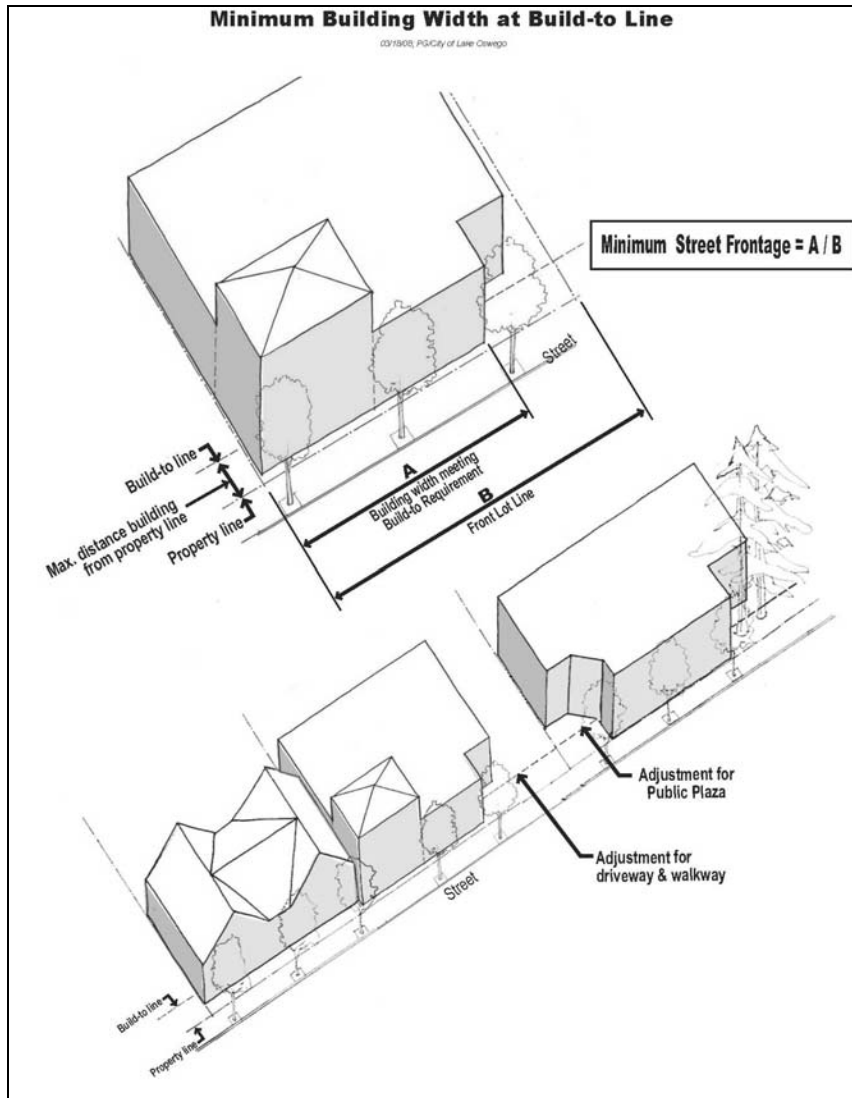
ii. Minimum Street Frontage

The minimum width of building required at the street shall be determined as a percentage of street frontage designated on the Streetfront Environment Map as follows:

- (1) Minimum street frontage is the ratio of A to B expressed as a percentage where: A equals the width of the portion of the building(s) meeting the build-to line requirement, and B equals the length of the front lot line abutting the public right-of-way. Minimum street frontage is illustrated in Figure 50.05.007-N: Minimum Street Frontage.

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Figure 50.05.007-N: Minimum Street Frontage



- (2) If a parcel has more than two street frontages designated Streetfront Environment, the minimum street frontage requirement applies to two frontages only. On through lots where two street frontages are designated Streetfront Environment and only one building is proposed, the minimum street frontage requirement applies to the frontage to which the building is oriented. In all cases, the minimum street frontage shall be met on the street with the highest street classification (i.e. an arterial street over a local street) subject to Storefront Environment standards set forth in this Section.
- (3) Buildings shall meet minimum street frontage requirements set forth in Table 50.05.007-5 below.

TABLE 50.05.007-5: MINIMUM STREET FRONTAGE STANDARDS			
Zone Districts and Village Transition Areas (VTA)	Frontage Conditions	Minimum Street	Minimum Street Frontage with

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		Frontage	Shared Access
GC, OC/R-3 – General Commercial	All	75%	60%
NC/R-0 – Neighborhood Commercial	All	60%	50%
VTA 1	All	60%	50%
VTA 2	All	60%	50%
VTA 3	All	75%	60%

(4) Exceptions to the minimum street frontage requirement are allowed as follows:

- (a) The minimum street frontage requirement can be waived when a public plaza is provided in accordance with LOC 50.05.007.5.i.iii, Public Plaza, or when the village commons or a gathering place is provided in accordance with LOC 50.05.007.7.c.
- (b) The minimum street frontage requirement may be reduced to the degree necessary for one or more of the following features, when otherwise permitted on the site:
 - (i) 24-ft. wide driveway.
 - (ii) 5-ft. wide pedestrian walkway along driveway.

iii. Minimum Height at Streetfront

This standard ensures buildings contribute to a sense of enclosure along the street. Minimum height standards are illustrated in Figure 50.05.007-O: Minimum Height Standards.

TABLE 50.05.007-6: MINIMUM HEIGHT AT STREETFRONT	
Boones Ferry Road frontage	27 ft.
All other street frontages	18 ft.

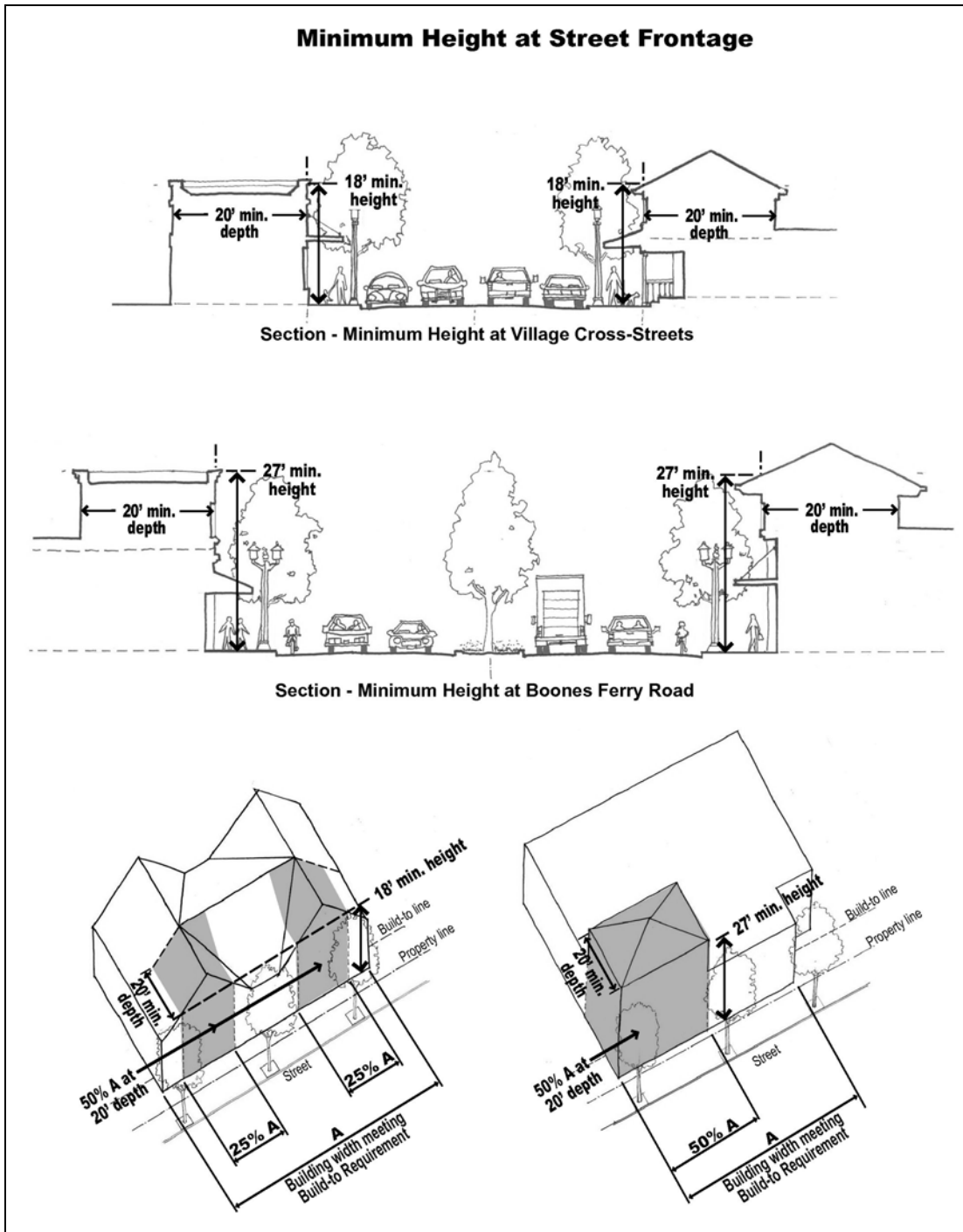
A minimum of 50% of the building width meeting the build-to requirement shall have a minimum depth of 20 ft. That portion of the building shall meet the minimum height requirements set forth in Table 50.05.007-6, above.

[**Cross-Reference:** Standards set forth in LOC 50.05.007.4.b.i(2), Step Back Above Second Story may apply.]

(Ord. 2455, Add, 04/01/2008)

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Figure 50.05.007-O: Minimum Height Standards



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5. BUILDING DESIGN STANDARDS

a. Purpose

The design standards in this section are intended to promote a variety of architectural styles, encourage pedestrian access and use of streets and gathering places, and foster compatibility with existing structures of good design and adjacent residential neighborhoods.

b. Style and Character

i. Eclectic Mix of Styles

Village character shall be derived from a variety of architectural elements, details, forms, and materials to create an eclectic mix of many architectural styles.

ii. Design Diversity

Monotony of design shall be avoided in relation to surrounding development. Building styles shall not be repeated if doing so results in a defining dominant style of the block.

iii. Permitted Architectural Styles

The permitted architectural style shall be provided in accordance with the Building Design Section of the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, permitted architectural styles within the District and its subareas are those set forth below as described in *Architecture, Oregon Style*, by R. Clark (Professional Book Center, Inc., Portland, Oregon, 1983):

(1) Permitted throughout the village center: Italianate, Arts and Crafts/Art Nouveau, Oregon Rustic/National Park, Colonial/Georgian and Cape Cod.

(2) Additional styles permitted in the GC zone without VTA overlay only: Italian Renaissance, Chicago School/Sullivanese, Art Deco/Modern, and Richardsonian Romanesque.

(3) Additional styles permitted in VTA 1, VTA 2 and VTA 3: Gothic Revival, Northwest Regional, Tudor/Jacobethan.

(4) Additional styles permitted in VTA 1: Classic Revival, Second Empire (no mansard), Prairie School, Bungalow and Craftsman, and Colonial.

iv. Composition

Building components, such as windows, doors, eaves and parapets shall be of proper proportion and be placed in relationship to one another as determined by the architectural style of the building.

c. Design Features

i. General Features

Building designs shall feature:

(1) Complex massing,

(2) Balanced composition of architectural forms and elements, and

(3) Richly textured and visually engaging facades.

ii. Plants and Architecture

(1) Provide and integrate landscaping with architecture. Landscaping may be provided at planters, borders, plazas, courtyards and in pots and planter boxes.

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(2) Landscaping shall be used to help define building proportion relationships and to provide scale to the structure as a whole.

(3) Specify drought-tolerant species.

iii. Existing Natural Forms and Vegetation

(1) Buildings shall be designed and located to complement and preserve existing natural land forms, trees, and other natural vegetation.

(2) Incorporate land forms and trees as design elements which must relate to building elevations to determine scale and proportion.

iv. Complementary Elements

Design those elements listed below to be complementary in appearance to those buildings or structures with which they are associated:

- Awnings
- Bus Shelters
- Benches
- Chimneys
- Decks and Railings
- Doors
- Downspouts
- Drinking fountains
- Foundations
- Lights
- Mailboxes
- Mechanical equipment
- Signs
- Solar panels
- Stairs
- Utility connections and meters
- Vents
- Windows
- Weather vanes, and other appendages attached to the roof or projecting above the roofline

d. Pedestrian Features

These standards facilitate pedestrian access and create viable pedestrian scale streetscapes and public places inclusive of pedestrian ways, parking areas, interior courtyards and public and private outdoor areas designed to foster the comfort and enjoyment of pedestrians and other users.

i. Orientation and Entrances

(1) Buildings shall be located within 30 ft. of a public street. Buildings located on sites adjacent to one or more transit streets shall be located within 30 ft. of at least one transit street.

(2) Buildings within 30 ft. of one or more public streets shall have a public entrance directly from at least one public street. Buildings located on sites adjacent to one or more transit streets shall have a public entrance directly from at least one transit street.

(3) Exceptions are permitted where locating the building as set forth in this standard is prevented by topographic constraints, existing natural resources, or where, in multi-building complexes, the configuration of the lot prevents locating all buildings within 30 ft. of a public street.

(4) Entries shall be sheltered and emphasized through the use of canopies, overhangs, awnings, or arcades.

(5) Entrances to upper floors shall be located so as not to conflict with street level and public area activities and pedestrian use.

(6) Additional standards for public entrances apply as follows: Requirements set forth in the Urban Village section apply at locations identified as Urban Village on Figure 50.05.007-D: Village Character Map. Requirements set forth in the Streetfront Environment standards apply at locations identified as Transitional Streetfront

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Environment – Campus Street Orientation designations on Figure 50.05.007-D: Village Character Map.

- ii. Walkways**

Walkways shall be continuous, direct and free of barriers such as poles or other obstructions.
- iii. Open Area Amenities**

Streetscapes and public areas shall provide for “layers” of design elements and amenities such as benches and walls, landscaping, street trees and walkways.
- iv. Windows**
 - (1) Windows shall be numerous and placed at the pedestrian level to provide a visual connection to the street environment and public areas.
 - (2) Windows at upper floors shall provide a visual connection to the street and public areas. Tinted glass shall not be used.
 - (3) Windows at dwelling units shall provide a visual connection to the street and public areas. Architectural elements including but not limited to balconies, front porches and windows may be employed.
- v. Rain Protection**
 - (1) Rain protection shall be provided over windows and entrances along the frontage of any building that abuts a public sidewalk or walkway.
 - (2) Rain protection shall consist of awnings, canopies or projections extending a minimum of four ft. or half the width of the sidewalk or walkway from face of window wall.
 - (3) Vinyl awnings are prohibited.
- vi. Lighting**
 - (1) Exterior building lighting shall be provided at a scale to enhance the pedestrian environment as part of the architectural concept.
 - (2) Fixtures, standards, and exposed accessories shall be compatible with the building and overall site design.
 - (3) Lighting shall be shielded, directed downward, and designed to prevent glare on abutting properties.
- e. Roofs**
 - i.** Flat roofs are permitted only on buildings greater than 20 ft. in height.
[Cross Reference: Minimum Height at Street Frontage, LOC 50.05.007.4.e.iii.]
 - ii.** Mansard roofs are prohibited.
 - iii.** Ecoroofs and roof gardens are encouraged to reduce runoff, promote rooftop storage for reuse, enhance building cooling and insulation, reduce heat island effect offering area cooling, improve air quality and to provide an attractive outdoor area.
 - iv.** Buildings shall be designed and constructed with roof angles, overhangs, flashings, and gutters to direct water away from the structure, pedestrian walkways and outdoor public places.

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f. Screening and Sound Buffering

- i. Building vents and mechanical equipment shall be screened from ground level view with materials harmonious to the building.
- ii. Roof-top mechanical equipment shall be screened from ground level view from all sides.
- iii. Solar panels are exempt from subsection (i) and (ii) above.
- iv. Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property by the following methods:
 - (1) Use solid barriers such as fences, berms, natural land forms, and structures compatible with adjacent buildings to reduce sound levels.
 - (2) Minimize the window surface on sides facing adverse sound sources, where possible.
 - (3) Heat pumps or similar noise generating equipment shall be located so that operating noise does not affect use of living areas such as bedrooms, outdoor decks or patio areas and adjacent property.

g. Materials

i. Wall Materials

Materials for walls and exterior components shall be complementary to each other, durable, and of high quality. The following exterior materials are not allowed:

- (1) EIFS or other synthetic stucco material,
- (2) Metal and vinyl siding,
- (3) T-111 Paneling,
- (4) Composite wood siding of any kind,
- (5) Mirrored glass,
- (6) Standard form concrete block (not including split faced, colored or other block designs, which mimic stone, brick or other masonry),
- (7) Back-lighted fabrics,
- (8) Plastic and fiberglass except when used to replicate styles, or
- (9) Corrugated metal.

ii. Roof Materials

Materials used for roof repairs (patching) must not be readily visible. Roof materials shall be limited to:

- (1) Slate,
- (2) Tile,
- (3) Shakes or wood shingles, or
- (4) Synthetic materials (e.g. concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake or wood shingles.

iii. Colors

- (1) Natural or subdued building color shall be used for expanses of exterior surfaces.

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(2) Bright or primary colors for entire walls or roofs shall not be allowed.

(3) Use of bright accent trim colors shall be limited.

h. Special Design Standards within the Village Transition Area

These standards apply within the Village Transition Area to foster visual interest and compatibility between adjoining buildings through appropriate scale relationships.

i. Design Elements

One or more of the following design elements shall be featured:

(1) Balconies and/or dormers to provide distinct and separate areas.

(2) Setting back parts of the facade to reduce the mass of large buildings or row of attached dwellings.

(3) A variety of harmonious colors, textures, material changes in rooflines eaves, gables, trim details, bay windows, balconies, porches, and verandas.

(4) Dormers to break up roof expanses.

ii. Building Planes

Building planes shall be broken down both horizontally and vertically through the use of one or more of the following design elements:

(1) Recessed or projected entries and porches.

(2) Combinations of roof gables and eaves facing on public sides of the building(s).

(3) Windows selected and composed to reference a human scale.

(4) Balconies.

(5) Wall planes offset a minimum depth of two ft.

[**Cross Reference:** Village Transition Area Applicability, LOC 50.05.007.3.b.ii and Village Transition Area Map, Figure 50.05.007-B.]

i. Urban Village Design Areas

Urban Village Design Area standards promote scale and design features appropriate to a street orientation. The following standards apply for properties designated Urban Village on Figure 50.05.007-D: Village Character Map.

i. Primary Entrances

(1) Primary public entrances shall be oriented to a public street and located within 30 ft. of that public street. Buildings located on sites adjacent to one or more transit streets shall have primary public entrances oriented to at least one transit street and located within 30 ft. of that transit street.

(2) Primary public entrances shall be accessed directly from a sidewalk adjacent to a public street or public plaza.

ii. Side Wall Plane

A side or rear elevation greater than 750 sq. ft. in area must be divided into distinct wall plans of 750 sq. ft. or less, resulting in a change in plane surface which projects or recedes at least two ft. from the adjacent plane, for a length of at least six ft.

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iii. Public Plaza

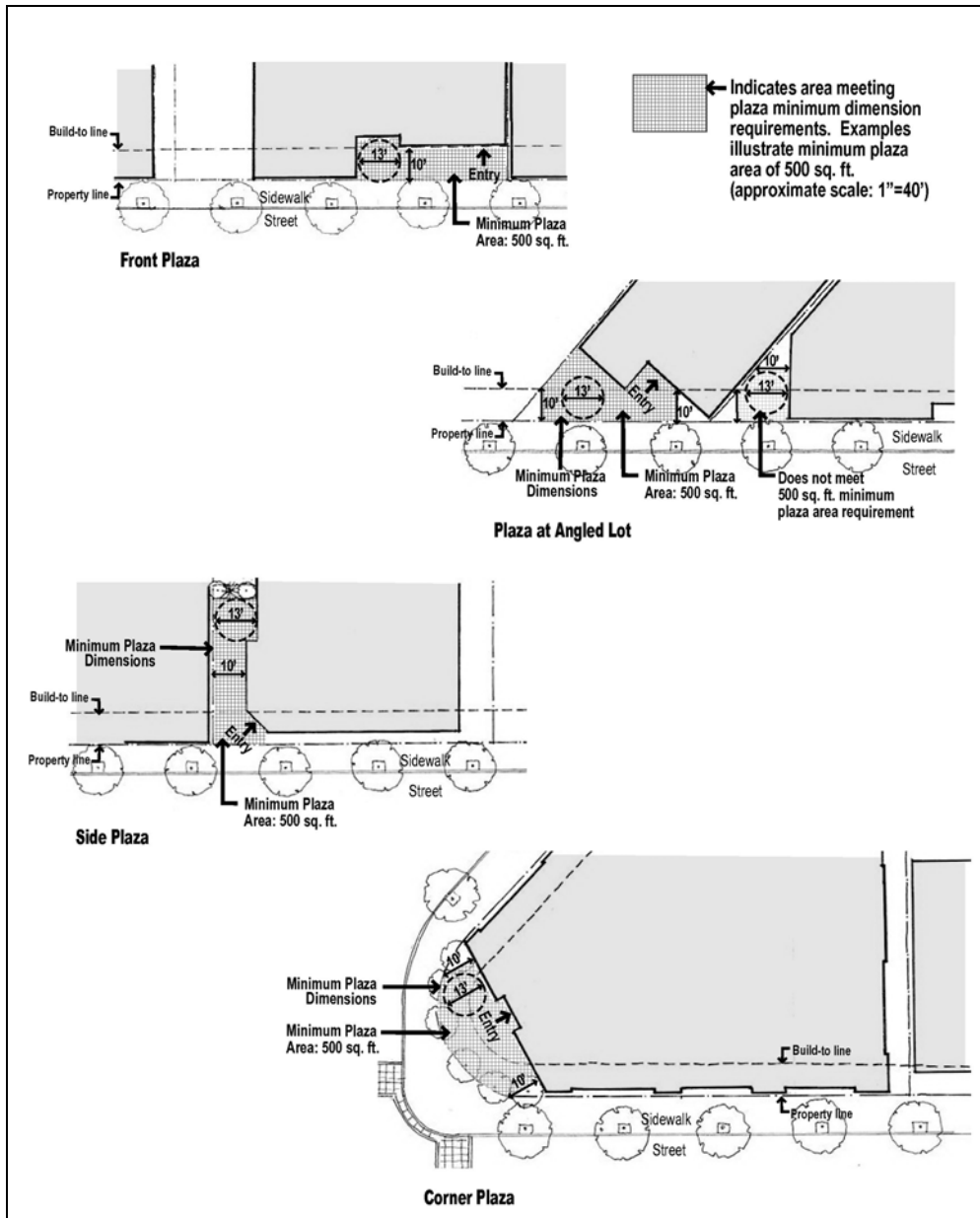
A public plaza may be provided as set forth below:

- (1) Build-to Line and Minimum Street Frontage standards may be changed or waived as set forth in Streetfront Environment, LOC 50.05.007.4.e.i and .ii when a public plaza meeting the requirements set forth in this subsection is provided.
- (2) Property within a public plaza easement area may be counted as landscaped area for compliance with requirements set forth in LOC 50.05.007.6.k.i, Minimum Area Requirement, when a public plaza meeting the requirements set forth in this subsection is provided.
- (3) Property within a public plaza easement area may be included as lot area for compliance with lot coverage standards set forth in LOC 50.05.007.4.c.ii, Lot Coverage, when a public plaza meeting the requirements set forth in this subsection is provided.
- (4) Easement. A public access easement shall be granted for a public plaza prior to issuance of the permit, the property owner shall furnish documentation of agreement to defend, indemnify and hold harmless the City, its officers and employees, from any claims for damages to property or injury to the satisfaction of the City Manager. Prior to the issuance of the permit, the property owner shall furnish documentation of insurance to the satisfaction of the City Manager.
- (5) When provided, the public plaza shall meet the minimum requirements set forth below and illustrated in Figure 50.05.007-P: Public Plazas:
 - (a) The public plaza shall be adjacent to the public right-of-way.
 - (b) Buildings shall front on the public plaza with windows and entrances facing the plaza.
 - (c) The plaza shall be a minimum of 500 sq. ft. in size and shall have an open area with dimensions adequate for inscribing a 13-ft. diameter circle. No plaza dimension shall be less than ten ft.
 - (d) The public plaza shall be primarily hardscape and incorporate small unit pavers or concrete scoring based on a maximum two ft. by two ft. unit. Trees and plants shall be provided in planting beds, raised planters or pots. One seat shall be provided for every 75 sq. ft. of plaza area.

[Cross-Reference: Urban Streetfront Environment, Public Plaza, LOC 50.05.007.7.d.ii(3).]

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Figure 50.05.007-P: Public Plazas



iv. Urban Village Standards for Buildings Exceeding 35 Ft. or Two and One-half Stories

These standards ensure taller buildings contribute appropriately to village scale and character. The following standards apply to buildings exceeding 35 ft. or two and one-half stories at locations designated Urban Village on Figure 50.05.007-D: Village Character Map.

v. Facade Plane

This standard requires building mass be broken up at a scale that contributes to a pedestrian environment and is compatible with adjacent residential neighborhoods as illustrated in Figure 50.05.007-Q: Facade Planes.

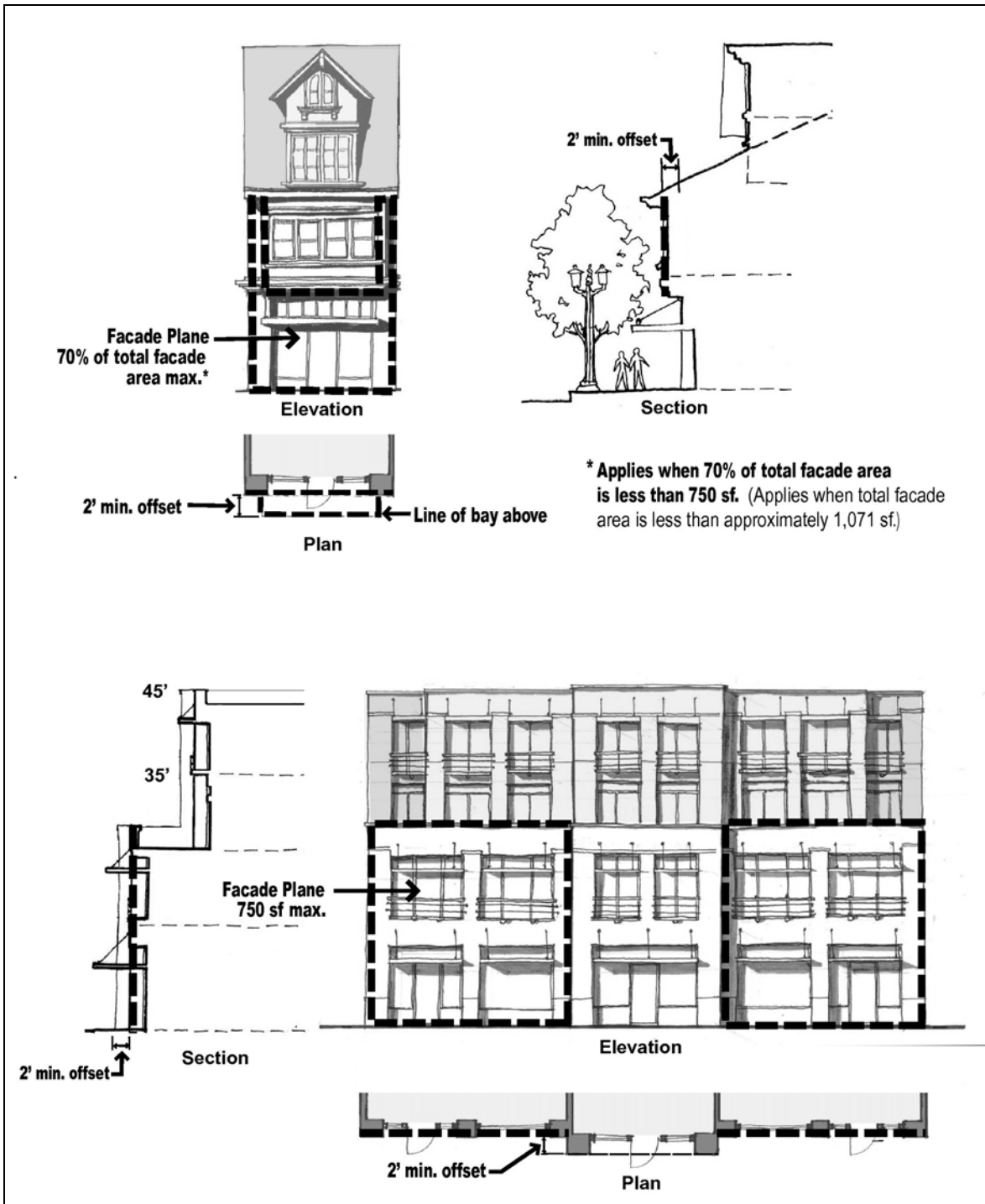
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- (1) Applies when total façade area is less than approximately 1,071 sq. ft.
- (2) Building façades must be divided into distinct planes not to exceed an area of 750 sq. ft. or 70% of the total façade area, whichever is smaller.
- (3) Building planes shall be a minimum width of six ft. and offset by a minimum of two ft.

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Figure 50.05.007-Q: Facade Planes



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vi. Design Features

A minimum of two of the following design features are required. (Desired design features are to be illustrated in the Building Design section of the Lake Grove Village Center Design Handbook.)

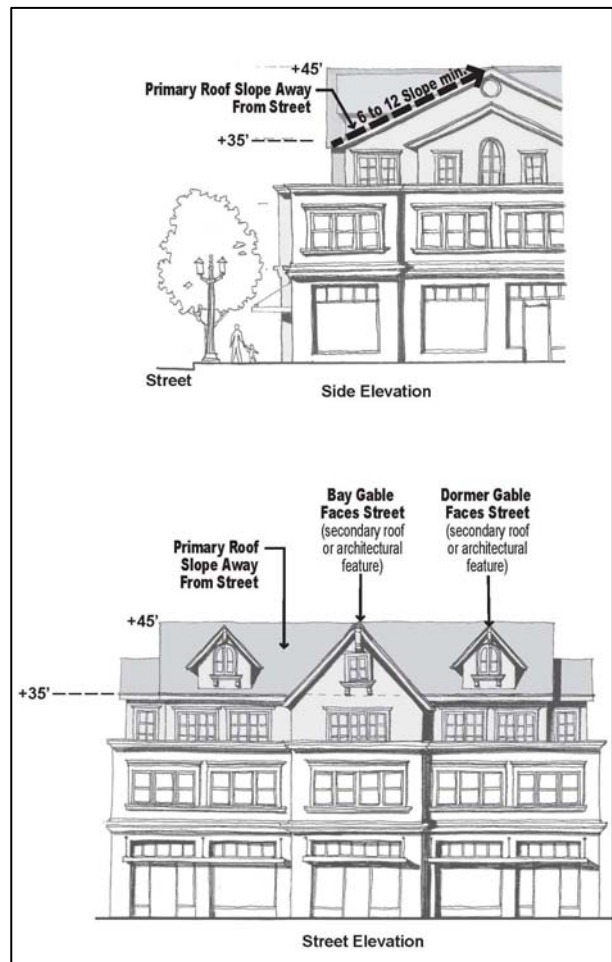
- (1) The primary roof shall feature a minimum six to 12 slope. The roof shall slope up and away from any abutting street. Secondary roof forms or architectural features such as dormers or bays may form gables facing the street. Mansard roofs are prohibited. This requirement is illustrated in Figure 50.05.007-R: Roof Design.
- (2) Windows, balconies, or entryways to balconies or terraces shall be used to create the perception of depth, transparency and establish a human scale at upper stories.
- (3) Variation in materials, textures, colors, and shapes shall be used to make stories above the second story appear to recede from view.
- (4) A public plaza shall be provided. The plaza shall meet the requirements of LOC 50.05.007.5.i.iii, Public Plaza. Notwithstanding these requirements, the plaza shall not be less than 4% of the lot area or 500 sq. ft., whichever is greater.

vii. Storefront Window

These standards provide a storefront appearance on the ground floor and maximize the opportunity for window shopping. The following standards apply to commercial development at Urban Streetfront Environment locations designated as Storefront Window Boones Ferry Road and Storefront Window Village Cross Street on the Village Character Map, Figure 50.05.007-D: Village Character Map.

- (1) Awnings, signs, and lights shall be designed to define first floor retail frontage.
- (2) A break in building planes, awning or canopy construction shall occur at intervals not to exceed 25 ft. as shown in Figure 50.05.007-S: Awnings.

Figure 50.05.007-R: Roof Design



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- (3) A minimum of 80% (linear measurement) of the exterior ground floor that is at or within the build-to line or abutting public plazas shall be designed as storefront with display windows and entry features.
- (4) Display windows shall have a depth of at least two ft. and shall allow views of activity within the building. Views of activity within the building are preferred but views to displays that illustrate activities related to uses within the building may be permitted.
- (5) The bottom edge of windows abutting the street frontage and public plazas shall be constructed no more than 30 in. above and no less than 12 in. above grade.

Figure 50.05.007-S: Awnings



[**Cross-Reference:** Urban Streetfront Environment, Public Plaza, LOC 50.05.007.7.d.ii(3).]

j. Village Campus Design Areas

Village Campus standards prevent smooth, undifferentiated facades and promote building scale and articulation appropriate for development in a context where buildings are set back from the street. Buildings may be set back from the street to create a desired character as set forth in the Transitional Streetfront Environment and Park Streetfront Environment. Existing site conditions may call for flexibility in building location to preserve natural features including trees, riparian areas, and topography, and to accommodate curved or limited street frontage or large through-lots adjacent to Kruse Way. The following standards apply for properties designated Village Campus on the Village Character Map, Figure 50.05.007-D: Village Character Map.

i. Offset Architectural Elements

Buildings facades shall be designed to reference the rhythm of structural elements by offsetting bays, projecting columns, recessing windows, or providing a combination of two of these features. The minimum depth for offset structural elements shall be 18 in. for a minimum width of 18 in.

ii. Base, Middle and Top

Buildings facades shall be designed to reference a human scale by providing a tripartite façade division with an identifiable base, middle and top.

iii. Significant Shadows

Building facades shall be designed to create significant shadows. Two or more architectural features exhibiting a minimum depth of 12 in. shall be employed. Architectural features may include, and are not limited to, the following:

- (1) Bays,
- (2) Columns,
- (3) Recessed windows,
- (4) Eaves,
- (5) Cornices,

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SUBSECTION 6: SITE PLANNING STANDARDS

- (6) Awnings,
 - (7) Balconies,
 - (8) Trellises,
 - (9) Window boxes, and
 - (10) Articulated building base.
- (Ord. 2455, Add, 04/01/2008)

6. SITE PLANNING STANDARDS

a. Purpose

The site planning standards in this section ensure:

- i. Enhanced safety, convenience and attractiveness for walking, transit use and bicycling;
- ii. Safe access to businesses and minimizing pedestrian conflicts through driveway consolidation over time;
- iii. Redevelopment and growth potential through shared off-street parking arrangements;
- iv. Village identity based on the conservation and promotion of large-scale native trees such as Douglas fir and unified landscape and streetscape elements;
- v. Buffering of low density residential neighborhoods from abutting dissimilar uses; and
- vi. An attractive, quality environment to foster community pride and attract desired development and uses.

b. Streets, Circulation, and Pedestrian System

In accordance with the standards set forth below, development shall occur in a manner to ensure the phased construction of the planned circulation and access system and in no circumstance shall prevent the development of a cohesive access and circulation system.

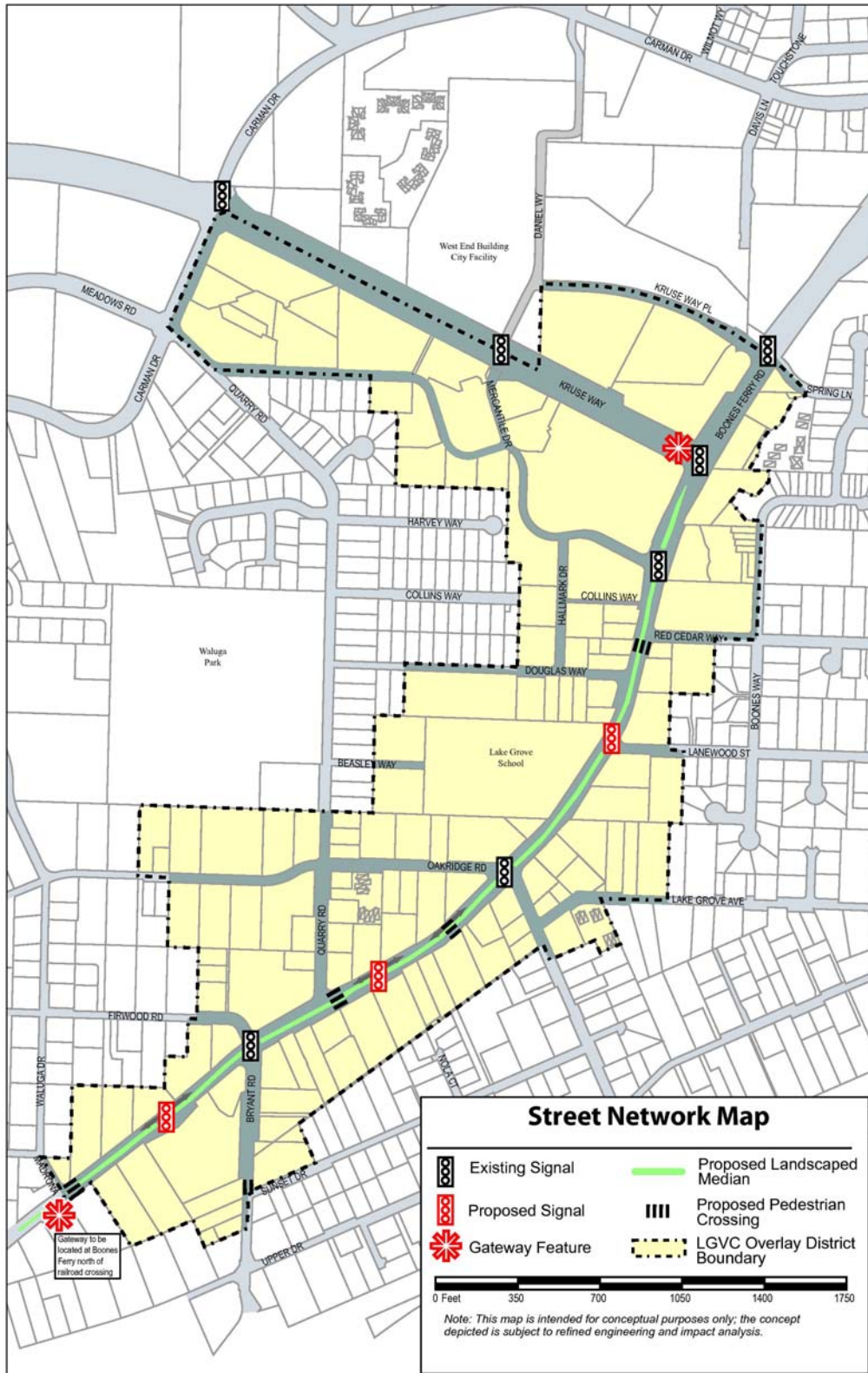
i. Transportation System Maps

Streets, alleys, traffic controls, crossings, pedestrian, bike and transit facilities, parking facilities and access shall be provided and developed in accordance with the following:

- (1) **Figure 50.05.007-T: Street Network Map;**

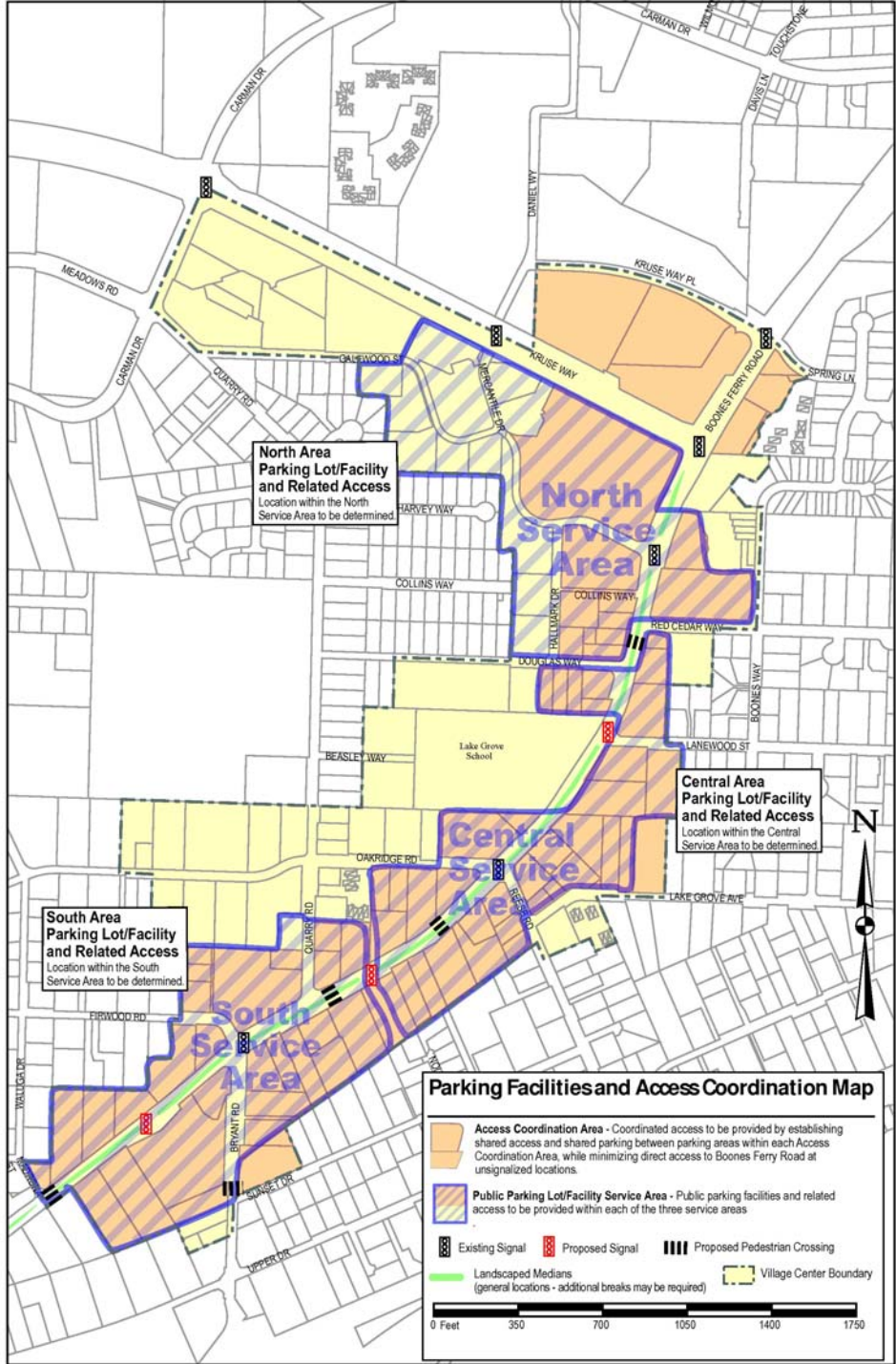
SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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Figure 50.05.007-T: Street Network Map



SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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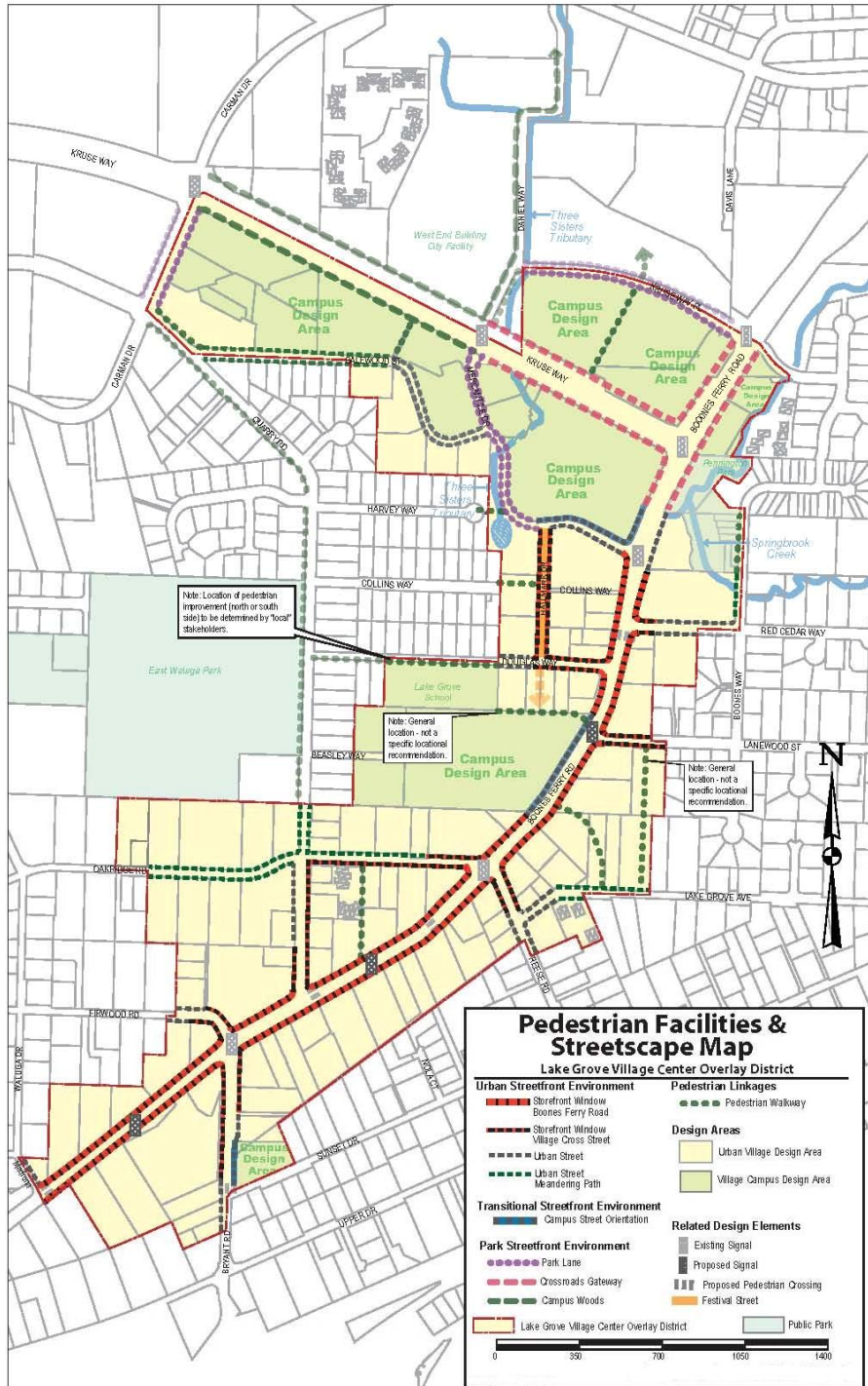
(2) Figure 50.05.007-U: Parking Facilities and Access Coordination Map;
Figure 50.05.007-U: Parking Facilities and Access Coordination Map



(3) Figure 50.05.007-V: Pedestrian Facilities and Streetscape Map;

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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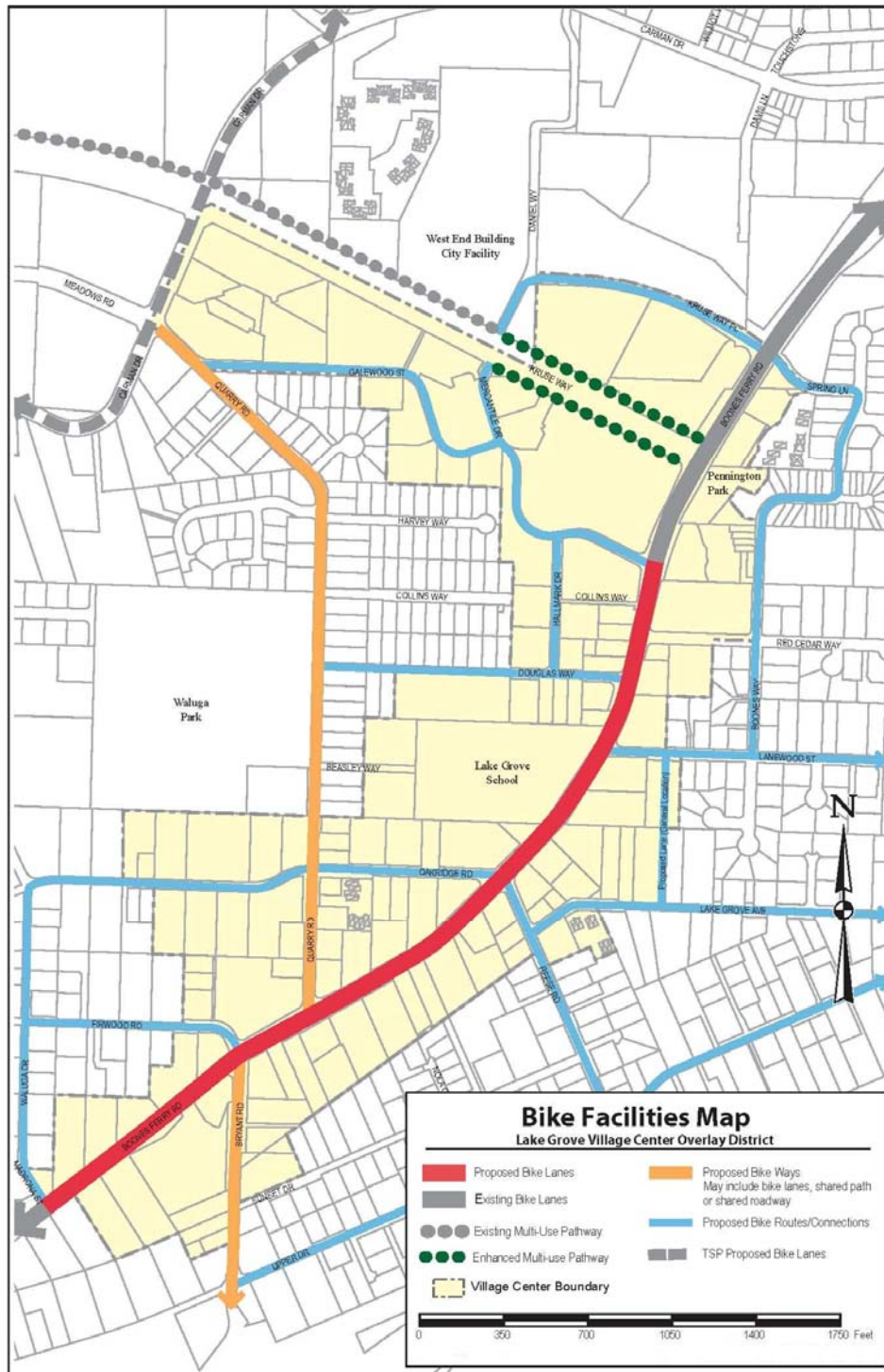
Figure 50.05.007-V: Pedestrian Facilities and Streetscape Map



(4) Figure 50.05.007-W: Bike Facilities Map; and

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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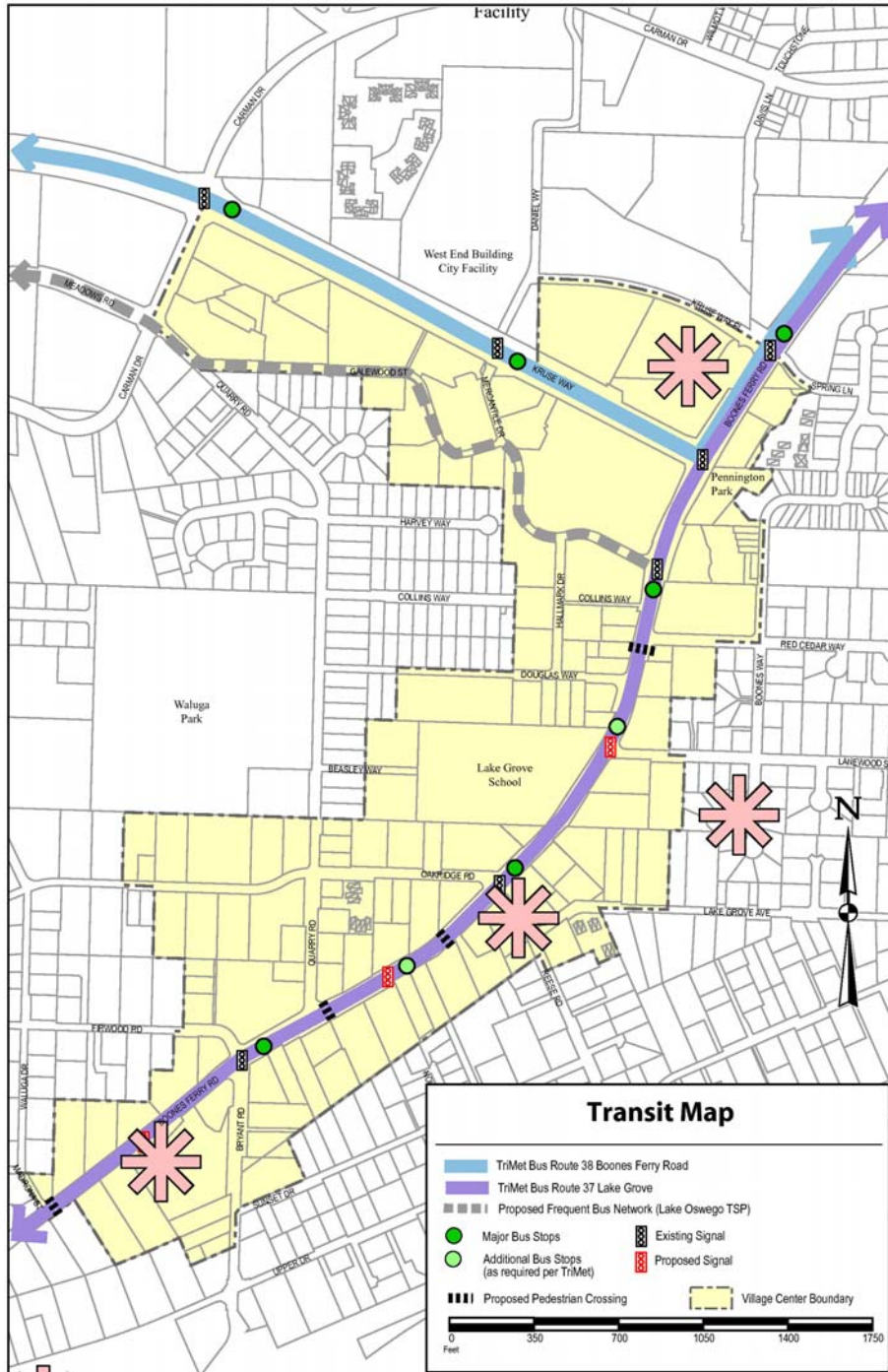
Figure 50.05.007-W: Bike Facilities Map



(5) Figure 50.05.007-X: Transit Map.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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Figure 50.05.007-X: Transit Map



ii. Design Standards

Design treatment for auto, bike and pedestrian facilities shall be in accordance with minimum standards set forth in LOC Article 42.03, Street Design Standards, LOC Article 42.08, Sidewalks, and with the standards below at applicable locations.

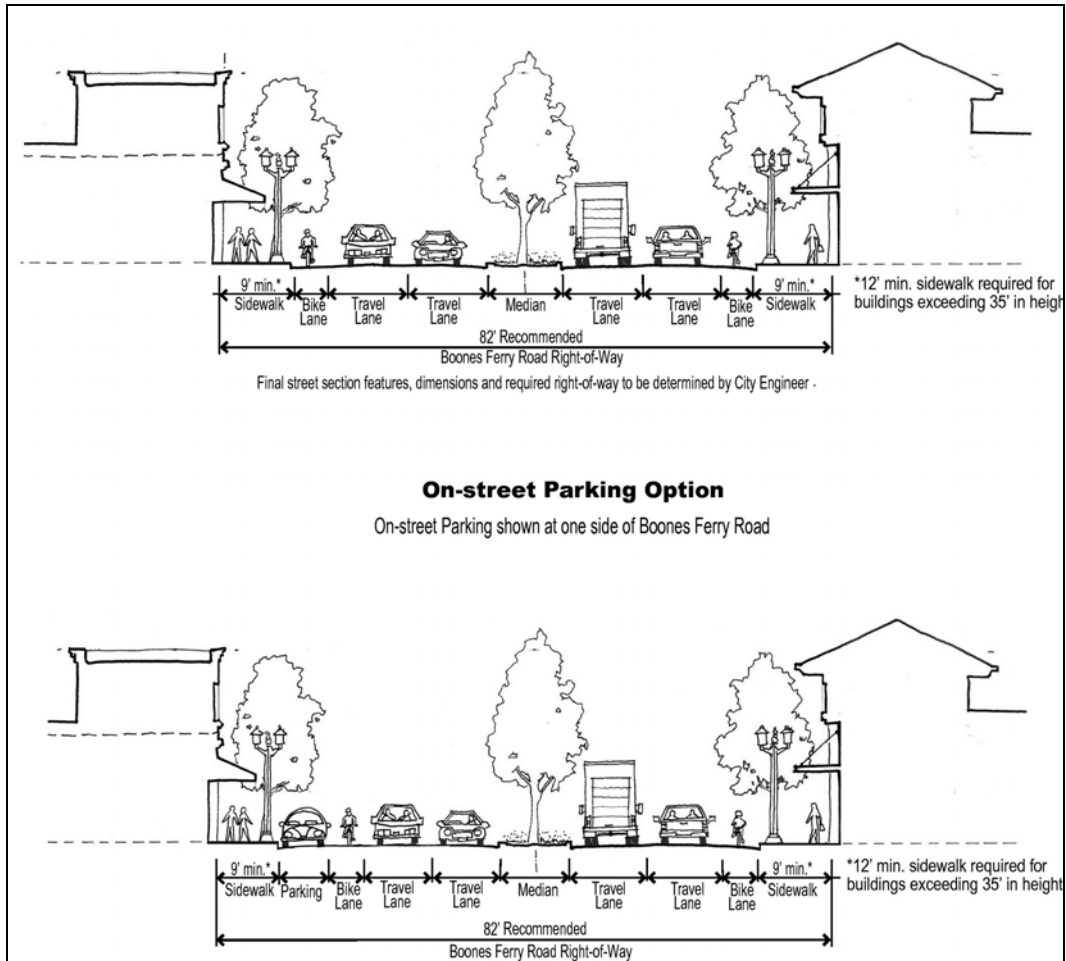
SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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(1) Generally Applicable Standards

The following design standards shall be generally applicable.

- (a) Street sections, below, illustrate streetscape standards for locations designated Storefront Window on Boones Ferry Road. Additional streetscape standards apply. Refer to Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V and applicable standards for sidewalk dimensions and streetscape treatments, Figures 50.05.007-BB through II.
- (b) Final street section features, dimensions and required right-of-way to be determined by City Engineer.
- (c) Boones Ferry Typical Mid Block Street Section;

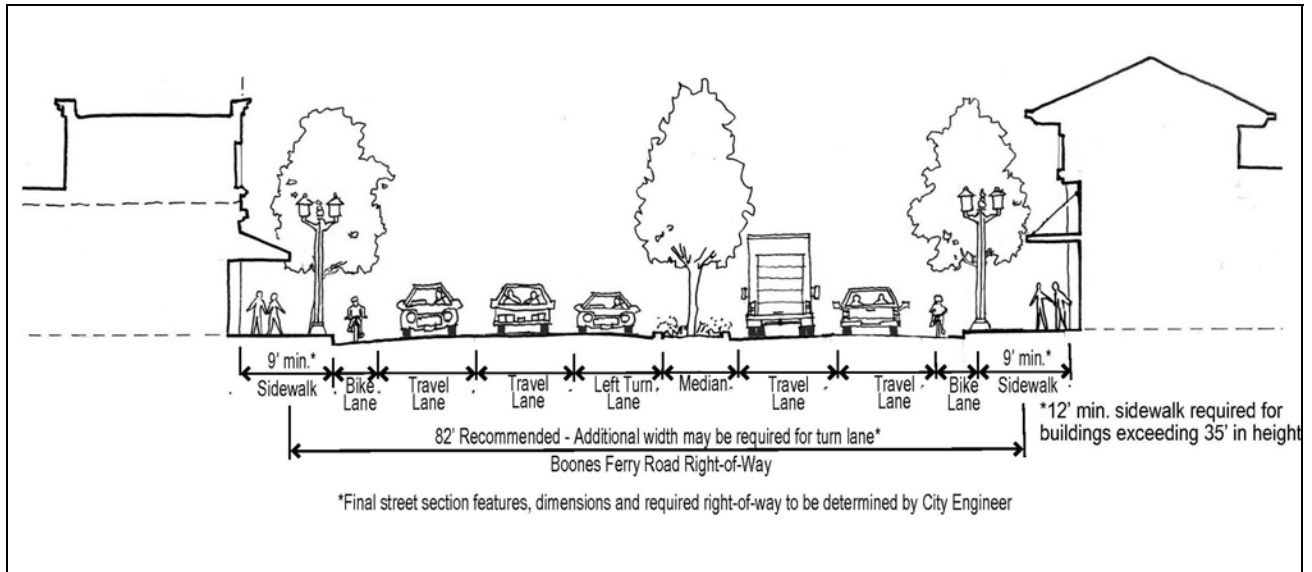
Figure 50.05.007-Y: Boones Ferry Typical Mid-Block Street Section



- (d) Boones Ferry Typical Signalized Intersection Street Section; and

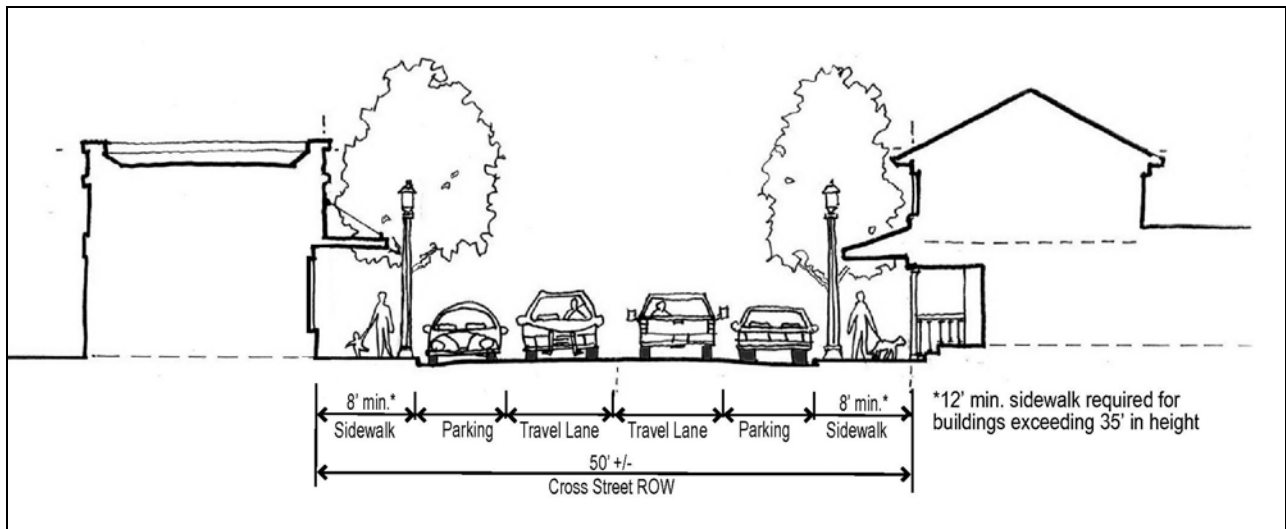
SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT
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Figure 50.05.007-Z: Boones Ferry Typical Signalized Intersection Street Section



(e) Village Cross Street Section at Transition to Boones Ferry Road.

Figure 50.05.007- AA: Village Cross Street Section at Transition to Boones Ferry Road



(2) Map Specific Locations

(a) The Pedestrian Walkway standard, Figure 50.05.007-BB: Pedestrian Walkway, applies at locations identified on Figure 50.05.007-T: Street Network Map or Figure 50.05.007-V: Pedestrian Facilities and Streetscape Map. Final features, dimensions and required easement or right-of-way to be determined by City Engineer.

(i) Two Pedestrian Walkway Options

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(A) Meandering Path – comprised of an asphalt walkway, trees and landscaping.

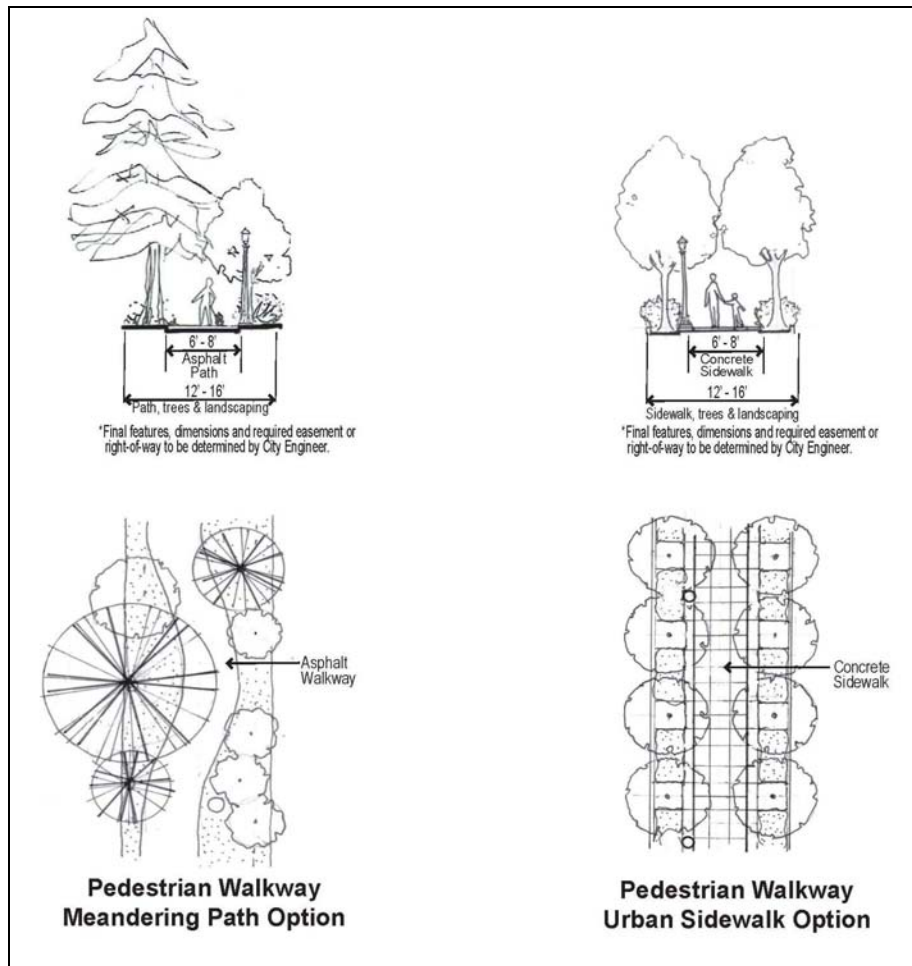
(B) Urban Sidewalk – comprised of a concrete sidewalk, trees and landscaping.

(ii) Dimensions

(A) The total width of the path/sidewalk, trees and landscaping shall be 12 ft. minimum and 16 ft. maximum.

(B) The width of the path/sidewalk shall be six ft. minimum and eight ft. maximum.

Figure 50.05.007-BB: Pedestrian Walkway



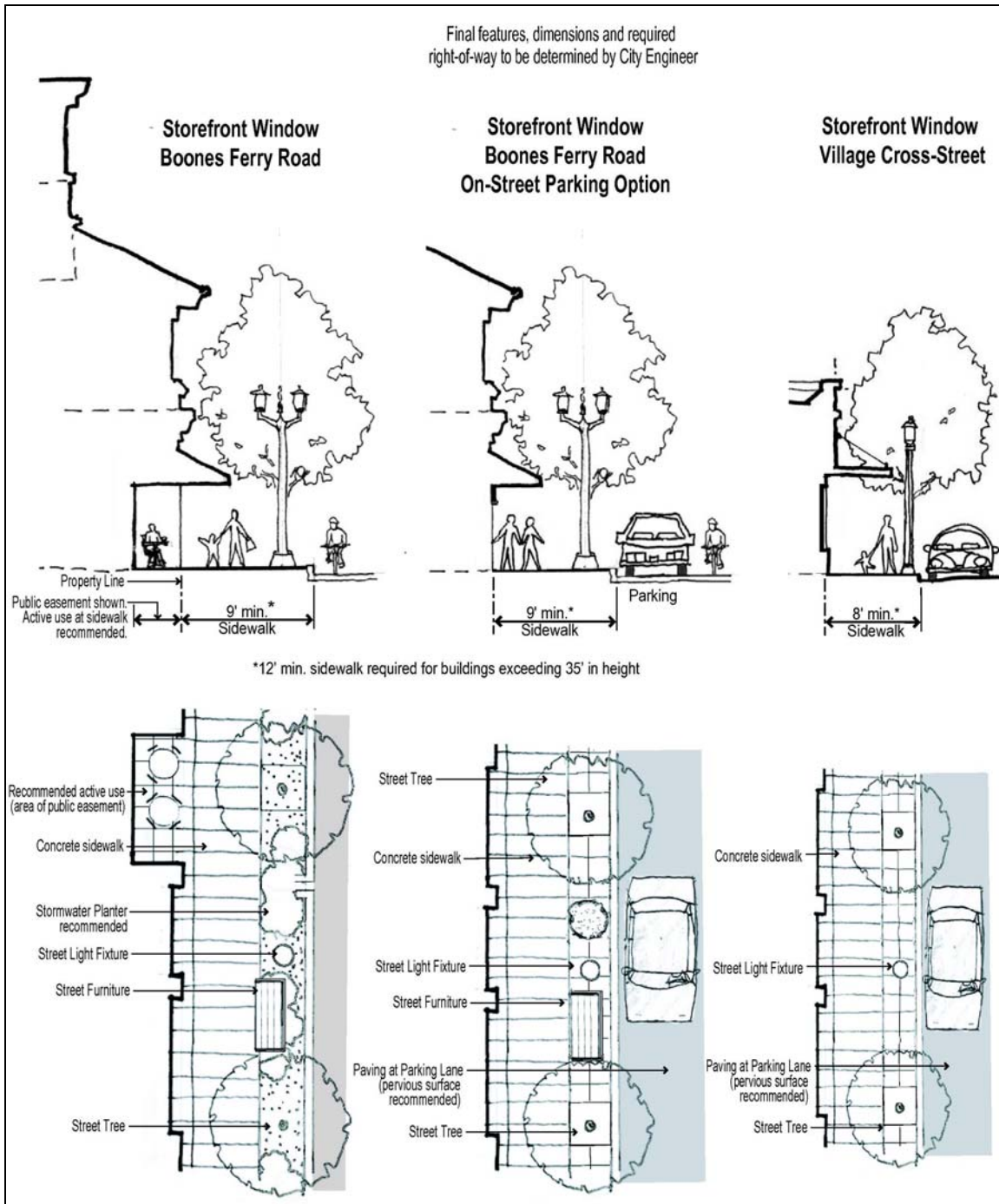
(b) Urban Streetfront Environment

The following standards apply to locations designated Urban Streetfront Environment on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V. Final features, dimensions and required right-of-way to be determined by City Engineer.

(i) Storefront Window Streetscape

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Figure 50.05.007-CC: Storefront Window Streetscape



(ii) Storefront Sidewalk Zone Requirements

TABLE 50.05.007-7: STOREFRONT SIDEWALK ZONE REQUIREMENTS

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Location	Sidewalk Width	Pedestrian Thru Zone	Street Tree Stormwater Planting/Furniture Zone
Boones Ferry Road	12 ft.	6 ft. min.	4 ft. - 6 ft.
Boones Ferry Road	9 ft.	5 ft. 6 in. min.	3 ft. 6 in.
Village Cross Street	8 ft.	4 ft. - 5 ft. min.	3 ft. – 4 ft.

(A) Pedestrian Thru Zone

The area of the sidewalk where pedestrians can pass through without obstructions side-by-side.

(B) Furnishing/Stormwater Planter Zone

The space along the length of the sidewalk for elements encouraging pedestrian use of the right-of-way. Such elements include landscaping including street trees and stormwater, planters. Lighting, benches, bike racks and transit shelters. In all pervious areas, landscaping must be soft (grass or ground-cover). Vertical elements such as “loading zone” signs, permanently located in the Furnishing zone must be set back 18 in. from the curb.

(C) A.D.A Requirements

Curb ramps, access routes, warning strips, etc., must conform to the requirements of the Americans with Disabilities Act as determined by the City Engineer.

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Figure 50.05.007-DD: Storefront Sidewalk Zone Requirements

Pedestrian Thru Zone

The Pedestrian Thru Zone is the area of the sidewalk where pedestrians can pass through without obstructions side-by-side.

Final features, dimensions and required right-of-way to be determined by City Engineer

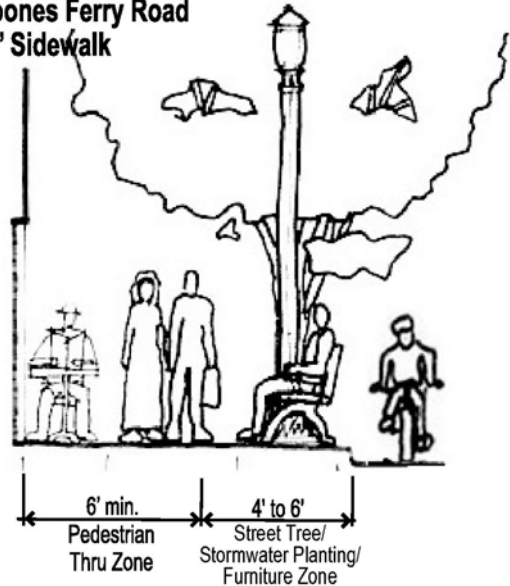
Furnishing/Stormwater Planter Zone

The Furnishing/Stormwater Planter Zone is the space along the length of the sidewalk for elements encouraging pedestrian use of the right-of-way. Such elements include landscaping including street trees and stormwater, planters, lighting, benches, bike racks and transit shelters. In all pervious areas, landscaping must be soft (grass or ground-cover). Vertical elements such as "loading zone" signs, permanently located in the Furnishing Zone must be set back 18" from the curb.

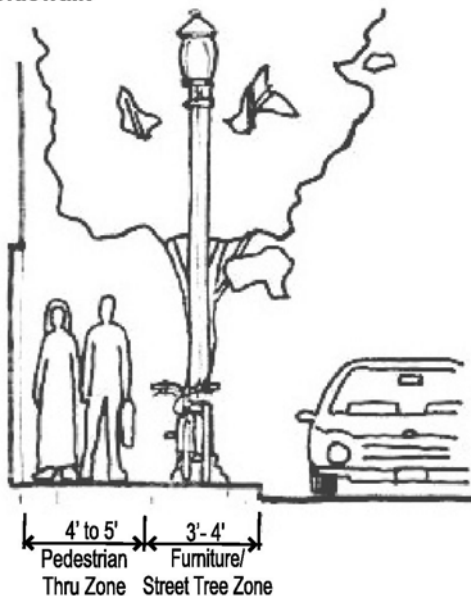
A.D.A. Requirements

Curb ramps, access routes, warning strips, etc., must conform with the requirements of the Americans with Disabilities Act as determined by the City Engineer.

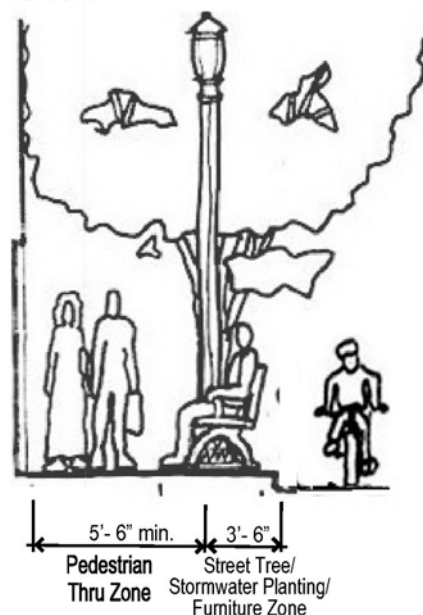
**Boones Ferry Road
12' Sidewalk**



**Village Cross Street
8' Sidewalk**



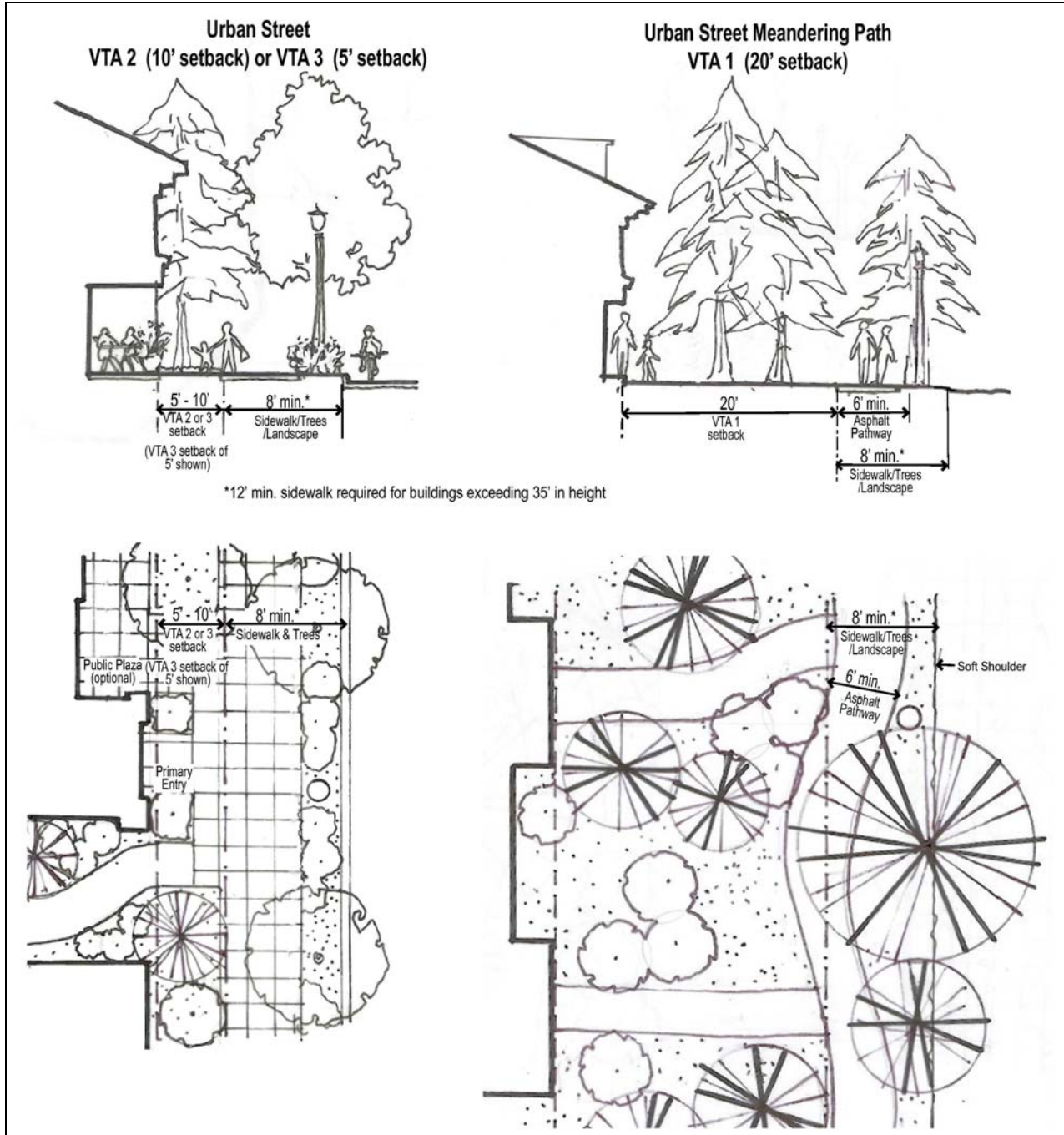
**Boones Ferry Road
9' Sidewalk**



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(iii) Urban Street Orientation Streetscape

Figure 50.05.007-EE: Urban Street Orientation Streetscape



[Cross-Reference: Urban Streetfront Environment, LOC 50.05.007.7.d.ii.]

(c) Transitional Streetfront Environment

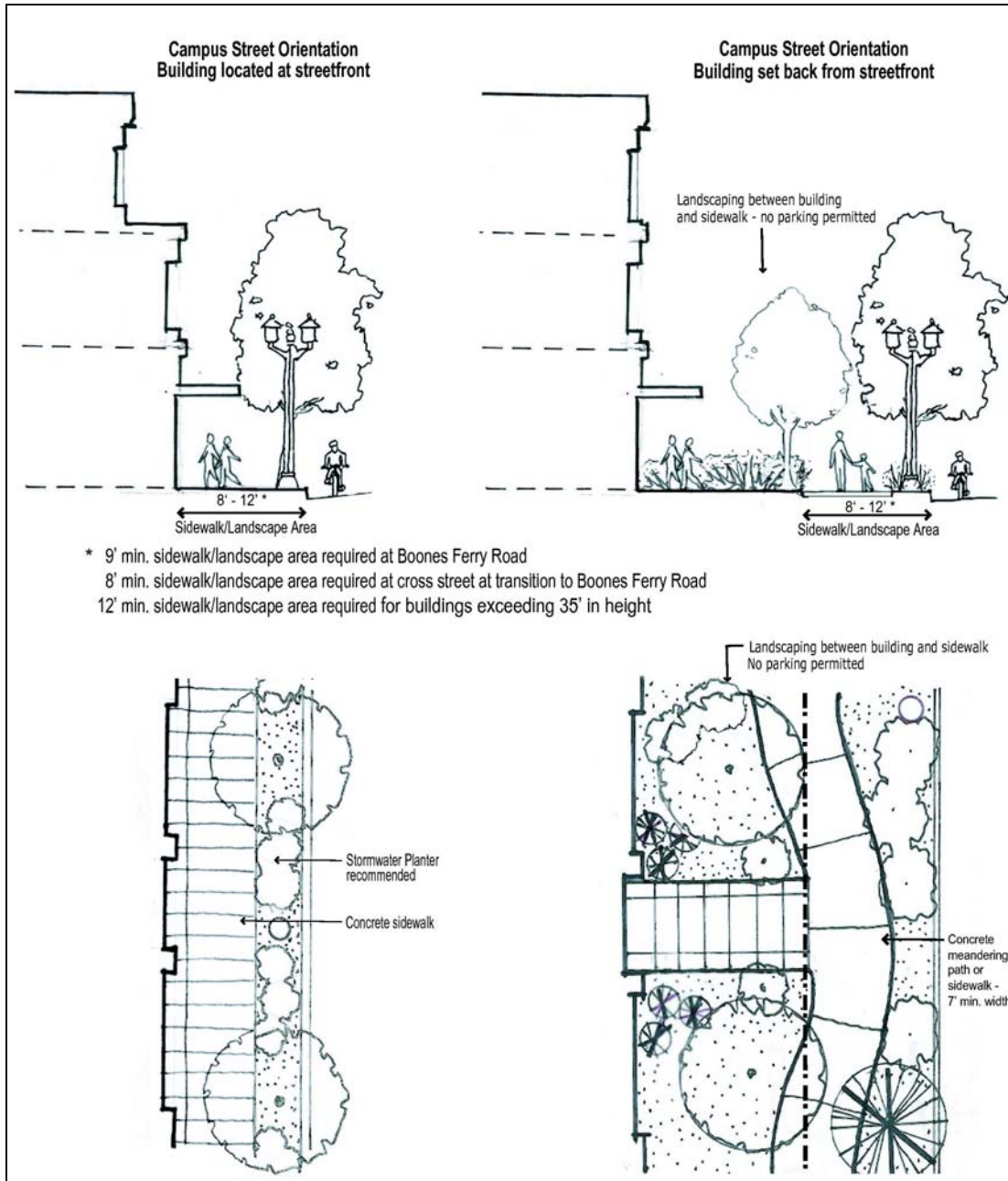
The Campus Street Orientation Streetscape, Figure 50.05.007-FF: Campus Street Orientation Streetscape, standard applies to locations designated Transitional

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Streetfront Environment on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V.

Figure 50.05.007-FF: Campus Street Orientation Streetscape



[Cross-Reference: Transitional Streetfront Environment, LOC 50.05.007.7.e.]

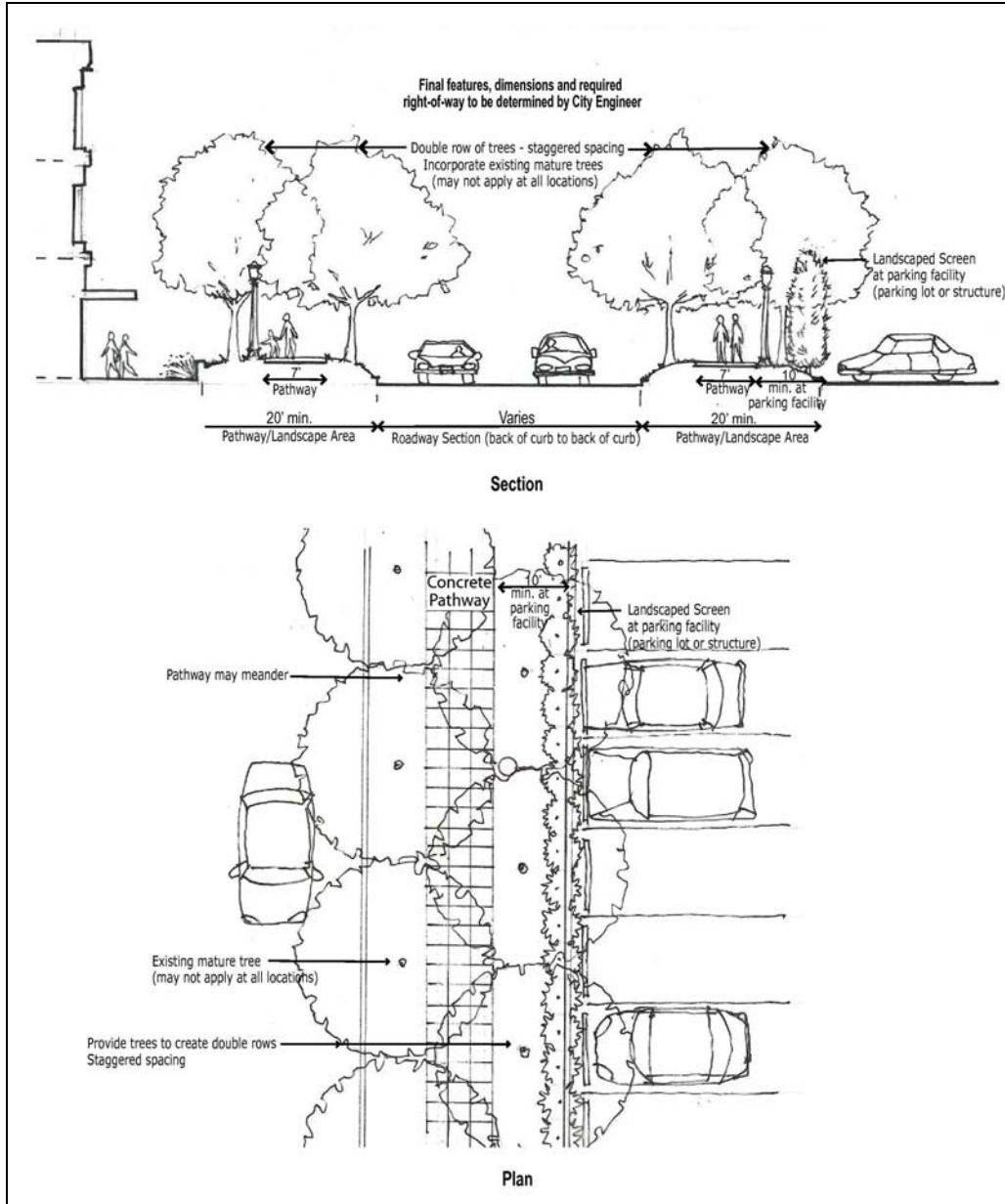
(d) Park Streetfront Environment

The following standards apply to locations designated Park Streetfront Environment on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V.

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(i) Park Lane Streetscape,

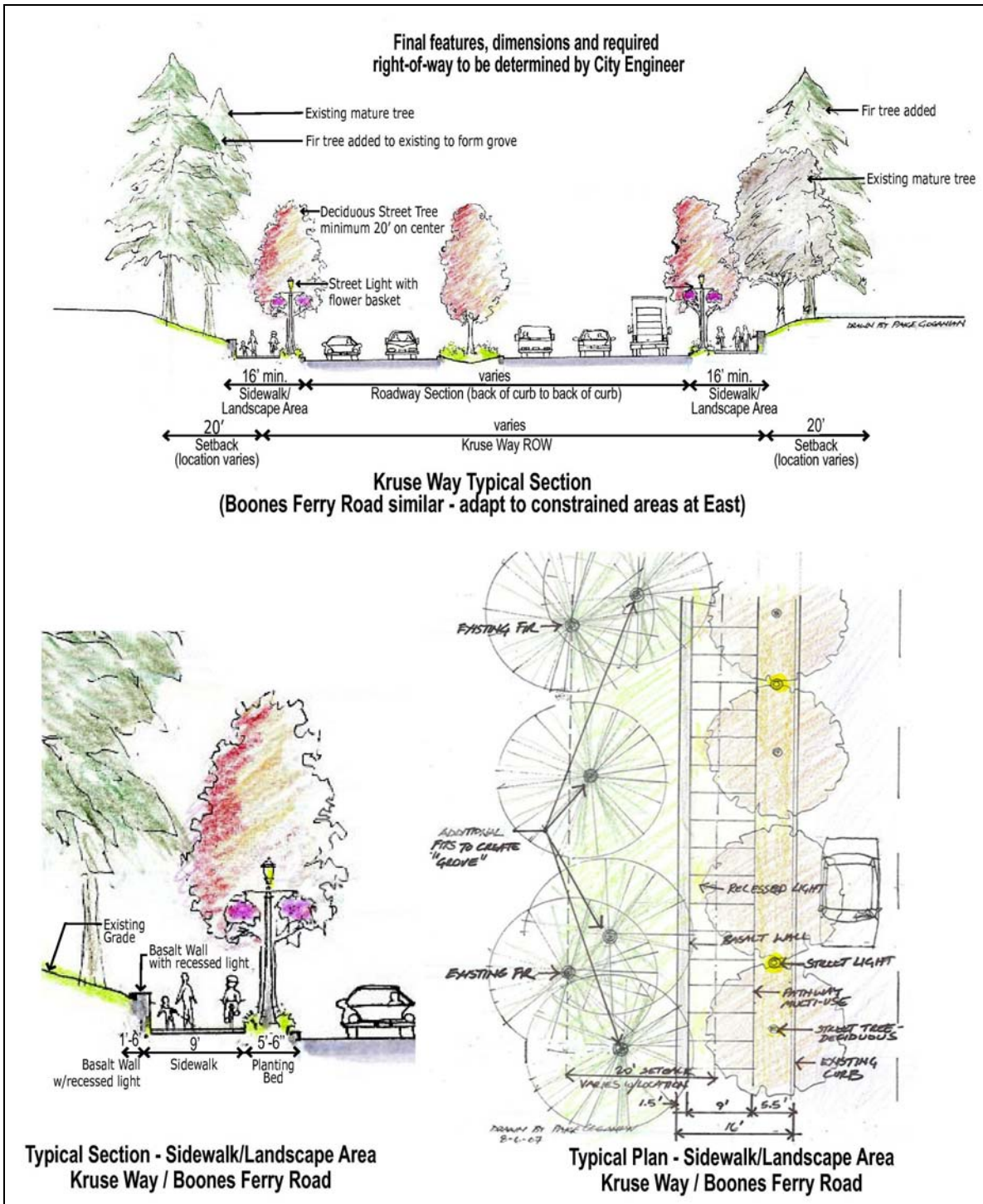
Figure 50.05.007-GG: Park Lane Streetscape



(ii) Crossroads Gateway Streetscape, and

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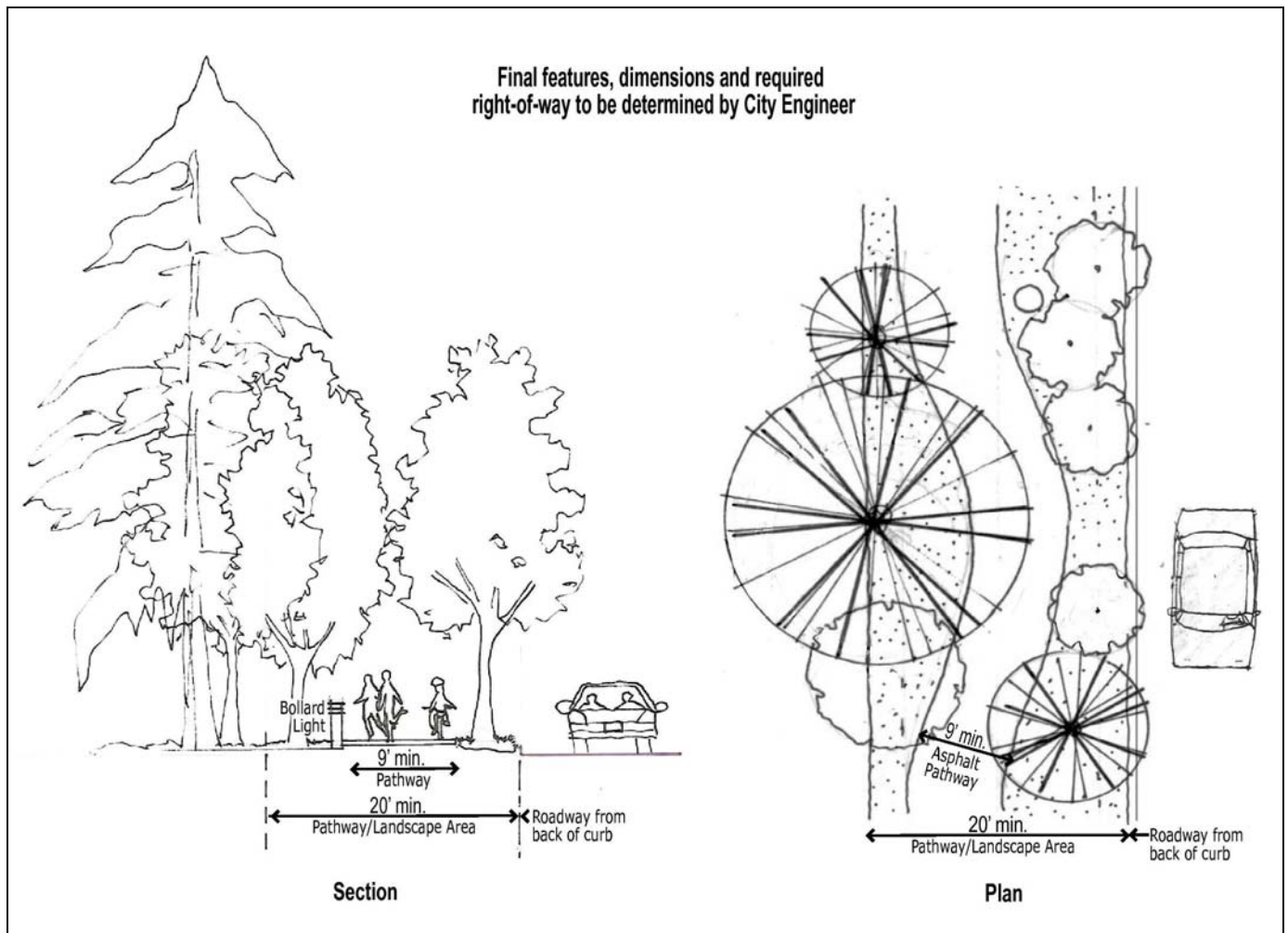
Figure 50.05.007-HH: Crossroads Gateway Streetscape



(iii) Campus Woods Streetscape.

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Figure 50.05.007-II: Campus Woods Streetscape



[Cross-Reference: Park Streetfront Environment, LOC 50.05.007.7.f.]

(e) Sidewalks and Pathways

Continuous and connecting hard-surface pedestrian sidewalks and pathways shall be provided in accordance with the locations, designs and widths identified in this section.

(f) Easement

A public easement of sufficient size for required sidewalk or pathway construction and maintenance shall be provided as needed. For any property within this required public easement, the following shall apply:

- (i) Property within the required public easement may be counted as landscaped area for compliance with the standards of this section set forth in LOC 50.05.007.6.k, Landscape Requirements.

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- (ii) Property within the required public easement may be included as lot area for compliance with lot coverage standards provided in LOC 50.05.007.4.c, Lot Coverage and FAR.

(g) Driveways

The number of access points on Boones Ferry Road shall be reduced through the consolidation of driveways as follows:

- (i) Driveway spacing shall not be less than 150 ft. when a center median is present. If a center median is not present, driveway spacing shall not be less than 300 ft.
- (ii) The location of consolidated access shall be determined by the review authority based upon consideration of the following factors:
 - (A) The Street Network Map, Figure 50.05.007-T;
 - (B) The Parking Facilities and Access Coordination Map, Figure 50.05.007-U;
 - (C) The ability to serve multiple properties;
 - (D) Traffic safety and operational characteristics; and
 - (E) Any approved access master plan for abutting properties.
- (iii) Property owners shall construct the consolidated driveway at the time of development, or execute a recordable covenant to share in the cost of the consolidated driveway at such future time when sufficient land area is developed to make driveway consolidation practical.
- (iv) The review authority may approve interim individual driveway access to Boones Ferry Road when circumstances on abutting lots prevent driveway consolidation.
- (v) When abutting lots develop and the location of the permanent shared access is not the same location as the interim access, the interim driveway shall be abandoned and the area landscaped or otherwise integrated into the design of the subject site under the provisions of this section and other applicable Lake Oswego codes, standards and regulations. Landscaping to be provided within abandoned driveway may be counted toward minimum site landscaping requirements.
- (vi) Driveway consolidation shall require the execution of reciprocal, non-revocable easements in a form necessary to ensure unimpeded property access and driveway maintenance.

(h) Abutting Parking Facilities Connections

Driveways and parking aisles shall be designed to create connections to abutting commercially zoned parking facilities within the Lake Grove Village Overlay District when practical. The location of access connections shall be based on the Parking Facilities and Access Coordination Map, Figure 50.05.007-U.

[Cross-Reference: LOC 50.05.007.6.c, Parking.]

(i) Access Coordination – Access Master Plans

When shared driveway access to Boones Ferry Road (as required by LOC 50.05.007.6.f) or connections between parking facilities on abutting properties (as required by LOC 50.05.007.6.g) are dependent on redevelopment of the abutting property, the required shared access and/or property connections may

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be temporarily postponed provided that an access master plan is approved by the review authority.

(i) Access master plans shall:

- (A)** Be filed with the site plan for development or redevelopment,
- (B)** Illustrate how shared access and vehicular connections will be provided with abutting commercially zoned properties,
- (C)** Illustrate how pedestrian connections will be provided with all abutting commercial and medium density or high density zoned property,
- (D)** Illustrate how shared access and vehicular connections will not interfere with development or redevelopment of abutting properties in a manner that is consistent with the broad objectives of the Village Center plan and the overlay zone,
- (E)** Set forth the timing and conditions under which the access or connection improvements shall be constructed and implemented, and
- (F)** Be signed and recorded by the owners of abutting property for which access is being coordinated. In the event that abutting owners refuse to sign the master plan, the applicant shall demonstrate that an effort was made to meet with and coordinate with the abutting owners.

(ii) Upon approval of an access master plan by the review authority, development or redevelopment on abutting property shall be designed in accordance with the approved access master plan.

c. Parking

- i.** Within the Lake Grove Village Center, on-street parking spaces directly abutting a property may be used to satisfy the off-street parking requirements of a business or residential use located on the property.
- ii.** Driveways and parking aisles shall include pedestrian safety features such as changes in surface material, signage and lighting to alert drivers to the potential presence of pedestrians.
- iii.** To maximize development potential, shared off-street parking between different businesses and land uses shall be required when practical as set forth in LOC 50.06.002, Parking. Access to parking facilities shall be based on the Parking Facilities and Access Coordination Map, Figure 50.05.007-U.

[**Cross-Reference:** LOC 50.05.007.b.ii(2)(h), Abutting Parking Facilities Connections and (i) Access Coordination – Access Master Plans.]

- iv.** Within 500 ft. of a public parking facility, the minimum parking requirement shall be 75% of the total required for each use pursuant to parking requirements in LOC 50.06.002.
- v.** A reduction in required parking shall be provided in accordance with LOC 50.05.007.7.c.ii, Village Gathering Places.

d. Street Lighting

- i.** Cobra-head light fixtures are prohibited.
- ii.** Lighting shall be shielded, directed downward, and designed to prevent glare.
- iii.** Street lighting shall be provided as set forth in LOC 50.05.007.7.d, Village Streetfront.

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e. Landscape Requirements

These standards reinforce village scale and character, buffer dissimilar uses, and ensure a unified streetscape theme and continuity within the Lake Grove Village Center Overlay District as illustrated in the Village Theme section of the Lake Grove Village Center Design Handbook.

i. Minimum Area Requirement

Landscaping shall be installed on at least 15% of the development site on which buildings are constructed. This is inclusive of area provided in required village gathering places, landscaping required for parking lots, landscaping within any required buffer areas, and landscaping within public plazas and gathering places. Landscaping may include courtyards, raised beds and planters.

ii. Regional Trees and Vegetation

The landscape plan shall incorporate large-scale native northwest trees such as Douglas fir, western red cedar, western hemlock California incense cedar, oak or maple. Drought resistant plant materials that are either native or have naturalized to the locale shall be featured. Emphasis shall be on informal, natural arrangements of plant materials that over time, will form groves of trees around buildings, parking lots, and within required landscaped buffers.

iii. Preserved Vegetation

Existing significant vegetation, which is preserved as part of an approved development application shall be counted towards fulfillment of this section.

iv. On-site Tree Requirements

One tree with a minimum of two to three in. in caliper at 54 in. above grade shall be provided for every 500 sq. ft. of landscaped area. Where site conditions warrant, native trees such as Douglas fir, western red cedar, western hemlock, oak and maple of at least two in. diameter in caliper and which reach a mature height of at least 70 ft. shall be planted.

v. Shrub Requirements

At least 15 shrubs of a minimum two-gallon in size for shall be provided for every 500 sq. ft. of landscaped area. All remaining areas shall be treated with suitable mulch applied to a depth of no less than three in.

vi. Irrigation

All landscaping shall be provided with appropriate irrigation. Permanent irrigation may not be required if the applicant demonstrates that drought-tolerant plants have been installed and established.

vii. Street Trees

(1) Location and Spacing

- (a) Street trees shall be provided within or immediately adjacent to the public right-of-way or a public easement at an average of every 30 linear ft. along the entire development site frontage.
- (b) Notwithstanding the requirements in (vii.1.a) of this subsection, above, street trees shall be provided as set forth in LOC 50.05.007.6.c, Design Standards, at locations identified in the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

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- (2) Street trees shall be a minimum of two in. in caliper, measured 54 in. above grade when planted and shall be from the approved street tree list unless otherwise provided in this section.
- (3) When trees are not planted in a planter strip or landscaped area, tree wells, with approved permeable material that provides a minimum of 12 sq. ft. of surface area, shall be provided for each tree.
- (4) Alternative arrangements to a linear street pattern may be implemented as set forth in LOC 50.05.007.6.b.ii at locations identified in the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, or at the discretion of the review authority.
- (5) Existing preserved trees within 20 ft. of the public right-of-way shall be counted towards fulfillment of this standard. In order to provide for a more natural and informal setting, groupings of trees may be allowed at locations identified in the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, or at the discretion of the review authority.
- (6) Exemptions from street tree requirements may be granted by the approval authority provided the following conditions exist:
 - (a) Trees would create problems with existing above or underground utilities.
 - (b) Trees would conflict with clear vision requirements, or;
 - (c) There is inadequate space in which to plant trees. However, the approval authority may require the applicant to plant street trees elsewhere within the Village Center in lieu of trees which would normally be required for a specific development. If trees cannot be planted due to inadequate space or line clearance, the commensurate planting of shrubs or small trees more appropriate to the area may be required.

viii. Parking Areas

Landscape standards for parking areas are as follows:

(1) Natural Features

Landscaping shall emphasize naturalistic groupings utilizing plant materials that are either native or have naturalized to the locale.

(2) Buffering and Screening

Landscape design shall buffer and screen off-street parking areas from adjoining residential uses.

(3) Trees

Trees shall be integral to parking lot design and the overall site plan to provide for aesthetics and shade.

(a) Special consideration shall be taken to preserve significant trees. Alternative surface treatments and pervious surfaces shall be allowed as appropriate to preserve existing mature trees.

(b) Trees planted to meet the landscaping requirements for parking lots shall be deciduous shade trees of at least two in. diameter in caliper which reach a minimum mature height of at least 30 ft. and have the canopy and structure necessary to cast moderate to dense shade.

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- (c) Where adequate room is available, large scale evergreen trees such as Douglas fir, western red cedar, western hemlock, and incense cedar of at least six to eight ft. in height and reach a mature height of at least 70 ft. shall be incorporated into the landscape theme.
- (d) Exceptions to requirements of (3)(b) and (c) of this subsection may be allowed for circumstances that limit placement of trees such as overhead lines, underground utilities and confined spaces.

(4) Parking Bays

- (a) Parking areas shall be divided into bays of not more than eight parking spaces. Between and/or at the end of each parking bay there shall be curbed planters of at least five ft. in width.
- (b) Each planter shall contain one shade tree of at least two in. in caliper.
- (c) The planter shall also be planted with appropriate ground cover or shrubs at a rate of two 2-gallon plants for every 20 sq. ft. of landscape area. The intervening area between plantings shall be mulched with an appropriate material to a minimum depth of three in.

(5) Parking Facility Edge Requirements

- (a) Parking facilities shall be separated from a driveway, sidewalk, or pathway by a minimum 5-ft. wide landscaped area. Within this area, shade trees shall be planted every 30 ft. Low sitting walls, benches and other pedestrian amenities oriented to sidewalks or pathways may be provided in the landscaped area. Additional standards set forth in LOC 50.05.007.7.f.iii, Park Lane Special Requirements, apply adjacent to parking facilities at street frontage locations designated Park Lane on the Village Character Map, Figure 50.05.007-D.
- (b) Parking facilities shall be separated from the exterior wall of a structure by a minimum of a ten ft. buffer which may include a pedestrian pathway and/or landscaped strip. Parking areas or driveways shall be separated from abutting residential zones by a minimum ten ft. landscape buffer pursuant to LOC 50.05.007.6.l.i, Requirements adjacent to Low-Density Residential.

(6) Irrigation

All parking area landscaping shall be provided with an appropriate irrigation system. Permanent irrigation may not be required if the applicant demonstrates that drought-tolerant plants have been installed and established.

ix. Tree Preservation

Tree preservation shall preserve and promote a wooded character in accordance with the LOC Chapter 55 (Tree Code) and with the provisions below. In case of a conflict, the more restrictive standard applies.

- (1) Development plans shall preserve existing mature, Douglas Fir evergreen trees and other significant trees except where unavoidable due to compliance with the requirements of this Code. Significant trees include trees measuring 18 in. diameter or greater at a height of 54 in. above mean ground level at the base of the trunk, or of unique horticultural quality or historic importance to the greatest extent practicable.
- (2) The approval authority shall have the discretion to allow modifications or require changes to paving standards such as the use of pervious surfaces to preserve mature trees.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 6: SITE PLANNING STANDARDS

(3) Mitigation

- (a) Mitigation trees shall be planted so that over time, groves of trees will be established.
 - (b) Mitigation shall require trees with a diameter of five caliper in. or greater which are removed be replaced with trees of the same or approved variety with a diameter no less than three caliper in. each, to equal or exceed the caliper inches of trees removed.
 - (c) If in the City's determination there is insufficient available space on the subject property, replacement planting shall occur in an open space tract, or City-owned or dedicated property within the Lake Grove Village Center Overlay District subject to the approval of authorized property owners. If in the City's determination no feasible alternative exists to replant required mitigation, the applicant shall pay into the tree fund as provided in LOC 55.02.084, Mitigation Required.
 - (d) Replacement planting shall increase the amount of tree canopy and the extent of tree grove area in excess of the amount lost through development.
- (4) Tree protection and maintenance provisions of LOC Article 55.08, Tree Protection, shall apply to all development applications.
- (5) Additional tree retention standards apply as set forth in LOC 50.05.007.7.f, Park Streetfront Environment, for designations on the Village Character Map, Figure 50.05.007-D.

f. Buffer Area and Screening

i. Requirements Adjacent to Low-Density Residential

Where a property within a commercial, R-0 or R-3 zone abuts an R-7.5 or R-10 zone, the following shall be provided:

- (1) Minimum ten-ft. wide landscaped buffer area, and
- (2) A 6-ft. tall wood or masonry, sight obscuring fence or wall along the property line. The unfinished or structural side of the fence shall face the use to be screened.

ii. Permitted in Buffer Area

A buffer area may only be occupied by utilities, screening and landscaping. No buildings, access ways or parking areas shall be allowed in a buffer area except to allow direct ingress or egress to a site.

iii. Landscape Requirements

The buffer area shall be landscaped as follows:

- (1) One row of two to three inch caliper deciduous trees, spaced no more than 15 ft. apart; or one row of evergreen trees not less than six ft. tall and spaced no more than 15 ft. apart; or a mix of evergreen and deciduous trees planted 15 ft. apart.
- (2) Shrubs planted at appropriate spacing for the species. Shrubs shall attain a height of at least six ft. within three years of planting.
- (3) The remaining area shall be planted in ground cover and mulched with a suitable material to a depth of three in.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

iv. Screening Required

Storage, trash collection areas and equipment shall be oriented away from abutting residential districts and screened by sight obscuring fencing or landscaping.

v. Additional Requirements

Additional requirements apply for buildings exceeding three stories as set forth in LOC 50.05.007.4.b.iii, Standards for Buildings Greater than Three Stories.

vi. Special Buffer Requirements

The commercial area bounded by Bryant, Boones Ferry, Reese, and the right-of-way north of Sunset shall comply with the following special requirements:

(1) A minimum 5-ft. buffer shall be required measured from the southern commercial property line abutting the existing 6-ft. right-of-way. Landscaping in accordance with this Section shall be provided. Existing landscaping may be used to satisfy this requirement provided it currently provides screening between the commercial and residential uses in accordance with this Section.

(2) Residential properties abutting the existing 6-ft. right-of-way shall be screened from adjacent commercial uses by a single 6-ft. tall, sight obscuring fence or wall. Unless waived by the abutting residential property owner, the fence or wall shall be located at the abutting property line of the residential zone and within the right-of-way. Fence or wall construction within the right-of-way shall require an encroachment permit as set forth in LOC Article 42.18, Public Rights-of-way and Easements. Fence design is subject to approval of the City Manager. Gates may be provided in the fence or wall if requested by the abutting residential property owner and approved by the owner of the adjacent commercial property. Locating parallel fences or walls at both commercial and residential property lines abutting the right-of-way is prohibited.

g. Noise Mitigation

The provisions of LOC 34.10.539, Specific Noise Prohibitions and the following shall apply:

i. Noise Mitigation Plan

Any development for auto-oriented uses, commercial drive-through uses, restaurants and drinking establishments, or amusement uses shall require a noise mitigation plan.

ii. Noise Reduction Design

The development proposal shall incorporate noise reduction into development design, and/or provide for additional noise reduction procedures to be implemented so as not to unreasonably increase ambient residential levels.

[Cross-Reference: LOC 50.05.007.5.f.iv, Building Design - Screening and Sound Buffering.]

h. Stormwater

Storm drainage and surface water management facilities shall be required for parking areas pursuant to LOC 50.06.006, Geologic Hazard and Drainage and shall ensure stormwater is not directed onto adjacent properties.

(Ord. 2455, Add, 04/01/2008)

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

7. SPECIAL REQUIREMENTS AND STANDARDS

a. Applicability

The following special requirements and standards apply to specific sites areas and uses within the Lake Grove Village Center Overlay District:

- i. Village Transition Area (VTA) Uses
- ii. Village Commons and Gathering Places
- iii. Village Streetfront

b. Village Transition Area Uses

The following special requirements apply to the areas mapped as Village Transition Areas (VTA) on the Village Transition Area Map, Figure 50.05.007-B.

i. General Allowance

Except as noted below, uses allowed in the underlying zone are allowed in the VTA.

ii. Village Transition Area (VTA) Restrictions

Within the VTA, auto-oriented uses are restricted as provided in Table 50.03.002-2. Prohibited uses include gas stations, auto dealerships, vehicle storage lots, quick vehicle servicing, quick lubes, car washes, DEQ test sites, and businesses with drive through services, (e.g., such as fast food restaurants and banks with drive through service windows). Vehicle repair shops located entirely within an enclosed building are allowed as a conditional use subject to conditions set forth in Table 50.03.002-2.

iii. Bryant Road/Sunset Drive Site

The following provisions shall apply to the approximately .85 acre property located at the intersection of Bryant Road and Sunset Drive (situs address 16400 Bryant Road). The uses permitted on the site are:

- (1) As provided in the underlying PF zone.
- (2) The following uses subject to the limitations and requirements below shall be outright permitted uses (without requiring public ownership of the site under the PF Zone):
 - (a) Labor, civic, social, fraternal, charitable uses and community-based uses and organizations including accessory and incidental uses shall be permitted in the existing structure existing as of May 1, 2008, and provided that the structure is on the Landmark Designation List per 50.06.009, Historic Preservation.
 - (b) Educational uses, including an exhibit area related to history and safety, accessory and incidental uses.
 - (c) A gathering place as identified on the Village Commons and Gathering Places Map, Figure 50.05.007-C, subject to the requirements of LOC 50.05.007.7.c.ii and .iii, and preservation of the Heritage Trees Grove designated on the property.

[**Cross-Reference:** LOC 50.03.002.3, Commercial, Mixed-Use, Industrial and Special Purpose Districts Use Table.]

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

c. Village Commons and Gathering Places

i. Village Commons

- (1) The Village Commons shall be a public space suitable to host community events such as farmer's markets, art fairs, holiday events, and other similar activities. It may include any of the following features: a plaza, village square, park, natural area, natural water feature, open space area, or other similar area intended for common use of area residents, employees, customers, and visitors.
- (2) The Village Commons Area shall be no less than 10,000 sq. ft. and of sufficient size and dimensions to safely and comfortably accommodate at least 500 persons.
- (3) The Village Commons shall not abut or front on Boones Ferry Road.
- (4) The Village Commons Area shall be located within 500 ft. of a public parking area and shall have easy access from the parking area.
- (5) If the Village Commons is located on privately owned land with an easement for public use, the amount of landscaping required for overall site development may be reduced by an amount equal to the area of the Village Commons.
- (6) Locate the Village Commons in close proximity to Hallmark Drive, Three Sisters Creek, and Lake Grove School in such a way as to minimize vehicular impacts to adjacent neighborhoods.

ii. Village Gathering Places

- (1) A Village Gathering Place shall be a small space for common use of residents, employees, customers, or visitors of the site where people can sit, congregate, and enjoy the urban design amenities or natural features of the site. A Village Gathering Place may be publicly or privately owned.
- (2) A Village Gathering Place shall be incorporated and integrated into the design and redevelopment of any site identified with a Village Gathering Place symbol on the Village Commons and Gathering Places Map, Figure 50.05.007-C.
 - (a) On sites with the hardscape symbol, the Village Gathering Place shall include a plaza or courtyard.
 - (b) On sites with the greenscape symbol, the Village Gathering Place shall be designed as a park or natural area and shall incorporate natural features of the site.
 - (c) Sites identified as both hardscape and greenscape shall incorporate elements of both types of gathering place.
- (3) The minimum size of a Village Gathering Place shall be 7.5% of the site area, except that no more than 2,500 sq. ft. shall be required. No single dimension shall be less than 20 ft.
- (4) Up to 20% of the area of a Village Gathering Place may be used for push cart sales and kiosks provided that such uses are located within the hardscape portion of the Village Gathering Place.
- (5) On any parcel where a Village Gathering Place is provided, the following bonuses may be incorporated into the development of the site:
 - (a) Lot coverage may be increased up to five percent in GC and OC zones without a Village Transition Area overlay not to exceed maximums set forth in Table 50.05.007-2: Lot Coverage.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

- (b) A reduction in required landscaping equal to the area set aside for the Village Gathering Place up to a maximum reduction of 2,500 sq. ft.
- (c) A ten percent reduction in the amount of required parking.

[Cross-Reference: LOC 50.06.002, Parking and LOC 50.05.007.6.c.v, Parking, and landscaping as provided in LOC 50.05.007.6.e.]

iii. General Standards

The Village Commons area and Village Gathering Places shall:

- (1) Be open and clearly visible from the public right-of-way. If the Village Gathering Place is designed as a courtyard enclosed by buildings, the opening to the public right-of-way shall be satisfied by a pedestrian accessway that is a minimum of 15 ft. wide. In such cases, the accessway shall be designed to be inviting to the public.
- (2) Provide seating appropriate for the site, with no less than four seats provided.
- (3) Be designed to break up hardscape areas with landscaping and trees. For every 2000 sq. ft. of hardscape or fraction thereof, 200 sq. ft. of landscaping shall be provided.
- (4) Include a focal point/design feature such as a clock tower, fountain, monument, sculpture, or similar feature in any hardscape area. Greenscape areas shall be designed to highlight their natural features.
- (5) Include lighting consistent with the Lake Grove Village design theme. Lighting shall be directed away from adjoining residentially zoned neighborhoods and shall be designed to incorporate dark sky standards.

[Cross-Reference: LOC 50.05.007.5.d.vi, Pedestrian Features, Lighting.]

d. Village Streetfront

Village Streetfront standards are intended to ensure spatial enclosure and a distinct character along public streets.

i. General Requirements

The following standards apply to all streetfront locations within the Lake Grove Village Center Overlay District:

(1) Applicability

The Village Character Map, Figure 50.05.007-D, sets forth locations where site dimensional, pedestrian facility design, streetscape, landscape and special standards apply along public street frontage for the following designations:

- (a) Urban Streetfront Environment, including special requirements for frontage designated as Storefront Window Orientation or Urban Street Orientation;
- (b) Transitional Streetfront Environment, including special requirements for frontage designated as Campus Street Orientation; and
- (c) Park Streetfront Environment, including special requirements for frontage designated as Park Lane, Crossroads Gateway or Campus Woods.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

(2) Pedestrian Facilities and Streetscape

Pedestrian facility and streetscape design treatment shall be provided as designated on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V.

[**Cross Reference:** Village Streetfront design treatment locations are also identified on the Village Character Map, Figure 50.05.007-D.]

(3) Easement

A public easement of sufficient size to construct required pedestrian facilities and design concepts shall be provided as needed. Provisions set forth in LOC 50.05.007.6.b.ii.2.f, Easement, shall apply.

ii. Urban Streetfront Environment

These standards ensure that buildings create spatial enclosure and an appropriate scale along public streets.

(1) Parking Location

No off-street vehicle parking shall be permitted between the front of the primary building and the public right-of-way.

(2) Streetfront Environmental Dimensional Standards

Streetfront Environment dimensional standards set forth in LOC 50.05.007.4.e apply:

- (a) Build-to Line;
- (b) Minimum Street Frontage;
- (c) Minimum Height at Streetfront; and
- (d) Step Back Above Second Story.

[**Cross References:** Streetfront Environment Map, Figure 50.05.007-L and Village Height Map, Figure 50.05.007-E.]

(3) Public Plaza

A public plaza may be provided as set forth in LOC 50.05.007.5.i.iii, Public Plaza.

(4) Storefront Window Orientation

- (a) At street frontage locations designated as Storefront Window Boones Ferry Road or Storefront Window Village Cross Street on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, sidewalks and streetscape elements shall be provided as set forth in design standards for Storefront Window Streetscape, Figure 50.05.007-CC, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, equivalent standards of the West Lake Grove Design District shall apply.
- (b) Street furniture, lighting, and tree wells shall be located within the street furniture zone of the sidewalk as illustrated in Storefront Sidewalk Zone Requirements, Figure 50.05.007-DD.
- (c) Storefront windows shall be provided as set forth in LOC 50.05.007.5.i.vii.

[**Cross-Reference:** LOC 50.05.005.4.n, Street and Pathway Lighting.]

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

iii. Urban Street Orientation

At street frontage locations designated as Urban Street or Urban Street Meandering Path on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, sidewalks and streetscape elements shall be provided as set forth in design standards for Urban Street Orientation Streetscape, Figure 50.05.007-EE, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, equivalent standards of the West Lake Grove Design District shall apply.

[Cross-Reference: LOC 50.05.005.4.n, Street and Pathway Lighting.]

e. Transitional Streetfront Environment

These standards provide flexibility in locating buildings within Campus Design Areas while ensuring a street orientation at key locations. The standards apply at street frontage designated Campus Street Orientation on the Village Character Map, Figure 50.05.007-D. Transitional Streetfront Environment standards provide a transitional character between the Urban Streetfront Environment and Park Streetfront Environment, and require streetscape and landscape elements to ensure spatial enclosure and a pedestrian scale.

i. Parking and Driveway Location

No off-street vehicle parking or driveway shall be permitted between the front of the primary building and the public right-of-way.

ii. Building May Abut Sidewalk

If a building is located within ten ft. of the property line at the street and exceeds 35 ft. in height or two and one-half stories, stories above the second story shall be stepped back from the adjacent lower story facing a street by a minimum of eight ft. This standard is illustrated in Figure 50.05.007-G: Step Back Above 2nd Story.

[Cross-Reference: LOC 50.05.007.4.b.i(2), Step Back Above Second Story; Figure 50.05.007-E: Village Height Map.]

iii. Campus Street Orientation

Notwithstanding the provisions of this subsection, Streetfront Environment dimensional standards do not apply at street frontage designated as Campus Street Orientation.

[Cross-Reference: LOC 50.05.007.4.e, Streetfront Environment; Figure 50.05.007-L: Streetfront Environment Map.]

iv. Landscaping

If a building does not directly abut the sidewalk, landscape treatment is required between the building and the sidewalk.

v. Primary Public Entrance

(1) Primary public entrances shall be oriented to a public street and located within 30 ft. of that public street. Buildings located on sites adjacent to one or more transit streets shall have primary public entrances oriented to at least one transit street and located within 30 ft. of that transit street.

(2) Primary public entrances shall be accessed directly from a sidewalk adjacent to a public street or public plaza.

SECTION 50.05.007. LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT

SUBSECTION 7: SPECIAL REQUIREMENTS AND STANDARDS

vi. Public Plaza

A public plaza may be provided as set forth in Urban Village Design Areas LOC 50.05.007.5.i.iii, Public Plaza.

vii. Campus Street Orientation Streetscape

At street frontage locations designated Campus Street Orientation on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, sidewalks and streetscape elements shall be provided as set forth in design standards for Campus Street Orientation Streetscape, Figure 50.05.007-FF, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, streetscape elements are subject to approval by the review authority.

f. Park Streetfront Environment

These standards ensure trees and streetscape elements create spatial enclosure and desired character along public streets for street frontage designated Park Lane, Crossroads Gateway, or Campus Woods.

i. Setbacks

Park Streetfront setbacks apply as set forth in LOC 50.05.007.4.d.iii.

ii. Tree Retention

No tree with a trunk diameter of at least 8 in. at 54 in. above grade located within ft. to 30 ft. of the Kruse Way right-of-way or within 20 ft. of any other public street right-of-way shall be removed unless determined to be dead or hazardous pursuant to LOC Chapter 55, Tree Code, or located within area required to provide the separated pathway and retaining wall set forth in LOC 50.05.007.7.f.iv, Crossroads Gateway Special Requirements.

[Cross-Reference: LOC 50.05.007.6.e.ix, Tree Preservation.]

iii. Park Lane Special Requirements

At street frontage locations designated Park Lane on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, special standards set forth below apply. Park Lane standards ensure a park character and a landscaped edge at street frontage locations where buildings may be set back to preserve existing trees, riparian areas, and topography, and to accommodate curved or limited street frontage conditions or development on large through-lots adjacent to Kruse Way.

(1) Park Lane Streetscape

Sidewalk and streetscape elements shall be provided as set forth in design standards for Park Lane Streetscape, Figure 50.05.007-GG, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, streetscape elements are subject to approval by the Review Authority.

(2) Edge at Parking Facility

Parking facilities including both surface lots and structures adjacent to street frontage designated Park Lane shall be separated from the required pathway by a minimum 10-ft. wide landscaped area, and be visually screened from the adjacent street and pathway by landscaping including evergreen trees and shrubs. Trees and shrubs must be of sufficient size to provide an effective visual screen at the time of planting.

SECTION 50.05.008. INDUSTRIAL PARK OVERLAY DISTRICT

SUBSECTION 8: ADJUSTMENTS

[Cross Reference: Parking Facility Edge Requirements, LOC 50.05.007.e.viii(5)(a).]

iv. Crossroads Gateway Special Requirements

At street frontage locations designated as Crossroads Gateway on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, special standards set forth below apply. These standards protect pedestrians and cyclists from vehicular movement on Kruse Way and Boones Ferry Road. They also coordinate existing topography and mature trees with additional fir trees and basalt walls to create a distinctive gateway at a significant intersection.

(1) Crossroads Gateway Streetscape

Sidewalks and streetscape elements shall be provided as set forth in design standards for Crossroads Gateway, Figure 50.05.007-HH, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, streetscape elements are subject to approval by the Review Authority.

(2) Provide additional fir trees as needed to combine with existing trees to create natural groupings of fir trees.

(3) New direct access, whether permanent or temporary, from Kruse Way is prohibited unless the applicant can demonstrate that but for the additional Kruse Way access, the traffic impacts associated with the proposed development would result in the other streets accessible to the development, or their intersections, exceeding permitted service level standards for those streets and intersections. In determining the impact upon the other streets accessible to the development, or their intersections, the traffic expected to result from future development accessing the other streets and their intersections shall be taken into account.

v. Campus Woods Special Requirements

At street frontage locations designated as Campus Woods on the Pedestrian Facilities and Streetscape Map, Figure 50.05.007-V, special standards set forth below apply. These standards maintain a wooded character along Kruse Way and provide safe, convenient access for pedestrians, cyclists and transit riders to and within the Village Center and along arterials.

(1) Campus Woods Streetscape. Sidewalks and streetscape elements shall be provided as set forth in design standards for Campus Woods Streetscape, Figure 50.05.007-II, and the Lake Grove Village Center Design Handbook. Until the adoption of the Lake Grove Village Center Design Handbook, streetscape elements are subject to approval by the review authority.

(2) Provide additional trees as needed to combine with existing trees to create natural groupings.

(Ord. 2455, Add, 04/01/2008)

8. ADJUSTMENTS

See Section 50.08.006: LGVC Adjustments.

SECTION 50.05.008. INDUSTRIAL PARK OVERLAY DISTRICT
SUBSECTION 1: PURPOSE

50.05.008. INDUSTRIAL PARK OVERLAY DISTRICT

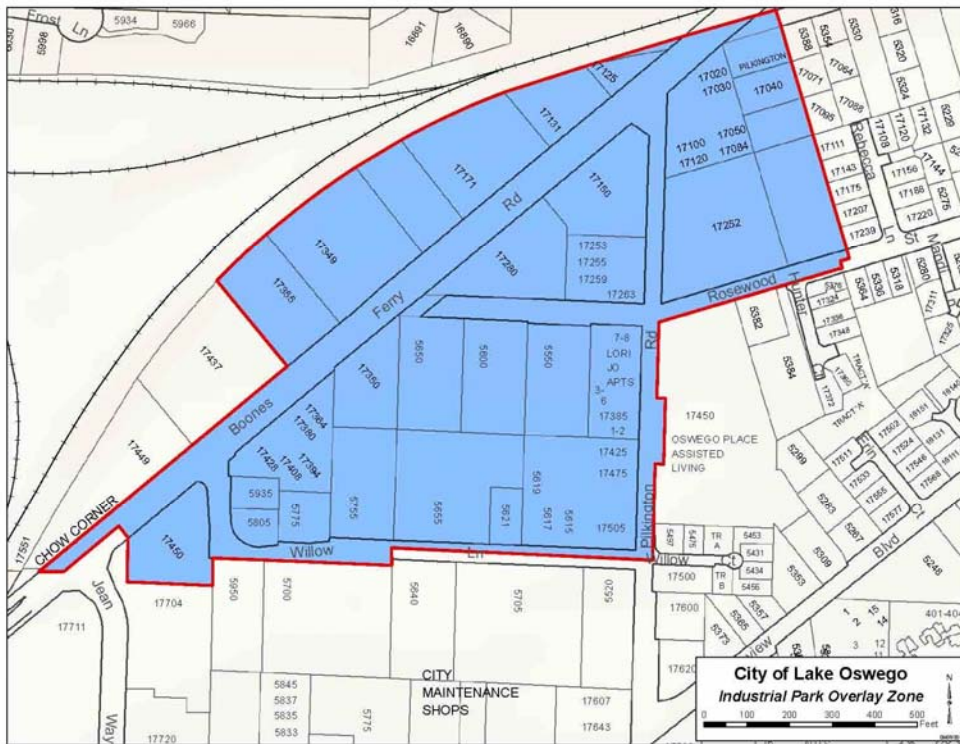
1. PURPOSE

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 as seen in Figure 50.05.008-A below.

Figure 50.05.008-A: Industrial Park Overlay District Map



3. PERMITTED USES

In addition to the uses permitted in the IP zone (LOC 50.03.002.3), 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.

SECTION 50.05.008. INDUSTRIAL PARK OVERLAY DISTRICT

SUBSECTION 3: PERMITTED USES

- 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.
 - 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.
 - 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

SECTION 50.05.008. INDUSTRIAL PARK OVERLAY DISTRICT

SUBSECTION 4: CONDITIONAL USES

- 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 (LOC 50.03.002.3).
- 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 LOC 50.05.008.5.c.

5. SPECIAL REQUIREMENTS

- a. Except as set forth below, all special requirements of LOC 50.02.002.2.b.iv, Specific Standards in the Industrial and Industrial Park Zones, 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:

SECTION 50.05.009. GREENWAY MANAGEMENT OVERLAY DISTRICT

SUBSECTION 1: PURPOSE, APPLICATION

- 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.

50.05.009. GREENWAY MANAGEMENT OVERLAY DISTRICT

1. PURPOSE, APPLICATION

a. Purpose

The purpose of the Greenway Management Overlay District (GM) is the following:

- i. To protect the natural, scenic and recreational qualities of lands along the Willamette River in Lake Oswego;
- ii. To preserve and allow for the restoration of historical sites, structures, and facilities along the Willamette River;
- iii. To implement the goals and policies of the State of Oregon's Willamette River Greenway Program;
- iv. To implement the goals and policies of the Lake Oswego Comprehensive Plan Greenway Element;
- v. To establish standards and requirements for the use of lands within the Willamette River Greenway Compatibility Review Boundary in Lake Oswego; and
- vi. To provide for the review of any intensification of use, change of use, or development on properties located within the GM Overlay as indicated on the official zoning map. Uses of the land and water not compatible with the Greenway and not provided for in this Code shall be prohibited within the GM Overlay.

b. Overlay Boundary

This Overlay district establishes the Greenway Compatibility Review Boundary and is intended to superimpose additional protection and regulation upon property which may alter the requirements of the underlying zone. The boundary extends 150 ft. shoreward from the ordinary low waterline of the Willamette River and to those areas within the river that are within the Lake Oswego City limits.

c. Applicability

The provisions of this section shall apply to lands in the Willamette River Greenway Compatibility Review Boundaries in Lake Oswego in addition to any standards and requirements of the primary zoning district to which this designation may apply. Nothing in this section shall be construed to constitute a waiver or suspension of the provisions of any zoning district within the GM Overlay. In the case of any conflict between the provisions of this section and the provisions of any other section of this Code, the more restrictive provisions shall apply.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.009. GREENWAY MANAGEMENT OVERLAY DISTRICT

SUBSECTION 2: DEVELOPMENT REVIEW

2. DEVELOPMENT REVIEW

- a. All development within the GM Overlay District shall be reviewed pursuant to the provisions in LOC 50.07, Review and Approval Procedures.
- b. In reviewing applications in the GM Overlay, in addition to the requirements of LOC 50.07, Review and Approval Procedures, the Development Review Commission shall consider the following objectives and shall make findings as applicable.
 - i. Significant fish and wildlife habitats will be protected.
 - ii. Significant natural and scenic areas, viewpoints and vistas will be protected and enhanced.
 - iii. Areas of ecological, scientific, historical or archeological significance will be protected, restored, or enhanced to the maximum extent possible.
 - iv. The quality of the air and water in and adjacent to the river will be maintained or enhanced in the development, change of use, or intensification of use of land within the GM Overlay.
 - v. Areas of annual flooding, water areas, and wetlands will be retained in their natural state to the maximum possible extent to provide for water retention, overflow and other natural functions as well as protect the health, safety and welfare of the public. Areas subject to the 100 year flood level are also regulated by the Flood Plain Standard.
 - vi. The natural vegetative fringe shall be maintained or enhanced to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.
 - vii. Areas considered for development, change or intensification of use which have erosion potential will be protected from erosion by means compatible with the natural character of the Greenway.
 - viii. Recreational needs will be satisfied by public and private means in a manner consistent with the natural limitations of the land. Conflicts with adjacent land uses will be minimized.
 - ix. Public safety and protection of public and private property will be provided to the maximum extent practicable, especially from vandalism and trespass.
 - x. Non-water related or dependent structures shall be located west of and no closer than 25 ft. to the following setback lines;
 - (1) For property located from the northern City limits to the northern bank of Oswego Creek (in George Rogers Park), the setback line is the contour elevation line that establishes the Army Corps of Engineers 50 year flood plain line.
 - (2) For property located in George Rogers Park from the southern bank of Oswego Creek to the southern boundary of the Park, the setback line is the western edge of the paved pedestrian path.
 - (3) For property located from the southern boundary of George Rogers Park to the southern City limits, the setback line is the western right-of-way line for Old River Road.
- The Compatibility Review Boundary Line becomes the setback line at any point where the above-described setback lines lie to the west of the Compatibility Review Boundary Line.
- xi. Necessary public access will be provided to and along the river including pedestrian, bicycle and water related uses.

SECTION 50.05.010. SENSITIVE LANDS OVERLAY DISTRICTS

SUBSECTION 3: PERMITTED USES

3. PERMITTED USES

The following uses are permitted within the GM District.

- a. The placing, by a public agency on public lands, of signs, markers, aids, etc., to serve the public or signs on private lands to identify private property. Such signs shall be in conformance with the sign code.
- b. Activities to protect, conserve, enhance and maintain scenic, historical and natural uses on public lands.
- c. Parks and other recreational facilities as designated in the Comprehensive Plan. Any other recreational development shall be reviewed by the Development Review Commission.
- d. Erosion control operations not requiring a permit from the Division of State Lands.
- e. The cutting of trees for public safety, erosion control, or personal non-commercial use, subject to the LOC 50.07, Review and Approval Procedures and LOC Chapter 55, Tree Code.
- f. Reasonable emergency procedures necessary to protect an existing use or facility for the safety or protection of persons or property.
- g. Maintenance and repair as necessary for the continuance of an allowed existing use or improvement.
- h. Landscaping, construction of driveways, modifications of existing structures and the construction or placement of such accessory structures or facilities which are usual and necessary to the use and enjoyment of existing improvements and which are established in a manner compatible with the intent of this Code.
- i. Other uses legally existing on December 16, 1982; provided, however, that any change or intensification of such use shall require review as provided by this Code.
- j. Single-family dwellings.
(Ord. No. 2316, Added, 03/05/2002)

4. WILLAMETTE RIVER GREENWAY BOUNDARY

The Willamette River Greenway Boundary as adopted, and as it may be amended by the Land Conservation and Development Commission, is hereby adopted as the Greenway Boundary in the City of Lake Oswego.

[Cross-Reference: see also underlying base zone.]

(Ord. No. 2316, Added, 03/05/2002)

50.05.010. SENSITIVE LANDS OVERLAY DISTRICTS

1. OVERVIEW

a. Purpose

LOC 50.05.010 creates the Resource Protection (RP) and Resource Conservation (RC) District overlay districts to:

- i. Protect wildlife habitat,
- ii. Protect and improve water quality,

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- iii. Control and prevent water pollution for the protection of public health and safety,
 - iv. Comply with federal laws including the Clean Water Act and the Endangered Species Act,
 - v. Comply with State Land Use Goal 5, and
 - vi. Comply with Metro's Urban Growth Management Functional Plan.
- b. Comprehensive Plan and Zoning Map**
The overlay districts shall be designated on the Comprehensive Plan Map and Zoning Map. The purpose of these maps is to give a general overview as to the location of the districts and is not intended to show the precise location of the district boundaries.
- c. Sensitive Land Atlas**
The boundaries of the districts shall be shown on individual property maps at a scale of 1:300 in the Sensitive Lands (SL) Atlas. The SL Atlas is intended to govern the applicability of this section pursuant to LOC 50.05.010.2. The SL Atlas shall be adopted as part of the City's Comprehensive Plan and Zoning Maps.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

2. APPLICABILITY

This section applies to all lands designated as RP or RC on the Sensitive Lands Map and Atlas.

a. Sensitive Lands Development Review Required

- i. Development within:
 - (1) The RP District, as defined in LOC 50.05.010.6.b;
 - (2) The RC District or within five ft. of the RC District boundary; or
 - (3) The construction setbacks established in LOC 50.05.010.6.c.ii(1)(e) (as shown on maps in the Sensitive Lands Atlas), shall be subject to the standards and criteria identified in LOC 50.07.004.8.c, Environmental Review.
- ii. Land divisions, lot line adjustments, mitigation proposals, and adjustments of a District Boundary shall be subject to the standards and criteria identified in LOC 50.07.004.8.c, Environmental Review.
- iii. To the degree that any requirement of this section conflicts with a requirement of the underlying zone, this section shall prevail.

b. Exceptions - General

The provisions in this section shall not apply to:

- i. A resource located within the boundaries of a partition, subdivision, Planned Development, or lot line adjustment, approved prior to August 21, 1997 if:
 - (1) The resource was identified and protected pursuant to regulations in effect at the time of approval; and
 - (2) The proposed development is in compliance with the conditions protecting the resource imposed at the time of approval. Any modification of the prior approved partition, subdivision, or planned development that would impact or modify any protection measures imposed at the time of original approval shall be subject to the standards and criteria of this section.

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- ii. Resource restoration required as a result of violation of this section or pursuant to settlement of a potential enforcement action by the City Manager, subject to City Manager approval of the restoration plan and procedures.
 - iii. Routine maintenance and repair of existing legal development, including nonconforming structures and landscaping.
- c. Exceptions -Specific**
The provisions of LOC 50.05.010, except for the Construction Standards in LOC 50.05.010.4.d shall not apply to:
- i. Replacement or vertical expansion of an existing structure within the footprint of that structure.
 - ii. Alteration, expansion, or replacement of an existing primary dwelling unit where the footprint of the new intrusion is not more than 700 sq. ft. in the RP or RC District and is not closer to a protected water feature than the pre-existing structure.
 - iii. Development that meets all of the following criteria:
 - (1) Is not located within a wetland or below the top of the bank or stream;
 - (2) Does not require a grading permit; and
 - (3) The cumulative total of all development under this subsection (iii) does not exceed 200 sq. ft.
 - iv. Fences that meet the following criteria:
 - (1) The fence is not located within a wetland or a stream channel; and
 - (2) If the fence is below the top of the bank of a stream, at least a two-ft. section of every 100-ft. segment or portion thereof is:
 - (a) Not less than 12 in. above the ground; and
 - (b) Not more than four ft. tall, measured from the ground.
 - v. Other development that does not remove any native vegetation or create new permanent structures within the RP or RC District.
- d. Exceptions for Wetlands, Stream Corridors and Tree Groves Outside of RP or RC District**
Wetlands, stream corridors, and tree groves that are not contained within a RP or RC District shall not be subject to the regulations of this section. However, an application for development that impacts a stream corridor or wetland may still be subject to state or federal wetland or stream regulations. Notice of such applications will be sent to the Division of State Lands (DSL) or the Army Corp. of Engineers.
- e. Notification to Division of State Lands and Army Corps of Engineers**
In addition to the notification required for the particular development by LOC 50.07, Review and Approval Procedures, the City shall notify the Oregon Division of State Lands and the Army Corp. of Engineers upon receipt of a complete application for development, change or intensification of use within an RP District that impacts a wetland or stream corridor.
- f. Mitigation Required for Violation**
If development occurs in violation of this section, the violator shall not only be subject to any and all enforcement and penalties that can be brought or imposed for violation of this Code

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SUBSECTION 3: DEVELOPMENT REVIEW

he or she shall be responsible for mitigating any damage caused by the violation to a protected resource pursuant to LOC 50.05.010.4.e and f.

[**Cross-References:** See LODS 3 (streams) and 4 (wetlands) if property is not designated under LOC 50.07.004.8, but was inventoried on City Hydrology Map or may meet criteria under LODS 3, Section 5, or LODS 4, Section 4.015 (2). See also Transition Rule, Ord. 2148, Sec. 5, and Ord. 2293 amending Sec. 5. Obtain copy of LODS 3 and 4 from Planning Division.]

(Ord. 2527, Amended, 04/21/2009; Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

3. DEVELOPMENT REVIEW

The development review procedures for Sensitive Lands Overlay Districts are found in LOC 50.07.004.8.

4. GENERALLY APPLICABLE STANDARDS FOR RP AND RC

a. Rebuilding Nonconforming Single-Family or Duplex Dwelling Located in RP or RC District or Construction Setback

Excluding single-family or duplex dwellings subject to the Flood Management Area, if a portion of a nonconforming single-family or duplex dwelling is damaged or destroyed by causes not under the control of the owner (including but not limited to fire, earthquake, flood, landslide, and wind or tree damage, but not including destruction due to lack of structural maintenance by the owner, remodeling, or new construction), and the dwelling was nonconforming due to its location within a resource district or construction setback, the rebuilding or reconstruction of the nonconforming dwelling shall be exempt from LOC 50.05.010.5.b.ii, RC District Protection Area; 50.05.010.5.c.iii(1-4), Development Standards; and 50.05.010.6.c.ii(1).d; LOC 50.01.006, Nonconforming Structures and Uses; and to the other requirements of the Code not within this section, to the extent that the damaged or destroyed portions of the dwelling failed to conform to the referenced sections, above, and to other requirements of this Code not within this section. In order to utilize the rights granted by this subsection the reconstruction must be commenced within one year of the date of the damage and completed within two years of such date.

(Ord. 2527, Add, 04/21/2009)

b. Modifications to Dimensional Standards and Setbacks of the Underlying Zone

i. Except as provided in subsections (ii) and (iii), below, an applicant for development subject to environmental review may vary from the lot dimensional standards (building setbacks, lot size, lot width, and lot depth) otherwise applicable without a formal variance pursuant to LOC 50.08, Adjustments, Alternatives, and Variances, if the applicant demonstrates that:

(1) Compliance with the applicable dimensional standard or standards would cause the proposed development to disrupt lands within an RP or RC District or would preclude or reduce the transfer of allowable density from RP or RC zoned areas of the property to non RP or RC zoned areas;

(2) The proposed development will result in greater protection of the resources identified on the site than would occur without the dimensional modification, and

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SUBSECTION 4: GENERALLY APPLICABLE STANDARDS FOR RP AND RC

(3) In the case of a Planned Development, the criteria of LOC 50.07.007.4.d, Authorization, have been met.

- ii. An application to vary from standards other than the dimensional standards above or that does not comply with the criteria contained in subsection (i) of this section may qualify for a variance under LOC 50.08, Adjustments, Alternatives, and Variance or other applicable article or section for modification or exception.
- iii. Where the request is not part of an application subject to the notice requirements of a minor or major development, and the proposed development would be located within 20 ft. of an existing primary structure on abutting property, written approval from the abutting property owner shall be required.

(Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2314, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

c. Density Transfer

Lot density transfer shall be permitted on residentially zoned lands subject to an RC or RP District pursuant to this section.

i. Density Transfer Ratios

(1) Lot density (the number of lots otherwise allowable pursuant to the underlying zoning designation but for the RP District) may be transferred from RP District lands to contiguous non-resource zoned lands in the same ownership at a 1:1 ratio.

(2) Lot density (the number of lots otherwise allowable pursuant to the underlying zoning designation but for the RC Protection Area) may be transferred from RC District lands to contiguous non-RC lands on the same ownership at a 1:1 ratio for the portion of the RC District which is to remain undeveloped (the Protection Area).

ii. No Future Subdivision or Partition

When an applicant chooses to transfer lot density from one area or parcel to another contiguous area or parcel, the area or parcel that is protected shall no longer be eligible for future partition or subdivision. In order to put future property owners on notice, the applicant shall execute a covenant running with the land that effects this restriction.

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

d. Construction Standards

An owner shall submit a construction plan and narrative to the City Manager prior to any grading, clearing, or construction on a development site which contains an RP or RC District. The construction plan and narrative shall demonstrate that the following standards will be met:

- i. RC Protection Areas or RC Districts where no protection areas have been approved and RP District shall be protected during construction with either:

(1) A minimum six ft. tall chain link fencing secured with a minimum of six ft. tall steel posts. The fencing shall be in place and maintained for the duration of construction. In addition, temporary signage shall be placed on the fencing which shall clearly identify the resource District and shall state the penalty for violations of this section: or

(2) Such alternative method to subsection d.i(1), above, that is approved by the City Manager to demarcate and protect the RCPA or RC/RP District from the adverse effects of construction activity upon the resources.

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- ii. RC protection boundaries and RP District boundaries, as applicable, shall be located and staked by a qualified professional prior to placement of fencing and other protective measures.
- iii. Hazardous Materials. The site shall be inventoried for hazardous materials, debris and noxious materials, and these materials shall be removed prior to the development of the site.
- iv. No construction, demolition, grading, or site clearing shall begin until after protective measures, signs, and erosion control measures are in place and have been inspected and approved by the City Manager and all applicable permits have been issued. Fencing and other protective measures shall not be removed, even temporarily, without the permission of the City Manager.
- v. No stockpiling of fill materials, or parking or storage of construction equipment shall be allowed within a Resource District.
- vi. When transportation facilities, pathways, utilities, or structures are approved within a delineated RP District, they shall be constructed in such a way that a minimum of excavation is required and so that no permanent draining or filling of a stream corridor or wetland will occur.
- vii. Surface runoff and other water sources supplying hydrology to an RP District shall be designed and maintained so as not to adversely impact the functions and values of the resource.
- viii. Any additional construction requirements imposed as conditions of approval or which may be required by the Development Standards, the Lake Oswego Building Code (LOC Chapter 45) or the Erosion Control Code (LOC Chapter 52).

[**Cross-Reference:** Mitigation and Avoidance Review Requirements of LOC 50.05.0104.e-g.]

(Ord. 2527, Amended, 04/21/2009; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

e. Mitigation; Purpose

Mitigation is a way of repairing or compensating for adverse impacts to the functions and values of a natural resource caused by a development. Mitigation may consist of resource area creation, restoration, or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, and restoring stream side vegetation where it is disturbed.

LOC 50.05.010.4.e-g recognizes that true replacement of mature or complex natural resource systems is difficult and can take many years. Mitigation is discouraged by first requiring that avoidance of development siting within the resource be explored. Then, if that is not possible, actions should be taken to minimize damage to the resource. Mitigation ratios are established according to the type of mitigation proposed and the value of the resource. Maintenance and monitoring of the mitigation measures are also required.

(Ord. No. 2316, Added, 03/05/2002)

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SUBSECTION 4: GENERALLY APPLICABLE STANDARDS FOR RP AND RC

f. Progressive Mitigation Steps Required

The approving authority shall permit development allowable within an RC Protection Area or RP District only if it finds that the following progressive steps have been met:

i. Step #1 Avoidance

The applicant shall endeavor to avoid detrimental impacts on the resource altogether by providing alternative site plans along with the development proposal demonstrating that alternative designs have been explored. If disturbance of a resource district resource is proposed, the applicant shall first demonstrate that intrusion into the resource district cannot be avoided by a reduction in the size or configuration of the proposed development or by changes in the design that would avoid adverse effects on the resource while still allowing development of the property.

ii. Step #2 Minimization

If the applicant has endeavored to avoid detrimental impacts on the resource according to LOC 50.05.010.4.f.i, above, and the review authority finds that detrimental impacts cannot be avoided; then the applicant shall minimize impacts by demonstrating that:

- (1) Alternative and significantly different site plans and development locations on the subject site have been considered, and that the alternative chosen is the least environmentally damaging; and
- (2) When mitigation is proposed, there will be no net loss of resource area, functions, or values as a result of development actions pursuant to LOC 50.05.010.4.g.v, Stream Corridors and Tree Groves, or 50.05.010.4.g.vi, Wetlands, whichever is applicable.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

g. Mitigation Requirements

i. Mitigation Plan

When mitigation is proposed or required as part of a development application, or when required or imposed as a result of a violation of this Code, the applicant shall provide a mitigation plan prepared by a qualified professional that:

- (1) For proposed development, demonstrates compliance with LOC 50.05.010.4.f and this subsection. For mitigation of violations of this Code, demonstrates compliance with LOC 50.05.010.4.f.ii(2).
- (2) Includes a maintenance and monitoring plan. The maintenance and monitoring plan shall include task timelines and quantitative goals to ensure the viability of the mitigation over time. As part of the monitoring plan, the applicant or other legally responsible agent shall provide an annual report to the City Manager on October 31st of each year for a three year period. The report shall be prepared by a qualified professional and shall document site conditions with narrative and pictures.
- (3) Provisions for regular maintenance and periodic monitoring of the mitigation site.

Failure to comply with an approved mitigation plan shall be deemed a violation of this Code and a public nuisance and may be enforced pursuant to LOC Articles 34.04, Civil Violations, and 34.08, Nuisances.

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SUBSECTION 4: GENERALLY APPLICABLE STANDARDS FOR RP AND RC

ii. Required Permits

If a Division of State Lands (DSL) wetland permit, Army Corp. of Engineers, or other State or Federal permit is also required, the City shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted.

iii. Mitigation Complete Prior to Further Action

Mitigation shall be completed prior to a final inspection, issuance of a final occupancy permit, or acceptance of a public improvement.

iv. On-Site Mitigation

On-site mitigation is required where possible, taking into consideration the existing natural and human-made features of a site. If the review authority finds that on-site mitigation is not possible, then off-site mitigation shall be permitted according to the following priorities:

- (1) Within the same drainage system (as defined by the Lake Oswego Surface Water Management Plan or the Winterowd Natural Resources Inventory) and within the City limits; or
- (2) Outside of the drainage system, but inside the City limits; or
- (3) Outside the drainage system and City limits, but within the Lake Oswego Urban Services Boundary.

v. Stream Corridors and Tree Groves

When mitigation is proposed, the review authority shall require a minimum mitigation ratio (area of resource District created or enhanced to area of resource District lost) of 1:1 for stream corridor and tree grove resources.

vi. Wetlands

When wetland mitigation is proposed within an RP Class I or Class II District, the review authority shall require minimum mitigation ratios (area of wetland created or enhanced to area of wetland lost) as follows:

- (1) Wetlands Creation or Restoration - 2:1 ratio
- (2) Wetlands Enhancement - 3:1 ratio
- (3) Wetlands Creation, Restoration or Enhancement- 5:1 ratio where the wetland is a Class I RP District and is forested or contains a sensitive, threatened or endangered species as identified in an adopted ESEE inventory.

vii. Vegetation Restoration

Vegetation restoration shall be required to mitigate the loss of plant communities disturbed by development activities. In-kind vegetation shall be required for all mitigation projects, including trees, shrubs, and ground cover plants as identified on the Lake Oswego Master Plant List. The restoration plant community chosen shall recreate a diverse and healthy environment which is compatible with the resource.

viii. Initial Three Year Bonding Period

- (1) Except as provided in subsection (4), below, the applicant or property owner of a development subject to an approved mitigation plan shall post a performance bond or a letter of credit to the City that is equal to 120% of the value of the improvements installed pursuant to the plan for a three year period. The bond shall

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be posted prior to the issuance of a building permit to ensure the success of mitigation improvements and the survival of plant materials.

- (2) The performance bond or the letter of credit will be released by the City after three years upon receiving proof that the mitigation measures have been successfully implemented according to approved plans. Following release of the financial guarantee, the property owner(s) or other designated party (such as a homeowners association) shall remain responsible for maintenance of the resource.
- (3) If mitigation improvements fail during the bonding period and the responsible party does not replace said improvements after notification by the City, the bond shall be forfeited and shall be used by the City to correct the problem pursuant to the Mitigation Plan and the Conditions of approval.
- (4) Property owners of individual tax lots that are lots of record which are zoned for single family residential use, are not large enough to be further divided, and were in existence prior to the date this section becomes effective shall be exempt from these bonding requirements.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

5. STANDARDS APPLICABLE TO RC DISTRICTS

a. Resource Conservation (RC) District Environmental Review Standards; Applicability and Purpose

In addition to compliance with LOC 50.05.010.4.b, Modifications to Dimensional Standards and Setbacks of the Underlying Zone, and 4.c, Density Transfer, applicants for development which are subject to environmental review pursuant to LOC 50.05.010.2 on property containing an RC District shall comply with the standards contained in subsections 5.b and 5.c, below, in order to:

- i. Ensure that new development and alterations are compatible with and maintain the functions and values of resources within the RC District; and
- ii. Limit the amount of disturbance allowed within RC Districts, while permitting reasonable development of property.

(Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

b. RC District Protection Area

- i. The applicant for a major or minor development permit on a property containing an RC District shall designate a minimum of 50% of the RC District after delineation as the "RC Protection Area". The applicant for a development that does not otherwise require a major or minor development permit may designate a Protection Area as part of the application, but such application shall be processed as a minor development.
- ii. Except as otherwise provided in LOC 50.05.010.5.c, no development shall be permitted within the Protection Area. The area outside of the Protection Area may be fully developed pursuant to applicable regulations.
- iii. Except as provided in subsection (iv) of this section, the location of the Protection Area shall be based upon the following criteria:

- (1) The Protection Area shall link to other RP or RC lands on the development site and on abutting properties, if such lands are present;

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- (2) The trees having diameter at breast height (DBH) width greater than the median DBH within an RC District shall be included in the Protection Area;
 - (3) The location of the Protection Area shall be designed to protect development from blow-down hazards;
 - (4) The Protection Area shall protect steep slopes and resources close to water areas from potential erosion and water quality impacts;
 - (5) The Protection Area shall protect wildlife habitat and travel corridors;
 - (6) The Protection Area shall be designed to protect a contiguous canopy and a clustered configuration that does not fragment lands within an RC District;
 - (7) The Protection Area shall consist of viable plant and wildlife communities;
 - (8) The Protection Area shall maintain the scenic qualities of the site.
- iv. It is recognized that all of the criteria listed in subsection (iii), above, of this section may not be applicable to every site. In some cases, the criteria may conflict on a given site. In such cases, the reviewing authority shall balance the applicable criteria in order to protect the most environmentally significant portion of the RC District.
- v. Once a Protection Area has been identified and protected pursuant to this section and approval becomes final, no future reduction in the RC Protection Area shall be permitted, unless the property owner files for a modification to the original permit and establishes a new Protection Area in compliance with subsection (iii), above that is at least as large as the previously designated protection area, or demonstrates that the Protection Area as originally designated has degraded through natural causes pursuant to LOC 50.07.004.8.a, RP/RC District Overlay procedures.
- vi. The City Manager shall note the establishment of a Protection Area in the SL Atlas, along with a reference to the application in which the Protection Area was created.
- vii. In order to put property owners and occupants on notice, the applicant shall execute a covenant running with the land that references the Protection Area and the City of Lake Oswego Department of Planning application file in which the Protection Area was established.
- (Ord. 2527, Amended, 04/21/2009; Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

c. RC District Development Standards

- i. Except as provided in LOC 50.05.010.5.c.iii(8), Landscaping, of this section, a criterion applicable to the RC Protection Area shall apply to the entire RC District if no Protection Area has been established.
- ii. In addition to compliance with any other applicable regulations, the following development uses and activities on properties containing an RC District are permitted within the RC District, subject to the standards set forth in this subsection (iii) below:
 - (1) Streets, driveways, lake trams, and public transportation facilities;
 - (2) New structures, accessory structures, decks, parking areas, active use recreational facilities;
 - (3) Additions to existing structures and to non-conforming structures;
 - (4) Temporary construction activities;

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- (5) Passive use recreational facilities;
- (6) Utilities;
- (7) Resource enhancement projects;
- (8) Landscaping, new and existing;
- (9) Tree removal; and
- (10) Limited hazardous materials storage.

iii. Development Standards

If the proposed types of development are permitted within the RC District, the development activity, use or activity shall comply with the following standards, and the Construction Standards set forth in LOC 50.05.010.4.d:

(1) Streets, Driveways, Lake Trams, and Public Transportation Facilities

- (a) Driveways shall be set back at least five ft. from, and shall not be placed through an RC Protection Area unless there is no other practicable method of access to the buildable areas of property served by the driveway.
- (b) Public or private streets, trams to access Oswego Lake, and public transportation facilities shall be set back at least five ft. from, and shall not be placed in or through an RCPA unless:
 - (i) For public or private streets, there is no other practical method of providing for access to buildable parcels.
 - (ii) For public transportation facilities, there is no other suitable location nearby for siting the public transportation facilities which would provide equal or greater public use of the public transportation facilities.
 - (iii) For trams to access Oswego Lake, there is no other practical method of providing for access to Oswego Lake;
 - (iv) For regional trails (designated as a regional trail on the City's Trails and Pathway Master Plan), they may be located within an RCPA provided the trail width shall be no greater than 12 feet wide (as determined by the standards in the City's Trails and Pathway Master Plan),
- (c) If allowed within the Protection Area and five-ft. setback pursuant to this criterion, the applicant shall comply with the following requirements:
 - (i) Streets, private streets, driveways and bridges shall be the minimum width necessary to while also allowing for safe passage of vehicles and/or pedestrians.
 - (ii) The amount of disturbance for driveways shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
 - (iii) If applicable, the applicant shall plan for future extension of shared access, access easements, or private streets to access potential new building sites in order to avoid subsequent encroachments into the Protection Area and five-ft. setback area;
 - (iv) The applicant shall mitigate for loss of Protection Area by increasing the size of the protection area, where feasible, to compensate for the area of the RC Protection Area used for the public or private street, driveway, or public

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transportation facility, or by complying with the mitigation requirements in LOC 50.05.010.4.e-g.

(2) New Structures, Accessory Structures, Decks, Parking Areas, Active Use Recreational Facilities

New structures, parking areas, and active use recreational facilities shall be set back at least five ft. from the Protection Area boundary in order to protect tree roots. Accessory structures, decks, and similar structures meeting the criteria of LOC 50.03.004.2.b.i(1)-(3), Setback Reduction for Accessory Structures, and LOC 50.04.003.8.b, Patios and Decks, are permitted within the five ft. setback area so long as they are placed no closer than three ft. from the Protection Area boundary.

(3) Additions to Existing Structures and to Non-conforming Structures

Additions to existing structures or to non-conforming structures are permitted provided the addition does not expand the lot coverage in the resource area.

(4) Temporary Construction Activities

A temporary, construction zone, not greater than ten ft. wide, is allowed around the footprint of any structure when necessary for tools, scaffolds, etc. related to the construction, maintenance, or repair of the structure. No storage of materials or supplies may occur within this zone.

(5) Passive Use Recreational Facilities in Protection Area

Passive use recreational facilities, including soft surface trails and pedestrian bridges, may be located within the RC Protection Area. If construction of such facilities disturbs any adjacent land within an RC Protection Area, the disturbed area shall be restored and revegetated with plants identified on the Plant List as appropriate for resource landscaping.

(6) Utilities

Public or private utilities shall not be placed in or through the RC Protection Area unless tunneling under a resource where tree roots can be avoided and the functions and values of a resource will be maintained, or there is no other practicable alternative. If allowed to be located within an RC Protection Area, the applicant shall restore and revegetate the disturbed area with plants identified on the Plant List and mitigation shall be required pursuant to 50.05.010.4.e-g. When applying Step 1 (avoidance) of the mitigation process:

- (a)** Sanitary sewer, water, power, gas, telecommunications, cable and storm drain lines shall be maintained in public rights of way and routed around significant resources, rather than through a resource wherever possible;
- (b)** Drainage patterns shall not be altered in the resource area, or if altered, shall be designed and maintained so as not to adversely impact the functions and values of the resource.

(7) Resource Enhancement Projects

Resource enhancement projects shall remove only invasive vegetation, and shall plant only vegetation within the RC District or Protection Area, if one has been established, listed on the Plant List. Any pathways or structures proposed as part of a resource enhancement project shall retain existing trees.

(8) Landscaping

- (a)** Plants. Plants used for landscaping within a Protection Area shall:

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- (i) Be adapted to local soils and growing conditions;
 - (ii) Not be dependent on long-term irrigation, which can increase erosion and sedimentation. (Irrigation necessary for initial establishment of the plants is not considered long term irrigation); and
 - (iii) Provide food or cover for wildlife.
- (b) The City shall maintain a Plant List on file in the Planning Division listing species that comply with this subsection. If a plant is listed in the applicable section of the Plant List for resource landscaping, it shall be presumed to comply with LOC 50.05.010.5.c.iii(7), Resource Enhancement Projects. The Plant List is not intended to be an exclusive listing of allowable landscaping materials, but shall be used as a guideline and may be updated by the City Manager from time to time as new plants in compliance with this section are discovered or become available. An applicant may utilize a plant not on the Plant List as long as it complies with the criteria in this section.
- (c) Removal of vegetation identified on the Plant List as appropriate for resource landscaping is not permitted from a protection area.
- (d) New landscaping shall not include any invasive plants on the City's Plant list.
- (e) Existing Landscaping: Non-conforming formal landscaped area including ornamental gardens and lawns located within a Protection Area and in existence at the time of the adoption of these standards, may be maintained, altered or the modified pursuant to LOC 50.01.006.1, Nonconforming Use, Structure Defined; Rights Granted. However, a non-conforming landscaped area may not be expanded pursuant to LOC 50.01.006.5, Expansion of Non-conforming Industrial or Commercial Uses or Structures.

(9) Tree Removal

Tree removal on property within the RC District shall be subject to the following criteria:

- (a) Tree removal in a RC district that has not established a RC Protection Area shall be subject to a Dead Tree Removal Permit (LOC 55.02.042.3) or Hazard Tree Removal Permit (LOC 55.02.042.4). Tree removal pursuant to LOC 55.02.080 (Type II) is prohibited in an RC District prior to designation of the Protection Area.
- (b) Tree removal within a designated RC Protection Area shall be subject to a Dead Tree Removal Permit (LOC 55.02.042.3) or Hazard Tree Removal Permit (LOC 55.02.042.4). Tree removal for development permitted pursuant to this section, excepting subsection (8), above, and this subsection, within a Protection Area is permitted pursuant to LOC 55.02.080 (Type II).
- (c) Tree removal outside of the Protection Area shall comply with LOC Chapter 55.
- (d) These limitations are not intended to prohibit removal of trees in an emergency pursuant to LOC 55.02.042 (5), Emergency Permit.

(10) Limited Hazardous Materials Storage

Uncontained hazardous material, as defined by the Department of Environment Quality, or development providing for the storage or processing of materials that are flammable, explosive, toxic, or that could be injurious to human, animal, or plant life are prohibited in the Resource Conservation District.

EXCEPTION:

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(a) Materials that are typically used for household purposes and in quantities which are normal for household use.

(b) Materials that are stored in a boathouse and are typically used for recreational boat operation and maintenance.

(Ord. 2527, Amended, 04/21/2009; Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

6. STANDARDS APPLICABLE TO RP DISTRICTS

a. Resource Protection (RP) District Environmental Review Standards; Applicability and Purpose

In addition to compliance with LOC 50.07.004.8.c-d, LOC 50.05.010.4.b-c, applicants for development that is subject to environmental review on property containing an RP District shall comply with the standards contained in subsections 6.b-6.d, below, in order to:

- i. Prohibit new development within an RP District following delineation of the resource or resources, except as provided in this section. In the event that development is allowed within an RP District, the applicant shall mitigate for the loss of or damage to the RP resource pursuant to LOC 50.05.010.4.e-g;
- ii. Ensure that new development and alterations are compatible with and maintain the total land area and the functions and values of resources designated as RP;
- iii. Allow for development opportunities for at least one single family home in residential zones where an RP District occupies most or all of an individual property, pursuant to applicable mitigation criteria of LOC 50.05.010.4.e-g.

(Ord. 2527, Amended, 04/21/2009; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

b. RP District and Construction Setback Requirements

- i. The RP District shall include the delineated stream or wetland and a protected riparian area.
 - (1) The protected riparian area contributes to the functions and values of the stream or wetland, including: shelter, food, travel, and nesting needs of wildlife; aesthetics; surface water quality; slope stability; and flood storage.
 - (2) The entire RP District including the stream or wetland and its protected riparian area shall be shown on the delineation map.
- ii. The following areas are protected riparian areas. They are measured outward from the edge of a delineated stream corridor or wetland and included in the RP District:
 - (1) Class I Wetlands and Class II Wetlands abutting Class I Stream Corridors - 30 ft.
 - (2) Other Class II Wetlands - 25 ft.
 - (3) Class I Stream Corridors- 30 ft.
 - (4) Class II Stream Corridors - 25 ft.

iii. Reduction of RP District

The review authority may allow the protected riparian area to be reduced when the applicant shows that:

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- (1) The proposed development complies with LOC 50.05.010.4.f, Progressive Mitigation Required; and
- (2) The reduction in protected riparian area is not solely for the purpose of maximizing development of the site; and
- (3) Development abuts a Class I or II Resource:
 - (a) The review authority may allow portions of the protected riparian area abutting a Class I resource to be reduced to a minimum of 15 ft. if:
 - (i) A qualified professional demonstrates that such an adjustment will not reduce the functions and values of the resource as a whole; and
 - (ii) The width is increased in other areas to maintain a 30 ft. average width.
 - (b) The review authority may allow portions of the protected riparian area abutting a Class II resource to be reduced to a minimum of ten ft. if:
 - (i) A qualified professional demonstrates that such an adjustment will not reduce the functions and values of the resource as a whole; and
 - (ii) The width is increased in other areas to maintain a 25 ft. average width.
- (4) The review authority may permit a protected riparian area that is less than the average minimums required in the subsections above, when a qualified professional shows that such an adjustment will not damage the system as a whole, and one of the following conditions exist:
 - (a) The presence of an existing topographic feature or human-made development physically precludes establishment of the minimum protected riparian area required; or
 - (b) The size or configuration of the subject parcel is insufficient to provide the minimum protected riparian area required.

iv. Construction Setbacks

A construction setback is required from the RP District by subsection 6.c, below, only for the following:

- (1) New structures, parking areas, active use recreation facilities, streets and driveways - ten ft.
- (2) Accessory structures, decks, and similar outdoor facilities meeting the criteria of LOC 50.03.004.2.b.i(1)-(3), Setback Reduction for Accessory Structures, and LOC 50.04.003.8.b, Patios and Decks, - three ft.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

c. RP District Development Standards

- i. In addition to compliance with any other applicable regulations, and subject to the requirement for compliance with LOC 50.05.010.6.c.iii below, the following development, use or activity on properties containing an RP District are permitted within the RP District, subject to the standards set forth in LOC 50.05.010.6.c.ii below:
 - (1) Landscaping;
 - (2) Tree removal;
 - (3) Utilities;

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- (4) Streets, driveways, lake trams and public transportation facilities;
 - (5) Resource enhancement projects;
 - (6) Structures;
 - (7) Parking areas;
 - (8) Active use recreation facilities;
 - (9) Hard surfaced pathways; and
 - (10) Limited hazardous materials storage.
- ii. Except as provided in LOC 50.05.010.6.d, Exceptions Where the RP District Prohibits all Reasonable Development Opportunities, all development listed in subsection c.i, above, is subject to environmental review and shall comply with the following standards:

(1) Specific Development Standards

(a) Landscaping

The delineated RP District shall maintain the natural function and character of resource area, which provides food and shelter for native wildlife. Landscaping within these areas shall therefore comply with the following criteria:

- (i) Plants: Plants used for landscaping within the RP District shall:
 - (A) Be adapted to local soils and growing conditions;
 - (B) Not be dependent on long-term irrigation, which can increase erosion and sedimentation. (Irrigation necessary for initial establishment of the plants is not considered long term irrigation); and
 - (C) Provide food or cover for wildlife.
- (ii) The City shall maintain a Plant List listing species that comply with the criteria in this section, above. If a plant is listed on the Plant List as appropriate for resource landscaping, it shall be presumed to comply with this section. The Plant List is not intended to be an exclusive listing of allowable landscaping materials, but shall be used as a guideline and may be updated by the City Manager from time to time as new plants in compliance with this section are discovered or become available. An applicant may utilize a plant not on the Plant List as long as it complies with the criteria in this section.
- (iii) Removal of vegetation identified on the Plant List as appropriate for resource landscaping is not permitted from an RP District except as otherwise allowed in this section.
- (iv) New landscaping within the RP District shall include plants on the City's Plant List.
- (v) Existing Landscaping: Non-conforming formal landscaped areas including ornamental gardens and lawns located within an RP District and in existence at the time of the adoption of these standards, may be maintained, altered or the modified pursuant to LOC 50.01.006.1, Non-conforming Use, Structure Defined; Rights Granted. However, a non-conforming landscaped area may not be expanded pursuant to LOC 50.01.006.5, Expansion of Non-conforming Industrial or Commercial Uses or Structures.

(b) Tree Removal

Tree removal within an RP District shall be subject to the following criteria:

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- (i) Type I and Type II tree removal permits, in accordance with LOC 55.02.042, Permit Classifications and Review Procedures, for development purposes, for those limited development activities allowed and approved to this section:
 - (ii) Type II tree removal permit, in accordance with LOC 55.02.042 for landscaping purposes, in conjunction and consistent with a Resource Enhancement project:
 - (iii) Hazard Tree Removal Permit, in accordance with LOC 55.02.042.4, except any portion of the tree that is not likely to be hazardous to persons or property shall be retained for wildlife habitat and natural resources.
 - (iv) Emergency tree removal permit, in accordance with LOC 55.02.042.5, Emergency Permit.
 - (v) Verification Permit, in accordance with LOC 55.02.042.6.
- (c) **Utilities**
- Placement/New Construction: Public or private utilities shall not be placed within an RP district unless tunneling under a resource will not cause any adverse effect upon the resource and the functions and values of a resource will be maintained, or there is no other practicable alternative. If a public or private utility is allowed within an RP District, mitigation shall be required pursuant to LOC 50.05.010.4.e-g. When applying the mitigation process to this section:
- (i) Step #1 Avoidance. Sanitary sewer, water, power, gas, cable, telecommunications and storm drain lines shall be maintained in public rights of way and routed around significant resources, rather than through a resource wherever possible, except that tunneling under a resource shall be permitted where tunneling will not cause any adverse effect upon the resource or tree roots, and the functions and values of a resource will be maintained.
 - (ii) Step #2 Minimization. Sanitary sewer, water, storm drain line and other subsurface crossings shall be made within 30 degrees of perpendicular to the stream where practical or feasible.
- (d) **Streets, Driveways, Lake Trams and Public Transportation Facilities**
- (i) Private streets shall not be placed through an RP District unless there is no other practicable method of access to buildable parcels.
 - (ii) Driveways shall not be placed through an RP District unless there is no other practicable method of access to the buildable areas of property served by the driveway. The amount of disturbance for driveways in the Protection Area shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
 - (iii) Trams to access Oswego Lake shall not be placed through an RP District unless there is no other practicable method of access to Oswego Lake;
 - (iv) Public streets and public transportation facilities shall not be placed in or through an RP District unless:
 - (A) For public streets, there is no other practical method of providing for access to buildable parcels.
 - (B) For public transportation facilities (other than regional trails), there is no other suitable location nearby for siting the public transportation facilities which would provide equal or greater public use of the public transportation facilities.

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- (C) For regional trails (designated as a regional trail on the City's Trails and Pathway Plan), they may be located within an RP District provided the trail width shall be no greater than 12 feet wide (as determined by the standards in the City's Trails and Pathway Plan).
- (v) If allowed pursuant to the subsections of this criterion (d), above, the applicant shall comply with the following criteria:
 - (A) Streets, driveways and bridges shall be the minimum width necessary to protect resources within the RP district while also allowing for safe passage of vehicles and/or pedestrians.
 - (B) Stream and/or wetlands crossings shall be avoided. Where unavoidable, the applicant shall use bridges or arched culverts that are wildlife friendly and do not disturb the natural stream bed. The number of stream or wetland crossings for driveways shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
 - (C) If applicable, the applicant shall plan for future extension of shared access, access easement, or private streets to access potential new building sites in order to avoid subsequent encroachments into the RP District;
 - (D) The applicant shall mitigate for loss of any portion of an RP District pursuant to 50.05.010.4.e-g.
- (e) **Structures, Parking Areas, Pathways, Driveways, and Lighting**
 - (i) **Construction Setbacks**
 - (A) Except as provided in subsection (d), above, structures, parking areas, active use recreation facilities, hard surfaced pathways, streets and driveways shall be set back at least ten ft. from an RP District to prevent construction impacts to the RP District.
 - (B) In addition to other applicable standards, accessory structures, patios, decks, and similar outdoor facilities, and lighting shall be set back three ft. from an RP District.
 - (C) Passive use recreation facilities, such as soft surface trails and pedestrian bridges, may be located within the RP district. Any disturbed land area shall be restored with plants as described on the Plant List.
 - (D) Exterior lights other than low-voltage landscape lights with power less than 15 volts and on circuits limited to 25 amps are not allowed within the RP District; any exterior lighting outside of the RP District shall be hooded and positioned so that light does not shine directly into the RP District.
- (f) **Resource Enhancement Projects**

Resource enhancement projects such as bank stabilization, restoration plantings, in-channel habitat improvements, and similar projects which propose to improve or maintain the quality of a natural resource within RP Districts shall be approved if the applicant demonstrates that all of the following criteria are met:

 - (i) The project will cause no permanent degradation, or loss of natural features in the RP District; and
 - (ii) There will be improvement in the quality of at least one function or value of the resource; and

SECTION 50.05.010. SENSITIVE LANDS OVERLAY DISTRICTS

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- (iii) Only vegetation described in the Plant List as appropriate for resource landscaping shall be planted. For the purpose of this subsection, "resource enhancement project" does not include required mitigation pursuant to LOC 50.05.010.4.e-g.

(g) Limited Hazardous Materials Storage

Hazardous material, as defined by the Department of Environment Quality, or development providing for the storage or processing of materials that are buoyant, flammable, explosive, toxic, or that could be injurious to human, animal, or plant life are prohibited in the RP District.

Exceptions:

- (i) Materials that are typically used for household purposes and in quantities which are normal for household use.
- (ii) Materials that are stored in a boathouse and are typically used for recreational boat operation and maintenance.

(2) General Development Standards

In carrying out the permitted development activity, the applicant shall also comply with the following general development standards, if applicable to the proposed development, and the construction standards set forth in LOC 50.05.010.4.d:

(a) Resource Alterations

- (i) Streams shall not be impounded or diverted from their natural channels unless the applicant demonstrates:
 - (A) The diversion or impoundment will cause minimum degradation or loss of natural features in the stream corridor, and
 - (B) The diversion will not cause erosion or otherwise cause damage downstream of the development site; and at least one of the following criteria are met:
 - (1) A diversion would return a previously altered stream to its original location,
 - (2) A stream channel occupies all or most of a legally created lot, or
 - (3) An impoundment is designed to reduce flooding or improve water quality.
- (ii) A wetland shall not be impounded or the hydrology of the wetland modified through such activities as draining the resource or enlargement of the resource to create a pond, unless it can be demonstrated that the criteria for allowing resource enhancement in LOC 50.05.010.6.c.ii(1)(f) have been met.

iii. Land Divisions and Lot Line Adjustments

The following standards apply to properties containing an RP District for applications for land divisions including partitions, subdivisions, and Planned Developments (PDs), and to lot line adjustments:

- (1) All new lots or reconfigured lots proposed on lands that include an RP District shall have designated sites for buildings that are located outside of the RP District. A lot division or lot line adjustment shall not create a lot that would necessitate, due to the presence of RP or RC resources on the created lot, an exception under LOC 50.05.010.6.d, below, in order to site a dwelling upon the proposed lot.

SECTION 50.05.010. SENSITIVE LANDS OVERLAY DISTRICTS

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- (2) Exception: This standard shall not apply to lots established as open space tracts, for transfer to a public agency or private trustee to manage as a natural area, or where the entire lot is included in a conservation easement that prohibits development on the site.
- (3) Permanent signage is required in planned developments and subdivisions to identify the RP District where any common open space protects an inventoried natural resource through conditions of approval. The signage shall be installed before any occupancy permit is issued. Such signage shall be reviewed as part of the development review process, and shall meet the standards of LOC Chapter 47.

(Ord. 2527, Amended, 04/21/2009; Ord. 2398, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

d. Exceptions Where the RP District Prohibits all Reasonable Development Opportunities

- i. When a delineated RP District occupies most or all of a lot in any residential district, the property owner shall be permitted development on the parcel of a single family home. All other applicable City Codes and Development Standards shall be complied with, and the mitigation criteria of LOC 50.05.010.4.e-g shall also be applicable.
- ii. A lot from which density has been or may be transferred to another area in contiguous ownership shall not be eligible for this exception.

[Cross-Reference: Lot created by land division: LOC 50.05.010.6.c.iii.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

e. Special Standards for the Oswego Canal

i. Purpose

The Oswego Canal was originally constructed and continues to be used for conveying water from the Tualatin River to Oswego Lake for the purpose of enhancing and maintaining the lake. Although originally artificial, certain portions of the Oswego Canal have acquired the characteristics of a RP Class I and Class II stream corridor. The Canal provides the primary source of water to Oswego Lake for the purposes of recreation, navigation, scenic value, irrigation, maintenance and enhancement of water quality and to produce hydroelectric power. It is also an important element of flood and storm water control for Oswego Lake and surrounding areas and it serves as the route for a sanitary sewer interceptor which is necessary to provide sewer service to several areas of Lake Oswego. This section is applicable to the portions of Oswego Canal described as beginning immediately south of the Bryant Road bridge and extending to the Tualatin River as illustrated by Figure 50.05.010-A: Oswego Canal. These regulations are intended to preserve the community-wide benefits of the natural resource functions and values of the Canal, but are not intended:

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(1) To prevent the Lake Oswego Corporation from exercising its water rights to ensure an unimpeded supply of water to Oswego Lake;

(2) To prevent the Lake Corporation from undertaking necessary management and maintenance activities to ensure water quality of the Canal or Oswego Lake, or

(3) To prevent the City of Lake Oswego or the Lake Corporation from repairing, maintaining or making necessary improvements to essential public facilities and flood management measures within the Canal per LOC 50.05.011, Flood Management Area, applicable Federal

Emergency Management Association (FEMA) regulations, and any other City codes or standards that are applicable.

ii. Exempt Activities

The following activities within the Oswego Canal Stream Corridor are exempt from the requirements of this section when undertaken by the City of Lake Oswego or the Lake Corporation:

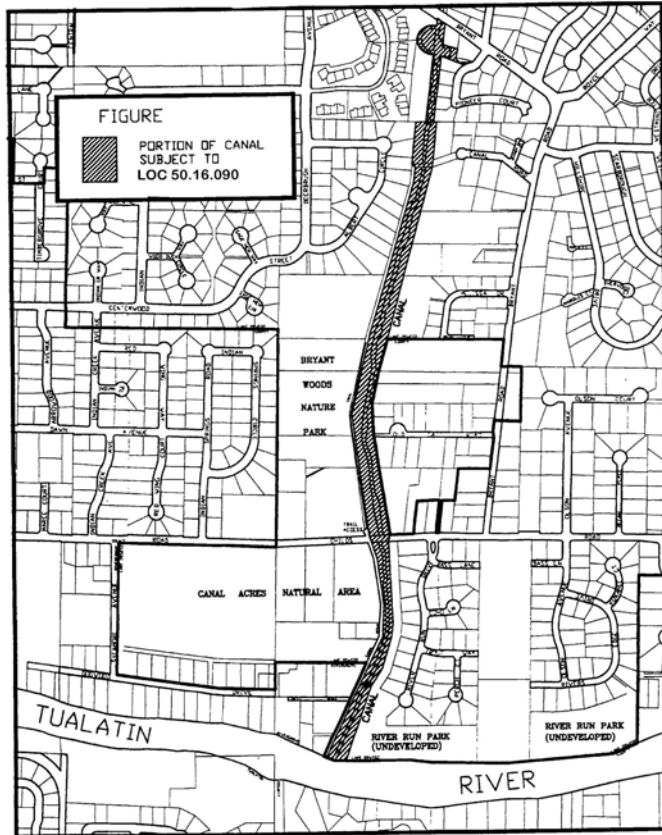
(1) Operation of the Oswego Canal headgate, including variation of water flow rates and emergency or routine maintenance and repairs of the headgate, approaches to the headgate, associated banks and channel including riprapped areas, reinforcement areas, gabions and other features;

(2) Emergency and routine removal of fallen trees, siltation, slides and other debris from the channel and banks of the canal and protected riparian areas as needed to ensure a continuous flow of water to Oswego Lake and to prevent flood damage;

(3) Treatment of waters or flows of water for water quality purposes, and the control or eradication of aquatic weeds and similar threats to the aquatic environment of Oswego Lake;

(4) Emergency and routine repair and maintenance of failing or collapsed sections of the canal bank or protected riparian areas, including removal of contributing vegetation; and

Figure 50.05.010-A: Oswego Canal



SECTION 50.05.011. FLOOD MANAGEMENT AREA

SUBSECTION 1: APPLICABILITY

(5) Maintenance, major repair of the Oswego Canal sanitary sewer interceptor and any service laterals connecting to the sewer.

iii. Activities Approved Pursuant to a Maintenance and Management Plan

Activities other than those described as exempt above, or incidental thereto, shall be reviewed as a minor development when proposed by the City of Lake Oswego or the Lake Corporation and when as part of an approved maintenance and management plan. Activities approved pursuant to a maintenance and management plan are subject to the minor development review criteria of LOC 50.07.003.14.d.ii and any other City Codes or Standards that are applicable. These projects are exempt from the RP District requirements.

iv. Environmental Mitigation Required

Any effects of the above activities in LOC 50.05.010.6.e.iii, above, which impact the Canal's stream corridor functions and values as determined by the adopted ESEE analysis, when conducted as part of an approved maintenance and management plan shall be mitigated pursuant to a plan approved by the reviewing authority. The mitigation plan shall be appropriate to the scale of disturbance, conform to the Oregon Division of State Lands and the U.S. Army Corps of Engineers requirements and shall also, to the extent practical, replace plant communities and wildlife habitat disturbed by the above activities.

v. Boat Houses

Boat houses and docks shall not be placed within the portions of the Oswego Canal RP District as described above and illustrated by Figure 50.05.010-A: Oswego Canal.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

50.05.011. FLOOD MANAGEMENT AREA

1. APPLICABILITY

This section shall apply to all development within the "Flood Management Area", except if a development or a parcel is the subject of a Letter of Map Amendment (LOMA) or Letter of Map Revision - Fill (LOMR-F) issued by Federal Emergency Management Agency (FEMA), at the request of the property owner.

(Ord. 2549, Amended, 06/15/2010; Ord. 2507, Amended, 06/03/2008; Ord. No. 2322, Amended, 02/04/2003; Ord. No. 2316, Added, 03/05/2002)

2. PURPOSE

It is the purpose of this section to:

- a. Promote the public health, safety and general welfare;
- b. Minimize public and private losses due to flood conditions in specific areas; and
- c. Maintain eligibility of properties within the City to participate in the National Flood Insurance Program.

(Ord. No. 2322, Amended, 02/04/2003; Ord. No. 2316, Added, 03/05/2002)

SECTION 50.05.011 . FLOOD MANAGEMENT AREA
SUBSECTION 3: DEFINITIONS

3. DEFINITIONS

For purposes of this article, the following definitions shall apply:

a. Filling (fill)

A deposit of material by artificial means, generally for purposes of development or redevelopment. Fill material includes, but is not limited to, sand, gravel, soil, rock, and inorganic building materials.

b. Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

c. Flood, Base

The flood having a one percent chance of being equaled or exceeded in any given year. The "Base Flood" is also known as the "100-year flood".

d. Flood Boundary and Floodway Map

The official FEMA map of a community, issued by the Federal Insurance Administrator, where the boundaries of the floodway and floodway fringe have been designated.

e. Flood Hazard Area, Special or "Areas of Special Flood Hazards"

Area of special flood hazard shall be defined as stated in 44 Code of Federal Regulations Sec. 59.1:

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year or as such definition is amended by the Federal Insurance Administration after June 3, 2008. The term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.

f. Flood Insurance Rate Map (FIRM)

The official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

g. Flood Management Area

The area depicted on the Flood Management Area Maps, Figure 50.05.011-A to D. The Flood Management Area Map shows:

i. FEMA Mapped Areas:

- (1) The areas of special flood hazard, as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clackamas County, OR and Incorporated Cities" dated June 17, 2008,
- (2) FIRM, as issued by FEMA at the time of last amendment of the Flood Management Area Map was effective pursuant to LOC 50.05.011.4, and

SECTION 50.05.011. FLOOD MANAGEMENT AREA

SUBSECTION 3: DEFINITIONS

(3) The Flood Boundary and Floodway Maps created for the National Flood Insurance Program by the FEMA;

which are hereby adopted by reference and declared to be a part of this ordinance.

ii. The area inundated during the February 1996 flood along the Willamette River, the Tualatin River, and the Oswego Canal to the south of Bryant Road.

h. Flood-Proofing

To make a structure watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

i. Floodway

The area within the floodplain which includes the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one ft.

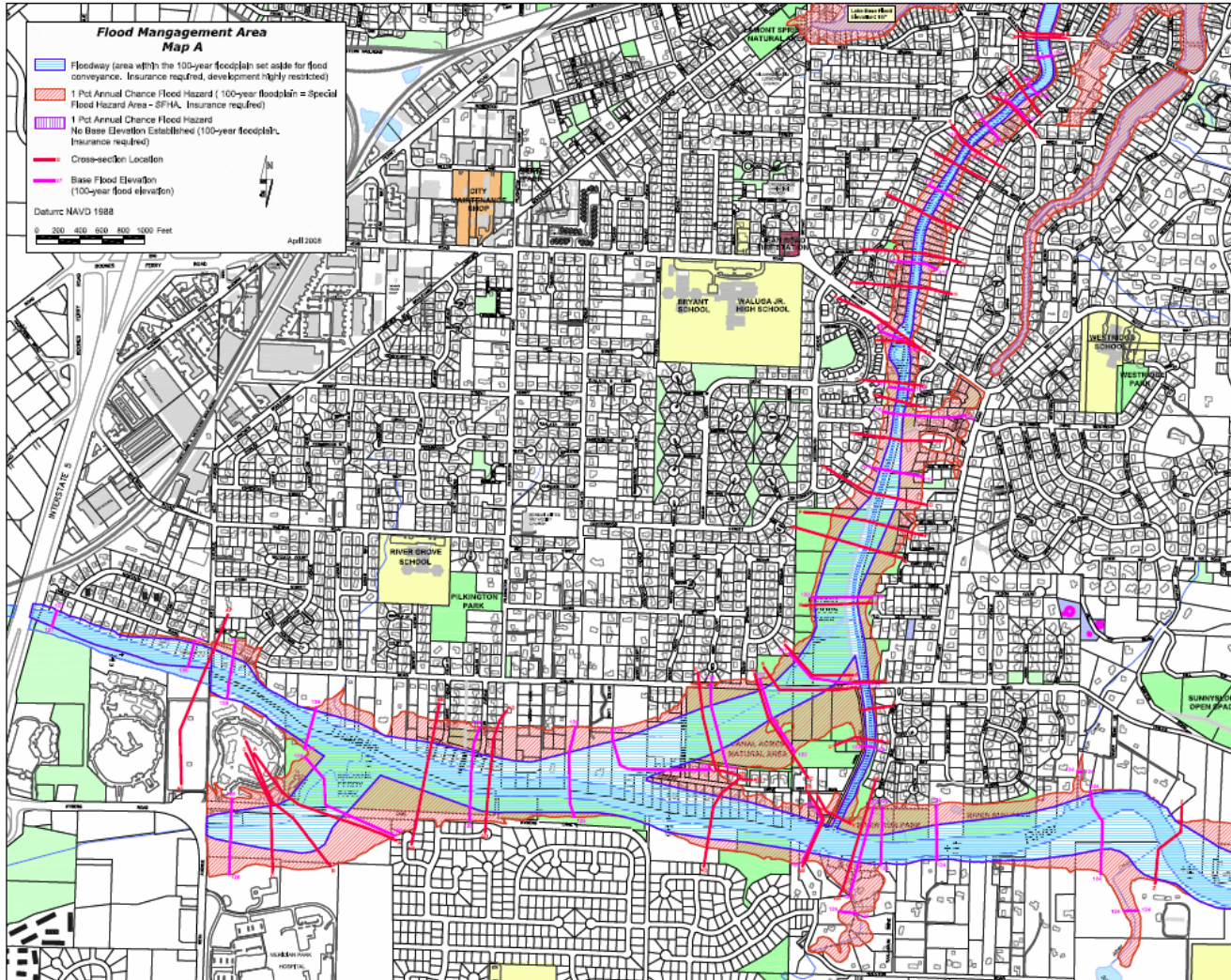
j. Floodway Fringe

The area of the floodplain lying outside the floodway.

(Ord. 2549, Add, 06/15/2010)

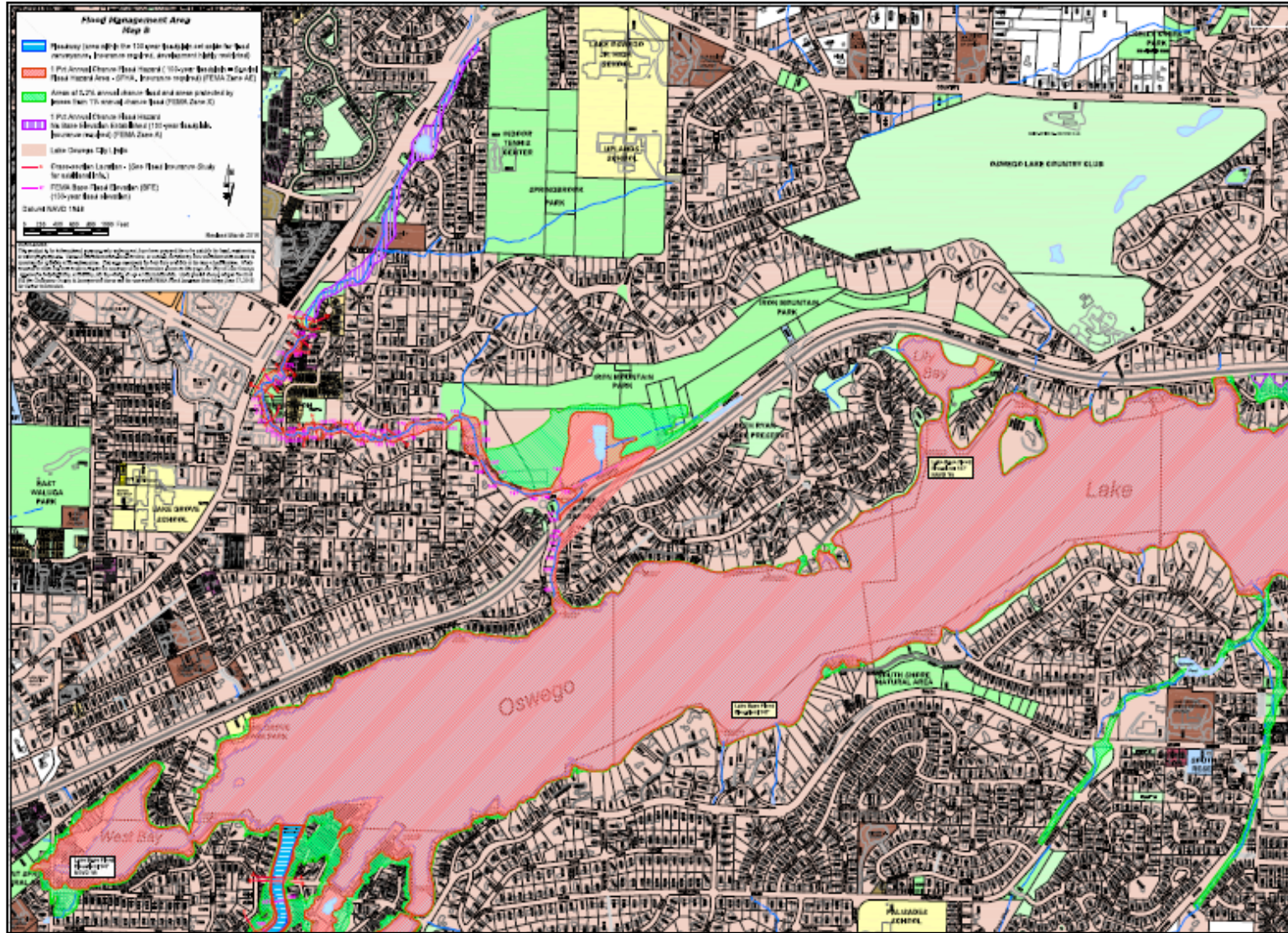
SECTION 50.05.011. FLOOD MANAGEMENT AREA
SUBSECTION 3: DEFINITIONS

Figure 50.05.011-A: Flood Management Area Map A



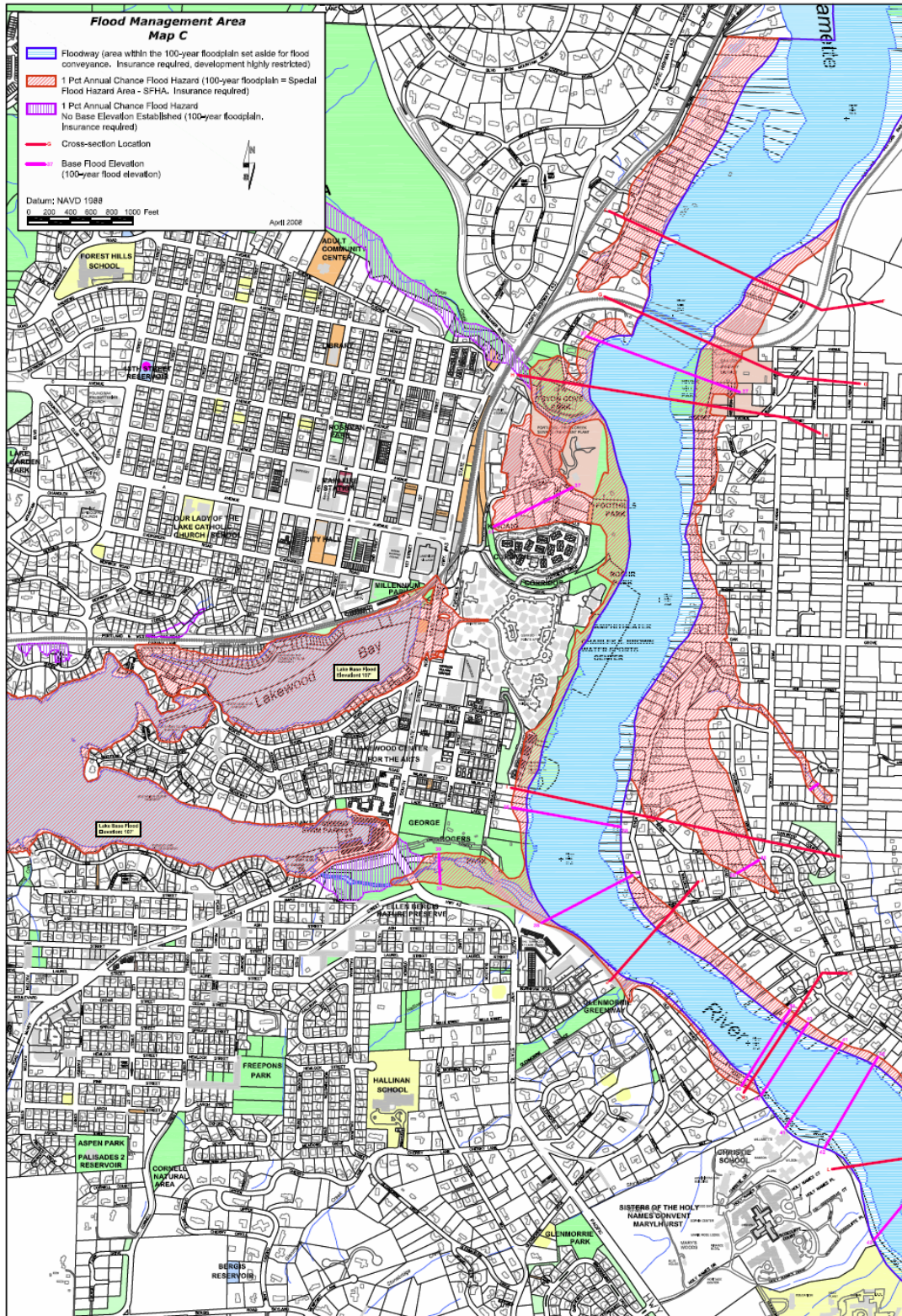
SECTION 50.05.011. FLOOD MANAGEMENT AREA
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Figure 50.05.011-B: Flood Management Area Map B



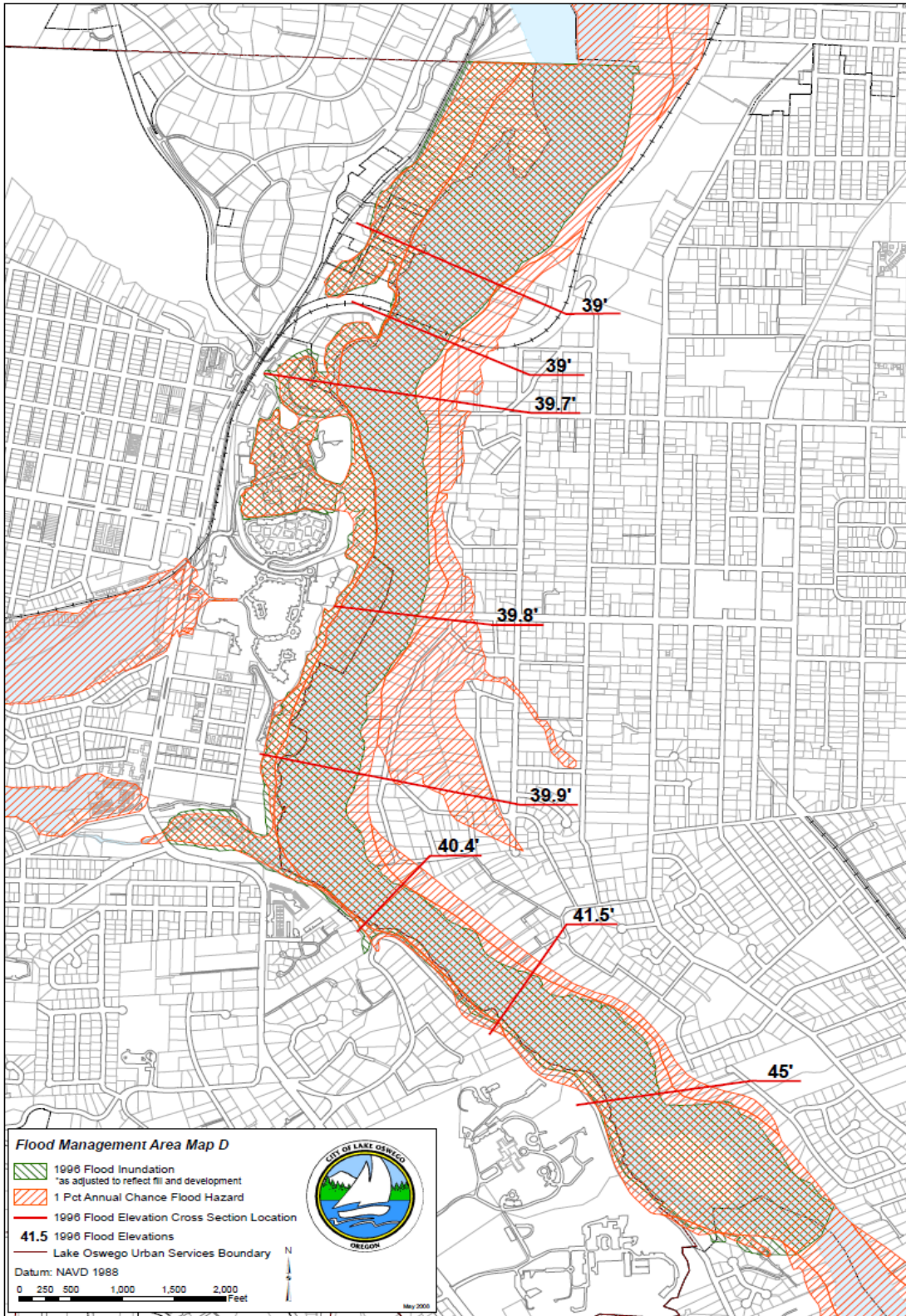
SECTION 50.05.011. FLOOD MANAGEMENT AREA
SUBSECTION 3: DEFINITIONS

Figure 50.05.011-C: Flood Management Area Map C



SECTION 50.05.011. FLOOD MANAGEMENT AREA
SUBSECTION 4: MAP ADMINISTRATION

Figure 50.05.011-D: Flood Management Area Map C



SECTION 50.05.011 . FLOOD MANAGEMENT AREA

SUBSECTION 4: MAP ADMINISTRATION

4. MAP ADMINISTRATION

The purpose of this section is to provide a process for amending the Flood Management Area Map, Figures 50.05.011-A to D.

a. Revision of FIRM

- i. If amendments to the Flood Management Area Map are due to changes to the Special Flood Hazards Areas depicted on Flood Insurance Rate Maps of the National Flood Insurance Program or by Letter of Map Revision [but not including Letter of Map Revision - Fill (LOMR-F)], the amendment shall be dependent upon successful compliance with the map and revision process of the National Flood Insurance Program (40 CFR 65).
- ii. When FEMA amends the FIRM, including as a result of a Letter of Map Revision (LOMR) but not including by a LOMR-F, a public hearing shall be held, and notice given in the same manner as for a map error in subsection (b) below. The amendment of the Flood Management Area Map shall be recommended by the Planning Commission, and amended by the City Council upon finding that the map revision process of the National Flood Insurance Program (40 CFR 65) was followed and that FEMA has amended the FIRM by the LOMR process.

b. Map Error

- i. Within 90 days of receiving information establishing a possible error in the existence or location of a Flood Management Area, the City Manager shall provide notice of a public hearing at which the Planning Commission will review the error for compliance with this section. Notice of the hearing shall be sent to property owners who have property that will be included or withdrawn from the Flood Management Area as a result of the change. Notice shall also be sent to owners of property within 100 ft. of the affected properties. Following the public hearing, the Planning Commission shall make a recommendation to the City Council as to whether the Flood Management Area boundaries should be changed.
- ii. The City Council shall amend the Flood Management Area Map if the information demonstrates that there is an error on the Flood Management Area Map.

(Ord. 2549, Amended, 06/15/2010; Ord. 2507, Amended, 06/03/2008; Ord. No. 2232, Amended, 02/04/2003; Ord. No. 2316, Added, 03/05/2002)

5. DEVELOPMENT REVIEW

a. Authority and Criteria

Development review is required for all development proposed within the Flood Management Area. The City Manager shall review all permit applications for development within the Flood Management Area as set forth in LOC 50.07, Review and Approval Procedures. Development within a Flood Management Area may be allowed only when the following criteria are satisfied:

i. Compliance with Standards

The proposed development shall be consistent with the Flood Management Area Development Standards (LOC 50.05.011.7) and the Standards for Construction (LOC 50.05.011.8). If proposed in the floodway, the development shall also be consistent with the Encroachment within Floodway standards (LOC 50.05.011.6).

SECTION 50.05.011 . FLOOD MANAGEMENT AREA

SUBSECTION 5: DEVELOPMENT REVIEW

ii. **Compliance with Procedures and Submittal Requirements**

The development proposal shall comply with the procedures and submittal requirements of this section and all other relevant sections of the City Code.

iii. **Agency Permit Review**

The applicant shall demonstrate that all necessary permits have been obtained from the Federal, State, or local governmental agencies from which prior approval is required. If applications for the necessary permits have been made but the permits have not yet been issued, the City may condition its approval on successful acquisition of the required permits.

b. **Records**

The City shall maintain, for public inspection, the record of proceedings subject to this section.

c. **Submittal Requirements**

Applications for development permits within the Flood Management Area shall comply with the following submittal requirements:

i. **Information Required - Habitable Structures**

For development of a habitable structure, the Applicant shall submit a site plan and supporting information. Application materials shall be verified by an on-site survey by a Registered Professional Land Surveyor or Registered Professional Engineer and, at a minimum, shall provide survey information for the portion of the subject property within the Flood Management Area. The City Manager may require submittal of the following supporting information for the subject property:

- (1) The boundary lines for the base flood and floodway;
- (2) The elevation, in relation to mean sea level, of the base flood and the datum used;
- (3) The existing and proposed topography at the two-ft. contour interval in those areas where development is proposed (including fill, excavation, and stockpile areas);
- (4) The location and description of existing streams;
- (5) The location of existing and proposed structures, utilities, streets, and other development; and
- (6) The elevation, in relation to mean sea level of the lowest floor of all proposed habitable structures.

ii. **Information Required – Non-Habitable Structures**

For non-habitable structures, an applicant shall submit a site plan that includes, at a minimum, the following information for the subject property:

- (1) The boundary lines for the base flood and floodway;
- (2) The elevation, in relation to mean sea level, of the base flood and the datum used; and
- (3) The location of existing and proposed structures, utilities, streets, and other development.

d. **Certification of Elevation and Flood Proofing**

Within the Flood Management Area, a Certificate of Elevation and Flood Proofing shall be obtained prior to the City's issuance of any occupancy permit. For all habitable structures, the

SECTION 50.05.011. FLOOD MANAGEMENT AREA
SUBSECTION 6: ENCROACHMENT WITHIN FLOODWAY

following information shall be documented on the "Elevation Certificate" form provided by and recorded with the City:

- i. The actual as-built elevation in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures. A Registered Professional Engineer, Architect, or Land Surveyor shall certify this information.
 - ii. The actual as-built elevation in relation to mean sea level, to which any structure has been flood-proofed. A Registered Professional Engineer, Architect, or Land Surveyor shall certify this information.
 - iii. The design and methods of construction for any habitable nonresidential structure are in accordance with the Flood Management Area standards for nonresidential construction. A Registered Professional Engineer or Architect shall provide this certification.
- e. Base Flood Elevation Data Required**
When base flood elevation data has not been provided (A Zones) in accordance with LOC 50.05.011.1, the applicant shall provide, subject to review by the City Manager, base flood elevation and floodway data available from a Federal, State or other source, in order for the City Manager to administer the Encroachment within Floodway, Flood Management Area Development, and Standards for Construction.
- f. Review of Building Permits**
Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, applications for building permits for structures shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. When designed for human habitation, a structure will be considered reasonably safe from flooding if the floor level is:
- i. Elevated at least two ft. above the highest adjacent grade in the A-zones. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure; or
 - ii. Elevated at least one ft. above the base flood level, as established by a study documenting the base flood level at the site of the structure. The study shall be prepared by a qualified licensed engineer, and shall use historical data, high water marks, photographs of past flooding, etc.
- (Ord. 2507, Amended, 06/03/2008; Ord. 2322, Amended, 02/04/2003; Ord. 2316, Added, 03/05/2002)

6. ENCROACHMENT WITHIN FLOODWAY

The following standards apply only within the floodways depicted on FEMA maps. Encroachment, including fill, new construction, substantial improvements, or other development within a floodway shall be prohibited except under any of the following circumstances:

- a. Certification by a Registered Professional Engineer is provided demonstrating that encroachment would not result in any increase in the flood level during the occurrence of the base flood.
- b. A new structure may replace a previously existing structure provided the new structure occupies the same footprint as the previously existing structure and certification from a professional engineer demonstrates that the structure is designed to withstand hydrostatic and hydrodynamic forces.

SECTION 50.05.011 . FLOOD MANAGEMENT AREA
SUBSECTION 7: FLOOD MANAGEMENT AREA DEVELOPMENT STANDARDS

- c. All or any portion of a new structure below base flood elevation may replace a previously existing structure provided that it occupies an area that is no larger in area than the footprint of the previously existing structure or, if larger in area, will not increase the flood level during the occurrence of the base flood. Certification from a professional engineer shall be provided demonstrating that the structure is designed to withstand hydrostatic and hydrodynamic forces and that encroachment would not result in any increase in the flood level during the occurrence of the base flood.
- d. Lake-related infrastructure or new water dependent uses such as boat houses, boat docks, decks, boat lifts, piers, or similar structures may be located within the floodway provided the structures are designed by a professional engineer to not increase flood levels. The following methods may be used to achieve this standard:
 - i. Cutting and removal of material to mitigate water displacement;
 - ii. Use of floating structures that are anchored to eliminate lateral movement;
 - iii. Use of breakaway walls;
 - iv. Orientation of the structure so that openings are parallel to the flow; or
 - v. Other appropriate engineering design techniques.
- e. Along Tryon Creek, Springbrook Creek, and Oswego Creek in areas where a floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development [as "existing and anticipated development" is defined or interpreted by FEMA in 44 Code of Federal Regulation Sec. 60.3(c)(10)] will not increase the water surface elevation of the base flood more than one ft. at any point.

The main lake dam and its ancillary facilities, including the hydroelectric facility, as operated and maintained by the Lake Oswego Corporation, shall be exempt from this section.

(Ord. 2507, Amended, 06/03/2008; Ord. No. 2322, Added, 02/04/2003)

7. FLOOD MANAGEMENT AREA DEVELOPMENT STANDARDS

The following standards apply to development within the Flood Management Area.

a. Permitted Development

- i. Planting new trees or vegetation excluding plants listed on the Plant List as invasive plants.
- ii. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet Federal and State standards provided that any restoration project which encroaches on the floodway complies with the requirements of LOC 50.05.011.6, Encroachment within Floodway.
- iii. Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that within 180 days after the emergency has passed, an application has been filed to mitigate remaining adverse impacts in accordance with applicable standards.
- iv. Except as set forth in b.ii, below, new culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects or designed to not significantly raise the base flood elevation.

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- v. Water dependent uses, such as boat houses, boat docks, decks, boat lifts, piers, or similar structures. When located within the floodway, water dependent uses shall meet the floodway encroachment standards.
 - vi. All uses allowed in the base zone are allowed in the Flood Management Area subject to compliance with this section.
 - vii. Lake-related infrastructure.
- b. Development Restrictions**
Special standards apply as follows:
- i. Fill**
 - (1) Fill in the Floodway**
Fill shall only be placed in the floodway when done in accordance with the floodway encroachment standards of LOC 50.05.011.6.
 - (2) Fill – General Provisions**
The following standards apply throughout the Flood Management Area:
 - (a)** Fill is allowed for the construction of stormwater detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.
 - (b)** In areas outside of the floodway, fill is permitted under the following conditions:
 - (i)** Fill in quantities of ten cubic yards or less is permitted.
 - (ii)** Fill in quantities greater than ten cubic yards is permitted within the floodplain of Oswego Lake and the developed areas of its outlets. Fill in quantities greater than ten cubic yards is permitted elsewhere within the Flood Management Area when balanced with removal of an equal amount of material such as sand, gravel, soil, rock, and building material. Only removal of material below the base flood elevation shall be counted as compensating for fill.
 - (iii)** Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
 - (c)** Temporary fill during construction is permitted provided it is removed prior to final inspection.
 - ii. Transportation Projects**
New culverts, stream crossings, and transportation projects shall be designed to minimize the area of fill in the Flood Management Area and to minimize erosive velocities to the extent practicable. Stream crossing shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
 - iii. Storage**
 - (1) Hazardous Materials**
Uncontained hazardous material, as defined by the Department of Environment Quality, or development providing for the storage or processing of materials that are buoyant, flammable, explosive, toxic, or that could be injurious to human, animal, or plant life in time of flooding are prohibited in the Flood Management Area. Exceptions include:

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SUBSECTION 7: FLOOD MANAGEMENT AREA DEVELOPMENT STANDARDS

- (a) Materials that are typically used for household purposes and in quantities that are normal for household use.
- (b) Materials that are typically used for recreational boat operation and maintenance. For a commercial marina or for sites used for lake maintenance in flood conditions, hazardous materials below the base flood elevation must be contained in watertight and secured containers. For residential use, materials are only allowed in quantities that are typical for residence-based recreational boat activity.

(2) Other Storage

Storage of other materials or equipment is allowed in the Flood Management Area if materials or equipment are:

- (a) Not subject to major damage due to flood;
- (b) Firmly anchored to prevent flotation; or
- (c) Readily removable from the area after flood warning.

iv. Residential Construction

- (1) New construction and substantial improvement of any habitable residential structure shall have the lowest floor elevated to at least one ft. above elevation of the base flood or of the Flood Management Area as either applies to the subject property, whichever is higher.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. This equalization shall not rely on human intervention. Designs for meeting this requirement shall either be certified by a Registered Professional Engineer or Architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one sq. inch for every sq. ft. of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than one ft. above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

v. Nonresidential Construction

New construction and substantial improvement of any commercial, public use, industrial or habitable nonresidential structure shall:

- (1) Have the lowest floor (including a basement which is intended to be a regular workplace for people) elevated to at least one ft. above the elevation of the base flood or of the Flood Management Area as either applies to the subject property, whichever is higher, and shall meet the standards for enclosed areas below the lowest floor as described in Residential Construction, above; or
- (2) Together with attendant utility and sanitary facilities, shall:
 - (a) Be designed so that below the elevation of the base flood or of the Flood Management Area as either applies to the subject property, whichever is higher, the structure is flood proofed to the standards of the National Flood Insurance Program;

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- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City Manager; and
- (d) Nonresidential structures that are elevated, rather than being flood proofed, must meet the same standards for space below the lowest floor as described in LOC 50.05.011.7.b.iv(2), above.

vi. Utilities

- (1) All new and replacement utilities, such as sanitary sewer, storm drain, water, gas, and power service line shall be designed, located, and constructed to minimize flood damage.
- (2) All new and replacement water supply systems shall be designed and constructed to minimize infiltration of flood waters into the system.
- (3) All new and replacement sanitary sewer systems shall be designed and constructed to minimize infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (4) Onsite waste disposal systems (onsite sewerage systems) shall be located to avoid impairment to them or contamination from them during flooding.

vii. Manufactured Homes

All manufactured homes to be placed or substantially improved within a floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one ft. above the elevation of the base flood or of the Flood Management Area as either applies to the subject property, whichever is higher, and securely anchored to an anchored foundation system in accordance with the provisions of LOC 50.05.011.8.a.

viii. Lake-Related Infrastructure

New lake-related infrastructure and substantial improvements to lake-related infrastructure shall be permitted provided appropriate permits have been obtained from state and federal agencies.

ix. Alteration Of Watercourses

When alteration of a watercourse is proposed within a riverine floodplain:

- (1) The City shall notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and
- (2) The applicant shall:
 - (a) Demonstrate that the carrying capacity of the watercourse is not diminished, and
 - (b) Provide for City approval a plan to maintain the carrying capacity of the watercourse.
- (3) For purposes of this section, alteration shall mean physically altering the direction of water flow.

SECTION 50.05.011. FLOOD MANAGEMENT AREA

SUBSECTION 8: STANDARDS FOR CONSTRUCTION

x. **Recreational Vehicles**

A recreational vehicle placed on site within the Flood Management Area shall be required to be fully licensed and ready for highway use, be on its wheels or a jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

(Ord. 2507, Amended, 06/03/2008; Ord. 2398, Amended, 12/06/2005; Ord. 2322, Renamed & Added, 02/04/2003, Renamed title; Ord. 2316, Added, 03/05/2002)

8. **STANDARDS FOR CONSTRUCTION**

The following standards apply within the Flood Management Area.

a. **Anchoring**

All new construction, including manufactured homes, and substantial improvements in the Flood Management Area shall be anchored to prevent flotation, collapse, or lateral movement of the structure. Any structure or portion thereof specifically designed to float shall be anchored to prevent lateral movement. Manufactured homes shall be installed using methods and practices that minimize flood damage; anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

b. **Construction Materials and Method**

- i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- iii. For all new construction and substantial improvements to habitable structures, electrical, heating, ventilation, plumbing, and air-conditioning equipment and other utility service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. 2507, Amended, 06/03/2008; Ord. 2322, Renumbered and Amended, 02/04/2003; Ord. 2316, Added, 03/05/2002)

9. **FLOOD MANAGEMENT AREA VARIANCES**

The purpose of this section is to ensure that compliance with this section does not cause an exceptional hardship. To avoid such instances, the requirements of this section may be modified based on good and sufficient cause as demonstrated through compliance with the requirements of this section.

- a. Variances to the requirements of this section shall only be allowed through variances authorized under this section.
- b. To vary from the requirements of this section, the applicant shall demonstrate the following:
 - i. Failure to grant the variance would result in an exceptional hardship to the applicant;
 - ii. The variance does not materially increase danger to life and property due to flooding or erosion;

SECTION 50.05.011. FLOOD MANAGEMENT AREA

SUBSECTION 10: CALCULATIONS FOR DETERMINING SUBSTANTIAL IMPROVEMENTS

- iii. The variance will not materially increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and
- iv. The variance is the minimum necessary, considering the flood hazard, to afford relief.
(Ord. No. 2322, Added, 02/04/2003)

10. CALCULATIONS FOR DETERMINING SUBSTANTIAL IMPROVEMENTS

- a. For purposes of determining substantial improvements, the City shall base real market value estimates of the structure on one of the following methods selected by the applicant:
 - i. The most recent real market building values listed in the county assessment records plus any improvements made since the last county appraisal. The value of recent improvements shall be based on building permit documents; or
 - ii. An appraisal provided by the applicant conducted by a licensed real estate appraiser selected by the applicant. Such appraisal must provide building market value separate from land value.
- b. When determining if any reconstruction of an existing structure, or an alteration or addition to an existing structure is a substantial improvement, the City will consider construction improvement values on a calendar year basis and not calculate these values in a cumulative manner. Improvement values shall be based on standard methodologies used to determine building permit values.
(Ord. No. 2322, Added, 02/04/2003)

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LOC 50.06: DEVELOPMENT STANDARDS

50.06.001. BUILDING DESIGN

1. APPLICABILITY

This section is applicable as follows:

TABLE 50.06.001-1: BUILDING DESIGN STANDARDS APPLICABILITY						
/A/ = Applicable /blank/ = Not Applicable						
Base District	R-15	R-10	R-7.5	R-6	R-5	Additional Standards
Structure Design – Residential Zones 50.06.001.2	A	A	A	A	A [1]	50.05.006, Old Town Neighborhood Design
Garage Appearance and Location 50.06.001.4	A	A	A	A	A	50.05.006, Old Town Neighborhood Design
Zone Additional Standards 50.06.001.3 (R-6)				A		
Commercial, Industrial, and Multifamily Standards for Approval 50.06.001.5						A [2,3]

NOTES:
 [1] Structure Design standards only apply to Detached single family dwellings, zero lot line dwellings, duplexes, and structures that are accessory to these development types [see LOC 50.06.001.2.a].
 [2] Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii (mechanical equipment screening)
 [3] Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD Zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development.

2. STRUCTURE DESIGN – RESIDENTIAL ZONES

a. Applicability

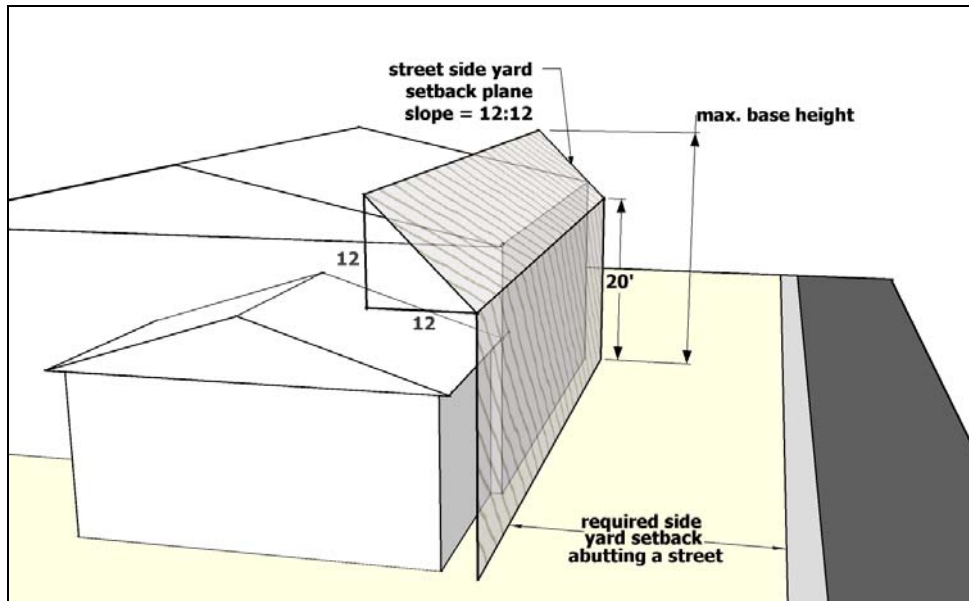
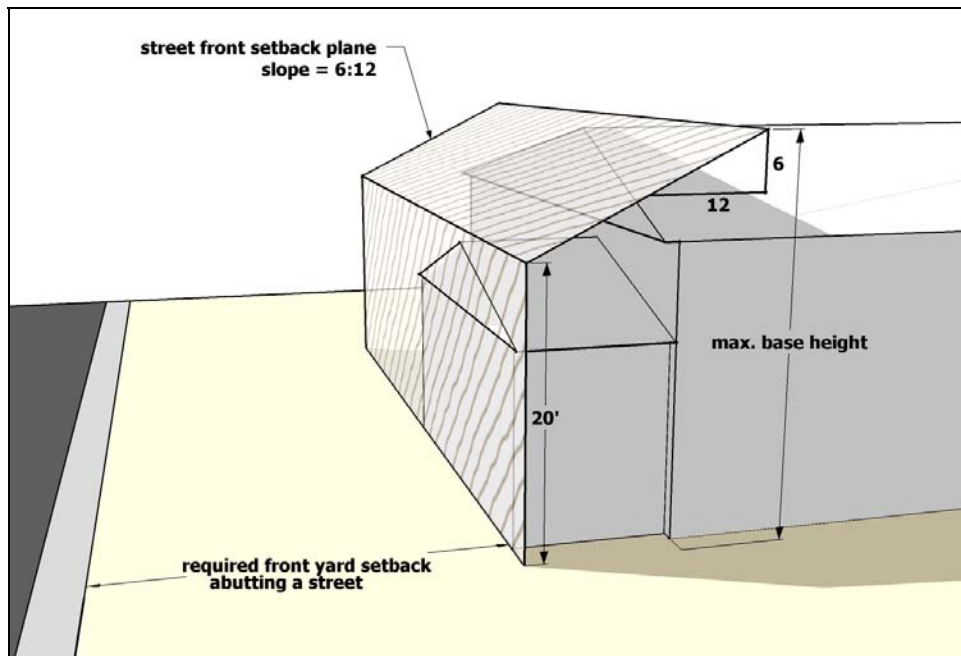
- i. In the R-0, R-2, R-3, and R-5 zones, this subsection applies only to the following types of development:
 - (1) Detached single family dwellings;
 - (2) Zero lot line dwellings;
 - (3) Duplexes; and
 - (4) Structures that are accessory to these development types listed above.
- ii. This subsection is applicable to all structures in any other base residential districts, except R-W and R-DD.

b. Street Front Setback Plane

Except as set forth in LOC 50.06.001.2.d and for flag lots in the R-6 zone, the profile of a structure that fronts on a street shall fit behind a plane that starts at the setback line (front yard or side yard abutting a street) and extends upward to 20 ft. in height, then slopes toward the center of the lot up to the maximum base height of the zone, as illustrated below in Figure 50.06.001-A: Street Front and Street Side Setback Plane:

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Figure 50.06.001-A: Street Front and Street Side Setback Plane



The slope of the street front setback plane is dependent upon whether it applies to a front yard or side yard abutting a street, as follows:

- i. Front yard – 6:12 slope, or
- ii. Side yard abutting a street – 12:12 slope.

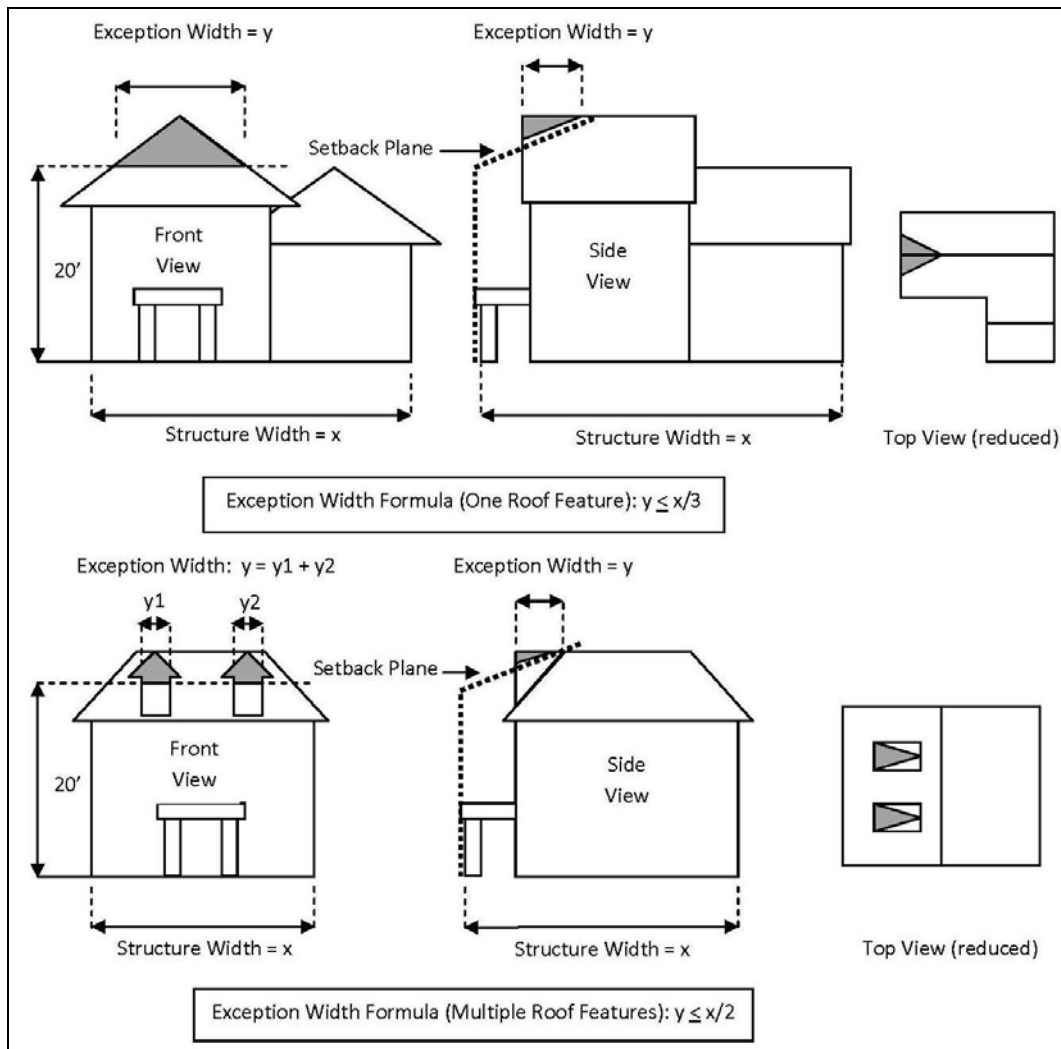
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c. Street Front Setback Plane Exceptions

i. Roof Form

Any individual roof form may penetrate the street front setback plane if it is less than one-third of the structure width, as illustrated in Figure 50.06.001-B: Exceptions to Streetfront Setback Plane. Two or more separate and distinct roof forms, such as dormers, may project into the street front setback plane if they are less than one-half of the structure width.

Figure 50.06.001-B: Exceptions to Street Front Setback Plane

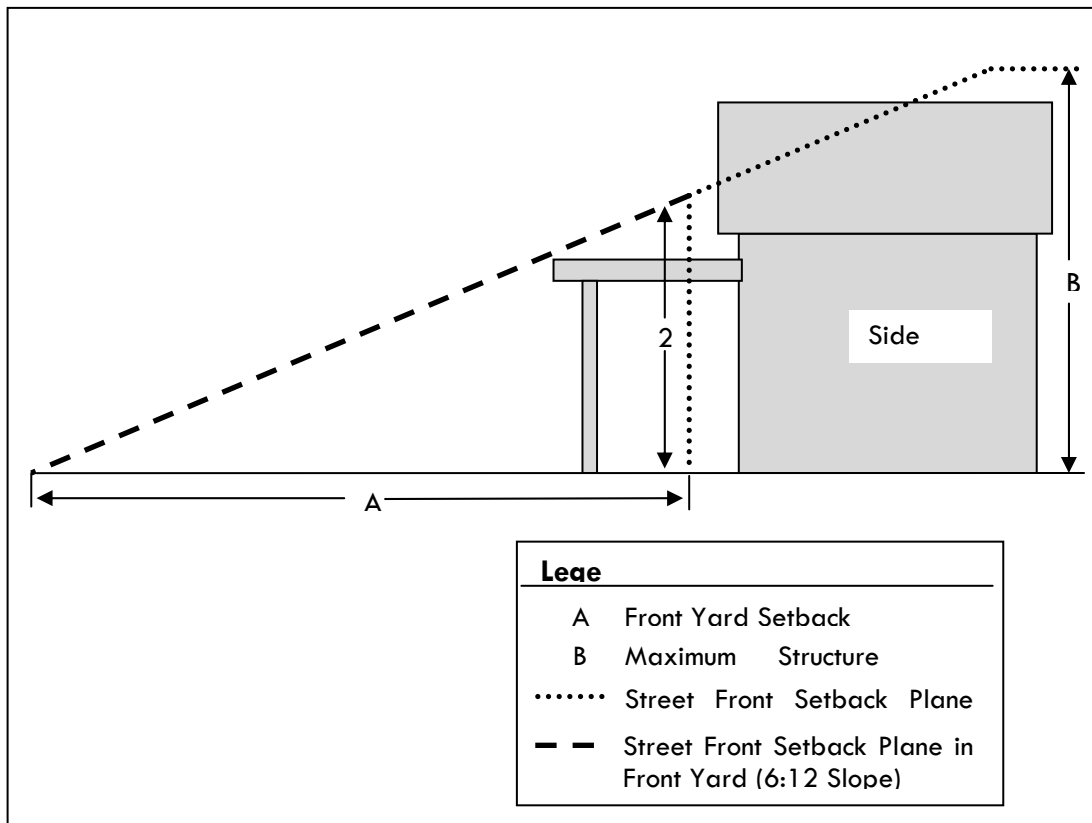


ii. Projections

Any eaves, bay windows, chimneys and other decorative features, front porch, cornices, eaves, gutters, belt courses, leaders, sills, pilasters lintels, ornamental features, and other architectural features, canopies, sunshades, chimneys, and flues that are allowed to project into the front yard setback shall fit below the extension of the street front setback plane, as illustrated in Figure 50.06.001-C.

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Figure 50.06.001-C: Extension of Street Front Setback Plane



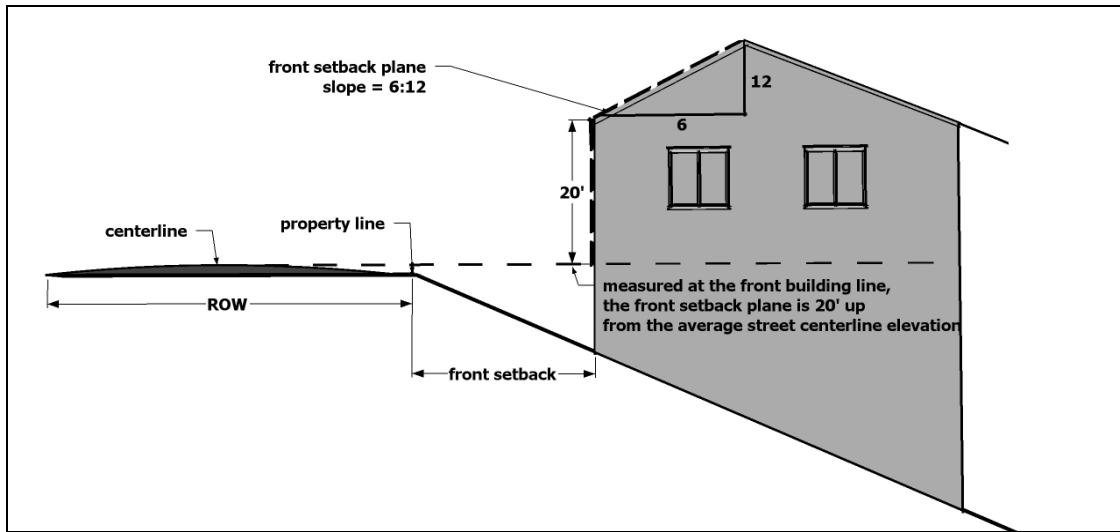
d. Street Front Setback Plane on Steeply Sloped Lots

i. Down Slope

On steeply sloped lots where the average elevation of the ground surface at the setback line fronting a street is below the average elevation of the centerline of the street, the elevation at which the street front setback plane height is measured shall be the average elevation of the centerline of the street, as illustrated in Figure 50.06.001-D: Street Front Setback Plane on Steeply Sloped Down Slope Lot, below.

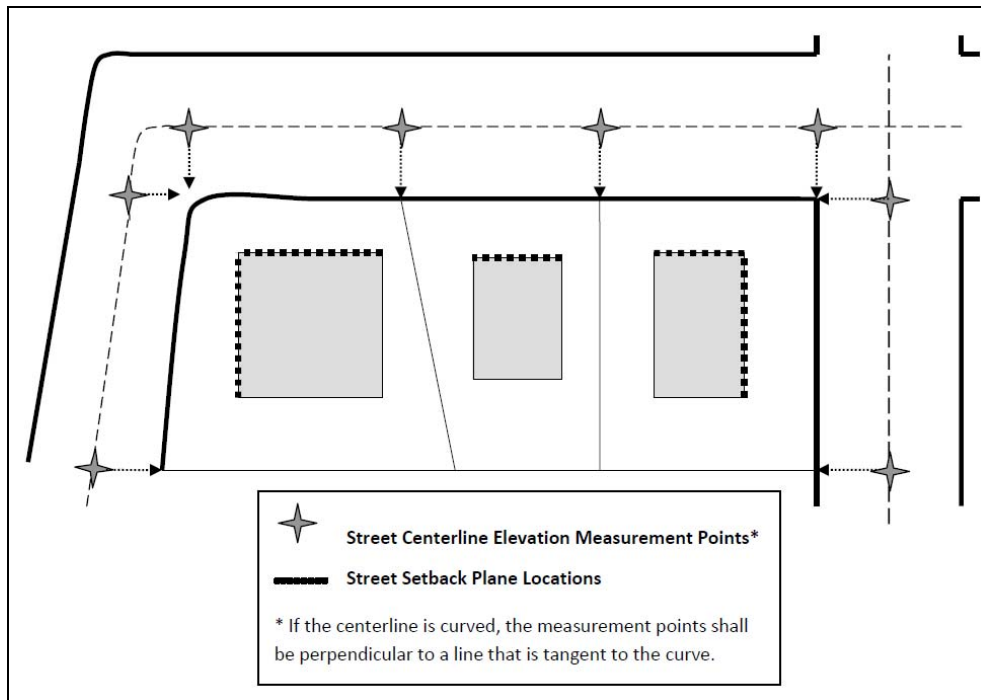
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Figure 50.06.001-D: Street Front Setback Plane on Steeply Sloped Down Slope Lot



For this measurement, the average elevation of the street centerline shall be measured at points along the street centerline where a perpendicular line extended from the centerline would intersect the abutting property corners, as illustrated in Figure 50.06.001-E: Measurement Locations, below.

Figure 50.06.001-E: Measurement Locations



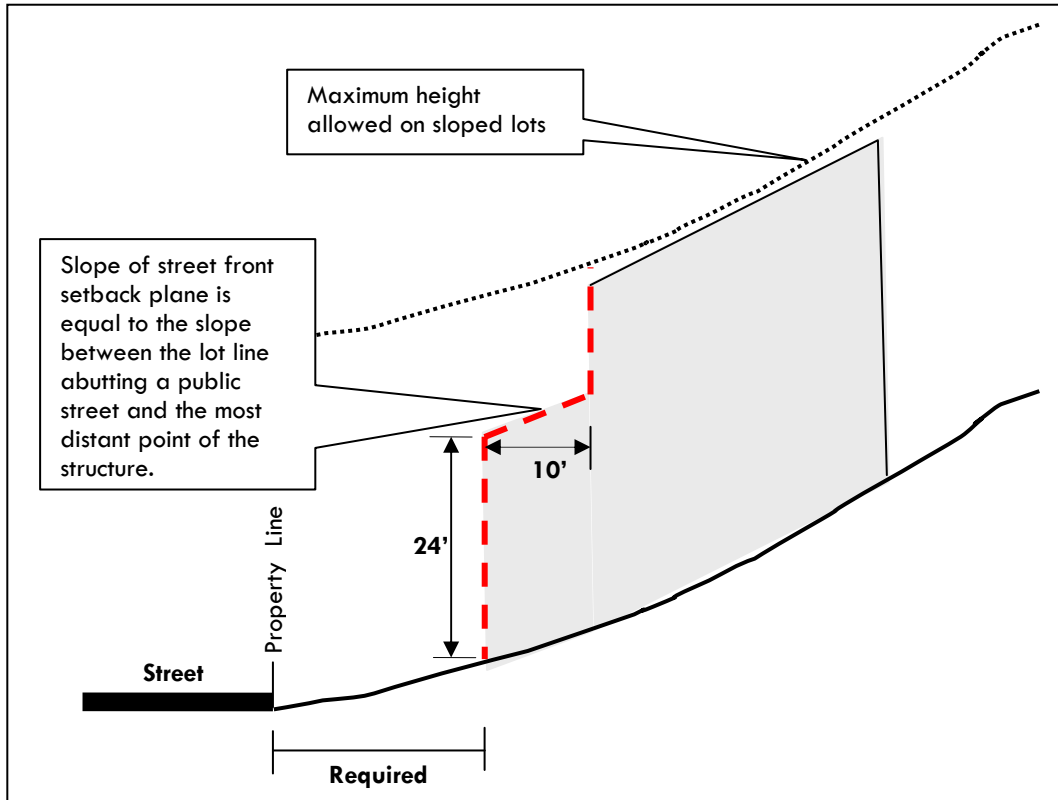
ii. Upslope

The front profile of a structure shall fit behind a plane that starts at the setback line fronting a street and extends upward, to 24 ft. in height, then slopes toward the center of

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the lot at a slope equal to the slope measured from the lot line abutting a street to the most distant point of the structure for a horizontal distance of ten ft., at which point the structure may rise to the maximum allowed height for the zone. The standard is illustrated in Figure 50.06.001-F: Front Setback Plane on Upslope Lots, below.

Figure 50.06.001-F: Front Setback Plane on Upslope Lots

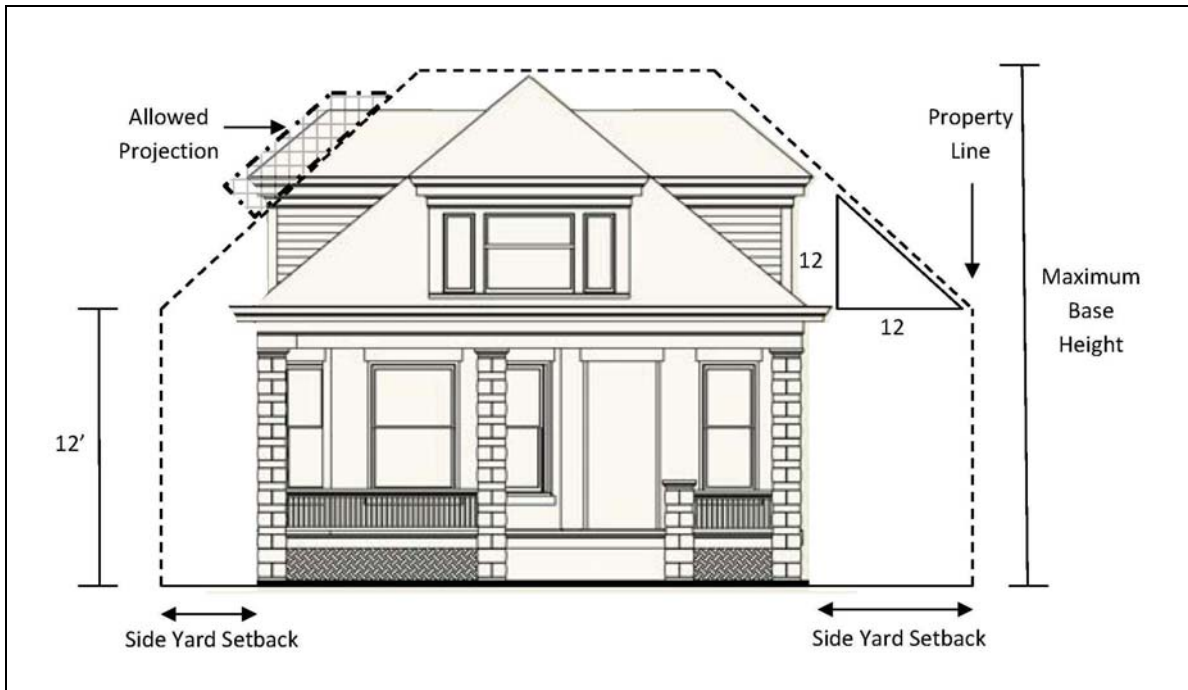


e. Side Yard Setback Plane – Interior Yards

Except as set forth in LOC 50.06.001.2.e.ii below, the side profile of a structure shall fit behind a plane that starts at the side property line and extends upward to 12 ft. and slopes toward the center of the lot at a slope of 12:12 up to the maximum allowed height at the peak as illustrated in Figure 50.06.001-G: Side Yard Setback Plane, below.

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Figure 50.06.001-G: Side Yard Setback Plane



- i. Roof forms may penetrate into the side yard setback plane required under (e), above, as follows:

- (1) Any individual roof form may penetrate the side setback plane if it is less than one-third of the structure length at 12 ft. in height. Two or more separate and distinct roof forms such as dormers or gables may project into the side setback plane if they are less than one-half of the structure length at 12 ft. in height.
- (2) Building projections allowed under LOC 50.04.003.8, General Exceptions for Building Projections, Decks, and Walkways and Pathways to Setbacks, may project up to two ft. into the side yard setback plane. Chimneys are exempt from the setback plane requirement.

- ii. On steeply sloped lots that are upslope from the abutting street, no side yard plane is required.

f. Side Yard Appearance and Screening

At least one of the following design treatments shall be applied along side yards or side elevations. This section is applicable to both interior side yards and side yards that abut streets.

i. Treatment 1 - Maximum Side Yard Plane

- (1) When the side elevation of a primary structure is more than 500 sq. ft. in area in an R-0, R-2, R-3, R-5, or R-6 zone ("Group 1") or more than 750 sq. ft. in area in an R-7.5, R-10, or R-15 zone ("Group 2"), the elevation must be divided into distinct planes of 500 sq. ft. or less for Group 1 or 750 sq. ft. or less for Group 2. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plane, such as a recessed or

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projecting section of the structure that projects or recedes at least two ft. from the adjacent plane, for a length of at least six ft.

- (2) Except in the R-0, R-2, R-3, and R-5 zones, the maximum side yard plane may be increased by ten percent on a side for every additional five ft. of side yard setback provided beyond the minimum required by the zone, on the side property line.

ii. Treatment 2 - Side Yard Features

- (1) The side elevation of a structure shall consist of two or more planes that are offset by a minimum of 16 in. The wall planes shall be a minimum of four ft. in width, and shall result in a change in a wall plane for one full story.

EXCEPTION: Window bays may be utilized to satisfy the requirement for offsets. Such windows shall extend a minimum of 12 in. outward from the main wall of a building and shall form a functional bay or alcove in an interior room. Bay windows used to meet this requirement shall not be exempt from setback requirements, and

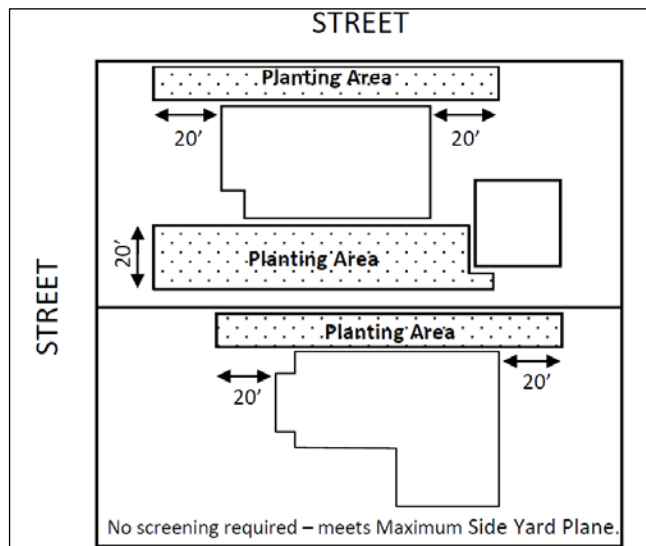
- (a) Walls shall include a roof eave overhang of 16 in. or greater,
- (b) Windows and/or doors shall occupy a minimum of 15% of the side elevation facing the street, and
- (c) All windows shall have a window trim that is a minimum of four in. in width.

iii. Treatment 3 - Screening

The applicant shall provide screening and buffering of the wall plane with a minimum of one standard plant unit for every 50 linear ft. of side property line or fraction thereof. Planting shall occur within an area that is defined by the length of the side elevation plus 20 ft. beyond the width of the building at either end, and outward 20 ft. from the side elevation of the building, towards the side lot line, as shown in Figure 50.06.001-A: Screening and Buffering.

Standard Plant Units are defined in Table 50.06.001-2. All landscape plants shall be grouped and clustered within the side yard to visually break up wall planes into smaller segments.

Figure 50.06.001-A: Screening and Buffering



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TABLE 50.06.001-2: STANDARD PLANT UNITS		
Standard Plant Unit Alternative	Quantity Minimum Size and Type of Plants Required	Illustration
Standard Unit A	1 - 3" caliper canopy tree 2 - 1½" caliper under story tree 13 - 3' high shrubs	
Standard Unit B*	1 - 3" caliper canopy tree 1 - 1½" caliper under story tree 1 - 6' high evergreen tree 11 - 3' high shrubs	
Standard Unit C*	2 - 1½" caliper under story tree 3 - 6' high evergreen trees 7 - 3' high shrubs	
Standard Unit D**	2 - 3" caliper canopy tree 3 - 3' high shrubs	
Standard Unit E*	Minimum 10' long trellis, arbor, or pergola (minimum 6' tall) 1 - 1½" caliper under story tree 10 - climbing plants (native)	
<p>*Preferred for year around screen.</p> <p>**May be required where vision clearance is required for safe automobile operation. Existing landscaping may be used to meet the screening requirement provided the landscaping meets the minimum size requirements set forth above or if multiple plants exist, the caliper, dimensions, and sizes of plants cumulatively meet the cumulative minimum sizes required.</p>		

- (1) To use the screening option, the following standards must exist or be provided:
- (a) A minimum distance of 15 ft. between dwellings,

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- (b) Columnar tree species shall be used when the setback is less than ten ft., and
- (c) Root barrier techniques shall be used to avoid root growth damage to foundations.

iv. Corner Lots - Side Yards That Abut Streets

As an alternative to the treatments set forth in LOC 50.06.001.2.f, Side Yard Appearance and Screening, above, on a corner lot, either of the following treatments can be used for the side elevation that abuts a street:

(1) Corner Treatment 1 - Covered Side Porch

The side yard elevation shall include a covered porch. The porch shall be a minimum of 80-sq. ft. in area, a minimum of five ft. deep, and shall extend along a minimum of 25% of the side elevation that faces the street. The porch must meet setbacks.

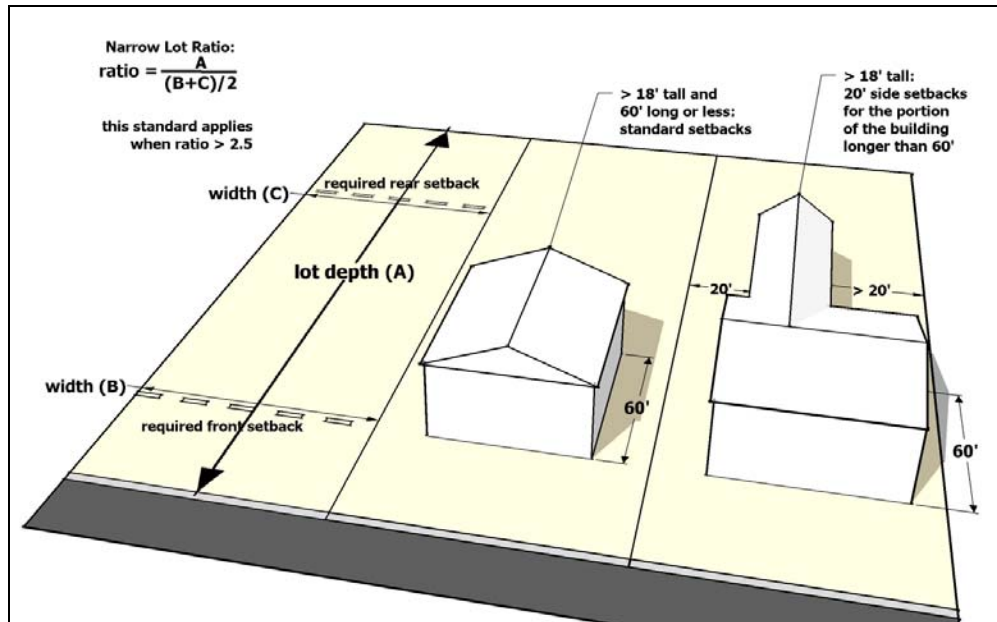
(2) Corner Treatment 2 – Balcony

The side yard elevation shall include a second floor balcony. The balcony shall be a minimum 30 sq. ft. in area, and a minimum of three ft. deep. The balcony may encroach four ft. into the setback.

v. Long Wall Planes

To break up building mass and provide greater privacy on narrow lots, on a lot that has greater than 2.5:1 ratio of lot depth to the average of the lengths of the front and rear setback lines, no portion of a residential structure shall exceed 18 ft. high for a cumulative length greater than 60 ft., unless the excess portion of the residential structure more than one ft. high beyond the 60 ft. cumulative length is setback not less than 20 ft. from the side lot lines. This is illustrated in Figure 50.06.001-B: Changes to Wall Planes, below.

Figure 50.06.001-B: Changes to Wall Planes



(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Add, 07/15/2003)

SECTION 50.06.001. BUILDING DESIGN
SUBSECTION 3: R-6 RESIDENTIAL ZONE ADDITIONAL REQUIREMENTS

g. Rooftop Decks

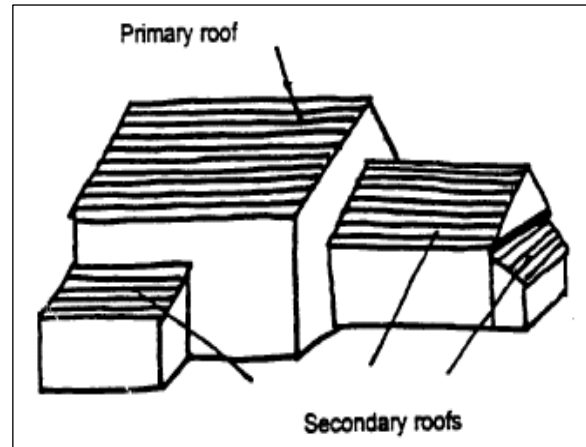
Rooftop decks are prohibited on the pitched portion of any roof exceeding two percent slope. Decks on flat roofs shall not extend above the coping of the roof.

3. R-6 RESIDENTIAL ZONE ADDITIONAL REQUIREMENTS

a. Roof Design

- i. The minimum roof pitch for primary roof forms of a single family dwelling shall be 6:12. Shed type and flat roofs are not permitted as primary roof forms on single family dwellings. Secondary roof forms, such as sunrooms, balconies, dormers, porticos, or bays may be flat or shed roof types. See Figure 50.06.001-C: Identification of Primary and Secondary Roofs.
- ii. Roof pitch on an accessory structure shall either match the pitch of the primary structure or be a minimum pitch of 6:12.

Figure 50.06.001-C: Identification of Primary and Secondary Roofs

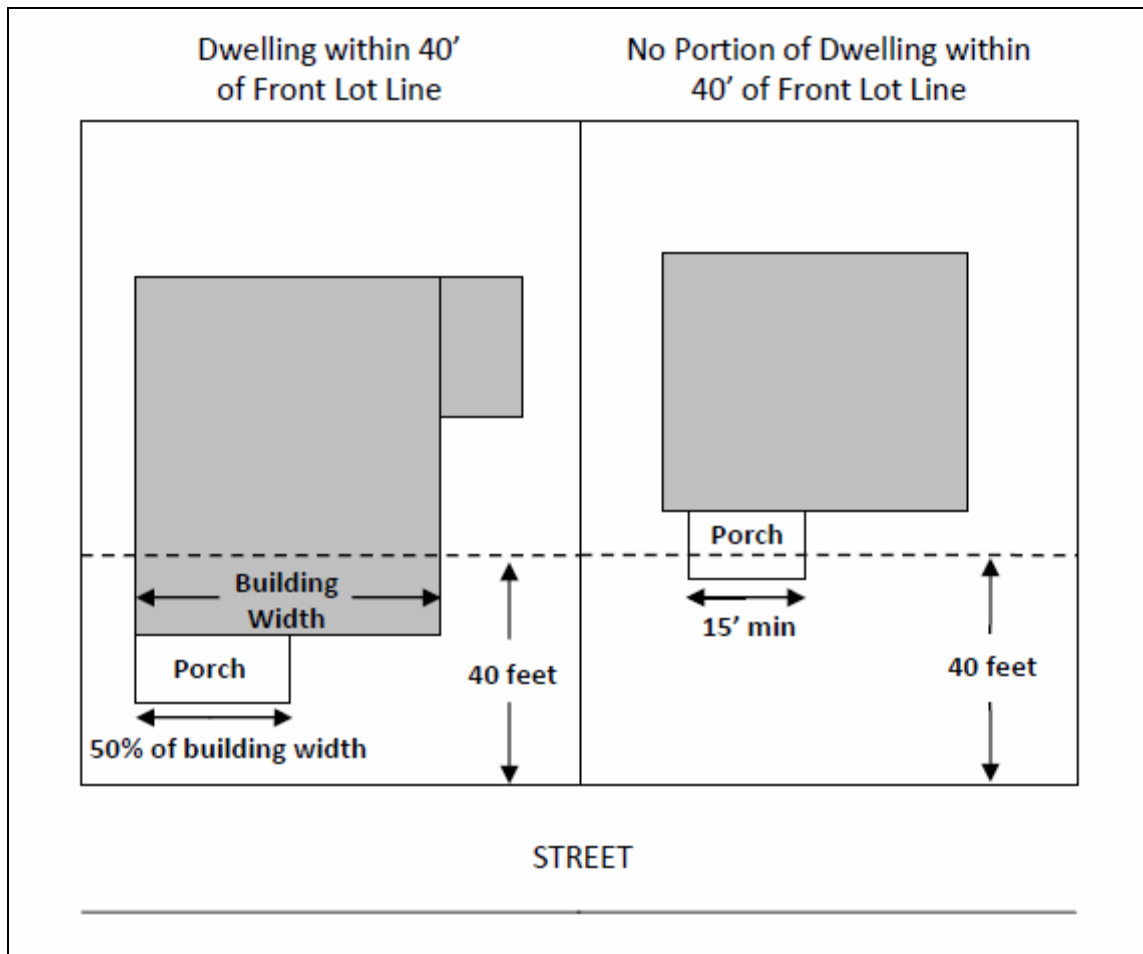


b. Front Porch Required

- i. All new dwellings shall include a covered front porch a minimum depth of six feet and a minimum width of either 50% of the building width, as measured within 40 ft. of the front lot line, or 15 ft., whichever is greater. See Figure 50.06.001-D: Minimum Front Porch Width.
- ii. Porch supports shall be provided and shall be wood or masonry or a solid material with the appearance of wood or masonry.

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Figure 50.06.001-D: Minimum Front Porch Width



c. Alleys

Alleys shall be surfaced in the following manner:

- i. Alleys that serve single family residences only shall be paved with gravel or permeable material.
- ii. Alleys that serve commercial, multi-family dwelling, town house, row house, or duplex development, major public facilities structures, or institutional uses shall be paved with asphalt or concrete.

d. Street Trees

Two (2) street trees for every 50 ft. of street frontage are required as a condition of approval of a new structure. 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.

4. GARAGE APPEARANCE AND LOCATION

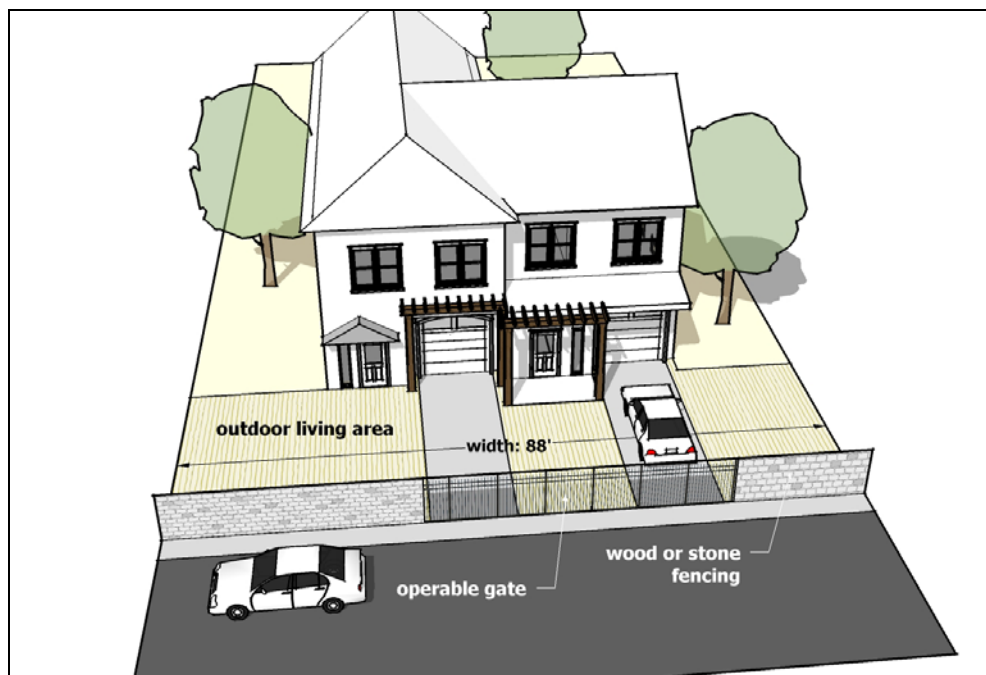
a. R-0, R-2, R-3, R-5, R-7.5, R-10, and R-15 Residential Zones

The following standards for garage appearance and location shall be applicable:

SECTION 50.06.001. BUILDING DESIGN
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- i. Applicability Limited to Dwelling Type in the R-0, R-2, R-3 and R-5 Zones.**
The garage appearance and location standards of this section shall apply to the following types of development:
- (1) Detached single family dwellings,
 - (2) Zero lot line dwellings, and
 - (3) Duplexes.
- ii. Garage Wall Facing Street**
When a garage has wall(s) facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least ten percent of the garage wall.
- iii. Garage Design Requirements Due to Location**
The standards in LOC 50.06.001.4.a.iv, below, shall not apply in any one of the following circumstances:
- (1) The garage is 20 ft. or more back from:
 - (a) The point of the dwelling closest to the front lot line, and
 - (b) If applicable, the point of the dwelling closest to the street side yard line;
 - (2) The garage is side-loading;
 - (3) The garage is rear-loading;
 - (4) The lot is a Steeply Sloped Lot;
 - (5) The width of a parcel is less than 50 ft.; or
 - (6) The garage is proposed to be set back at least 60 ft. from the public right-of-way.

Figure 50.06.001-E: Garage Design Requirements



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SUBSECTION 4: GARAGE APPEARANCE AND LOCATION

iv. Garage Location Standards

The garage shall comply with subsections (1)-(3) below:

(1) Dwelling Shall be Closer to the Street

The garage shall not be located closer to the street than the dwelling. For the purpose of meeting this subsection, the exterior wall of at least one room of habitable space, other than any habitable space above the garage, shall be located closer to the street than the garage door. Habitable space above a garage shall be considered an acceptable method of meeting this standard for remodeling projects involving homes built prior to August 2004 in the R-5, R-7.5, R-10, and R-15 zones, and July 1, 2010, in the R-0, R-2, and R-3 zones.

(2) Garage Width

- (a)** The garage elevation shall not occupy more than 60% of the width of the combined facade of the dwelling and garage; or
- (b)** For duplexes and zero lot line dwellings, garages may occupy up to 75% of the width of the front facade of the dwelling and garage when the following criteria are satisfied:
 - (i)** The lot width of the lot upon which the duplex is located or the combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 ft.; and
 - (ii)** The total combined width of all garage doors does not exceed 36 ft.; and
 - (iii)** Living area is provided above the garage. The front facade of the living area must have fenestration that is not less than 20% of the façade; and
 - (iv)** One or more of the following is provided:
 - 1. Pergolas or trellises are provided across the entire front of the garage; or
 - 2. A covered porch occupies at least 25% of the façade; or
 - 3. An enclosed outdoor living space is located between the front of the house, the garage, and the public right-of-way. The enclosure shall consist of wood, wrought iron, brick, stucco, stone, or other masonry fencing (excluding concrete block) and include an operable entryway gate as shown in Figure 50.06.001-L: Garage Design Requirements; and
- (c)** If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two feet.

(3) Garage Appearance

Garages shall comply with at least two of the following standards, to minimize the appearance of the garage:

- (a)** Set the garage an additional two ft. further from the front property line than the facade of the dwelling;
- (b)** Provide individual garage doors, not to exceed 75 sq. ft. each, for each parking stall;
- (c)** Provide individual garage doors that do not exceed 50% of the width of the combined facade of the dwellings and garages, or in the case of duplexes and zero lot line dwellings, 50% of the width of the combined façade of the dwellings and garages. Any garage opening width beyond 50% of the dwelling and

SECTION 50.06.001. BUILDING DESIGN
 SUBSECTION 4: GARAGE APPEARANCE AND LOCATION

garage width must be set back at least two ft. further from the front property line than the facade of the other garage opening;

- (d) Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 in. deep and six ft. tall.

v. Multiple Garage Opening Setbacks

In any instance where a garage or a set of adjacent garages is designed to park three or more vehicles, only the garage openings for the first two vehicles may occupy the same building plane. Each additional building plane with a garage opening shall be set back by a minimum of two feet. from the previous garage building plane.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Add, 07/15/2003)

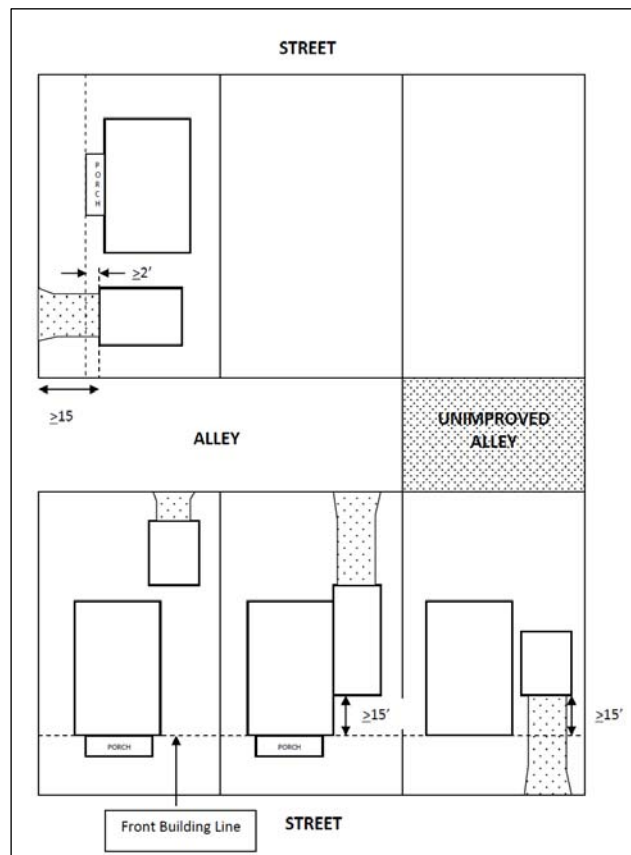
b. R-6 Residential Zones

In addition to compliance with the accessory structure setback requirements in LOC 50.04.001.2, a garage shall comply with the following requirements:

i. Access

- (1) Garages shall be accessed from an alley, if available.
- (2) If a property is located on a corner lot, garages may also be accessed from the street that abuts the side of the primary dwelling when the following criteria are met:
 - (a) The garage is located between the primary structure and the alley, if an alley abuts the lot;
 - (b) The garage is set back a minimum of 15 ft. from the side street property line; and
 - (c) The garage is set back a minimum of two ft. from a line extended from the side elevation of the primary dwelling to the rear lot line, and behind the primary structure.

Figure 50.06.001-F: Front Porch and Garage Measurements



ii. Location

- (1) For interior lots, garages shall be located so that the garage is set back a minimum of 15 ft. behind the front yard setback line of the house (excluding a porch). See Figure 50.06.001-F: Front Porch and Garage Measurements.

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SUBSECTION 5: COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

- (2) Where no alley access is available, the garage shall either:
- (a) Occupy up to 60% of the width of the combined facade of the dwelling and garage, or
 - (b) For zero lot line dwellings, garages may either comply with subsection (1) or may occupy up to 75% of the width of the combined front facade of the dwelling and garage when the following criteria are satisfied:
 - (i) The combined total lot width for the two lots upon which the zero lot line dwellings are located is less than 88 ft.; and
 - (ii) The total combined width of all garage doors does not exceed 36 ft.; and
 - (iii) Living area is provided above the garage. The front façade of the living area must have fenestration that is not less than 20% of the facade; and
 - (iv) One or more of the following is provided:
 - (A) Pergolas or trellises are provided across the entire front of the garage, or
 - (B) A covered porch that occupies at least 25% of the facade.
 - (c) If the garages for the units are adjacent to one another, the horizontal planes of the garage doors shall be offset no less than two ft.

iii. Garage Wall Facing Street.

When a garage has wall(s) facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least ten percent of the garage wall.

(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Added, 12/06/2005)

5. COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE STANDARDS FOR APPROVAL

a. Applicability

This standard is applicable to:

- i. Ministerial development: development involving mechanical equipment, limited to LOC 50.06.001.5.b.viii [mechanical equipment screening]; and
- ii. Minor and major development: development involving a structure for commercial, industrial, institutional, public use (including major public facilities and minor public facilities), multi-family residential, attached single-family (three or more units) residential development, and to all minor development within the R-DD Zone. This standard is also applicable to exterior modifications of a structure which does not qualify as a ministerial development pursuant to LOC 50.07.003.13.a.ii(3).

b. Design Standards

Buildings shall be designed and located to complement and preserve existing buildings, streets and paths, bridges and other elements of the built environment, and to assure accessibility for bicyclists, pedestrians, and users of other transportation modes.

- i. Design buildings to be complementary in appearance to adjacent structures of good design with regard to:

(1) Materials,

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SUBSECTION 5: COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE
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- (2) Setbacks (for retail/commercial part specifically),
- (3) Roof lines,
- (4) Height, and
- (5) Overall proportions.

ii. Where existing buildings are to remain on site, new development shall be designed to:

- (1) Integrate the remaining buildings into the overall design, or
- (2) Provide separate landscaping, remodeling or other treatment which establishes a distinct character and function for the remaining buildings.

Where a residential building is to remain, a lot meeting the zone requirements must be provided.

iii. Design bus shelters, drinking fountains, benches, mail boxes, etc., to be complementary in appearance to buildings.

iv. Design those elements listed below to be complementary in appearance to those buildings or structures upon which they are associated:

Awnings	Signs
Chimneys	Stairs
Decks and railings	Utility connections and meters
Doors	Vents
Downspouts	Windows
Foundations	Weather vanes, aerials, and other appendages attached to the roof or projecting above the roofline
Lights	
Mailboxes	
Mechanical equipment	

v. Design awnings, signs, and lights to define the first floor or retail cornice height.

vi. Use trees and other natural elements to help define building proportion relationships and to provide scale to the structure as a whole.

vii. Limit the variety of styles of building elements.

viii. Screen mechanical equipment from view, or place in locations where they will generally not be visible.

ix. Every attempt shall be made to design and locate buildings to provide access to desirable views, while not blocking the views of others unnecessarily (density reduction not required).

c. Buildings shall be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation.

i. Consider land forms and trees as design elements which must relate to building elevations to determine scale and proportion.

ii. Design foundations to match the scale of the building being supported. Berming, resiting, or sheathing the foundation structure with wall siding are examples of methods which accomplish this purpose.

iii. Use decks, railings, and stairs to relate a building to the contours of the land.

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- d. Building shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.
 - i. Use solid barriers such as fences, berms, natural land forms and structures to reduce sound levels. The effectiveness of the barrier increases as barrier height increases and as it is moved closer to either the source or the receiver.
 - ii. Minimize the window surface on sides facing adverse sound sources, where possible.
 - iii. Mechanical equipment, including heat pumps and air conditioning equipment, shall meet the required setbacks of the zone and be located so that operating noise does not affect use of living areas such as bedrooms, outdoor decks or patio areas and adjacent property.
 - e. Buildings shall be designed and constructed with roof angles, overhangs, flashings, and gutters to direct water away from the structure.
 - f. Buildings shall incorporate features such as arcades, roofs, alcoves, porticoes and awnings to protect pedestrians from the elements. These projections shall maintain a minimum vertical clearance of 13 ft. six in. where over fire lanes.
 - g. Building orientation shall be designed to encourage pedestrian access from public streets and make the street pedestrian friendly.
 - i. Applicability
 - (1) This subsection shall apply to:
 - (a) New construction, including removal of existing structure and construction of new structure within existing footprint; and
 - (b) Modifications of existing buildings that are not removed and reconstructed, and that expand the building footprint by more than 50% as measured cumulatively from the footprint existing on December 6, 2005.
 - (2) This subsection is not applicable to construction or modifications of structures within parks.
 - ii. Building orientation shall include:
 - (1) Locating buildings within 30 ft. of a public street except where prevented by topographic constraints, existing natural resources, or where, in multi-building complexes, the configuration of the lot prevents locating all buildings within 30 ft. of a public street.
 - (2) Buildings located on sites with multiple frontages on public and/or transit streets shall provide at least one public entrance within 30 ft. of the transit street.
 - (3) Buildings located on sites adjacent to a transit street shall have at least one public entrance within 30 ft. of the transit street.
 - (4) Buildings that are within 30 ft. of a public street shall have a public entrance directly from the street.
- [Cross-Reference: Parking Garages see LOC 50.06.002 - Parking.]
- h. **Rooftop Decks**

Rooftop decks are prohibited on the pitched portion of any roof exceeding two percent slope. Decks on flat roofs shall not extend above the coping of the roof.

SECTION 50.06.001. BUILDING DESIGN

SUBSECTION 5: COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY DEVELOPMENT AND MINOR DEVELOPMENT IN THE R-DD ZONE
STANDARDS FOR APPROVAL

(Ord. 2316, Added, 03/05/2002)

SECTION 50.06.002. PARKING
SUBSECTION 1: APPLICABILITY

50.06.002. PARKING

1. APPLICABILITY

The provisions of this Article shall apply to all development which generates a parking need. This shall include the construction of new structures, the remodeling of existing structures and a change of use which increases on-site parking or loading requirements or which changes access requirements.

[Cross Reference: LOC 50.06.002.3.b – Parking Standards in R-6 Zone.]

2. STANDARDS FOR APPROVAL

a. Vehicle Parking

- i. Required parking spaces shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the loading and unloading or parking of vehicles used in conducting the business or use.
- ii. Number of Required Parking Spaces
 - (1) Refer to Table 50.06.002-1 to determine the number of parking spaces required. The number of parking spaces specified for each type of use are the minimum standards. Fractional space requirements shall be counted as the next highest whole space.
 - (2) Except for residential parking requirements, the maximum number of parking spaces shall not exceed 125% of the minimum number of required spaces.
 - (3) Handicapped parking and ramps shall be provided in accordance with the Uniform Building Code.
 - (4) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

TABLE 50.06.002-1: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required
(A) RESIDENTIAL	
1. Single-family dwelling and duplex	1 space per dwelling unit
2. Secondary dwelling unit	1 space per unit (in addition to 1 space required for main dwelling unit)
3. Multi-family	25% of the required parking for multi-family use shall be located to provide for common or visitor use
i. Studio/Efficiency	1 space per unit
ii. 1 Bedroom	1.25 spaces per unit
ii. 2 or more Bedrooms	1.5 spaces per unit
4. Rooming and boarding house; Bed and Breakfast	1 space per each guest room plus one for owner
(B) COMMERCIAL RESIDENTIAL	
1. Hotel or Motel	1 space per unit
2. Assisted living facility	0.5 space per unit plus one per three employees
3. Hospital	1.5 spaces per bed
(C) PLACES OF PUBLIC ASSEMBLY	
1. Churches, clubs, lodges, meeting rooms, and	1 space per 4 seats of maximum capacity, or 1

SECTION 50.06.002. PARKING
SUBSECTION 2: STANDARDS FOR APPROVAL

TABLE 50.06.002-1: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required
auditoria	space per each 5 occupants based on maximum capacity as calculated under the provisions of the Uniform building Code
2. Library, reading room, museum, art gallery	1.88 spaces per 1,000 sq. ft. plus one space per 2 employees on the peak shift
3. Nursery, day or child care facility, kindergarten	2.5 spaces per 1,000 sq. ft. G.F.A
4. Elementary or middle school or equivalent private or parochial school	16.6 spaces per 1,000 sq. ft. G.F.A in the auditorium or 2 spaces per classroom, whichever is greater
5. Senior high and equivalent private or parochial school	0.2 spaces per number of students and staff
6. College; commercial school for adults	3 spaces per 1,000 sq. ft. G.F.A (excluding dorms)
7. Schools such as martial arts, music, dance, gymnastics	1 space per 100 sq. ft. of G.F.A of lesson activity floor area plus .5 space per employee
(D) COMMERCIAL AMUSEMENTS	
1. Stadium, arena, theater	1 space/4 seats (fixed seating)
2. Bowling alley	3 spaces per lane plus 0.5 space per employee
3. Sports club/Recreation facilities, including billiard and pool parlors, video arcades, dance hall, gymnasium, health club	2 spaces per 1,000 sq. ft. G.F.A
(E) COMMERCIAL	
1. Office, including business and management services except medical or dental	3.33 spaces per 1,000 sq. ft. G.F.A
2. Medical and Dental Offices or clinics including accessory laboratories for medicine, dentistry, veterinarian practice or other practices of the healing arts	3.9 spaces per 1,000 sq. ft. G.F.A
3. Bank	2.5 spaces per 1,000 sq. ft. G.F.A
4. Supermarket	2.9 spaces per 1,000 sq. ft. G.F.A
5. Convenience food store	2.2 spaces per 1,000 sq. ft. G.F.A
6. Specialty food stores, such coffees, bagels, juice bars (Take-out food/drink primarily	6.6 spaces per 1,000 sq. ft. G.F.A
7. Eating or drinking establishment	13.3 spaces per 1,000 sq. ft. G.F.A
8. Eating or drinking establishment with drive up window	9.9 spaces per 1,000 sq. ft. G.F.A
9. Barber shop, beauty salon, personal care services, such as nail, tanning, and therapeutic massage salons	4 spaces per 1,000 sq. ft. G.F.A plus 0.5 space per station
10. Retail sales and rentals, except as otherwise specified herein	3.3 spaces per 1,000 sq. ft. G.F.A
11. Heavy equipment rentals, such as yard and tool equipment	1 spaces per 1,000 sq. ft. G.F.A plus 0.5 per employee
12. Service or repair shop, such as electronic and home appliance repair, upholstery	1.6 spaces per 1,000 sq. ft. G.F.A
13. Automotive repair garage and service station	1.6 spaces per 1,000 sq. ft. G.F.A plus 0.5 per employee
14. Mortuary	1 space per 5 seats based on maximum auditorium capacity plus 1.5 space per employee
(F) BULK MERCHANDISE	
1. Furniture, appliance store building materials	2 spaces per 1,000 sq. ft. G.F.A
2. Auto, boat or trailer sales	1 spaces per 1,000 sq. ft. G.F.A of building plus 0.5 space per employee
3. Truck, trailer and automobile rental parking lot	0.75 space per employee on largest shift

SECTION 50.06.002. PARKING
SUBSECTION 2: STANDARDS FOR APPROVAL

TABLE 50.06.002-1: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS	
Type of Use	Parking Space Required
(G) INDUSTRIAL	
1. Light industrial, industrial park, Manufacturing	1.6 spaces per 1,000 sq. ft. G.F.A
2. Storage, warehouse, wholesale establishment, freight terminal, truck or auto storage	1 spaces per 1,500 sq. ft. G.F.A or 0.75 space per employee based on maximum shift, whichever is greater
3. Mini-Storage facility	3.33 spaces per 1,000 sq. ft. of gross office floor area plus on space for resident manager
(H) USES NOT SPECIFICALLY MENTIONED	
Parking requirement for uses not specifically mentioned in this section shall be determined by the requirements for off-street parking facilities for the listed use which, as determined by the City Manager, is most similar to the use not specifically mentioned, or by a parking study.	

iii. On-Site Location of Required Parking Spaces

- (1) All required parking shall be off-street. Parking may not be located in a required yard or special street setback.
- (2) Except for tandem parking in residential developments of single-family detached and attached dwelling units, duplexes, and zero lot line dwelling units, design shall insure that the parking of any vehicle shall not interfere with the parking or maneuvering of any other vehicle.

iv. Off Street Parking Options

(1) Off-Site Parking

Within commercial, public use, industrial and campus institutional zones parking may be provided on lots which are within 500 ft. of the property line of the use to be served. Within the EC (East End General Commercial) zone only, unless otherwise prohibited, employee parking may be allowed within 1,000 ft. of the property line of the use to be served.

(2) Shared Parking

(a) Shared parking is allowed if the application can demonstrate that the combined peak use is provided for by a parking study that demonstrates:

- (i)** There are a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
- (ii)** That the peak hours of operation of such establishments do not overlap, and
- (iii)** That an exclusive permanent easement over a delineated area has been granted for parking space use.

(b) Parties involved in shared parking arrangements shall enter into reciprocal agreements, acceptable to the City for such use, by legal instrument which shall also provide for continuing maintenance of jointly used parking facilities.

v. Reduction for Parking Space Requirements

- (1) Parking space requirements may be reduced in developments where compensating factors exist which would offset the parking demand (such as Access to Transit Facilities, Pedestrian and Bicycle Access, Development Size, or combined, or the Parking Study provision). Refer to Table 50.06.002-2 for reduction options.

SECTION 50.06.002. PARKING
SUBSECTION 2: STANDARDS FOR APPROVAL

TABLE 50.06.002-2: PARKING REQUIREMENT MODIFIERS	
Reduction for Access to Transit Facilities	
COMMERCIAL AND INDUSTRIAL USES (BASED ON DEVELOPMENT SIZE ON A SINGLE SITE (DS))	
GROSS FLOOR AREA	MULTIPLIER
0 - 20,000 sq. ft.	No reduction
20,000 plus sq. ft.	.85 x requirement
AVAILABILITY OF TRANSIT ACCESS (TA)	
Transit shelter more than 500 ft. from building	No reduction
Transit available with shelter within 500 ft. of building	.95 x requirement
Transit available on fronting street without shelter	.90 x requirement
Transit available on fronting street with shelter within 50 ft. of building	.85 x requirement
Reduction for Pedestrian and Bicycle Access (PA)	
COMMERCIAL AND INDUSTRIAL USES	MULTIPLIER
No hard surfaced pedestrian/bicycle access	No reduction
Hard surfaced pedestrian and bicycle access to 100 or more residential units within 1000 ft. of the site.	.90 x requirement
Reduction Permitted Based on Parking Study	
The Parking Study shall demonstrate sufficient number of parking spaces:	
a. For shared parking with other multiple uses per LOC 55.010(1)(d)(ii)	
b. Based on similar uses elsewhere in the City or the same use at other sites.	
Parking requirement modification shall be calculated as followed: Minimum requirement by type use x DS (Development Size) x TA (Transit Access) x PA (Pedestrian Access) = modified parking requirement.	
Definitions:	
Transit Access: Availability of transit services as delineated above.	
Pedestrian Access: The means by which pedestrians have safe, adequate and usable ingress and egress to a property or use.	

- (a) Within the East End General Commercial zone only, only the parking modifiers permitted by LOC 50.05.004, Downtown Redevelopment District Design Standards, and Development Size, or the Parking Study provision are permissible for reduction options.

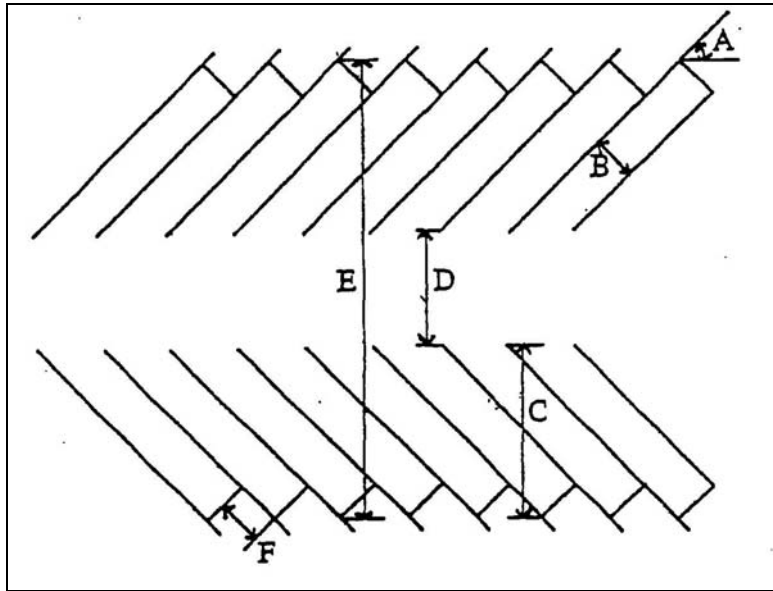
vi. Parking Dimensions

- (1) Refer to Figure 50.06.002-A: Off-Street Parking Matrix to determine the minimum dimension and layout of parking spaces.
- (2) The minimum dimension to meet single family residential parking space requirements shall be eight ft. six in. wide and 18 ft. six in. long for each space.
- (3) Up to 50% of the total parking requirement may be provided in compact car spaces. All parking spaces designated for compact vehicles shall be signed or labeled by painting on the parking space.

SECTION 50.06.002. PARKING
 SUBSECTION 2: STANDARDS FOR APPROVAL

Figure 50.06.002-A: Off-Street Parking Matrix

OFF STREET PARKING MATRIX, REQUIRED SPACE AND AISLE DIMENSIONS IN FEET										
Angle (A)	Compact Size Vehicles					Standard Size Vehicles				
	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)	Module Width (E)	Bumper Overhang (F)
0°	8.0	20.0	N/A	N/A	N/A	8.0	24.0	N/A	N/A	N/A
45°	8.0	15.5	11.0	42.0	2.0	8.5 9.0	17.5	13.0 12.0	48.0 47.0	2.0
60°	8.0	17.0	14.0	48.0	2.5	8.5 9.0	19.0	18.0 16.0	56.0 54.0	2.5
75°	8.0	17.5	21.0	56.0	2.5	8.5 9.0	19.5	25.5 23.0	64.5 62.0	2.5
90°	8.0	16.0	20.0	52.0	1.5	8.5 9.0	18.5	26.0 24.0	63.0 61.0	2.5



- A = Parking Angle
- B = Stall Width
- C = Stall Depth (no bumper overhang)
- D = Aisle Width between Stall Lines, except for fire lanes, which are regulated by LOC 15, "Fire Protection"
- E = Module Width (no bumper overhang)
- F = Bumper Overhang

vii. Loading

Loading berth in sufficient numbers and size to adequately handle the needs of the development shall be required. The off-street parking areas to fulfill the requirements of this standard shall not be used for loading and unloading or the storage of vehicles or materials or parking of trucks used in conducting business or use.

viii. Employee Carpool and Vanpool Parking

Development in commercial and industrial zones and in the Public Function zone which requires a total of 50 or more parking spaces shall designate at least five percent of the number of parking spaces as employee carpool or vanpool parking. The carpool/vanpool spaces shall be full sized parking spaces. The spaces shall be clearly marked "Reserved-Carpool/Vanpool Only" with hours of use. Except for designated handicapped parking spaces, employee carpool and vanpool parking spaces shall be located as follows:

SECTION 50.06.002. PARKING
 SUBSECTION 2: STANDARDS FOR APPROVAL

- (1) Where employee parking spaces are designated, the designated carpool and vanpool parking spaces shall be the closest employee parking spaces to the entrance normally used by employees.
- (2) Where employee parking spaces are not designated, designated carpool and vanpool parking spaces shall be located in close proximity to the building entrance normally used by employees.

b. Bicycle Parking

- i. Bicycle parking shall be provided for all new multi-family residential developments (four units or more) and commercial, industrial, public facilities and institutional uses, except seasonal uses, such as fireworks stands and Christmas tree sales; drive-in theaters; and self-storage facilities are exempted.
- ii. The minimum number of required bicycle parking spaces are listed in Table 50.06.002-4, provided however that the owners of Institutional Categories under Table 50.06.002-4 may defer installation of a portion of the required bicycle parking facilities if:
 - (1) At least 30% of the required bicycle parking facilities are installed prior to issuance of the certificate for occupancy;
 - (2) The owner executes and records with the County Clerk of the county in which the property is located a covenant to undertake Bicycle Parking studies, and install a percentage of required bicycle parking facilities, as follows:

TABLE 50.06.002-3: BICYCLE PARKING STUDIES	
Timing of Bicycle Parking Study	Required Percentage of Installed Bicycle Parking Facilities
Within 90 days following certificate of occupancy	150% of the greatest number of bicycles being parked or stored on the property at any time during the 14 day period of a Bicycle Parking Study, up to the required number of bicycle parking facilities per Figure 50.06.002-A: Off-Street Parking Matrix.
Two studies within one year following initial study	
Whenever requested by City Manager	

TABLE 50.06.002-4: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
RESIDENTIAL CATEGORIES		
Household Living	Multi-family	1 per 4 units
Group Living		2, or 1 per 20 residents
	Dormitory	1 per 8 residents
INSTITUTIONAL CATEGORIES		
Preschool		2, or 1/2 per classroom
Schools	Grades 1 through 12	2 per classroom
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. G.F.A.
Transit Centers	Park & Ride Lots	5% of auto spaces
Religious Institutions		2, or 1 per 4,000 sq. ft. G.F.A.
Hospitals		2, or 1 per 40,000 sq. ft. G.F.A.
Libraries, Museums, etc.		2, or 1 per 4,000 sq. ft. G.F.A.
COMMERCIAL		

SECTION 50.06.002. PARKING
SUBSECTION 2: STANDARDS FOR APPROVAL

TABLE 50.06.002-4: MINIMUM REQUIRED BICYCLE PARKING SPACES		
Use Categories	Specific Uses	Number of Required Spaces
Retail Sales and Services	includes Groceries and Financial Institutions	2, or 1 per 2,500 sq. ft. G.F.A.
Auto-oriented Services	with or without Mini-Market	2, or 1 per 5,000 sq. ft. G.F.A.
Office	includes Doctor, Dentist	2, or 1 per 5,000 sq. ft. G.F.A.
Restaurant	includes Drive-Ins	2, or 1 per 5,000 sq. ft. G.F.A.
Theaters, Auditoriums		1 per 60 seats
INDUSTRIAL CATEGORIES		
Warehouse & Freight Movement		2, or 1 per 40,000 sq. ft. G.F.A.
Manufacturing & Production		2, or 1 per 15,000 sq. ft. G.F.A.
Industrial Park	Other than manufacturing & warehousing	2, or 1 per 10,000 sq. ft. G.F.A.

NOTES:

1. Wherever this table indicates two numerical standards, such as 2, or 1 per 3,000 sq. ft. of gross floor area, the larger number applies.
2. 100% of all required bicycle parking spaces for residential and industrial categories shall be covered. These bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial, public use, and institutional categories are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or dwelling units or free standing shelters.
3. Fractional space requirements shall be counted as the next highest whole space.
4. G.F.A. (Gross Floor Area): The area included within the surrounding exterior walls of a building or portion thereof excluding allowable projections, decks, patios, uncovered exit stairways or uncovered above-grade driveways.

- (3) The methodology and timing of the bicycle parking studies shall be proposed by the Owner, for review and approval of the City Manager. Based on the results of any of the bicycle parking studies, the owner shall install additional needed bicycle parking facilities within 60 days following completion of the Study. The cost of the bicycle parking studies, and installation of the bicycle parking facilities, shall be at the expense of the property owner. If the owner does not comply with the terms of the covenant, the City may give notice to the property owner to install the balance of the required bicycle parking facilities within 15 days following the date of the notice.
- iii. Modifications which increase the size of existing commercial, industrial, Public Function structures or institutional buildings by more than ten percent or a change of use shall provide bicycle parking spaces to meet the requirements of Table 50.06.002-4, above for the entire development. For the purposes of this section, an “existing building” is a building as it exists on February 19, 1998.
- iv. Bicycle parking shall be separated from car parking and vehicular traffic by a physical barrier or sufficient distance to protect parked bicycles from damage by vehicles.
- v. Bicycle parking for multiple uses may be clustered in one or several locations meeting all other requirements specified in this section for bicycle parking.
- vi. 100% of all required bicycle parking spaces for industrial categories shall be covered. These required bicycle parking spaces may be provided within a building. Bicycle parking spaces for employees of commercial, public use, and institutional uses are encouraged to be covered and secured. Cover for bicycle parking may be accommodated by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings or free standing shelters.

SECTION 50.06.002. PARKING
SUBSECTION 3: STANDARDS FOR CONSTRUCTION

- vii. Not less than 25% of the required bicycle parking inside a building shall be provided in a well illuminated, secure location within 50 ft. of a building entrance. The balance of the number of required bicycle parking shall be provided either inside each individual dwelling unit or inside each individual dwelling unit's designated storage area within the building.
- viii. Outdoor bicycle parking spaces shall be clearly visible and shall be located within 50 ft. of any entrance to the building unless clustered pursuant to subsection v, above, in which case the parking spaces shall be no more than 100 ft. from a public entrance.
- ix. If the required bicycle parking spaces cannot be provided on-site within the EC (East End General Commercial) zone, bicycle parking racks may be provided on the sidewalk adjacent to the property's frontage providing a minimum five ft. unobstructed sidewalk width is maintained.
- x. Bicycle parking spaces shall be a minimum of six ft. long and two ft. wide, and provide a minimum five ft. access aisle. For covered spaces the overhead clearance shall be at least seven ft.

[Cross Reference: LOC 50.06.002.3.b – Parking Standards in R-6 Zone.]

3. STANDARDS FOR CONSTRUCTION

a. Surface Materials - General

The surface of the parking and maneuvering area shall be constructed as a durable surface. The use of gravel in low use areas, such as church parking lots, recreational vehicle storage in a residential zone or outside equipment storage or fleet vehicles in industrial zones, may be approved, so long as the gravel is contained, the parking area is clearly defined, and where grade permits. Refer to LOC 50.06.003.2.c.vi, Standards for Construction, for additional paving surface specifications.

b. Parking Standards in R-6 Zone

- i. Required off street parking spaces shall be paved with concrete, masonry, asphalt, gravel, grasscrete products or a combination of listed materials.
- ii. Defined parking areas may be created anywhere between the abutting property line and 3 feet from the existing paved travel lane, except that a designated parking area shall not conflict with an existing pedestrian walkway. If this area is currently paved with asphalt or other hard surface material, it may remain hard surfaced. Otherwise, on street parking shall be paved with gravel.

c. Bicycle Parking

- i. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If the bicycle parking is not visible from the street or main building entrance, a sign shall be posted indicating the location of the parking facilities.
- ii. Rack types and dimensions.
 - (1) Bicycle racks shall hold bicycles securely by the frame and be anchored.
 - (2) Bicycle racks shall accommodate both:
 - (a) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 1: ACCESS/ACCESS LANES (FLAG LOTS)

(b) Locking the frame and both wheels to the rack with a chain or cable not longer than six ft.

d. Parking Plan

Applicant shall provide scaled parking plan with dimensions and number of spaces accurately depicted.

50.06.003. CIRCULATION AND CONNECTIVITY

1. ACCESS/ACCESS LANES (FLAG LOTS)

a. Definition of Access

For the purposes of this section, access shall be defined as: “area within public right-of-way directly affected by the traffic generated by the particular development and necessary to provide safe and efficient ingress and egress to the property.”

b. Applicability

This section is applicable to all major developments and to the following minor developments:

- i. Construction or alteration of multi-family dwelling;
- ii. Construction or alteration of major public facilities;
- iii. Construction or alteration of commercial development;
- iv. Construction or alteration of institutional development;
- v. Construction or alteration of industrial development, and
- vi. Land divisions (partitions and subdivisions).

c. Standards for Approval

i. Every residentially-zoned lot shall abut a street for the following minimum length:

Residentially-Zoned Lot	Minimum Street Frontage
Rowhouse	17 ft.
Flag Lot	50.07.007.2.c
All Other	25 ft.

- ii. Access design shall be based on the following five criteria:
 - (1) Topography,
 - (2) Traffic volume to be generated by the development,
 - (3) Classification of the public street from which the access is taken (residential, collector or arterial),
 - (4) Traffic volume presently carried by such street, and
 - (5) Projected traffic volumes.
- iii. Direct permanent access from a development to an arterial street is prohibited where an alternate access is either available or is expected to be available. A temporary access may be allowed.
- iv. Direct access from a development or a structure to a local residential street is required unless such access is not available.

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SUBSECTION 2: ON-SITE CIRCULATION - DRIVEWAYS AND FIRE ACCESS ROADS

- v. The City may require shared access with a neighboring site or an extension of residential streets across adjacent properties to provide access to the development if necessary to prevent adverse impacts on traffic flow.
 - vi. If no satisfactory access from a public street to a development is available, the City shall require postponement of the development until such time as a satisfactory access becomes available.
 - vii. Access lanes created by a partition or private streets created by a subdivision shall contemporaneously provide an option of dedication to the City.
- d. Standards for Access Lanes**
Access lanes shall meet the following minimum standards:
- i. 20 ft. wide easement.
 - ii. Access to two to four dwelling units - 12 ft. of pavement with a four ft. shoulder on each side.
 - iii. Access to five to eight dwelling units - 16 ft. of pavement with a two ft. shoulder on each side.
 - iv. When providing access for seven to eight dwelling units, the access lane shall be designed to provide “on-lane” parking for a minimum of four standard vehicles or provide an “off-lane” parking area for a minimum of four standard vehicles.
- e. Traffic Study**
Determination of the location and configuration of an access shall be based on a traffic study, unless otherwise approved by the City Manager.
- f. Expenses Borne by Developer**
The expense related to modification of an existing street to accommodate proposed access including all traffic control devices and lighting, shall be paid for by the developer.
- g. Distance Between Access and Nearest Intersection**
Access from a major development to a collector or an arterial shall be not less than 100 ft. from the nearest intersection of street center lines.

[Cross-reference: LOC 50.06.001.3.c – Alleys, R-6 Zone.]

2. ON-SITE CIRCULATION - DRIVEWAYS AND FIRE ACCESS ROADS

- a. Applicability**
This section is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of or the increased use of private streets, driveways, or parking lot aisles. Increased use shall be defined as an increase in trip generation or parking requirement.
- b. Standards for Approval**
- i. Driveway Approaches— Locational Limitations and Restrictions**
 - (1) On corner lots where the adjacent streets are fully improved to their anticipated ultimate width, the nearest edge of a proposed driveway to the intersection shall be no closer than 30 ft. when measured from the projected curb of the street that is the most parallel to the alignment of the proposed driveway.

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY
SUBSECTION 2: ON-SITE CIRCULATION - DRIVEWAYS AND FIRE ACCESS ROADS

- (2) On corner lots where the adjacent streets are not fully improved to their anticipated ultimate width, the nearest edge of a proposed driveway to the intersection shall be no closer than 30 ft. when measured from the lot corner, or if the corner is a radius, from the point of intersection of the tangents. If right-of-way dedication is required as a condition of approval, the lot lines after dedication shall be used as the basis for determining compliance with this standard.
- (3) On lots with less than 75 ft. of continuous frontage on a single public street, only one driveway shall be permitted along that frontage.
- (4) All driveway approaches shall be located and designed so that the driver entering or exiting the driveway can see approaching traffic for a sufficient distance to make a safe entrance and exit. American Association of State Highway and Transportation Officials (AASHTO) standards shall be used in determining compliance with this standard.
- (5) The maximum width of a driveway approach, measured where the edges of the driveway meet the right-of-way, shall be governed as follows:
 - (a) Single family residential with garage door(s) facing the street: 12 ft. per garage or carport stall, or surface parking space, but not to exceed 30 ft.
 - (b) Single family residential with side-loading garage: 24 ft.
 - (c) All other uses: 24 ft. unless otherwise justified by the recommendations of a traffic study.

ii. Driveway Widths

Driveways shall conform to the minimum width requirements of LOC 15.06.610 (Oregon Fire Code Adopted) and LOC 50.06.002, Parking Standards.

iii. Driveway Grades

- (1) The maximum grade of a driveway serving one single family structure shall be 20%. If the grade exceeds 15%, then the residence must be provided with alternative methods for fire suppression, i.e., sprinklering.
- (2) The maximum grade of a driveway for all other uses shall be 15%.
- (3) For all uses except residential structures of four units or less, there shall be a landing area where a driveway used by multiple drivers meets the public street. The landing area shall be a minimum of 25 ft. long and shall have a maximum grade of five percent. The length and grade of the landing area described in this subsection presupposes that the abutting street has been fully improved to its ultimate anticipated width. If a driveway is proposed on a street that is not fully improved, and the development proposal is anticipated to proceed prior to the improvement of the street, the City Engineer shall determine the location and grade of the future street improvement and the applicant shall design the driveway and site grading so that this standard will not be compromised when the street is improved in the future.
- (4) Along the traveled way, grade breaks shall not exceed an algebraic difference of nine percent unless accomplished by the construction of a vertical curve complying with the City's Standard Details.
- (5) The maximum cross-slope of a driveway shall be five percent, except for that portion of a driveway which must blend with an adjacent street grade that exceeds five percent. When blending is necessary, the length of the blended section shall be limited to 30 ft.

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY
SUBSECTION 2: ON-SITE CIRCULATION - DRIVEWAYS AND FIRE ACCESS ROADS

iv. Fire Access Lanes

- (1) All developments shall comply with the minimum requirements for fire access roads as stipulated by the Fire Code and LOC Chapter 15.
- (2) The paved improvement of fire lanes, their associated turnarounds and right of way dimensions shall comply with the City's Standard Details.
- (3) When a fire access road is required to be used as a primary or alternate access route for the provision of emergency services to or through an abutting property, the fire lane shall be declared as such on a legal instrument to be recorded against the title of the affected property(ies). A declaration on a plat or on a recorded development plan may also be used to satisfy this standard.

v. Turnarounds

- (1) If a dead-end driveway exceeds 150 ft. in length, it shall provide a fire department turnaround in compliance with the City's "Standard Details". Exception: The Fire Marshall may approve driveways greater than 150 ft. in length if the structures greater than 150 ft. from the public road are provided with alternative methods of fire suppression, i.e., sprinklering.
- (2) Except where a continuous forward exit can be made out of the site, all developments with on-site loading and delivery areas shall provide a turnaround for delivery vehicles in compliance with the City's "Standard Details".
- (3) Required turnarounds shall not overlap a required parking space.

vi. Schools – Special Provisions

Schools and similar institutional or instructional uses with a total enrollment of 25 or more students on any given day shall provide an on-site driveway that allows a continuous forward flow of vehicles through the site for the loading and unloading of children.

vii. Easements Required

- (1) Driveways and their associated parking areas and turnarounds shall be located on the site or, if located off-site, in an easement.
- (2) A copy of the easement shall be submitted to the City as part of the development application. If the easement has not yet been obtained at the time of application, the applicant shall supply a letter of commitment from the party who has the authority to grant the easement indicating that the easement will be granted contingent upon the development's approval by the City.
- (3) Easements shall state the purpose of the easement, identify the benefiting and burdened properties, state the duration of the easement rights granted, and stipulate the maintenance responsibilities of the parties.

c. Standards for Construction

- i. All driveways that serve as fire lanes or fire access roads shall be paved, unless modified below, and shall be designed to support fire fighting vehicle loads. The City may require an engineered pavement section and a soil test to ensure compliance with this standard.
- ii. Driveway approaches in the right-of-way shall be constructed according to the City's "Standard Details".
- iii. In locations where there is a slope adjacent to a driveway edge, there shall be a minimum two ft. shoulder or other means of protecting the driveway and the adjacent land from the adverse effects of erosion.

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 3: ON-SITE CIRCULATION - BIKEWAYS, WALKWAY, AND ACCESSWAYS

- iv. Storm water running off a driveway shall be managed and disposed of in compliance with the applicable drainage standards for minor or major development, and the Uniform Plumbing Code.
- v. Where a driveway approach needs to cross a roadside ditch, a culvert of ten in. minimum diameter shall be used. The City may require a larger culvert if warranted by the hydrology of the upstream drainage basin.
- vi. All driveways shall be paved with a material that does not generate dust. Hard pavement is required except in the following circumstances:
 - (1) Low-use driveways, such as one serving a parking area for recreational vehicle, boat trailer, or access to a storage building or storage area.
 - (2) Where a driveway grade changes less than ten percent from the street to the parking area serving a single-family residence.
 - (3) Existing unpaved driveways, when there is an existing use on the site that is rated at ten or less average daily trips per weekday pursuant to the applicable ITE (Institute of Transportation Engineers) category, and the rating will not be increased with the proposed development.
 - (4) When the requirement for a paved driveway is waived, a paved approach shall be constructed to prevent the tracking of loose gravel onto the public street.
 - (5) Temporary construction access driveways.
 - (6) Combustible materials, erodable materials, or floatable materials shall not be approved as acceptable driveway surfaces (i.e. wood chips, bark dust, shredded tire rubber).

3. ON-SITE CIRCULATION - BIKEWAYS, WALKWAY, AND ACCESSWAYS

a. Applicability

This section is applicable to all minor and major development involving the construction of a new structure other than a detached single family dwelling, duplex, or accessory structure, and subdivisions and planned developments. This section is also applicable to modifications which increase the square footage of commercial, industrial, public use or institutional buildings by more than ten percent. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

b. Standards for Approval

- i. Commercial, industrial, public use, and institutional developments of one acre or more shall provide a pedestrian circulation plan for the site.
 - (1) Pedestrian connections between the proposed development and existing development on adjacent properties other than connections via the street system shall be identified and implemented, where feasible.
- ii. Walkways shall connect at least one public entrance of each building accessible to the public to the nearest public walkway or other walkway leading to a public walkway. Walkways shall also connect to other areas of the site, such as parking lots and outdoor activity areas, to other building entrances, to adjacent streets and nearby transit stops.
- iii. Walkways shall meet accessibility standards of the Americans with Disabilities Act (ADA) standards as found in the Oregon State Structural Specialty Code, Section 1103, if applicable. Walkways within the site, connections to the public sidewalk, and external

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

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connections off site shall provide convenient, accessible, and the most practical direct, barrier-free route design.

- iv. Portions of walkways shorter than 30 ft. across driveways, parking lots or walkways crossing surfaces shared by fork lift or heavy truck traffic may use a painted crossing zone. Otherwise, walkways crossing driveways, parking areas, and loading areas shall be clearly identifiable through the use of a different paving material, raised elevation, or other similar method.

(1) Where walkways are adjacent to vehicle travel areas, they shall be separated by a raised curb, bollards, buttons, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps.

- v. Accessways for use by pedestrians and bicyclists shall be required when necessary to provide direct routes not otherwise provided by the existing right-of-way. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is otherwise available off-site, the developer may be required to improve an accessway off-site to the nearest transit route.

c. Standards for Construction

- i. The surfacing of walkways, bikeways and accessways shall consist of either two in. of asphaltic concrete over a minimum of four in. of compacted crushed rock, or of four in. of concrete, as determined by the City Manager. Other materials must be specifically approved by the City Manager.
- ii. Walkway surfacing shall be five ft. in unobstructed width, unless specifically otherwise approved by the City Manager, and never less than four ft. in unobstructed width.
- iii. Walkways without stairs shall have a maximum cross slope of two percent and a maximum slope of eight percent. If the existing grade exceeds an eight percent slope and the walkway construction requires an erosion control permit pursuant to LOC 52.02.040(1), and construction of stairs are impracticable, then the pathway may follow the existing grade.
- iv. Ramps for handicapped use are required on all walkways used by the public at all points where a path intersects a curb.
- v. Walkways, bikeways and accessways must be constructed in such a way as to allow the surface drainage to sheet flow across them, and not flow along them longitudinally.
- vi. An accessway shall include at least a 15 ft. wide right-of-way or easement and an eight ft. wide hard surface. For safety, accessways shall be as straight as practicable. Bollards, buttons, or landscaping shall be used to block motor vehicular access.
- vii. A residential accessway shall include at least a 15 ft. wide right-of-way or easement and a minimum six ft. wide travel surface. Accessways may meander around major trees or vegetation, but shall be as straight as practicable, considering the circumstances related to the property.
- viii. The surfacing of residential accessways shall consist of either two in. of asphaltic concrete over a minimum of four in. of compacted crushed rock, or four in. of concrete, as determined by the City Manager. Depending on location, topography or presence of sensitive lands, other materials may be specifically approved by the City Manager. Residential accessway surfacing for purposes of meeting this standard, shall be a minimum of six ft. in width.

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 4: LOCAL STREET CONNECTIVITY

- ix. Bollards, buttons or landscaping shall be used to block motor vehicle access at locations where accessways abut streets.
- x. Accessways shall be constructed in such a way as to allow surface drainage to sheet flow across them, and not flow along them longitudinally.

4. LOCAL STREET CONNECTIVITY

a. Applicability

This section is applicable to:

- i. Any development that results in the construction of a street, or
- ii. Construction of a detached single family dwelling, duplex, zero lot line dwelling, multi-family dwelling, commercial, industrial, institutional, or Public Function structure; and is located on a parcel or parcels of vacant or redevelopable land of one and three-fourths acres or larger.
- iii. Any construction of a detached single family dwelling, duplex, zero lot line dwelling, multi-family dwelling, commercial, industrial, institutional, or Public Function structure, or any land division that abuts a parcel upon which there is a street that has been “stubbed” to the proposed development parcel.

b. Purpose and Intent

The purpose of the connectivity standard is to ensure that:

- i. The layout of the local street system does not create excessive travel lengths or limit route choices. This will be accomplished through an interconnected local street system to reduce travel distance, promote the use of alternative modes of travel, provide for efficient provision of utility and emergency services, provide for more even dispersal of traffic, and reduce air pollution and energy consumption;
- ii. Streets, alleys and residential accessways shall be designed to meet the needs of pedestrians and cyclists and encourage walking, bicycling and transit as transportation modes;
- iii. Street and pedestrian and bicycle accessway design is responsive to topography and other natural features and avoids or minimizes impacts to LOC 50.05.010, Sensitive Lands Overlay District; LOC 50.05.011, Flood Management Area; and steep slopes pursuant to LOC 50.06.006.2, Hillside Protection;
- iv. Local circulation systems and land development patterns do not detract from the efficiency of the adjacent collector or arterial streets;
- v. The street and accessway circulation pattern contributes to connectivity to and from activity centers, such as schools, commercial areas, parks, employment centers and other major trip generators;
- vi. The Metro Urban Growth Management Functional Plan street connectivity requirements (Metro Code 3.07.630) are met;
- vii. Proposed development will be designed in a manner which will not preclude properties within the vicinity that meet the definition of further developable, from meeting the requirements of this standard; and

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY
 SUBSECTION 4: LOCAL STREET CONNECTIVITY

viii. To guide land owners and developers on desired street and bicycle and pedestrian accessway connections to the existing transportation system that will improve local access to schools, transit, shopping, and employment areas.

c. Standards for Approval of Development Which Requires the Construction of a Street

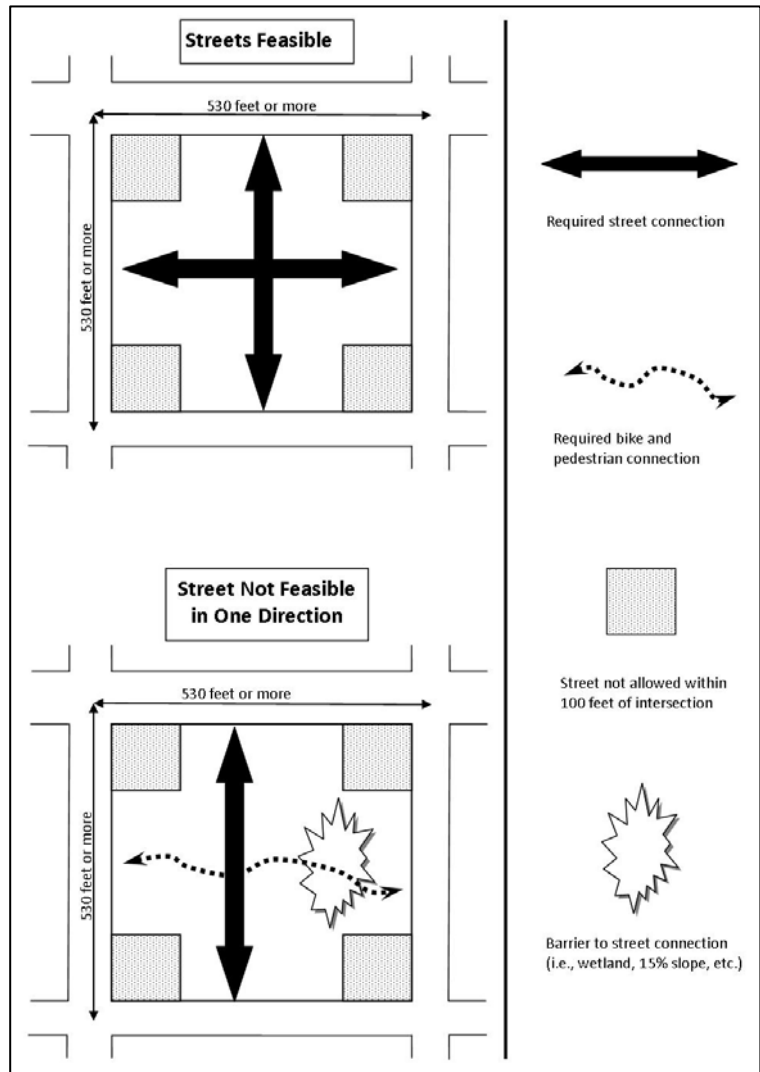
i. Local and neighborhood collector streets, access lanes, and residential accessways shall be designed to connect to the existing transportation system to meet the requirements of this standard as determined by the Review Authority.

ii. Local and neighborhood collector street design shall provide for full street connections between through streets with spacing of no more than 530 ft., measured between the center of the intersection of two through streets that provide for vehicle traffic movement in generally the same direction (“through street pairs”) with the cross street. This requirement shall be applied to all through street pairs which surround the site. If the nearest boundary of the site (or boundaries extended to the street) is more than 100 ft. from the intersection of a through street nearest to the site and the cross street, the provisions of this Standard shall be met, except when the provisions of subsection (vi), below, are met. See Figure 50.06.003-A: Street Connectivity.

iii. Streets shall be designed to connect to all existing or approved stub streets which abut the development site.

iv. Cul-de-sacs and permanent closed-end streets shall be prohibited except where a) the requirements of this standard for street and residential accessway spacing are met and b) construction of a through street is found to be impracticable. When cul-de-sacs or closed-end streets are allowed under subsection (vi), they shall be limited to 200 ft. and shall serve no more than 25 dwellings, except where the Review Authority has determined that this standard is impracticable due the

Figure 50.06.003-A: Street Connectivity



SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 4: LOCAL STREET CONNECTIVITY

criteria listed in subsection (vi), below.

- v. Access lanes may be used to serve up to eight dwellings. They shall be designed to provide connections between properties that develop through the partition process.
- vi. The Review Authority may allow an exception to the review standards of subsections (i) through (v), above, based on findings that the modification is the minimum necessary to address the constraint and the application of the standards is impracticable due to the following:
 - (1) Extreme topography (over 15% slope) in the longitudinal direction of a projected automobile route;
 - (2) The presence of Sensitive Lands as described in LOC 50.05.010, or LOC 50.05.011 Flood Management Area, or other lands protected by City ordinances, where regulations discourage construction of or prescribe different standards for street facilities, unless the nearest through street pairs (See Figure 50.06.003-A: Street Connectivity) surrounding the subject site are more than ¼ mile apart. The Review Authority may determine that connectivity is not required under this circumstance, if a benefit/cost analysis shows that the traffic impacts from development are low and do not provide reasonable justification for the estimated costs of a full street connection;
 - (3) The presence of freeways, existing development patterns on abutting property which preclude the logical connection of streets or arterial access restrictions;
 - (4) Where requiring a particular location of a road would result in violation of other city standards, or state or county laws or standards, or a traffic safety issue that cannot be resolved; or
 - (5) Where requiring streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude required street or accessway connections.
- vii. If the Review Authority allows an exception to subsection (ii), above, for full street connections, it shall require residential accessway connections on public easements or rights-of-way so that spacing between bicycle and pedestrian connections shall be no more than 330 ft. measured from the centerline of the nearest bicycle and pedestrian connection intersection with the cross street.
- viii. The Review Authority may allow a reduction in the number of residential accessway connections required by subsection (vii), above, based on findings that demonstrate:
 - (1) That reducing the number or location of connections would not significantly add to travel time or distance from the proposed development to bus lines or activity centers in the area, such as schools, shopping, or parks; or
 - (2) That existing development patterns on abutting properties preclude logical connection of residential accessways; or
 - (3) That the traffic impacts from development, redevelopment or both are low and do not provide reasonable justification for the estimated costs of such accessway.

[Cross-reference: Section iv - See also LOC 42.03.085]

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 5: TRANSIT SYSTEM

d. Standards for Approval of Construction of Structures that Do Not Require Construction of a Street but are Located on a Parcel(s) 1.75 Acres or Greater in Size

When an applicant proposes construction of a structure subject to LOC 50.06.003.4.a.ii above that does not require the construction of a street, but is located on a parcel or parcels one and three-fourths acres or greater in size, the Review Authority shall require:

- i. A future connectivity plan to be filed with the City and recorded in the applicable County Clerk records, as a condition of development approval. The future connectivity plan shall show how the location of future streets, access lanes, and accessways will provide for full development of the subject parcel as well as any abutting properties in order to meet the standards of LOC 50.06.003.4.c.ii-viii; and
- ii. Placement of structures in a manner that allows for the future street(s), access lanes, or accessways to be constructed, as well as an area sufficient to meet the required zone setbacks from the future streets.

e. Standards for Construction

- i. Standards for construction of full street connections shall be those included in LOC Chapter 42.
- ii. Standards for construction of access lanes shall be those included in LOC 50.06.003.1.d, Standards for Access Lanes.
- iii. Standards for construction of residential accessways shall be those included in LOC 50.06.003.3.c.

5. TRANSIT SYSTEM

a. Applicability

This standard is applicable to all new subdivisions, planned developments, residential developments of four units or more, and new commercial, institutional and industrial developments, and major public facility structures located on a transit street or within one-quarter mile of a transit street.

b. Standards for Approval

All applicable development as defined above, shall be required to provide transit-facilities and transit-oriented features.

- i. The extent of the transit oriented features and transit facilities required for a particular site on a transit street shall be determined by the City, in coordination with Tri-Met, based upon an analysis of:
 - (1) Level of existing and projected adjacent transit facilities,
 - (2) Proximity of other ridership attractors, such as bus routes,
 - (3) Size and trip generation potential of proposed development adjacent to transit street (within one-fourth mile of a transit street), and
 - (4) Expected transit ridership generated by a development.
- ii. Transit-oriented features for a site within one-fourth mile of a transit street shall be provided to connect the development with:
 - (1) The nearest adjacent transit street, or
 - (2) To adjacent paths which lead to the nearest transit street.

SECTION 50.06.003. CIRCULATION AND CONNECTIVITY

SUBSECTION 5: TRANSIT SYSTEM

- iii. Where a proposed development creates or contributes to a need for transit stops, pullouts, or other transit facilities, as identified by the City in coordination with Tri-Met, easements or right-of-way dedication may be required.

SECTION 50.06.004. SITE DESIGN
SUBSECTION 1: LANDSCAPING, SCREENING, AND BUFFERING

50.06.004. SITE DESIGN

1. LANDSCAPING, SCREENING, AND BUFFERING

a. Applicability

- i. Except as provided in subsection (ii) below, this section is applicable to:
 - (1) All major development;
 - (2) Multi-family dwelling;
 - (3) Major public facilities;
 - (4) Commercial development;
 - (5) Institutional development;
 - (6) Industrial development;
 - (7) Subdivisions;
 - (8) Partitions involving the creation of a street; and
 - (9) Change of use that increases the number of required parking spaces by more than 25%.
- ii. The above developments located within the Downtown Redevelopment Design District shall comply with LOC 50.05.004 rather than the provisions of this section.

b. Standards for Approval

- i. Commercial, institutional, and industrial development, other than in the Office Campus zone, shall provide a minimum of 15% of gross land area in landscaping and/or open space visible from off-site, including courtyards, planters, raised beds, espaliers, etc. Developments involving office campus and major public facilities shall provide a minimum of 20%.
- ii. Multi-family and manufactured home park development must provide 20% of gross land area in landscaping in addition to the park and open space requirements.
- iii. Public and semi-public use must meet subsections (i) or (ii) above, depending on use.
- iv. All development abutting streets shall provide street trees at the proper spacing for the species.
- v. Parking lot plantings shall be designed to allow surveillance of the lot from the street at several points.
- vi. For commercial, institutional, industrial, multi-family dwelling, manufactured home parks, office campus, and major public facilities:
 - (1) Screening and buffering shall be required:
 - (a) To mitigate noise, lighting or other impacts from dissimilar uses.
 - (b) To screen public or private utility and storage areas and parking lots.
 - (c) As a separation between dissimilar uses.
 - (2) Landscaping visible from the street or other public right-of-way shall be complementary to the landscaping in the surrounding area.

SECTION 50.06.004. SITE DESIGN

SUBSECTION 2: FENCES

vii. Any development in the EC zone that is abutting dissimilar uses in the R-DD zone must provide a minimum of 15 ft. of landscaped area to act as a separation and to screen and buffer noise, lighting or other impacts between the dissimilar uses.

viii. Rare and endangered species as identified below shall be preserved:

(1) Marsh or Sessile Trillium: "Trillium chloropetalum"

(2) Fawn Lily: "Erythrorium oreganum"

(3) White Larkspur: "Delphinium leucophaeum"

c. Standards for Installation and Construction

i. All plant materials shall conform in size and quality grade to the *American Standard for Nursery Stock*, current edition.

ii. All plant material shall be installed according to *Sunset Western Garden Book*, current edition.

iii. Except for single-family residential developments that require street trees, all planting shall have an irrigation system installed to meet standards of *Turf Irrigation Manual* current edition, unless the applicant can demonstrate to the satisfaction of the reviewing authority that such system is not necessary.

iv. Existing vegetation may be used in a landscaping plan. Construction shall not be allowed within the drip lines of trees which are to remain. Finish grade shall be at the original grade or a well or planter constructed equal in size or greater than the drip line.

v. Topsoil removed during construction shall be replaced with topsoil.

vi. Plant materials for use in parking lots and streets shall have a mature height of less than 25 ft. in areas where overhead utilities are present.

vii. Plant materials listed as "Prohibited Street Trees" in the Lake Oswego Master Plant List, LOC 50.11.004, Appendix D, shall be prohibited as street trees, except those cultivars that do not have the characteristics identified by its species.

viii. When a tree is located within a sidewalk, the tree base shall be protected from damage by pedestrians and other causes in a manner that complies with the City Engineer's specifications and applicable federal and state law, i.e., Americans with Disabilities Act.

ix. Plant Material Used for Screening and Buffering Shall:

(1) Be of a size to provide an effective screen within two to five years of the planting date.

(2) Be planted in a single row on centers equal to one-half mature width of the plant material or in staggered multiple rows.

(3) Be a minimum of six ft. high at maturity; or as determined by the City Manager to buffer or screen a specific situation except as prohibited by LOC 50.06.011, Vision Clearance.

[Cross-References: LOC Chapter 55 - Removal of Trees; LOC 50.06.001.3.d - Street Trees in the R-6 Zone.]

SECTION 50.06.004. SITE DESIGN

SUBSECTION 2: FENCES

2. FENCES

a. Purpose

The purpose and intent of this subsection is to provide standards and regulations regarding the location, height, materials, maintenance and appearance of fences, walls, and retaining walls within the City of Lake Oswego.

b. Applicability

No person shall construct a fence, wall, or retaining wall in violation of this section.

c. Location and Height

- i. Fences and walls in residential zones shall not exceed six ft. in height unless otherwise provided below:
 - (1) Four ft. in height when located within ten ft. of a property line abutting a public or private street or an access easement which serves more than two lots. This restriction shall not apply to properties which abut an access easement but which do not have a legal right to use the easement. For purposes of determining fence height under this subsection, alleys are not considered as public streets.
 - (2) Four ft. in height when located within the front yard setback of the Old Town Neighborhood.
- ii. Gates in a fence or wall located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed six ft. in height.
- iii. Portals located within ten ft. of a property line abutting a public or private street or an access easement shall not exceed eight ft. in height.
- iv. Fences, walls, and retaining walls in non-residential zones shall not exceed eight ft. in height. Mixed use commercial/residential zones shall be considered a residential zone for purposes of this section. A fence, wall, or retaining wall over six ft. height shall be screened by an evergreen hedge which shall be of a size and spacing so as to provide a six-ft. high, dense screen within three years of the date of planting. Any fence over six ft. in height requires a building permit.
- v. Fences, walls, retaining walls, gates, and portals shall comply with the provisions of LOC 50.06.011 (Vision Clearance).
- vi. Every body of water, as defined in LOC 50.10.003.2, shall have a barrier as required by the State of Oregon One and Two Family Dwelling Specialty Code.
- vii. Retaining walls within residential zones.
 - (1) Retaining wall less than four ft. in height may be located in the required setback, provided that if there are multiple retaining walls within the setback, each retaining wall shall be located no closer than five ft. to another retaining wall, as measured from the back of one retaining wall to the front of the other retaining wall.
 - (2) Retaining walls four ft. and greater in height shall be required to meet all setback requirements. Property owners shall be required to obtain a building permit for retaining walls greater than four ft. in height or for any wall over two ft. that supports a surcharge.
 - (3) Retaining walls shall not be permitted in any rights-of-ways, except with prior approval of an encroachment permit.

SECTION 50.06.004. SITE DESIGN

SUBSECTION 2: FENCES

viii. Fence located on top of or near retaining walls.

- (1) The combined height of a retaining wall and fence, where the fence is located either on top of or within five ft. of the face of the retaining wall on the upslope side, shall be less than eight ft., as measured from the lower side of the retaining wall.
- (2) No fence shall be located either on top of or within five ft. of the face of the retaining wall on the upslope side when either the retaining wall or the fence is located within ten ft. of a public or private street or an access easement which serves more than two lots.

ix. Berms, when used in conjunction with fences or walls, shall be included in height determinations.

x. Exceptions from height limitations. The height limitations of this section do not apply to:

- (1) Fences which either provide security or are accessory or incidental to the use of a major public facility, minor public facility, or public transportation facilities; or
- (2) An open (80% open) fence which is not located in the front yard (forward of the primary structure to the front lot line) and which encloses part or all of a tennis court, swimming pool, playing field, park, recreation facility, public or semi-public utility structure; or
- (3) A noise fence permitted by the Oregon Department of Transportation abutting the right-of-way of Highway 43, but only to such height limits approved by ODOT; or
- (4) Retaining walls used to directly support a driveway or car parking area for a single-family residence; or
- (5) Retaining walls used to support right-of-way embankments subject to approval by the City Manager or designee.

Such fence height exempted under the above subsections shall not exceed ten ft. except a noise fence under subsection (3), above.

(Ord. No. 2100, Enacted, 08/01/94; Ord. No. 2173, Amended, 08/04/98)

(Ord. 2438, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Amended, 03/05/2002)

d. Materials; Standards for Construction

- i. The unfinished or structural side of a fence or retaining wall shall face the owner's property unless written consent has been obtained from all abutting property owners to face the unfinished or structural side of the fence in another direction.
- ii. Fences shall not be constructed of, or contain, any material which will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous material, except as follows:
 - (1) Barbed wire or electrified fences enclosing permitted livestock are permitted provided the barbed wire and electrified fences shall be posted and flagged at not less than 15 ft. intervals with clearly visible warnings of hazard.
 - (2) Barbed wire or upturned barbed salvage is permitted more than six ft. above grade in GC and Industrial Zones provided that barbed wire shall not extend over a public or private street, alley, fire lane, or the property boundary of a property zoned

SECTION 50.06.004. SITE DESIGN
SUBSECTION 3: LIGHTING STANDARDS

residential. When used along a public or private street, the fence shall be screened from the street by an evergreen hedge which shall be of a size and spacing so as to provide a six-ft. high, dense screen within three years of the planting date.

iii. The enclosure surrounding a body of water as defined in LOC 50.10.003.2 shall be of a material type and constructed such that no openings, holes or gaps exist which are larger than four in. in any dimension except for doors or gates.

(1) All gates or doors openings shall be equipped with an automatic closing and automatic latching device combined with a lock which must be locked when the facility is not in use. Doors of any occupied dwelling forming part of the enclosure need not be provided with the automatic locking and latching devices.

iv. Within the R-DD zone:

(1) Except for stone fences as authorized by subsection (3), below, fencing included in the front yard shall be used in an ornamental or symbolic way, rather than as a visual barrier.

(2) Metal chain link fencing is prohibited except for:

(a) Temporary fencing used in Tree Protection Measures as required in LOC 55.08.030 or in construction fencing; and

(b) Vinyl clad metal chain link in the side and rear yards of properties located east of Furnace Street provided that the fence does not extend into the front yard setback.

(3) Construction of new stone fences or maintenance of existing stone fences are encouraged.

(Ord. No. 2100, Enacted, 08/01/94; Ord. No. 2173, Amended, 08/04/98) (Ord. 2424, Amended, 06/06/2006; Ord. 2438, Amended, 12/06/2005; Ord. 2346, Amended, 06/10/2003)

(Ord. No. 2100, Enacted, 08/01/94) (Ord. 2438, Amended, 12/06/2005)

3. LIGHTING STANDARDS

a. Applicability

i. This section is applicable to all minor or major development which results in increased use of public and private streets, public pathways and accessways, or parking lots, and lots in the PF and PNA zones.

ii. Temporary lighting for theatrical, television, and performance areas, and lights associated with Special Events are not subject to this section if no “development” occurs.

b. Standards for Approval

i. Public Pathways and Accessways.

Low level lighting of less than 0.3 average foot-candles; and with a maximum uniformity of illuminating ratio not to exceed 20:1, shall be required in all zones, except the PF and PNA zones, unless the applicant can show that no night use of such facilities is planned.

ii. Open Air Parking Lots

The following standards shall apply to Open Air Parking Lots in all zones, except the PF and PNA zones.

SECTION 50.06.004. SITE DESIGN
SUBSECTION 3: LIGHTING STANDARDS

(1) General Provisions

- (a) For multi-level parking facilities, the roof level shall be considered an open-air parking lot.
- (b) Open-air parking lot lighting shall be designed to provide uniform lighting throughout the facility, but shall accomplish uniform lighting with the minimum lighting necessary for safety, security, and identification of necessary features.
- (c) Open-air parking lot lighting shall not produce light trespass by the direct illumination of adjacent and nearby properties or streets.
- (d) Open-air parking lot lighting shall not produce annoying or disabling glare at normal viewing angles.
- (e) Where an open-air parking lot is not anticipated to have a nighttime use, or where lighting would be out of character with the immediate environment, the reviewing authority may waive the illumination requirement.

(2) Equipment and Installation Standards

- (a) Open-air parking lot lighting shall employ the use of full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA), except in special design districts where a particular “period” or architectural style has been adopted, or as specifically allowed by the reviewing authority.
- (b) Open-air parking lot lighting shall use lamps whose emission is perceived as the warm (yellow/orange) end of the color spectrum, except under the circumstances permitted in this Section.
- (c) The maximum height of a pole mounted luminaire shall be 22 ft., or the height of the associated building, if less than 22 ft. in height.
- (d) Fixtures shall be positioned or shielded so as to prevent light trespass onto adjacent properties, and glare from normal viewing angles.
- (e) Luminaires and poles shall be coated with a decorative protective finish as approved by the reviewing authority or shall be manufactured of a colored composite material (such as fiberglass). Un-painted galvanized steel, stainless steel, or other “raw” metals are not acceptable.
- (f) Luminaires and poles shall be architecturally compatible with the associated use.
- (g) The use of wood poles shall be limited to parking lots in nature parks or similar natural areas.

(3) Lighting Standards

- (a) Minimum level of illumination – 0.15 foot-candles on the pavement.
- (b) Maximum level of illumination – 4.0 foot-candles on the pavement.
- (c) Uniformity ratio 4:1.
- (d) The reviewing authority may grant an exception to the Lighting Standards upon finding that a particular use warrants a higher level of illumination to protect the public safety and welfare. The discouragement of property damage crime is not a sufficient factor in and of itself to warrant an exception to the Lighting Standard.

(4) Prohibitions

- (a) Mercury vapor lamp fixtures and lamps.
- (b) Metal halide fixtures and lamps, unless the use thereof is warranted by exceptional security demands or the need for accurate color rendering, as determined by the reviewing authority. When approved, metal halide lamps shall be filtered.

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- (c) Laser source lights.
- (d) Bare bulbs and strings of lights, except for traditional holiday lights during the respective holiday period.
- (e) Flickering lights.
- (f) Search lights.
- (g) Overhead spans of wire.

(5) Curfew

The reviewing authority may impose a curfew on all, or part of, an open-air parking lot's lighting system, and may further impose the regulated system to be controlled by an automatic timer.

(6) Nonconforming Lights

- (a) Open-air parking lot light fixtures that are in service and which were lawfully installed prior to July 11, 2003 are exempt from the requirements of this Section, except that the replacement of damaged or obsolete non-conforming light fixtures shall conform to the requirements of this Section.
- (b) Non-conforming lighting shall be replaced with a system that complies with this Section when the remodeling of any use associated with an open-air parking lot exceeds 50% of the value of that use, or the removal and renewal or expansion of an open-air parking lot exceeds 50% of the area occupied by the pre-existing parking lot.

(7) Lighting Plan Required, Content

Proposals to illuminate an open-air parking lot shall include a lighting plan. Lighting plans shall be prepared by a qualified professional specializing in illumination, and shall illustrate iso-illuminance circles expressed in foot-candles. Lighting plans shall be accompanied with all pertinent technical data for the proposed luminaires. The reviewing authority may require lighting plans to account for the influence of adjacent offsite lighting, reflection off vertical surfaces, window spill, shadow causing objects, and any other factors deemed relevant in evaluating the perceived level of illumination.

(8) Method of Measurement

- (a) Field measurements of illumination levels shall be measured with an instrument having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.
- (b) The height of a luminaire is the vertical distance between the surface of the ground and the lowest part of the luminaire.

iii. Outdoor Lighting in PF and PNA Zones

The following standards shall apply to outdoor lighting in the Public Functions (PF) and Parks and Natural Area (PNA) zones, except the luminaires and lighting systems listed below, or when used to light the following, are exempt from the requirements of this section.

- (1) Illuminated signs.
- (2) Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- (3) Building Code required exit signs.

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- (4) Lighting specifically for stairs and ramps.
- (5) Temporary and seasonal lighting provided that individual lamps are ten watts or less.
- (6) Lighting required and regulated by the Federal Aviation Administration, U.S. Coast Guard, or other federal or state agency.
- (7) Flag pole, provided the lighting is a maximum of 150 watts per flag pole and is mounted within three ft. of the centerline of the base of the pole and aimed upwards.
 - (a) All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option, below. The applicant may be required to pay for the services of a qualified professional civil or electrical engineer to review such submittals and the cost thereof shall be an additional fee charged to the applicant.
 - (i) **Prescriptive Option**
 If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet all of the following requirements.
 - (A) The maximum luminaire lamp wattage and shielding shall comply with Table 50.06.004-1.

TABLE 50.06.004-1: MAXIMUM WATTAGE AND REQUIRED SHIELDING				
Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded
PNA (Natural Area)	55	None permitted	None permitted	None permitted.
PNA (Developed park area)	70	20	13	Low voltage landscape lighting 50 watts or less.
PF (Non-park use)	150	70	39	Low voltage landscape lighting 50 watts or less.
Special Exception LOC 50.06.004.3.b.iv	450	150	150	Landscape and facade lighting 100 watts or less; ornamental lights on private streets and lanterns 40 watts or less.

- (B) The total lighting power for the site shall be less than or equal to the allowed lighting power. The allowed lighting power shall be determined according to Table 50.06.004-2.

TABLE 50.06.004-2: ALLOWED LIGHTING POWER DENSITY (watts per sq. ft. (w/ft ²) unless otherwise noted)					
Determine the allowed lighting power for each application by multiplying the area in plan by the allowed lighting power density for the application. Only one lighting power allowance can be claimed for any area. The actual lighting power must be equal to or less than the sum of the allowed lighting power for all applications.					
Lighting Application	Allowed Area	PNA (Natural Area)	PNA (Developed park area)	PF (Non-park use)	Special Exception LOC 50.06.004.3.b.iv

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TABLE 50.06.004-2: ALLOWED LIGHTING POWER DENSITY (watts per sq. ft. (w/ft ²) unless otherwise noted)					
Determine the allowed lighting power for each application by multiplying the area in plan by the allowed lighting power density for the application. Only one lighting power allowance can be claimed for any area. The actual lighting power must be equal to or less than the sum of the allowed lighting power for all applications.					
Lighting Application	Allowed Area	PNA (Natural Area)	PNA (Developed park area)	PF (Non-park use)	Special Exception LOC 50.06.004.3.b.iv
Hardscape	Paved area plus 5 ft. of the perimeter of adjacent unpaved land. Includes planters and landscaped areas less than 10 ft. wide that are enclosed by hardscape on at least three sides.	0.03	0.05	0.07	0.20
Building Entrances	Per Door (stated values are watts, not watts per sq. ft.).	13	18	26	70
Building entry and general use canopies	Canopy Footprint	Not allowed	0.10	0.20	0.70
Vehicle Service Station Canopy	Canopy Footprint	Not allowed	0.30	0.60	2.40
Ornamental Lighting	Entire site	Not allowed	Not allowed	0.010	0.04
Landscape Lighting	Landscaped area	Not allowed	Exempt	Exempt	Exempt
Building Facade Lighting	Non-Residential Use	Not allowed	Not allowed	Not allowed	Exempt

(C) The maximum pole or mounting height shall not exceed the values listed in Table 50.06.004-3.

TABLE 50.06.004-3: MAXIMUM LIGHTING MOUNTING HEIGHT IN FEET			
Zone	Lighting for Private Roads, Driveways, Parking, Bus Stops and other Transit Facilities	Lighting for Walkways, Bikeways, Plazas and other Pedestrian Areas	All Other Lighting
PNA (Natural Area)	20	8	4
PNA (Developed park area)	20	12	4
PF (Non-park use)	25	18	8
Special Exception LOC 50.06.004.3.b.iv	Height limit to be determined by Special Exception		

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Lighting mounted on buildings or other structures shall not exceed a mounting height greater than 4 ft. higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 33.33% of the horizontal distance of the light from the nearest property line, whichever is less.

- (D) Each luminaire shall be set back from all property lines at least three times the mounting height of the luminaire.
 - (A) Exception 1: If the luminaire is used for the purpose of street, parking lot or public utility easement illumination purposes and is located less than three mounting heights from the property line, the luminaire shall employ a house side shield (opposite the direction of any public right-of-way nearest the luminaire).
 - (B) Exception 2: If the subject property includes an exterior column, wall or abutment within 25 ft. of the property line, luminaire(s) partially shielded or better and not exceeding the lighting power allowed under Table 50.06.004-2: Allowed Lighting Power Density (but in no event exceeding 60 lamp watts) may be mounted onto the building façade or under or within an overhang or canopy attached thereto.

(ii) Performance Option

If the lighting is to comply with this Performance Option, the proposed lighting plan demonstrating compliance with the following standards shall be submitted by the applicant for review and approval by the City Engineer, and the City Engineer’s decision shall be the final decision of the City:

- (A) The maximum percentage of direct uplight lumens shall be no greater than the amount allowed per Table 50.06.004-4: Performance Method.

TABLE 50.06.004-4: PERFORMANCE METHOD			
Zone	Maximum Percentage of Direct Uplight Lumens (%)	Maximum Light Level at Property Line	
		Horizontal Plane at Grade (foot candles - fc)	Vertical plane facing the subject site, from grade to mounting height of highest mounted luminaire (foot candles – fc)
PNA (Natural Area)	0	0.01	0.02
PNA (Developed park area)	1	0.05	0.1
PF (Non-park use)	5	0.2	0.4
Special Exception LOC 50. 06.004.3.b.iv	20	0.4	0.8

- (B) The maximum light level at any property line shall be no greater than the values in Table 50.06.004-4: Performance Method, as evidenced by a complete photometric analysis including horizontal illuminance of site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The City Engineer may accept a photometric analysis report, demonstration or sample, or other

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satisfactory confirmation that the luminaire meets the shielding requirements of Table 50.06.004-1: Maximum Wattage and Required Shielding. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein.

- (iii) Exception 1. If the property line abuts a public right-of-way, the analysis may be performed at the property boundary across the public right-of-way from the site.
 - (iv) Exception 2. If the abutting property owner agrees in writing to waive subsection (b) above, and such consent is recorded in the official records of the county in which the abutting property is located, the maximum light level analysis shall be measured at the setback line of the abutting parcel.
 - (v) Exception 3. If unique site characteristics (topography, differences in grade between the subject property and the abutting parcel) make compliance impractical with the maximum light level requirements, an exception to this subsection may be granted by the City Engineer. The City Engineer may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel, based on best lighting practices and available lighting technology.
- (b) Curfew. All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that initiate operation at dusk and either extinguish lighting at the curfew times according to Table 50.06.004-5: Curfew Time, or reduce lighting density at the curfew time to not more than 50% of the requirements set forth in Table 50.06.004-2: Allowed Lighting Power Density.

TABLE 50.06.004-5: CURFEW TIME	
Zone	Curfew Time
PNA (Natural Area)	8:00 PM (2000 hours) – 5:00 AM (0500 hours)
PNA (Developed park area)	
PF (Non-park use)	10:00 PM (2200 hours) – 5:00 AM (0500 hours)
Special Exception LOC 50. 06.004.3.b.iv	Midnight (2400 hours) – 5:00 AM (0500 hours)

- (i) EXCEPTION: Automatic lighting control systems or devices are not required for the following:
 - (A) When there is only one (conforming) luminaire for the site.
 - (B) Building Code required lighting.
 - (C) Lighting for ramps, steps and stairs.
 - (D) Uses that operate continuously or periodically after curfew.
- iv. Special Exception for Lighting Fixtures and Systems Exceeding Subsection iii, Outdoor Lighting in PF and PNA Zones, Requirements.
- (1) The reviewing authority may allow site lighting systems to be installed, modified, or replaced that do not comply with LOC 50.06.004.b.iii. Such lighting may include

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sports lighting systems (including but not limited to, sport fields and stadiums, such as baseball field and football field lighting, tennis court lighting, and swimming pool area lighting), other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas, construction lighting for public infrastructure and similar projects, emergency construction projects that require construction at night, bridges, building façade lighting to light portions of buildings over two stories high, and public monuments.

- (a) Applicants shall demonstrate that the proposed lighting installation:
- (i) Is within the PF or PNA Zone.
 - (ii) Has no practicable alternative.
 - (iii) Has received every reasonable effort to mitigate glare, light trespass, and artificial sky glow, by application of best lighting practices or available technology, and supported by a signed statement from a registered civil or electrical engineer describing the mitigation measures. Such statement shall include calculations indicating the light trespass levels (horizontal and vertical at ground level) at the property line(s).
- (b) The reviewing authority may impose conditions of approval to mitigate any negative impacts resulting to the abutting parcel(s), based on best lighting practices and available lighting technology.

v. Street Lighting

(1) Street lighting installations shall achieve criterion values listed in Table 50.06.004-6.

TABLE 50.06.004-6: CITY STANDARD CRITERIA FOR STREET AND ROADWAY LIGHTING (FOOTCANDLES – FC)					
	PNA (Natural Area) Zone	R-3, R-5, R-7.5, R-6, R-10, and R- 15, R-DD, PNA (Developed park area), PF and R- W Zones	R-0, R-2, WLG R-2.5, WLG RLW I, IP, and CR&D Zones	GC, NC, MC, EC, HC, OC, WLG OC, WLG RMU and CI Zones	Special Exception LOC 50.06.004.3.b.iv
LOCAL STREETS	Not permitted	Intersections only*			
Avg: Light Level Avg: Min Uniformity Max: Min Uniformity	N/A N/A N/A	0.3 fc 6:1 40:1	0.3 fc 6:1 40:1	0.4 fc 6:1 40:1	0.4 fc 6:1 40:1
NEIGHBORHOOD COLLECTORS	Not permitted	Intersections only*			
Avg: Light Level Avg: Min Uniformity Max: Min Uniformity	N/A N/A N/A	0.3 fc 4:1 20:1	0.4 fc 4:1 20:1	0.6 fc 4:1 20:1	0.6 fc 4:1 20:1
MAJOR COLLECTOR / MINOR ARTERIAL	Not permitted				

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Avg: Light Level	N/A	0.3 fc	0.4 fc	0.6 fc	1.0 fc
Avg: Min Uniformity	N/A	4:1	4:1	4:1	4:1
Max: Min Uniformity	N/A	20:1	20:1	20:1	20:1
MAJOR ARTERIALS	Street lighting standards for major arterials shall be determined by the City Engineer, who may require an independent engineering study to determine the appropriate lighting system.				
* Luminaires only within 150 ft. of the center point of an intersection					

- (a) Exception: Federal or State requirements that require a higher illumination value than required by this Code.
- (2) Street lighting systems shall be designed using the IES “Classical” horizontal footcandle method per IES/ANSI RP-8-01, and as follows:
 - (a) The applicant shall demonstrate compliance with Table 50.06.004-6 by submitting to the City Engineer point-by-point calculations assuming 65% light loss factor for metal halide and 80% for LED, high pressure sodium, tungsten, fluorescent and induction lamp sources. Submitted street lighting plans shall indicate luminaire types and locations and provide isocandle plots including statistical summaries of roadway lighting.
 - (b) Luminaires shall be fully shielded.
 - (i) Exception: Historic or architectural street lights located in a designated design district.
 - (c) The City Engineer may require street lighting that deviates from Table 50.06.004-6: City Standard Criteria for Street and Roadway Lighting upon finding that a particular street or portion thereof, warrants a higher level of illumination to protect the public safety and welfare. The City Engineer’s decision shall be the final decision of the City. The discouragement of property damage crime is not a sufficient factor in and of itself to warrant the deviation from Table 50.06.004-6.

SECTION 50.06.005. PARK AND OPEN SPACE CONTRIBUTIONS
SUBSECTION 1: APPLICABILITY

50.06.005. PARK AND OPEN SPACE CONTRIBUTIONS

1. APPLICABILITY

- a. Except as provided in subsection (b) below, this section is applicable to all major development, and to the following minor developments:
 - i. Construction or alteration of multi-family dwelling;
 - ii. Construction or alteration of major public facilities;
 - iii. Construction or alteration of commercial development;
 - iv. Construction or alteration of institutional development;
 - v. Construction or alteration of industrial development; and
 - vi. Partitions and subdivisions, when the parent lot is greater than 75,000 sq. ft.
- b. The above developments located within the Downtown Redevelopment Design District shall comply with LOC 50.05.004.8 rather than the provisions of this section.

2. DEVELOPMENT REVIEW

The review procedures for park and open space contributions are located in LOC 50.07.004.7, Park and Open Space Contribution.

3. STANDARDS FOR APPROVAL

a. Amount of Open Space Required

- i. All developments, except as otherwise provided by this section, shall provide open space land approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.
- ii. Commercial (except commercial development in OC zone), institutional, and industrial development shall provide open space approved by the City in an aggregate amount equal to at least 15% of the gross land area of the development.
- iii. Subdivisions and major partitions, on sites of greater than 75,000 sq. ft. in size shall provide open space approved by the City in an aggregate amount equal to at least 20% of the gross land area of the development.
- iv. Subdivisions and major partitions of 75,000 sq. ft. or less shall provide open space for the following areas of the site:
 - (1) Areas identified as RP (Resource Protection) or RC (Resource Conservation) on the Sensitive Lands Atlas.
 - (2) A 50 ft. buffer along a mapped recreational trail that crosses or is abutting the site, to a maximum of 20% of the gross site area. If the buffer area would exceed 20% of the gross site area, the buffer area shall be uniformly reduced along the recreational trail so that the buffer area is 20% of the gross site area.
 - (3) EXCEPTION: The buffer width may be reduced to a lesser amount, up to zero, as designated by an adopted trail plan for the mapped recreational trail.
 - (4) The area of the site contains resources identified as Class I or II Riparian Corridors/Wildlife Habitat or Class A or B Upland Wildlife Habitat as mapped on Metro's Title 13 Regionally Significant Fish and Wildlife Habitat Inventory Map

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 4: STANDARDS FOR CONSTRUCTION

(adopted by Metro on September 29, 2005 and amended on December 8, 2005), provided however, the maximum required area is 20% of the gross site area. See Figure 50.07.007-C: Regionally Significant Fish and Wildlife Habitat Inventory Map.

b. Required Open Space – How Provided

Open space land in commercial, institutional, public use, industrial and office campus areas may be provided as a combination of reserved land and landscaping. Where no RP or RC District Resources or public park land is located on the site, the open space requirement can be met by protecting non-designated natural resource areas and/or providing landscaping which meets the requirements of the Landscaping Standard.

[**Editor's Note:** LOC 50.06.005.3.a.iv(4) is repealed upon enactment of an updated Sensitive Lands Atlas, which includes the resources inventoried between 2003 and 2007 per Ordinance 2499, Section 6.]

4. STANDARDS FOR CONSTRUCTION

[Reserved]

5. DENSITY TRANSFER

a. Density Transfer Allowed

Open space may be included in the net site area when determining the maximum allowable density. Structures that otherwise might have been located on open space may be transferred to other portions of the site, and lot areas may be reduced to offset for land reserved as open space, as long as the overall density remains within the maximum permitted by the zone.

50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

1. WEAK FOUNDATION SOILS

a. Applicability

This section applies to all development which will involve proposed structures located in areas identified as "Potential Weak Foundation Soils."

b. Weak Foundation Soils Maps

- i. Weak foundation soils are identified in the "Engineering Geology" report supplement and accompanying map of the Lake Oswego Physical Resources Inventory, March 1976.
- ii. These soils are also identified and described in the report entitled "Soil Survey Interpretations for Land Use Planning and Community Development, Lake Oswego Area, Oregon", USDA Soil Conservation Service, December 1975.

The SCS map units which correspond to the Engineering Geology units above are listed in "Table II: Characteristics and Limitations of Earth Materials" in the Engineering Geology Report of L.O.P.R.I.

c. Development Review

The review procedures for a determination of weak foundation soils are located in LOC 50.07.004.12, Weak Foundation Soils Determination Procedures.

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 2: HILLSIDE PROTECTION

d. Standards for Approval

The presence of weak foundation soil is not a cause for denying development, but may cause density to be reduced, structural modifications to be required, or structures to be relocated.

2. HILLSIDE PROTECTION

a. Applicability

This section applies to all development which includes hillsides or areas with erosion potential.

b. Hazard Area Maps

Known Potential Severe Landslide Hazard Areas are described and mapped in the Engineering Geology chapter of the Lake Oswego Physical Resources Inventory, March 1976, on file at City Hall; specifically in Table II, "Characteristics and Limitations of Earth Materials" and "Engineering Geology" map.

c. Development Review

The review procedures for development in a hillside protection area are located in LOC 50.07.004.3 Hillside Protection.

d. Standards for Approval

- i. All developments on undisturbed slopes shall be designed to minimize the disturbance of natural topography, vegetation and soils.
- ii. Designs shall minimize cuts and fills.
- iii. Cuts and fills shall conform to the minimum requirements of LOC Chapter 45.

iv. Development Prohibited

- (1) Where landslides have actually occurred, or where field investigation confirms the existence of a severe landslide hazard, development shall be prohibited except as provided in subsection (2), below.
- (2) Exceptions. A licensed geotechnical engineer, registered civil engineer experienced in soils engineering, or licensed engineering geologist shall certify that methods of rendering a known hazard site safe for construction are feasible for a given site. The applicant shall establish that the proposed methods are adequate to prevent landslides or damage to property and safety. The granting authority may allow development in a known or confirmed landslide hazard area if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The granting authority may apply any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

v. Cuts and Fills

On land with undisturbed slopes in excess of 12%, cuts and fills shall be regulated in accordance with LOC Chapters 45 and 52, and as follows:

- (1) Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three ft., plus one-fifth of the vertical height of the cut or fill. Where a variance is required from that requirement, slope easements shall be provided.
- (2) Cuts shall not remove the toe of any slope where a severe potential landslide or erosion hazard exists (as defined in this standard).

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 3: DRAINAGE STANDARDS

- (3) Any structural fill shall be designed by a registered engineer, in accordance with standards engineering practice; the engineer shall certify that the fill has been constructed as designed and in accordance with the provisions of LOC Chapter 45.
- (4) Retaining walls shall be constructed in accordance with the Oregon State Structural Specialty Code, as enacted on January 1, 2002, or as thereafter amended by the Oregon Building Codes Division.
- vi. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control, all in accordance with LOC Chapter 42.
- vii. Land over 50% undisturbed slope shall be developed only where density transfer is not feasible. The development will provide that:
 - (1) At least 70% of the site will remain free of structures or impervious surfaces.
 - (2) Emergency access can be provided.
 - (3) Design and construction of the project will not cause erosion or land slippage.
 - (4) Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development.
- e. **Construction Standards**
 - i. All development activity on undisturbed slopes shall minimize stripping or other soil disturbance and shall provide prevention measures in accordance with LOC Chapter 52, Erosion Control Standards.
 - ii. Plastic mulch may be used only temporarily, during construction activities.
 - iii. Slope stabilization and re-vegetation measures:
 - (1) No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan. The plan shall be approved by the City Manager as part of the Development Permit.
 - (2) The developer shall be responsible for the proper execution of the approved grading plan.
 - (3) No more than 65% of area in undisturbed slopes of 20% - 50% shall be graded or stripped of vegetation.

3. DRAINAGE STANDARDS

a. Drainage Standards for Ministerial and Minor Development

i. Applicability

This section shall be applicable to all Ministerial Development Decisions and Minor Development Decisions within the City.

ii. Standards for Approval

Development shall be conducted in such a manner that alterations of drainage patterns (streams, ditches, swales, and surface runoff) do not adversely affect other property.

iii. Standards for Construction and Maintenance

Same as for Drainage Standard for Major Development, below.

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 3: DRAINAGE STANDARDS

iv. Site Discharge

Where conditions permit, individual lots shall be developed to maximize the amount of storm water runoff which is percolated into the soil and to minimize direct overland runoff into streets, drainage systems, and/or adjoining property. Storm water runoff from roofs and other impervious surfaces should be diverted into swales terraces, and/or water percolation devices on the lot when possible.

b. Drainage Standard for Major Development

i. Applicability

This section is applicable to all major developments.

ii. Standards for Approval

(1) Inspection and Maintenance

All drainage management measures, whether located on private or public property, shall be accessible at all times for City inspection. When these measures have been accepted by the City for maintenance, access easements shall be provided at such a width to allow access by maintenance and inspection equipment.

(2) Storm Water Runoff Quality

All drainage systems shall include engineering design features to minimize pollutants such as oil, suspended solids, and other objectionable material in storm water runoff.

(3) Drainage Pattern Alteration

Development shall be conducted in such a manner that alterations of drainage patterns (streams, ditches, swales, and surface runoff) do not adversely affect other properties.

(4) Storm Water Detention

Sufficient storm water detention shall be provided to maintain runoff rates at their natural undeveloped levels for all anticipated intensities and durations of rainfall and provide necessary detention to accomplish this requirement.

(5) Required Storm Water Management Measures

The applicant shall provide sufficient storm water management measures to meet the above storm water runoff requirements. The applicant shall provide designs of these measures taking into account existing drainage patterns, soil properties (such as erodibility and permeability) and site topography.

iii. Standards for Construction

(1) Landscaping and Topography

Detention or retention areas shall, where possible, use natural topography and existing vegetation. In addition to or as replacement for existing vegetation these areas shall be landscaped with ecologically compatible trees, shrubs, and permanent ground cover. Basin or pond side slopes shall be grassed and mulched to prevent erosion.

(2) Outlet Structures

Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation.

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 3: DRAINAGE STANDARDS

(3) Sideslopes

The sideslopes of all man-made detention or retention basins or retention ponds shall be sufficiently sloped or treated so as not to create a safety hazard, or maintenance problem.

(4) Emergency Overflow or Bypass

All storm water storage areas shall be provided with some means of emergency overflow or bypass in accordance with one of the following standards:

(a) Emergency Overflow

An appropriate surface or subsurface drainage system shall be provided as a method of emergency overflow in the event that a storm in excess of the 50-year frequency storm occurs. This emergency overflow system shall be designed to function without attention and shall direct this excess flood water to an appropriate existing drainage pattern.

(b) Bypass

(i) A surface or subsurface drainage system shall be installed with adequate capacity to convey around the storage area the storm water runoff from all upstream tributary areas. This "bypass" channel shall be designed to carry the peak rate of runoff from a 50-year storm.

(ii) No habitable or storage structures shall be constructed within bypass channels; however, streets and parking or playground areas and utility easements shall be considered compatible uses.

(c) Hydraulic Calculations

Shall be submitted to substantiate all design features.

(5) Secondary Uses

Storm water detention or retention areas may be designed to serve a secondary purpose for recreation, open space, or other types of uses that will not be adversely affected by occasional or intermittent flooding.

(6) Release Rate Outlet

The outlet opening controlling the release rate of detained storm water runoff shall be:

(a) Sized so as not to exceed the water conveyance capacity of the downstream drainage system.

(b) Small enough to cause storm water runoff to be detained from a storm of at least the undeveloped ten-year frequency.

(c) Designed to prevent siltation or clogging of the outlet opening, and,

(d) Provided with a means of adjusting the size of the outlet openings.

(7) Required Detention Volume for Developments

Detention volume shall be the maximum difference between:

(a) The storm water runoff produced from the proposed development site by a 50 year storm, and

SECTION 50.06.006. GEOLOGIC HAZARDS AND DRAINAGE

SUBSECTION 3: DRAINAGE STANDARDS

(b) The storm water runoff produced from the pre-development site area by a ten year storm.

(8) Detention Basins

(a) Low Flow

A positive method of carrying the low flow through detention ponds shall be provided. This method shall have a positive gravity outlet to a downstream drainage system with adequate capacity.

(b) Maximum Depth

Maximum depth of detention ponds shall not exceed four ft. unless the existing natural ground contours and other conditions lend to greater storage depth, which may be approved by the City Manager.

(c) Minimum Sideslopes

The minimum sideslopes of detention ponds shall be 50 to one (two percent) or sufficient to ensure complete drainage of said sideslopes within a reasonable period of time.

(d) Paved Areas

If a portion of a detention basin area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest possible elevation within the storage area. Paved areas shall have minimum grades of one per cent and shall be restricted to storage depths of nine in. maximum.

(9) Retention Ponds

(a) Shoreline protection shall be provided to prevent erosion from wave action.

(b) The margins of all retention ponds shall be provided with an underwater shelf having a maximum slope of four to one (25%) to a depth of three ft. Other safety treatments may be allowed as approved by the City Manager.

(c) To minimize growth of aquatic vegetation, the water depth beyond the underwater shelf shall be at least three to four ft.

(d) If possible, a method shall be provided to drain retention ponds by gravity flow to allow cleaning and maintenance.

iv. Joint Drainage Facilities

Joint development of drainage facilities is encouraged, especially where individual developments cannot feasibly provide on-site facilities. The City may participate in joint drainage facilities.

v. Detention Options

Options for meeting detention requirements include on-site detention areas, joint detention areas shared by several developers, off-site detention in City detention areas shared by several developers, off-site detention in City detention areas, or off-site detention in areas provided by the applicant.

vi. Stormwater Management Measures

Examples of storm water management measures include: french drains, porous pavement, precast concrete lattice blocks and bricks, grass lined channels, dry wells, seepage ditches, and detention areas.

SECTION 50.06.007. SOLAR ACCESS
SUBSECTION 1: SOLAR ACCESS FOR NEW DEVELOPMENT

50.06.007. SOLAR ACCESS

1. SOLAR ACCESS FOR NEW DEVELOPMENT

a. Purpose

The purposes of the solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

b. Applicability

The solar design standard in subsection d, below, shall apply to applications for a development to create lots in the R-7.5, R-10, and R-15 zones and for development which creates lots intended for single family detached dwellings in any zone, except to the extent the hearing body finds that the applicant has shown one or more of the conditions listed in LOC 50.04.004.1, Exemptions from Solar Design Standard, and LOC 50.04.004.2, Adjustments to Solar Design Standard, exist and exemptions or adjustments provided for therein are warranted.

c. Development Review

The review procedures for a solar access permit are located in LOC 50.07.004.9, Solar Access Permit.

d. Solar Design Standard

At least 80% of the lots in a development subject to this section shall comply with one or more of the options in this section. In order to be included in the 80% requirement a lot must also comply with subsection (e), below.

i. Basic Requirement

A lot complies with this section if it:

- (1) has a north-south dimension of 90 ft. or more; and,
- (2) has a front lot line that is oriented within 30° of a true east-west axis.

ii. Protected Solar Building Line Option

In the alternative, a lot complies with this section if a solar building line is used to protect solar access as follows:

- (1) A protected solar building line for the lot is designated on the plat, or documents recorded with the plat; and,
- (2) The protected solar building line for the lot is oriented within 30° of a true east-west axis; and,
- (3) There is at least 70 ft. between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and,
- (4) There is at least 45 ft. between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80% of their south-facing wall will not be shaded by structures or non-exempt vegetation.

iii. Performance Option

In the alternative, a lot complies with this section if:

SECTION 50.06.007. SOLAR ACCESS

SUBSECTION 2: SOLAR BALANCE POINT

- (1) Habitable structures built on the lot will have their long axis oriented within 30° of a true east-west axis and at least 80% of their ground floor south wall protected from shade by structures and non-exempt trees; or,
- (2) Habitable structures built on the lot will have at least 32% of their glazing and 500 sq. ft. of their roof area which faces within 30° of south and is protected from shade by structures and non-exempt trees.

e. Protection from Future Shade

Structures and non-exempt vegetation must comply with the Solar Balance Point provisions, LOC 50.06.007.2, for existing lots if located on a lot that is subject to the solar design standard in LOC 50.06.007.1.d, or if located on a lot south of and adjoining a lot that complies with the solar design standard.

2. SOLAR BALANCE POINT

a. Purpose

The purposes of this section are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to these provisions are intended to be ministerial and not subject to a public hearing and are to be processed as a part of the consideration of the minor development permit for the affected structures.

b. Applicability

This section applies to an application for a building permit for all structures in the R-7.5, R-10 and R-15 zones and all single family detached structures in any zone, except to the extent the City Manager finds the applicant has shown that one or more of the conditions listed in LOC 50.04.004.3, Exemption from the Maximum Shade Point Height Standard, and LOC 50.04.004.4, Adjustment to the Maximum Shade Point Height Standards, exists, and exemptions or adjustments provided for therein are warranted. In addition, non-exempt vegetation planted on lots subject to the provisions of LOC 50.06.007.1.e, Protection from Future Shade, shall comply with the maximum shade point height standard. Solar plan procedures are located in LOC 50.07.004.9.

c. Maximum Shade Point Height Standard

The height of the shade point shall comply with either subsection (i) or (ii) below.

i. Basic Requirement

The height of the shade point shall be less than or equal to the height specified in Table 50.06.007-1 or computed using the following formula. If necessary, interpolate between the five ft. dimensions listed in Table 50.06.007-1.

TABLE 50.06.007-1: CALCULATION OF HEIGHT OF SHADE POINT	
$H = \frac{(2 \times SRL) - N + 150}{5}$	
Where H =	The maximum allowed height of the shade point.
SRL =	Shade reduction line (the distance between the shade point and the northern lot line); and
N =	The north-south lot dimension, provided that a north-

SECTION 50.06.007. SOLAR ACCESS

SUBSECTION 2: SOLAR BALANCE POINT

south lot dimension more than 90 ft. shall use a value of 90 ft. for this section.

Provided, the maximum allowed height of the shade point may be increased one ft. above the amount calculated using the formula or Table 50.07.007-2 for each ft. that the average grade at the rear property line exceeds the average grade at the front property line.

TABLE 50.06.007-2: MAXIMUM PERMITTED SHADE POINT HEIGHT													
Distance to Shade Reduction Line from northern lot line (in ft.)	North – South lot dimension (in ft.)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40	41	42
45	30	30	30	31	32	33	34	35	36	37	38	39	40
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

ii. Performance Option

The proposed structure, or applicable non-exempt vegetation, will shade not more than 20% of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with LOC 50.06.0071.d.ii or iii. If the Protected Solar building Line, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line two and one-half ft. for every one ft. of height of the structure or of the mature height of non-exempt vegetation over two ft.

d. Analysis of Allowed Shade on Solar Feature

- i. The applicant is exempt from this section if the lot(s) south of and adjoining the applicant's property is exempt from LOC 50.06.007.2.c, Maximum Shade Point Height Standard.
- ii. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation

SECTION 50.06.007. SOLAR ACCESS

SUBSECTION 2: SOLAR BALANCE POINT

procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:

- (1) Existing structure(s) or non-exempt trees; or,
- (2) The maximum shade that can be cast from future buildings or non-exempt trees, based on Table 50.06.007-3. If the lot(s) to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

TABLE 50.06.007-3: ADJACENT SHADE CALCULATION													
North-south lot dimension of adjacent lot(s) to the south (in ft.)	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed Shade Height (SH) at the north property line of adjacent lot(s) to the south (in ft.)	12	12	12	13	14	15	16	17	18	19	20	21	22

- iii. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- iv. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection ii, above, by using the following formula or Table 50.06.007-4.

$SFSH = SH - (SGL/2.5)$ <p>Where: SFSH = The allowed shadow height on the solar feature.</p> <p>SH = The height of the shade at the northern lot line of lot(s) to the south as determined in subsection 2.</p> <p>SGL = The solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south).</p> <p>Table 50.06.007-3 may be used to determine (SH) in the above formula.</p>

TABLE 50.06.007-4: MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (TABLE B)											
Distance from Solar Gain Line to Lot Line (in ft.)	Allowed Shade Height (SH) at Northern Lot Line of Adjacent Lot(s) to the South (in ft.)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									

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45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

v. If the allowed shade height on the solar feature calculated in subsection iv, above, is higher than the lowest height of the solar feature calculated in subsection iii, above, the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

e. Solar Balance Point

If a structure does not comply with the maximum shade point height standard in LOC 50.06.007.2.c and the allowed shade on a solar feature standard in LOC 50.06.007.2.d, then the solar balance point of the lot shall be calculated. The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.

f. Yard Setback Adjustment

A yard setback may be adjusted for solar access according to the provisions of LOC 50.08.001.3, Solar Access Yard Setback Adjustment.

50.06.008. UTILITIES

1. APPLICABILITY

All development requiring connection to utilities.

2. DEVELOPMENT REVIEW

The review procedures for utilities are located in LOC 50.07.004.13, Utility procedures.

3. STANDARDS FOR APPROVAL

a. Utilities Required

The following utilities, whether on or off site, shall be provided to all development in the City of Lake Oswego, in accordance with City engineering division's policies, design standards, technical specifications and standard details:

- i. Sanitary sewer systems
- ii. Water distribution systems
- iii. Sidewalks and any special pedestrian ways and bicycle paths
- iv. Street name signs
- v. Traffic control signs and devices

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SUBSECTION 4: STANDARDS FOR CONSTRUCTION

- vi. Street lights, which shall be served from an underground source of power
- vii. Underground utility and service facilities, as required
- viii. Streets
- ix. Provision for underground T.V. cable

The City Manager may require that utility designs be prepared by a registered engineer.

- b. Easements or right-of-way for utilities and associated and related facilities shall be provided by the property owner. Easements for anticipated future utilities or extensions may be required by the City Manager.
- c. Sanitary sewers shall be installed to serve the development and to connect the development to existing mains.
- d. Design shall take into account the capacity and grade to allow for desirable future extension beyond the development, and where required by the City Manager, extended to the upstream property line to allow for such future extension.
- e. All sanitary sewers and appurtenant structures shall be designed and constructed in conformance with City Engineering Division's policies, design standards, technical specifications and standard details, and shall include, but not be limited to, such items as:
 - i. Pipe size and materials
 - ii. Manholes
 - iii. Cleanouts
 - iv. Backfill requirements
 - v. Service laterals
- f. All development shall be served by service lines, main water lines and fire hydrants which are connected to City mains or the water mains of water districts which provide service within the City.
- g. Design of water system improvements shall take into account provision for extension beyond the development to adequately grid or loop the City system.
- h. One water service line shall be provided to each lot in a development, or if the development does not include lots, to each building in the development. Each structure with plumbing shall connect to the water system. The system shall be designed to supply fire flow requirements of LOC Chapter 45.

4. STANDARDS FOR CONSTRUCTION

- a. Utility easement widths shall be the minimum width possible to facilitate utility installation and maintenance, and shall be a minimum of ten ft. (five ft. on each side) in width on easements not adjacent to a street right-of-way.
- b. Utility construction within easements shall minimize disturbance to existing conditions, especially trees and other vegetation.
- c. Any disturbed areas within easements shall be restored to a condition similar to the condition prior to construction, including the replacement of plants of similar species as those removed or damaged. Replacement trees shall be of similar species and be a minimum of one and one-half in. caliper.

SECTION 50.06.009. HISTORIC PRESERVATION
SUBSECTION 5: STANDARDS FOR MAINTENANCE

- d. Utilities shall be installed underground (unless exempted by the City Manager).
 - i. Specific exemptions are as follows:
 - (1) Developments which need multi-phase voltages or high kilo volt amperes (kVA) demands may develop with pad transformers where underground transformers are not feasible. Pad mounted transformers shall be buffered from sight by landscaping or other suitable methods.
 - (2) Pad mounted transformers are allowed in major single-family developments, but shall be buffered from sight by landscaping or other suitable methods.
 - (3) Above ground telephone and cable television junction boxes are allowed.
- e. Sanitary Sewers. Capacity, grade and materials shall be as approved by the City Manager. Minimum size shall be eight in. diameter with six in. diameter allowed at the terminus of a sewer line.
- f. All sanitary sewers and appurtenant structures shall be designed and constructed in conformance with City Engineering Division's policies, design standards, technical specifications and standard details, and shall include, but not be limited to, such items as:
 - i. Pipe size and materials
 - ii. Manholes
 - iii. Cleanouts
 - iv. Backfill requirements
 - v. Service laterals
- g. Service Laterals. One service lateral shall be provided to each lot in a development, or if the development does not include lots, to each occupied building in the development.
- h. Design, including materials, size and location of water mains, service lines, valves and hydrants, shall be in accordance with City Engineering Division's policies, design standards, technical specifications and standard details and be approved by the City Manager. Hydrants shall be located at intersections and at intervals of no more than 500 ft. from intersections in major developments with the exception that multi-family units shall locate a hydrant within 500 ft. of residential buildings. For major or minor partitions which create a new lot or lots, a hydrant shall be no farther than 1,000 ft. from any of the lots.
- i. All facilities as described in this section shall be constructed in compliance with the rules and regulations of the City Manager, and the rules and regulations of the Public Utility Commissioner of the State relating to the installation and safety of underground lines, plant, system, equipment and apparatus.

5. STANDARDS FOR MAINTENANCE

None.

6. COST OF IMPROVEMENTS

The cost of all utility improvements shall be borne by the developer.

[Cross-Reference: See also LOC Chapter 39 - System Development Charges.]

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 1: SCOPE AND COMPLIANCE

50.06.009. HISTORIC PRESERVATION

1. SCOPE AND COMPLIANCE

No landmark or contributing resource or part thereof shall be demolished, moved, or altered, nor shall any major or minor development take place within a historic district or involving a landmark nor shall partitioning or subdividing of any landmark take place, except in conformity with the requirements of this section. No alterations to noncontributing resources shall be made except in conformity with the requirements of this section.

2. EXEMPTIONS

The following actions are exempt from the provisions of this section:

- a. The demolition, or moving of noncontributing resources;
- b. Water quality protection actions;
- c. Maintenance or repair;
- d. Alterations determined by the City Manager to be necessary to proceed without delay in order to preserve the public safety and convenience due to the presence of an unsafe, dangerous, or emergency condition; and
- e. Interior alterations.

3. HISTORIC DESIGNATION OR REMOVAL OF DESIGNATION

The procedures for historic designation or removal of a designation are located in LOC 50.07.004.4, Historic Preservation.

4. ADOPTION OF LANDMARK DESIGNATION LIST

a. Adoption of Landmark Designation List

- i. The sites, structures and objects listed in "The Landmark Designation List", Table 50.06.009-1, are subject to the provisions of this section on the effective date thereof.
- ii. The Landmark Designation List shall include for each site, structure or object listed a field form, graphics page and statement of significance. The information contained in the field form and statement of significance shall be used by the City Manager, Historic Resources Advisory Board, Development Review Commission and City Council as the primary factual basis upon which decisions are based concerning the historical significance of any individual item on the list.

b. Landmark Designation List

The buildings, sites, structures, and objects listed below are designated as a Historic Landmark unless removed by order of the Historic Resources Advisory Board pursuant to LOC 50.07.004.5. [The City Recorder may revise the list upon final decision by the Historic Resources Advisory Board.] The field form, graphic page, and statement of significance for each property on the Landmark Designation List is on file with the Planning Department.

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name

SECTION 50.06.009. HISTORIC PRESERVATION
 SUBSECTION 4: ADOPTION OF LANDMARK DESIGNATION LIST

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name
1	609 A Avenue	C. Didzun House
2	357 E Avenue	Conway House
3	490 G Avenue	Johnson Barn
4	737 Ash Street	Smith House
5	880 Bickner Road	Collard House
6	15110 Boones Ferry Road	Carl House
7	16400 Bryant Road	Lake Grove Fire Station
8	107 Burnham Road	Tug Masters House
9	3811 Carman Drive	Carman House
10	210 Chandler Place	Noel Dew House
11	1097 Chandler Road	Van Houten House
12	16906 Cherry Crest Drive	Laidlaw House
13	1515 Cherry Lane	Shepard House
14	432 Country Club Road	White House
15	295 Durham Street	Odd Fellows Hall
16	2535 Glenmorrie Drive	Erickson House
17	2212 Glenmorrie Lane	Twinings House
18	1805 Glenmorrie Terrace	Trueblood House
19	16847 Greenbrier Road	Clara Weinstein House
20	156 Greenwood Road	Methodist Episcopal Church
21	20 Iron Mountain Blvd.	Lake Oswego Country Club
22	95 Iron Mountain Blvd.	McWaters House
23	257 Iron Mountain Blvd.	Davidson House
24	2725 Iron Mountain Blvd.	Lake Oswego Hunt Club
25	411 Kenwood Road	Klose House
26	68 Leonard Street	Headrick Carothers House
27	1125 Maple Street	Black House
28	885 McVey Avenue	Worthington House
29	316 North Point Road	Mulder House
30	768 North Shore Road	Parelius House
31	1850 North Shore Road	Jantzen Estate
32	904 Oak Street	Larson House
33	938 Oak Street	Waldorf House
34	1008 Oak Street	F. Davidson House
35	1228 Oak Street	Lueg House
36	1905 Palisades Terrace Drive	Eastman House
37	16715 Phantom Bluff Court	Sundeleaf House
38	4144 South Shore Blvd.	McCall House
39	4375 South Shore Blvd.	Angler's Club
40	17901 Stafford Road	Carter House
41	402 N. State Street	Rogers Building I
42	456 N. State Street	Rogers Building II
43	468 N. State Street	Bickner Building
44	368 S. State Street	Lakewood School
45	919 West Point Road	Hofer House
46	930 West Point Road	Harris House
47	1032 Westward Ho Road	Patton House
48	1100 Westward Ho Road	Allen House I
49	1136 Westward Ho Road	Allen House II

SECTION 50.06.009. HISTORIC PRESERVATION
 SUBSECTION 5: DESIGNATION AND REMOVAL OF DESIGNATION

TABLE 50.06.009-1: LANDMARK DESIGNATION LIST		
INDIVIDUAL BUILDINGS		
	Address	Historic Name
50	1139 Westward Ho Road	Cleary House
51	40 Wilbur Street	Worker's Cottage
52	59 Wilbur Street	Rogers House
53	774 First Street	Sacred Heart School
54	606 Second Street	Warren House
55	791 Fourth Street	Brown-Vose House
56	841 Fifth Street	Vose House
57	469 Seventh Street	Rosentreter House
58	398 Tenth Street	Murphy Company Bldg.
59	Pacific Highway	Christie School
60	Pacific Highway	Marylhurst Adm. Bldg.
61	Pacific Highway	St. Catherine's Dormitory
62	Pacific Highway	Flavia Hall
63	Pacific Highway	Acquinas Hall
64	Pacific Highway	Education Hall
SITES, STRUCTURES AND OBJECTS		
	Address	Historic Name
65	George Rogers Park	Iron Furnace Chimney
66	16500 Old River Road	Log Hoist
67	141 Leonard Street	Peg Tree
68	Tualatin-Oswego Canal	Tualatin-Oswego Canal
69	Pacific Highway	Marylhurst Cemetery/Altar
70	4700 Jean Road	Bryant Home Marker
71	Prestwick & Fairway	Old Mine Trail
72	Stafford Road	Pioneer Cemetery

5. DESIGNATION AND REMOVAL OF DESIGNATION

a. Criteria for Designation of a Landmark

- i. In order to designate a site, object or structure as a landmark, the Board shall find that:
 - (1) The resource is 50 years or older, or it is less than 50 years but of exceptional importance with regard to its historical or architectural significance; and
 - (2) There is historical, architectural or environmental significance; and
 - (3) Through an ESEE analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.
- ii. The Board shall consider the following factors in determining whether the criteria found in subsection (i) of this section, above, are satisfied:
 - (1) Historical Significance
 - (a) Association with the life or activities of a person, group, organization, or institution at the time a significant contribution to the city, county, state, or nation was made;
 - (b) A birthplace or grave site of a historical figure of outstanding importance if there is no building standing which is directly associated with the activities for which the figure is celebrated;

SECTION 50.06.009. HISTORIC PRESERVATION
SUBSECTION 5: DESIGNATION AND REMOVAL OF DESIGNATION

- (c) Association with an event that has made a significant contribution to the city, county, state, or nation;
 - (d) Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;
 - (e) The resource is listed on the National Register of Historic Places.
- (2) Architectural Significance
- (a) Significance as an example of a particular architectural style, building type and/or convention;
 - (b) Significance due to quality of composition, detailing, and/or craftsmanship;
 - (c) Significance as an example of a particular material and/or method of construction;
 - (d) Significance because the resource retains its original design features, materials, and/or character;
 - (e) Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material, or method of construction;
 - (f) Significance as a work of a master architect.
- (3) Environmental Significance
- (a) Significance as a visual landmark;
 - (b) Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
 - (c) Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.
- iii. A determination of whether the criteria set forth in LOC 50.06.009.5.a.i are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in LOC 50.06.009.5.a.ii are not standards for approval and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2160, Amended, 11/18/97)

b. Criteria for Designation of a Historic District

- i. In order to designate a geographic area as a Historic District, the Board shall find that:
 - (1) A majority of the parcels contain structures which meet either the landmark or contributing resource designation criteria found in LOC 50.06.009.5.a, Criteria for Designation of a Landmark, and 50.06.009.5.c, Criteria for Designation of a Contributing Resource; and
 - (2) A perceptible common theme which is either of historic or architectural significance unifies the area.
- ii. The Board shall consider the following factors in determining whether the criteria found in subsection (i), above, are satisfied:
 - (1) The district size is large enough to create a visual identity;
 - (2) A majority of parcels contain structures eligible for landmark or contributing resource designations;

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SUBSECTION 5: DESIGNATION AND REMOVAL OF DESIGNATION

- (3) The prevalence of other historic or environmental features in the area such as mature landscaping, original street layout, stone fences, etc.
 - (4) Perceptible common theme:
 - (5) Sites, objects, structures and buildings contribute to the integrity of the district's theme;
 - (6) More than one theme may exist; however, a dominant theme or common element among themes establishes the district identity. An example of a common theme could be a period of time or development phase in the City's growth.
- iii. A determination of whether the criteria set forth in subsection (i), above, are satisfied necessarily involves the balancing of competing considerations. The factors listed in subsection ii, above, are not standards and are not intended to be an exclusive list of considerations, but are intended to be used as a guide in the granting authority's deliberations.
- iv. In order to approve expansion of the boundaries of a Historic District, the Board shall consider the proposed expansion area with the existing district, and then determine whether the designation criteria found in subsection (i), above, are satisfied for the entire new district after the proposed expansion is added.

(Ord. No. 2000, Sec. 1, 3-14-90. Ord. No. 2160, Amended, 11/18/97)

c. Criteria for Designation of a Contributing Resource

- i. In order to designate a site, object, or structure as a contributing resource, the Board shall find that:
- (1) The resource is or, at the time the designation becomes effective, will be within a Historic District; and
 - (2) The resource is 50 years old or older, may have received alterations, but retains its overall physical integrity; and
 - (3) The resource contributes to the integrity of the Historic District; and
 - (4) The resource does not merit a landmark designation; and
 - (5) The resource is compatible with landmarks in the district considering overall proportions, scale, architectural detail and materials.
- ii. Contributing resources shall be identified upon the creation of a Historic District and a list shall be created containing the same information for each resource as is required for landmarks in LOC 50.06.009.4 and shall be maintained in Table 50.06.009-1 under a separate heading for each Historic District. The list may be amended by the Board to add contributing resources to the list or delete them from the list.

(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2160, Amended, 11/18/97)

d. Criteria to Remove a Designation

- i. In order to remove a landmark designation the Board shall find that the landmark designation is no longer justified after consideration of the criteria found in LOC 50.06.009.5.a, Criteria for Designation of a Landmark.
- ii. In order to approve reduction of a Historic District boundary or abolish a district the Board shall find that the district or its configuration is no longer justified after

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 6: MOVING OR DEMOLITION OF A LANDMARK OR CONTRIBUTING RESOURCE

consideration of the criteria found in LOC 50.06.009.5.b, Criteria for Designation of a Historic District.

- iii. In order to remove a contributing resource designation the Board shall find that the contributing resource designation is no longer justified after consideration of the criteria found in LOC 50.06.009.5.c, Criteria for Designation as a Contributing Resource.

(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2160, Amended, 11/18/97)

6. MOVING OR DEMOLITION OF A LANDMARK OR CONTRIBUTING RESOURCE

a. Criteria for Moving a Landmark

- i. In order to allow the moving of a landmark the Board shall find that:
 - (1) The proposed relocation site will not greatly reduce the historical and/or architectural significance of the landmark; and,
 - (2) Relocation is the only alternative for preservation of the landmark; and,
 - (3) Through an ESEE analysis the proposed new development provides a greater community benefit than keeping the landmark on its present site, and,
 - (4) If the landmark is to be relocated within the City of Lake Oswego, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within 90 days of relocation to the City for protection of the landmark at its new location.
- ii. The Board shall consider the following factors in determining whether the criteria found in subsection 6.a.i, above, are satisfied:
 - (1) The designated resource cannot reasonably be used in conjunction with the proposed use.
 - (2) The continued location of the landmark on a proposed development site precludes development on the site which would provide a greater community benefit.
 - (3) The designated landmark is structurally capable of relocation.
 - (4) The proposed relocation site is a contextually appropriate setting for the designated landmark.
 - (5) The proposed relocation site is within the City limits or preferably within the neighborhood within which it is currently located.

b. Criteria for Demolition of a Landmark

- i. In order to allow the demolition of a landmark, the Board shall find that:
 - (1) The landmark is a severe hazard to public health or safety; or,
 - (2) Through an ESEE analysis, that the benefits of demolishing the landmark and the construction of the conflicting use outweigh the benefits of preserving the landmark, and that there are no alternatives to demolishing the landmark; or,
 - (3) A denial of the request will deny the property owner reasonable economic use of the property.
- ii. The Board shall consider the following factors in determining whether the criteria found in this LOC 50.06.009.6.b.i, above, are satisfied:
 - (1) The significance of the landmark;

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 7: ALTERATIONS OF A LANDMARK OR CONTRIBUTING RESOURCE

- (2) If within a historic district, the landmark's contribution to the district and the affect on the integrity of the district if the landmark is demolished;
- (3) Existing City plans, policies or City Council actions which identify community benefit in either preserving or demolishing the landmark;
- (4) The physical condition of the resource.

c. Balancing of Competing and Conflicting Interests

A determination of whether the criteria set forth in LOC 50.06.009.6.a.i or 6.b.i, above, are satisfied necessarily involves the balancing of competing and conflicting interests.

The factors listed in LOC 50.06.009.6.a.ii or 6.b.ii, above, are not standards for approval and are not intended to be an exclusive list. The factors are to be used as a guide in the Board's consideration.

d. Conditions of Approval of Demolition Permit

As a condition of approval of a demolition permit, the Board shall:

- i. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by the Board.
- ii. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group has been given the opportunity to salvage and record the resource.

e. Criteria of Approval of Moving or Demolition of a Contributing Resource

In order to allow the demolition or moving of a contributing resource, the City Manager shall find that:

- i. The contributing resource is a severe hazard to public health or safety; or
- ii. That loss of the contributing resource will not affect the integrity of the Historic District; and adequate effort has been made to seek a relocation site within the Historic District.

7. ALTERATIONS OF A LANDMARK OR CONTRIBUTING RESOURCE

a. Maintenance and Repair of a Landmark Contributing Resource

Nothing in this section shall be construed to prevent the maintenance or repair of a landmark, or of a contributing resource within a district. Maintenance and repair actions include, but are not limited to:

- i. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings;
- ii. Repairing or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark;
- iii. Replacement of siding, when required due to deterioration of material, with material that matches or is in character with the original siding;
- iv. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof;

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 7: ALTERATIONS OF A LANDMARK OR CONTRIBUTING RESOURCE

- v. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building;
- vi. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material and appearance;
- vii. Painting and related preparation;
- viii. Water quality protection actions;
- ix. Alteration, addition, repair and replacement of equipment, piping and flumes functionally related to the generation of electric power with efficient, economical and technologically current materials and components;
- x. Site maintenance such as pruning, landscaping maintenance, brush clearing and removal of debris;
- xi. Temporary removals of roofs or other access obstructions for purposes of repair or maintenance of interior components of industrial or power generation facilities.

b. Criteria of Approval for a Minor Alteration

In order to approve a request for a minor alteration, the City Manager shall find that:

- i. There is no change in the appearance or material of the resource as it exists; or
- ii. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials; or
- iii. Through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition.

c. Criteria of Approval for Major Alteration of a Landmark

In order to approve a major alteration of a landmark, the Development Review Commission, for a major development, and the City Manager, for all other development, unless referred to the Historic Resources Advisory Board pursuant to LOC 50.01.003.2.f.ii., Authority of City Manager, shall find that:

- i. the proposed alteration will not diminish the historical or architectural significance of the landmark; or,
- ii. for alterations which diminish the historical or architectural significance, through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition.

d. Criteria of Approval for Alteration to a Contributing Resource

In order to approve an alteration to a contributing resource the City Manager, for a minor development, or the Development Review Commission, for a major development, must find that the proposed alterations will not diminish the historical or architectural significance of the contributing resource.

e. Additional Considerations for Granting Authority's Deliberations

The following considerations are to be used as a guide in the granting authority's deliberations:

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 7: ALTERATIONS OF A LANDMARK OR CONTRIBUTING RESOURCE

- i. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource, or alterations which diminish the historical or architectural significance may be allowed if, through an ESEE analysis, it can be shown that the benefit to the community of allowing the alteration outweighs the benefit to the community of preserving the resource in its present condition;
- ii. The significance of the resource and the community benefit to preserving it;
- iii. The physical condition of the resource;
- iv. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, texture, and/or materials; including the following:
 - (1) Retention of Original Construction: Distinguishing original qualities defining a structure's character shall not be destroyed. Removal or alteration of historic materials or distinctive architectural features should be avoided when possible.
 - (2) Time Period Consistency: Structures shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.
 - (3) Visual Integrity/Style: Distinctive stylistic features, such as a line of columns, piers, spandrels, or other primary structural elements, or examples of skilled craftsmanship which characterize a structure, shall be maintained or restored as far as is practicable.
 - (4) Replacement or Addition Materials: Whenever possible, deteriorated architectural features shall be restored rather than replaced. In the event that replacement of an existing feature is necessary, or an addition is proposed, new materials should match those of the original structure, to the extent possible, in composition, design, color, texture, and other visual qualities.
 - (5) Building Height: Existing building heights should be maintained. Alteration of roof pitches shall be avoided. Raising or lowering a structure's permanent elevation when constructing a foundation shall be avoided, except as required by Building Code or flood plain requirements.
 - (6) Horizontal Additions: The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary construction for alterations and additions are acceptable if the design respects the building's original design and is compatible with the original scale, materials, window and door opening proportions of, the structure.
 - (7) Windows: Window replacements shall match the original windows in materials and appearance. The original number of window panes shall be maintained or restored when replacements are required.
 - (8) Restoration Possible: Except where Building Code precludes it, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure could be restored.
 - (9) Signs, Lighting: Signs, lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the scale and traditional architectural character of the historic building.

SECTION 50.06.009. HISTORIC PRESERVATION

SUBSECTION 8: OTHER DEVELOPMENT

- v. Pertinent aesthetic factors as identified in LOC 50.06.009.4 or the Historic District List of Contributing Resources for the subject property.
- vi. Any design guidelines adopted by the Board.
(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2091, Amended, 04/19/94; Ord. No. 2160, Amended, 11/18/97)

8. OTHER DEVELOPMENT

a. Criteria of Approval for Major or Minor Development, Other Than Alterations

The reviewing authority, in its review of development applications pursuant to LOC Article 50.07.003, Review and Approval Procedures, involving new construction of structures or subdivisions, partitions, or lot line adjustments, and affecting landmarks or property within a historic district, other than alterations, shall conclude that criteria in this section are met before granting approval to the development.

b. Criteria for Approval for Subdivision, Partition or Lot Line Adjustment (Major or Minor Development)

Subdivision, Partition, or Lot Line Adjustment. In order to approve a proposed subdivision, partition (minor or major), or lot line adjustment on a landmark site or within a Historic District, the reviewing authority must find that:

- i. The subdivision, partition (minor or major) or lot line adjustment does not result in a landmark to be split into separate lots.
- ii. The subdivision, partition (minor or major), or lot line adjustment plat or map requires adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development on the resulting parcels.
- iii. Yard and landscaped areas including large trees and shrubs associated with the landmark shall be retained with the structure whenever possible.

c. Criteria for New Construction, Other than Alterations (Major or Minor Development)

New Construction of Structure. In order to approve an application for new construction which is a major or minor development the reviewing authority must find that:

- i. The design of the proposed structure is compatible with the design of the landmark resource on the site or the characteristics of the Historic District considering scale, style, height, architectural detail and materials.
- ii. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the Historic District, considering setbacks, distances between structures, location of entrances and similar siting considerations.

d. Considerations of HRAB Recommendation

The reviewing authority shall consider a recommendation if one is made by the Historic Resources Advisory Board, and if it disagrees with the Board's conclusions, shall explain its reasons for disagreement.

[Cross-Reference: See LOC 58.02.135 for Alterations of Historic Resources.] (Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2091, Amended, 04/19/94; Ord. No. 2160, Amended, 11/18/97) (Ord. 2438, Amended, 12/06/2005)

SECTION 50.06.010. MAINTENANCE AND OPERATION
SUBSECTION 9: BUILDING CODE REQUIREMENTS, HANDICAPPED ACCESS

e. Criteria of Approval for an Alteration to Noncontributing Resources within a Historic District which is not a Major Development

For noncontributing resources within a Historic District, an alteration which adds 30% or more of the habitable square footage of the original structure shall be reviewed by the City Manager. In order to approve an application the City Manager must find that:

- i. The general compatibility of the exterior design, arrangement proportion, detail, scale, texture and materials proposed to be used in the new addition with the design of the remaining portions of the structure; and,
- ii. The effect of the proposed addition or new construction on the character of the Historic District.

(Ord. No. 2000, Sec. 1; 3-14-90.)

9. BUILDING CODE REQUIREMENTS, HANDICAPPED ACCESS

- a. Any alteration or relocation of a landmark shall be subject to the applicable regulations under the Uniform Building Code. Variations to the Uniform Building Code requirements may be authorized by the Building Official as provided for in Section 104(f) of that Code.
- b. Alterations of landmarks and contributing resources to provide handicapped access shall be allowed. To the extent practical the design of the alteration shall preserve the features identified in LOC 50.06.009.4 upon which the Historic Resource Designation is based.

10. ECONOMIC INCENTIVES

The City shall explore and consider the feasibility and advisability of the adoption of economic incentives for the benefit of the owners of historic resources.

(Ord. No. 2000, Sec. 1; 3-14-90.)

50.06.010. MAINTENANCE AND OPERATION

1. APPLICABILITY

This section identifies how various property and improvement requirements need to be maintained and/or operated following construction.

2. LANDSCAPE MATERIALS STANDARDS FOR MAINTENANCE

All landscape materials shall be guaranteed by the owner for a period of one 12 month growing season from the date of installation. Security in the amount of five percent of the total landscaping cost shall be provided to ensure necessary replacement. A schedule of continuing maintenance of plantings shall be submitted and approved for industrial, multi-family, major public facilities, and commercial developments.

3. FENCES AND WALLS STANDARDS FOR MAINTENANCE

Fences, exterior side of walls, and retaining walls shall be maintained in sound condition and good repair at all times.

SECTION 50.06.011. VISION CLEARANCE

SUBSECTION 4: DETENTION AND RETENTION AREAS STANDARDS FOR MAINTENANCE

4. DETENTION AND RETENTION AREAS STANDARDS FOR MAINTENANCE

All detention or retention areas shall be properly maintained by the owner such that they do not become nuisances. Nuisance conditions shall include: improper storage resulting in uncontrolled runoff and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facility's operation. Storm water storage areas shall be designed with sufficient access to allow adequate, safe and efficient maintenance as determined by the City Manager.

5. DRIVEWAYS THAT SERVE AS FIRE LANES STANDARDS FOR MAINTENANCE

Driveways that serve as fire lanes shall be maintained in a state of good repair and free of obstruction for their entire length and width. They shall also be kept free of overhead obstructions for a vertical clearance of 13-1/2 ft.

6. WALKWAYS, BIKEWAYS, AND ACCESSWAYS STANDARDS FOR MAINTENANCE

Maintenance of walkways, bikeways or accessways shall be the responsibility of the owner or owners of the land abutting or through which the way passes. If the maintenance is proposed to be by an association or other entity, the maintenance agreement or by-laws, as the case may be, shall be subject to the review and approval by the City.

7. PARK AND OPEN SPACE STANDARDS FOR MAINTENANCE

(Reserved)

8. UTILITIES STANDARDS FOR MAINTENANCE

There are no standards for maintenance for the Utility Standard, LOC 50.06.008.

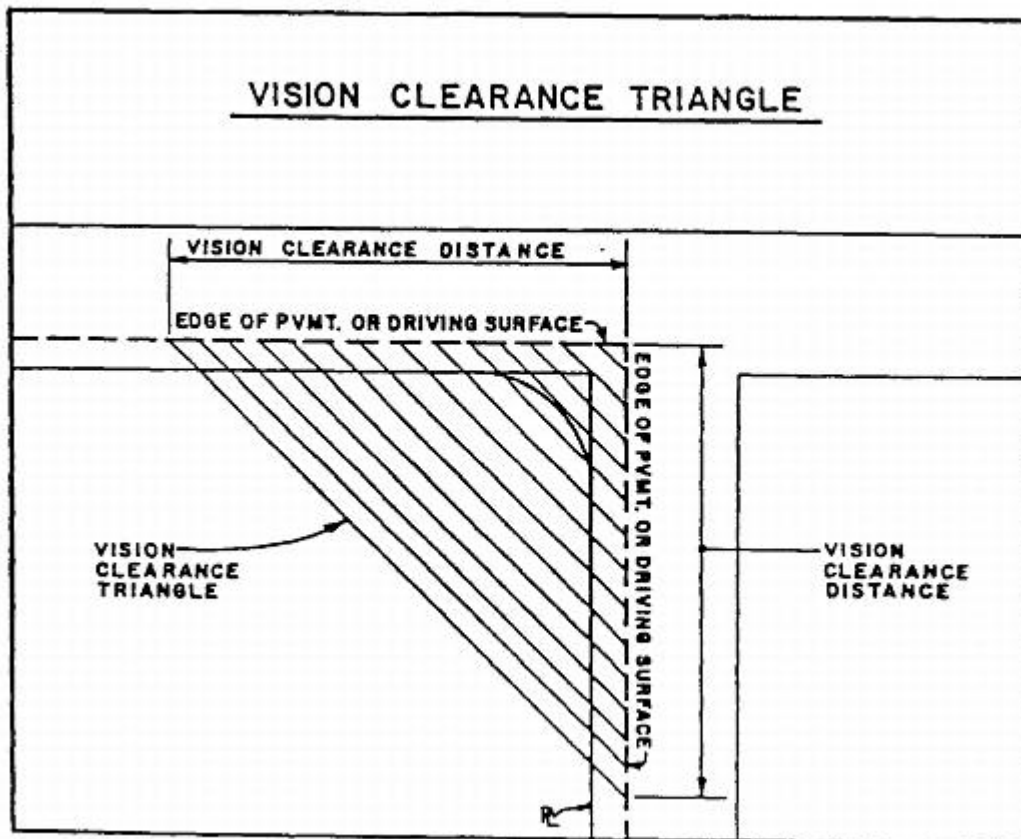
50.06.011. VISION CLEARANCE

1. VISION CLEARANCE TRIANGLE

The "vision clearance triangle" is that area enclosed by the lines formed by the outside edges of the intersecting pavements or driving surfaces and a straight line drawn diagonally across the corner, connecting those lines at the various distances specified below. The measured distance along the pavement is the "vision clearance distance". Measurement shall be from the point of intersection of the traveled surfaces. See Figure 50.06.011-A, Vision Clearance Triangle Graph.

SECTION 50.06.011. VISION CLEARANCE
SUBSECTION 2: STANDARDS

Figure 50.06.011-A: Vision Clearance Triangle Graph



2. STANDARDS

a. Prohibited Items in Vision Clearance Triangle

Within the vision clearance triangle, it shall be unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of, any sign, fence, hedge, shrubbery, natural growth or other obstruction to the view, higher than 30 inch above the level of the centerline of the adjacent pavement.

b. Dimensions

The dimensions of the vision clearance triangle, as measured from the point of intersection of the traveled surfaces, shall be as follows:

- i. At intersections governed by existing traffic control devices, or at locations where a major development accesses to an arterial or collector street and generates in excess of 100 ADT, the vision clearance triangle shall be determined by an engineering study using AASHTO Standards on file with the Engineering Department.
- ii. At the non-controlled intersection of two streets, the vision clearance distance along each traveled surface shall be a minimum of 60 feet.

SECTION 50.06.011. VISION CLEARANCE

SUBSECTION 3: EXCEPTIONS

- iii. At an intersection of an alley and a street, the vision clearance distance shall be 10 feet along the alley and 60 feet along the street.
- iv. At an intersection of a driveway and a street, the vision clearance distance along each traveled surface shall be 10 feet.

3. EXCEPTIONS

The requirements of LOC 50.06.011.2, above, do not apply to:

- a. Public utility poles;
- b. Vegetation trimmed (to the trunk) from the ground to a line at least 8 feet above the level of the pavement;
- c. Official warning signs or signals;
- d. Signs mounted nine feet or more above the ground and supported by a single support with a maximum cross section of 12 inch;
- e. Earth-formed obstructions, including retaining walls, at intersections which were existing on December 16, 1982.

(Ord. 2328, Amended, 08/02/2002; Ord. 2316, Added, 03/05/2002)

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LOC 50.07: REVIEW AND APPROVAL PROCEDURES

50.07.001. SUMMARY PROCEDURES TABLE

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE										
Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	Planning Commission	DRC	HRAB	City Council
Chapter 50.07 Review and Approval Procedures										
Ministerial Development	50.07.003.13	No	No	No	No	D				
Minor Development [2]	50.07.003.14									
<i>Subdivision or Planned Development</i>		Yes	Yes	Yes	Yes	R		D		A
<i>Development Review</i>		Yes	[1]	Yes	Yes [3]					
<i>Development in the R-DD zone</i>		Yes	[1]	Yes	Yes	R		D		A
<i>Development in the Willamette River Greenway</i>		Yes	[1]	Yes	Yes	R		D		A
<i>Historic:</i>										
<ul style="list-style-type: none"> ▪ Designation or removal of a historic resource or district; ▪ Establishment, modification or abolishment of a historic district; and ▪ Demolition or moving of a landmark [4] 		No	No	Yes	Yes	R			D	A
<ul style="list-style-type: none"> ▪ Alterations of historic resources defined as a minor development (Historic Preservation) in LOC 50.10.003.2; ▪ Moving or demolition of a contributing resource; ▪ Alterations or additions of 30% or more floor area to noncontributing resources; and ▪ Minor developments on or to a landmark or within a historic district [4] 		Yes	[1]	Yes	No	D		A		A
<i>All Other Minor Development</i>		Yes	[1]	Yes	No	R/D		D/A		A
Major Development	50.07.003.15									
<i>Mixed-Use ODPS</i>		Yes	Yes	Yes	Yes	R	D			A
<i>Single-Use ODPS</i>		Yes	Yes	Yes	Yes	R		D		A
<i>Major Development on or to a historic resource; and, Major Development within a historic district</i>		Yes	[1]	Yes	Yes	R		D	R	A
<i>All Others</i>		Yes	Yes	Yes	Yes	R		D		A

SECTION 50.07.002. LIST OF DECISION-MAKERS
SUBSECTION 1: CITY MANAGER

TABLE 50.07.001-1: SUMMARY PROCEDURES TABLE

Type of Decision	Code Section	Pre-Application Conference Required?	Neighborhood Meeting Required?	Notice Required?	Public Hearing Required?	Authority R = Recommendation; D = Decision; A = Appeal				
						City Manager	Planning Commission	DRC	HRAB	City Council
Legislative	50.07.003.16			Yes	Yes		R			R/D
Chapter 50.08 Adjustments, Alternatives, and Variance Procedures										
Adjustments [5]	50.08.001	Yes	[1]	Yes	No	R/D		D/A		A
Minor Variance	50.08.002	Yes	[1]	Yes	No	R/D		D/A		A
Hardship Variance	50.08.003	Yes	[1]	Yes	No	R		D/A		A
Reasonable Accommodation Variance	50.08.004	Yes	[1]	Yes	No	R/D		D/A		A
DRDD District Exceptions to Standards	50.08.005	Yes	[1]	Yes	Yes	R		D		A
LGVCO District Adjustments	50.08.006	Yes	[1]	Yes	Yes	R		D		A
Residential Infill Development (RID) Process	50.08.007	Yes	[1]	Yes	No	R/D		D/A		A
Notes:	<p>[1]. Neighborhood Meeting required for a partition and subdivision. The City Manager may require a Neighborhood Meeting prior to the filing of an application for any other development permit if the City Manager deems neighborhood contact to be beneficial.</p> <p>[2]. Per LOC 50.07.003.14.d.i, the City Manager may refer a minor development application directly to a hearing body.</p> <p>[3]. Depending on the scope of the proposed development, a decision on an application for Development Review may be referred to the City Manager. Typically, applications referred to the City Manager involve minor alterations or other small scale projects.</p> <p>[4]. At the discretion of the City Manager, an application for a major alteration of a duplex or single family home designated as a landmark may be referred to HRAB for hearing and decision.</p> <p>[5]. Does not include Solar Access Yard Setback Adjustments, which are reviewed ministerially (LOC 50.08.001.3).</p>									

50.07.002. LIST OF DECISION-MAKERS

1. CITY MANAGER

The City Manager shall be responsible for review and decision making for the following types of applications:

- a. Minor Development,
- b. The following Minor Developments regarding Historic Resources:

SECTION 50.07.002. LIST OF DECISION-MAKERS

SUBSECTION 2: PLANNING COMMISSION

- i. Minor Alteration of a Historic Duplex or Single Family Dwelling (except Major Developments – referable to the Historic Resources Advisory Board)
 - ii. Major Alteration of all other Historic Resources,
 - iii. Moving or Demolition of a Contributing Resource,
 - iv. Alteration or Addition of 30% or More of Floor Area to a Non-Contributing Resource,
 - v. Lot Line Adjustments and Minor Partitions that Occur on a Landmark or Within an Historic District, and
 - vi. Minor Development on or to a Landmark Within an Historic District.
- c. Ministerial Development,
 - d. Ministerial Development for all other Historic Resources for which the City Manager has decision making authority.

2. PLANNING COMMISSION

The Planning Commission shall be responsible for review and decision-making for the following types of applications:

- a. Major Development – ODPS.
- b. Applications for a Quasi-Judicial Zone Change or Quasi-Judicial Comprehensive Plan Amendment or Code Amendment (recommendation to City Council only).

3. CITY COUNCIL

The City Council shall be responsible for review and decision-making of applications for the following:

- a. Appeal of decisions by any hearing body; and
- b. Legislative amendments to the Development Code, including amendments to the Zoning Map and Comprehensive Plan maps.

4. DEVELOPMENT REVIEW COMMISSION

The Development Review Commission shall be responsible for review and decision-making for the following applications:

- a. Major Development;
- b. The following development regarding Historic Resources:
 - i. Major Development on or to a Historic Resource,
 - ii. Major Development within an Historic District;
- c. Requests for Major Adjustments within the LGVC Overlay; and
- d. Minor Development in the R-DD zone.

SECTION 50.07.003. REVIEW PROCEDURES
SUBSECTION 5: HISTORIC RESOURCES ADVISORY BOARD

5. HISTORIC RESOURCES ADVISORY BOARD

The Historic Resources Advisory Board shall be responsible for review and decision-making for the following applications:

- a. Designate an Historic Resource,
- b. Remove an Historic Designation,
- c. Establish, Modify, or Abolish an Historic District,
- d. Delay a Decision on Demolition of a Landmark,
- e. Demolition or Moving of a Landmark, and
- f. Major Alteration of a Historic Duplex or Single Family Dwelling (upon referral from the City Manager)

50.07.003. REVIEW PROCEDURES

1. APPLICATION

a. Application for Development

i. Forms and Information

An application for a ministerial, minor, or major development shall be made on such forms and contain such information as the City Manager may require. If a railroad-highway crossing provides or will provide the only access to land that is the subject of the application, the applicant shall indicate that fact in the application.

ii. Unified Site Plan

All development in the R-0, R-2, R-3, R-W, CI and any PF or commercial zones and attached development in the R-5 zones will be developed under a unified site plan. The site plan will identify circulation patterns and access points, method of provision of public services and general placement of lots and structures, and general area and type of uses. Proposals with multiple ownerships shall include a written agreement of all owners that development of the site will occur pursuant to the site plan approved.

b. Burden of Proof

The applicant for a development permit shall bear the burden of proof that his or her application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval.

c. Method of Application / Authority to Reject Applications

- i. An application for a development permit shall be filed with the City Manager. The City Manager may charge an application fee to process a development permit application.
- ii. The City Manager may decline to accept an application that, on its face, has not completed any one or more of the procedural requirements:
 - (1) Pre-application conference, when required by this Code or as required by the City Manager, pursuant to LOC 50.07.003.1.e;
 - (2) Neighborhood Contact and Notice, when required by LOC 50.07.003.1.f;
 - (3) Payment of the Filing Fee, as required by this section.

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 1: APPLICATION

- (4) Failure of the Applicant to sign the application, or when the applicant is not the owner of the subject property, failure of the Owner of the subject property to either sign the application or for the applicant to include the Owner's signed authorization for the applicant to file the application.

d. Signature on Application

The applicant shall sign the application. If the applicant is not the owner of the property subject to the development application, the property owner shall authorize the application in writing before the City Manager may accept the application for review. For the purposes of this section, "owner" includes a public body or public agency with authority to exercise the power of eminent domain.

e. Pre-application Conference

- i. A pre-application conference with the City Manager is required for minor and major development permit applications, and must be scheduled by the applicant prior to submitting an application for development.
- ii. A pre-application conference is not required for ministerial applications, but may be scheduled at the request of the applicant or when required by the City Manager.
- iii. The purpose of the pre-application conference is to discuss the proposal, the applicable criteria and the requirements for completing an application. A copy of an adopted neighborhood plan shall also be provided to the applicant, regardless whether its provisions constitute criteria for the proposed development or not.

An applicant may request one or more additional pre-application conferences in order to discuss any changes in the applicable criteria and application requirements that may occur between the date of the pre-application conference and the filing of the development permit application.

- iv. The development permit application must be filed within one year from the date of the pre-application conference; if the development permit application is not filed within one year, a new pre-application conference is required unless the applicant requests and the City Manager approves a waiver of the additional pre-application conference.

f. Neighborhood Contact and Notice Required for Certain Applications

Following a pre-application conference, and prior to submittal of an application, the applicant shall contact and discuss the proposed development with any affected neighborhood for the following development applications:

- A partition, subdivision, or a major development, or
- Any other development permit if the City Manager deems neighborhood contact to be beneficial.

i. Purpose

The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The City expects an applicant to take the reasonable concerns and recommendations of the

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 1: APPLICATION

neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.

The City recognizes that potential impacts of development, such as storm water runoff, traffic, noise or impacts on natural resources, may affect not only the area immediately surrounding the site of the proposed development, but the neighborhood in which the site is located, and adjacent neighborhoods.

ii. **Selecting Date, Time, and Location of Neighborhood Meeting**

In establishing the date, time and location of the meeting with the neighbors and with the neighborhoods:

(1) **Procedure**

The applicant shall follow the applicable procedures in subsections (a)(i) and (a)(ii), below.

(a) **Required Organizations**

- (i) **Recognized Neighborhood Association.** Where the proposed development is within the boundaries of a recognized neighborhood association, the applicant shall provide the chair of the neighborhood association in which the site proposed for development is predominately located three alternative meeting options (on three different days, with at least seven days between the first and the last date proposed).
- (ii) **County Citizen Participation Organizations (CPOs).** Where the proposed development is within the boundaries of a county-recognized CPO, or equivalent, the applicant shall provide the chair of the County CPO in which the site proposed for development is predominately located three alternative meeting options (on three different days, with at least seven days between the first and the last date proposed).
- (iii) **Homeowners Association.** Where the proposed development is not within the boundaries of a recognized neighborhood association or County CPO, but is within the boundaries of a homeowners association registered with the Oregon Secretary of State, Corporation Division, the applicant shall provide the chair, president or registered agent of the homeowners association (according to the records of the Oregon Secretary of State) three alternative meeting options (on three different days, with at least seven days between the first and the last date proposed);
- (iv) **Other.** Where the proposed development is not within the boundaries of a recognized neighborhood association, County CPO, or registered homeowners association, the applicant shall provide the neighborhood chair of the recognized neighborhood association closest to the site proposed for development, with the three alternative dates (on three different days, with at least seven days between the first and the last date proposed).

The chair of the recognized neighborhood association or County CPO, or chair, president, or registered agent of the homeowners association, as provided above in (i), (ii) and (iii) of this section, above, shall choose from the three alternatives within seven days of either the date of the applicant mailed the request to establish the date and time of the neighborhood contact meeting or upon personal receipt of the written or oral request, whichever is earlier. If the chair, president, or registered agent, as applicable, fails to select the date and time of the meeting within the 7-day period,

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 1: APPLICATION

the applicant may establish the date and time of the meeting from one of the proposed alternatives.

(b) Date, Time, and Location

Unless approved by the chair of a recognized neighborhood association:

- (i) The meeting shall not be held on a legal holiday or the day before, as defined in ORS 187.010 (Sundays and listed holidays are “legal holidays”).
- (ii) The meeting shall be scheduled to commence during the evening between 6:00 and 8:00 p.m. not less than 20 days from the date of mailing of the notice.
- (iii) The meeting shall be held at a location open to the public within the boundaries of the association, County CPO, or homeowners association, as applicable under LOC 50.07.003.1.f.ii(1)(a)(i) and (ii), above, in which the proposed development is predominately located or at a public facility within the City of Lake Oswego.
- (iv) If the meeting is held at a private residence or business, it shall be posted at the time of the meeting as the meeting place and shall note that the meeting is open to the public and all interested persons may attend.

iii. Notice to Neighborhoods, Property Owners and Residents of Neighborhood Meeting

(1) The applicant shall contact by letter:

- (a) All recognized neighborhood associations whose boundaries contain all or part of the site of the proposed development,
- (b) All recognized neighborhood associations that are adjacent to those neighborhood(s) described in subsection (1)(a) of this section, above, and
- (c) All property owners within 300 ft. of the site, provided however, if there are less than 50 properties (excluding City-owned properties) within 300 ft. of the boundaries of the site, the notice area pursuant to this subsection shall be expanded, by ten-ft. increments outward from the 300 ft. boundary, until at least 50 properties (excluding City-owned properties) are included in the notice area.

(2) The letter shall briefly describe the nature and location of the proposed development, and invite the associations and interested persons to a meeting to discuss the proposal in more detail.

(3) On the same date the letters described above are mailed, the applicant shall provide and post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right of way. The notice shall state that the site may be subject to a proposed development (e.g. partition, subdivision, major development, or as otherwise required by the City Manager) and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the meeting.

iv. Manner of Providing Letter Notice of Neighborhood Meeting

(1) Mailed Notice

The letters required by LOC 50.07.003.1.f.iii(1), above, shall be sent as follows:

- (a) For recognized neighborhood associations:

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 1: APPLICATION

- (i) By certified mail, return receipt requested, to the Chairs of the neighborhood associations, County CPO, or homeowner association, and,
 - (ii) By regular mail to the other officers of the recognized neighborhood associations; and
- (b) For property owners, by regular mail. The names and mailing addresses or the property owners shall be as shown by the most recent property tax assessment roll.

v. Recording the Neighborhood Meeting

The neighborhood associations, the applicant, and any interested person shall have the option of audio-taping the meeting. However, it is not a requirement that the meeting be audio-taped.

vi. Applicant's Presentation at Neighborhood Meeting

The applicant shall provide details in the neighborhood meeting that convey the appearance (materials and colors), site design, density, natural resources protection areas, arrangement of uses, access and other relevant visual information that would be included in a complete application for the type of development proposed.

vii. Meeting Minutes / Neighborhood Association Concerns

- (1) The applicant shall prepare minutes of the neighborhood meeting. The minutes shall contain a record of any verbal comments made at the meeting.
- (2) The applicant shall send a copy of the written minutes of the neighborhood meeting to the respective neighborhood association chairs that received notice of the meeting pursuant to LOC 50.07.003.1.f.iii(1)(a) and (b), above, and if applicable, pursuant to LOC 50.07.003.1.f.ii(1)(a)(ii) and (iii), above, the chair of the County CPO, or chair, president, or registered agent of the homeowners association, within 14 days following the meeting.
- (3) Each neighborhood association chair, chair of the County CPO, or chair, president, or registered agent of the homeowners association, as applicable, or representative thereof, shall submit a list of the respective neighborhood's concerns, if any, to the City and the applicant within 14 days following the mailing of the minutes by the applicant to the neighborhood association chair or the chair's designated representative.
- (4) The neighborhood association chairs, chair of the County CPO, or chair, president, or registered agent of the homeowners association, as applicable, shall be allowed to supplement the record with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed.

viii. Applicant's Documents Filed with Application

An application shall not be accepted for filing unless and until the applicant demonstrates compliance with this section by including with the application:

- (1) A copy of the certified letter to the recognized neighborhood associations, County CPO, or homeowners association, with the a copy of return receipt;
- (2) A copy of the letter to officers of the associations and to property owners and residents pursuant to LOC 50.07.003.1.f.iv, above, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 1: APPLICATION

- (3) A copy of the required posted notice, along with an affidavit of posting; and
- (4) A copy of the minutes of the meetings, and copies of any written comments from property owners, residents, and neighborhood association members.
- (5) A copy of the materials that were presented at the neighborhood association meeting.

g. Determination of Completeness

- i. The purpose of this subsection (i) and subsections (ii) and (iii), below, is to codify the "120-Day Rule" in ORS 227.178. In the event of a difference in procedure for determining when an application is complete, the provisions of then ORS 227.178 shall supersede any inconsistent provisions of this subsection (i), and subsections (ii) and (iii), below. This subsection (i), and subsections (ii) and (iii), below, are applicable only to those minor and major development applications that are subject to the requirements of the 120-Day under state law.

The City Manager shall review the application and determine whether it is complete. The City Manager shall mail a written notice of such determination within 30 days of the date of filing of the application. If the City Manager determines that the application is incomplete, the City Manager shall inform the applicant in the written notice of the additional information necessary to make the application complete. The application shall be complete at such time as:

- (1) All of the missing information is submitted,
- (2) Some of the missing information is submitted and written notice from the applicant that no other information will be provided, or
- (3) Written notice from the applicant is submitted that none of the missing information will be provided.

The applicant shall have 180 days to complete the application.

If the City Manager fails to mail notice of the determination within 30 days from the date of filing of an application the application shall be deemed complete on the 31st day following filing of the application for the purposes of the 120 Day Rule.

- ii. When the City Manager determines the application is complete, the City Manager shall inform the applicant of the completeness by mail. A copy of the completeness letter shall also be mailed to the affected neighborhood associations identified in LOC 50.07.003.1.f.iii(1)(a) and (b), above. Within ten days of the mailing of the notice of completeness to the respective neighborhood associations, the chair, or the chair's representative, of any of the noticed neighborhood associations may request a meeting with the City Manager to discuss the application. The purpose of this meeting is to identify issues. No evidence or argument presented at this meeting shall be deemed to be made part of the record; any evidence or argument shall be submitted in the manner required by LOC 50.07.003.3, Public Notice/Opportunity for Public Comment, or LOC 50.07.003.15.b.i, and 50.07.003.4.a, Conduct of the Hearing. If a meeting is requested, the applicant shall be notified of the meeting and invited to attend the meeting.
- iii. A final decision on an application, including resolution of all appeals, shall be rendered within 120 days after the application is deemed complete pursuant to ORS 227.178 (referred to herein as the "120 Day Rule").

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 2: FEES AND DEPOSITS

- iv. Nothing in this section shall be deemed to be a limitation on the City's ability to render a final decision on a land use application after the expiration of 120 days.
- h. Extensions or Continuances**
 - i. Extension to File Completed Application. The applicant for a major or minor development may request one additional 180 day extension for filing a complete application.
 - ii. Extension to Complete Review and Decision on Application. The applicant for a major or minor development may request in writing a specified period of time for a continuance of review of a complete application. A request for an extension or continuance shall be deemed a waiver of the 120 final action deadline contained in ORS 227.178 for the period of the extension or continuance, and for any additional time required for rescheduling or re-noticing review proceedings. The total of all extensions for review of a complete application may not exceed 245 days.
- i. Withdrawing an Application**

An applicant may withdraw an application at any time prior to adoption of a final City decision on the application. Proceedings on the application shall terminate as of the date of withdrawal. The City Manager may refund all or part of the application fee, depending on how much staff work had been completed at the time of withdrawal.
- j. Modification of Pending Application**
 - i. Modifications of a pending application shall be considered under the standards in effect at the time the modification was filed, if the modification:
 - (1) Does not increase the amount of required parking, square footage, or the number of dwelling units; or
 - (2) Does not change the form of a structure.
 - ii. Any modification that does not comply with subsection (i) of this section, above, shall be considered a new application.

2. FEES AND DEPOSITS

- a. The City may charge fees and deposits for applications, plan reviews, inspections, interpretations, appeals, or any other action pursuant to this Code. Such fees shall be established by resolution of the City Council. The City Manager shall review application fees annually and shall recommend proposed fees and fee changes to the Council.
- b. The filing fee requirement shall not apply to appeals filed by the Oregon State Department of Land Conservation and Development or to appeals filed by recognized neighborhood associations entitled to receive notice of a pre-application neighborhood meeting.

3. PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

Except as set forth in LOC 50.07.003.3.d below, prior to making a final decision on a minor development permit application, notice of the opportunity to comment upon an application and, if applicable, the date of a public hearing upon the application, shall be given as follows:

SECTION 50.07.003. REVIEW PROCEDURES
SUBSECTION 3: PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

a. Written Notice

i. Recipients

(1) Notice to Property Owners

The City Manager shall provide written notice to property owners within 300 ft. of the entire contiguous site for which the application is made. If there are fewer than 50 properties (excluding City-owned properties) within 300 ft. of the site, the notice area shall be expanded by 10-ft. increments outward from the 300 ft. boundary until at least 50 properties (excluding City-owned properties) are included in the notice area. The list shall be compiled from the most recent property tax assessment roll.

(2) Notice to Neighborhood Associations

Notice shall also be sent to:

- (a)** Any recognized neighborhood association(s) whose boundaries either contain part or all of the site, and
- (b)** All adjacent recognized neighborhood associations (adjacent recognized neighborhood associations are those associations which share boundaries with the neighborhood(s) identified in subsection (a) of this section, above, and include recognized neighborhood associations that are separated from the neighborhood association(s) identified above by a street or stream).

(3) Notice to Oregon Department of Transportation and the Affected Railroad Company

Written notice shall be provided to the Oregon Department of Transportation and the affected railroad company if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application.

(4) Notice for Development within the Greenway Management Overlay District

In addition to the notification required above, the City shall notify the Oregon State Department of Transportation by certified mail immediately upon receipt of a complete application for development, change or intensification of use in the Greenway Compatibility Review Boundary area and shall notify the Department of final actions taken on the applications.

ii. Contents of Notice

The notice required by this section, above, shall:

- (1)** Provide a 14 day period for submission of comments prior to the decision;
- (2)** State the place, date and time that comments are due;
- (3)** State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue;
- (4)** List, by commonly used citation, the applicable criteria for a decision;
- (5)** Set forth the street address or other easily understood geographical reference to the subject property;
- (6)** State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and

SECTION 50.07.003. REVIEW PROCEDURES
SUBSECTION 3: PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

(7) Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.

b. Posted Notice

Within three business days after the mailing date of the notices in LOC 50.07.003.3.a.i, above, the City shall post notice on the property subject to the proposed application. The notice shall be posted at a location visible from the public right of way. The notice shall state:

- i. that the site is the subject of a proposed development application,
- ii. the name of the applicant,
- iii. the name and telephone number of the staff coordinator for the application,
- iv. the deadline for submission of written comments,
- v. the date of the public hearing, if applicable,
- vi. that a copy of the mailed notice (which includes a listing of the criteria for the decision) can be obtained from the planning coordinator.

The site shall remain posted until the conclusion of the date for submission of comments and, if applicable, the date set for the first evidentiary public hearing upon the application.

The City Manager shall certify that such notice was given.

c. Published Notice for Legislative Hearing

Published notice of a hearing on a legislative decision shall be published at least once in a newspaper of general circulation in the City of Lake Oswego at least ten days in advance of the hearing. Where published notice is required, notice shall also be mailed at least ten days in advance to the Committee for Citizen Involvement and to all recognized Neighborhood Associations. The notice shall include:

- i. The time, date, and place of the public hearing;
- ii. A brief description of the proposed legislative amendment; and
- iii. A phone number for obtaining additional information.

d. Residential Infill Design Review Notice

For development processed through the Residential Infill Design Review process (LOC 50.08.007), the City Manager shall provide written notice of a preliminary decision as follows:

i. Property Owners

Notice to property owners within 300 ft. of the entire contiguous site for which the application is made shall be given. The list shall be compiled from the most recent property tax assessment roll.

ii. Neighborhood Associations

Notice shall be given to recognized neighborhood associations listed in LOC 50.07.003.3.a.i(2), above.

iii. Oregon Department of Transportation and the Affected Railroad Company

SECTION 50.07.003. REVIEW PROCEDURES
SUBSECTION 3: PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

Notice shall be given to the Oregon Department of Transportation and the affected Railroad Company if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application.

iv. Posting

Notice shall be posted upon the subject property in the same manner as LOC 50.07.003.3.b above.

v. Contents of Notice

The notice of preliminary decision shall:

- (1) Include the file number, date of the preliminary decision, and the name and address of the applicant.
- (2) Include an easily understood geographical description of the property and a map, if applicable.
- (3) Briefly summarize the decision-making process and the preliminary decision made.
- (4) State that a copy of the preliminary decision and all evidence relied on by the applicant are available for review and that copies can be obtained at cost.
- (5) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised with sufficient specificity to enable the City to respond to the issue.
- (6) List, by commonly used citation, the applicable criteria for a decision.
- (7) Include the name and phone number of the City Manager or such other City staff person as may be assigned by the City Manager to review the application.
- (8) State the place, date and time that comments are due.
- (9) State that if no written comments are received within the 14-day comment period, the decision will become final.
- (10) Describe the appeal process following finalization of the decision.

e. Notice for Initial Public Hearing

- i. Notice of a public hearing before a hearings body containing the information required below shall be mailed at least twenty days before the initial public hearing as follows:
 - (1) To the applicant;
 - (2) To property owners in the same manner as provided in LOC 50.07.003.a.i(1);
 - (3) To neighborhood associations in the same manner as provided in LOC 50.07.003.a.i(2);
 - (4) To the Oregon Department of Transportation and affected railroad company if the application indicates that a railroad-highway crossing provides or will provide the only access to land that is the subject of the application; and
 - (5) Persons filing comments within any comment period: If the hearing regards an appeal of a City Manager decision on a minor development application, to any person not otherwise required to be notified by this section who submitted comments during the 14 day comment period.

SECTION 50.07.003. REVIEW PROCEDURES

SUBSECTION 4: HEARINGS

- ii. Nothing in subsection (i), above, shall preclude the City Manager from providing additional public notice as City Manager deems appropriate.
- iii. Except as otherwise provided in subsection (iv), below, the notice shall:
 - (1) Explain the nature of the application and the use or uses which could be authorized;
 - (2) List the applicable criteria from the ordinance and plan that apply to the application at issue;
 - (3) Set forth the street address or other easily understood geographical reference to the subject property;
 - (4) State the date, time and location of the hearing;
 - (5) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the hearings body an opportunity to respond to the issue precludes appeal to the City Council and the Oregon State Land Use Board of Appeals on that issue;
 - (6) Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 - (7) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - (8) State that a copy of the staff report will be available for inspection at no cost at least ten days prior to the hearing and will be provided at reasonable cost; and
 - (9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.
- iv. In addition to the mailed notice above, notice shall be given by posting upon the subject property in the same manner as required by LOC 50.07.003.3.b, above.

[Editor's Note: Per LOC 50.07.004.5, notification of a circulation analysis is required if a minor development is subject to the Street Connectivity Development Standard.]

4. HEARINGS

a. Conduct of the Hearing

The Chair of the hearing body shall conduct the initial evidentiary hearing on a major development application or an appeal of a decision on a minor development as follows:

- i. The Chair shall open the hearing by stating the general nature of the application, followed by a summary of these procedures.
- ii. The Chair shall ask whether any member of the hearing body has any potential bias, conflict of interest, or had ex parte contact. "Ex parte contact" is any contact regarding the subject application outside of the public hearing, including a site visit. Ex parte contact does not include contact with city staff members. Any member of the hearing body who has bias, a conflict of interest, or has had an ex parte contact shall explain the nature of such bias, conflict or ex parte contact.
- iii. The Chair shall next ask if there is any challenge to a hearing body member's right to consider the application. Unless the challenge is based upon information revealed pursuant to LOC 50.07.003.4.a.xi(2) of this section, below, a challenging party must

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deliver a written document setting forth the reasons and authority for such challenge to the member challenged and the hearing body chair at least 24 hours prior to the hearing.

- iv. The Chair shall next call for presentation of the staff report. Staff shall list the applicable substantive criteria and shall explain the reasons behind the City Manager's recommendation or decision, in the case of an appeal.
- v. The Chair shall state that evidence and testimony must be directed to the applicable criteria described by staff or to other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision. The Chair shall also state that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond precludes appeal to the City Council or LUBA on that issue.
- vi. The Chair shall call for the applicant's testimony.
- vii. The Chair shall call for other evidence or testimony in support of the application.
- viii. The Chair shall call for evidence or testimony in opposition to the application.
- ix. The Chair shall call for neutral evidence or testimony.
- x. The Chair shall call for rebuttal by the applicant. The applicant's rebuttal is limited to responding to testimony previously submitted and shall be based solely on the evidence in the record. If the applicant submits new evidence in aid of rebuttal, the Chair shall allow any person to respond to that evidence, and provide for final rebuttal by the applicant.
- xi. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present addition evidence or testimony regarding the application. The hearing body shall grant such request by continuing the hearing pursuant to paragraph (1), below, or leaving the record open for additional written evidence or testimony pursuant to paragraph (2), below.
 - (1) If the hearing body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
 - (2) If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record for a specific period of time. During this period, any person may submit written testimony raising new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
 - (3) A continuance or extension granted pursuant to this section shall be subject to the 120 Day Rule (ORS 227.178), unless the continuance or extension is requested or agreed to by the applicant.
- xii. Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in

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support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

xiii. If no continuance is granted and the record is not left open, or at the conclusion of such continuance or open record period and/or any additional seven day rebuttal period granted to the applicant pursuant to subsection (xii) of this section, above, the Chair shall return the matter to the table for deliberation and decision. The hearing body's deliberations may include questions to or testimony by City staff regarding the criteria, evidence and testimony in the record. The hearing body may also direct questions to any person present. If any person other than City staff is questioned or allowed to make comments during deliberation, the Chair shall allow any other person to respond to such comments.

xiv. For purposes of this section:

- (1) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.
- (2) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

b. Time Limits on Testimony

- i. The purpose of time limits on testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. The following time limits on testimony shall be observed during a hearing conducted by a hearings body, subject to the right of the Chair, with hearing body consent, to amend or waive the time limits:
 - (1) 20 minutes for the applicant's presentation;
 - (2) Ten minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization;
 - (3) Five minutes for other persons; and
 - (4) Five minutes for rebuttal.
- ii. The time limits set forth in this section shall not include time taken up resolving objections or by questions or response to questions from the hearing body.
- iii. As a general guideline, if the Chair decides to increase or decrease the time limits for testimony, the chair shall do so in equal proportion for both the appellant and the applicant. The Chair may increase the time limit for rebuttal without increasing other time limits on testimony, however, in cases where the testimony in opposition is so complex or extensive that five minutes would not give the applicant an adequate opportunity to respond to the testimony.
- iv. Any person in attendance at the hearing may cede his or her time for testimony to a representative or another person and thereby increase that representative's or other person's time for testimony. No person's or other representative's testimony may be increased to greater than ten minutes. No person may cede his or her time to the applicant or the appellant.

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c. Testimony, Exhibits, and Other Evidence

- i. Any person may present testimony at public hearing before a hearing body on a major development application or appeal of a minor development decision.
- ii. Any person may submit exhibits or written comments prior to or at the public hearing. Written comments or exhibits submitted prior to the public hearing must be received by the City Manager by 5:00 p.m. on the day of the scheduled hearing to be submitted by staff at the hearing. Written comments or exhibits submitted at the hearing must be filed with the recording secretary and placed before the hearing body. Exhibits or written comments that are merely referred to in testimony but which are not placed before the hearings body pursuant to this section shall not become part of the record of the proceedings.
- iii. The hearing body may take official notice of all adjudicative facts and law which may be judicially noticed pursuant to ORS 40.060 to 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City of Lake Oswego. Matters officially noticed need not be established by evidence and may be considered by the hearing body in determination of the matter.

d. Objections

The purpose of the hearing procedures set forth in this Code is to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide a full and impartial hearing on the application or appeal before the hearing body. Any question concerning the proper conduct of a hearing held pursuant to this code may be raised by any person during the proceeding by making an objection. The Chair shall rule on any objection, subject to the right of the hearing body to overturn the Chair's ruling by majority vote.

e. Preservation of Order

The Chair shall preserve order and decorum, discourage personal attacks, and confine debate to the material issues. The Chair may eject from the hearing any person in attendance who becomes disorderly, abusive or disruptive, or who fails or refuses to obey a ruling of the Chair. The Chair may summon assistance of the Lake Oswego Police to assist in maintaining order.

f. Continuances

- i. The hearing body shall continue a public hearing or leave the record open when required to do so pursuant to 50.07.003.4.a.xi.
- ii. The hearing body may elect to continue a hearing one or more times on its own motion or at the reasonable request of a party. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of the 120 Day Rule (ORS 227.178). If the initial evidentiary hearing has not been completed pursuant to LOC 50.07.003.4.a, the continued hearing shall resume at the point in the proceedings at which the hearing was continued. If the initial evidentiary hearing has been concluded and the hearing body desires a continuance to reopen the record for additional testimony, the continued hearing shall be conducted as provided in subsection (iii), below, of this section. In the later case, the hearing body may limit evidence or testimony to a particular issue or issues, but any person shall be allowed to raise new issues which relate to the new evidence, testimony or criteria for decision making for which the hearing body continued the hearing.
- iii. Except as otherwise provided in subsection (ii), above, of this section, a continued hearing shall be conducted as follows:

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- (1) The Chair shall open the continued hearing.
- (2) The City Manager shall give a staff report which shall include the reason for the continuance.
- (3) If applicable, the Chair shall state that testimony at the hearing is limited to addressing the new documents or evidence described by staff and any new issues which relate to such documents or evidence.
- (4) The Chair shall call for the applicant's testimony.
- (5) The Chair shall call for testimony from persons in favor of the application.
- (6) The Chair shall call for testimony from persons opposed to the application.
- (7) The Chair shall call for testimony from persons neutral on the application.
- (8) The chair shall call for rebuttal by the applicant.
- (9) Unless an extension of the record is requested pursuant to LOC 50.07.003.4.a.xi(1), and/or the applicant exercise his or her right to final rebuttal pursuant to LOC 50.07.003.4.a.xii, the Chair shall return the matter to the table for deliberation and decision as described in LOC 50.07.003.4.a.xiii. If an extension of the record is requested and/or the applicant exercises his or her right of final rebuttal, the Chair shall continue deliberation to a time, date and place certain following final closure of the record.

iv. Notice

No additional notice of a continued hearing is required if the hearing body continues the hearing to a date, time and place certain. If a public hearing must be continued due to lack of a quorum of the hearing body, no additional notice of the continued hearing is required if all entrances to the hearing location are posted by the time and date of the originally scheduled hearing with a conspicuous written notice setting forth a date, time and place certain for the continued hearing. In all other cases, public notice of a continued hearing shall be given pursuant to LOC 50.07.003.e.

g. Decision of the Hearing Body

- i. At the conclusion of deliberations, the hearing body shall make a preliminary oral decision to approve, approve with conditions pursuant to LOC 50.07.003.5, or deny an application based upon the applicable standards and criteria and the evidence and testimony in the record. The preliminary oral decision is not a final decision. At any time prior to the adoption of the final order pursuant to LOC 50.07.003.4.g.ii of this section, the hearing body may modify or change its decision or choose to reopen the hearing.
- ii. The hearing body shall adopt a final written order either immediately after making its preliminary oral decision or at a public meeting within a reasonable time after making the preliminary oral decision. The final written order shall consist of a brief statement that explains the criteria and standards considered relevant, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth. The order shall also contain or incorporate by reference any conditions of approval deemed necessary or appropriate by the hearing body. A proposed order may be prepared by the City Manager or may be prepared by the prevailing party subject to review and approval of the City Manager. The hearing body shall amend the proposed order if it finds that the proposed order does not accurately articulate the hearing body's decision. Except as provided in subsection (iii) of this section, below, the written order is the final decision on the application and the date

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of the order for purposes of appeal is the date on which it is adopted by the hearing body.

- iii. In the case of a major development which requires an amendment of the Comprehensive Plan, or the text or map of this Code, the hearing body's order adopted pursuant to subsection (ii) of this section, above, shall be considered a recommendation to Council and not a final decision. The Notice of the hearing body's decision provided pursuant to LOC 50.07.003.4.h shall be modified to note that the decision is a recommendation which will be forwarded to the Council for public hearing and final decision. The Council shall review the recommendation pursuant to LOC 50.07.003.7.g-p, Appeals, except that, for purposes of the appeal hearing in LOC 50.07.003.7.j, Conduct of the Appeal Hearing, the applicant shall proceed with testimony, followed by persons in favor of the application, opponents, and rebuttal by the applicant.
 - iv. Motions for reconsideration of either a preliminary decision or final order filed by a party shall not be allowed. The City Manager may recommend reconsideration prior to adoption of the final order if the City Manager, in consultation with the City Attorney, believes reconsideration is necessary to correct a procedural error that prejudiced a party's substantial rights.
- h. Notice of Decision**
- Notice of the decision shall be sent to the applicant and to all persons who testified either orally or in writing before the hearing body. The notice of decision shall:
- i. Include the File number, date and brief summary of the final decision;
 - ii. Include the name and address of the applicant;
 - iii. Include an easily understood geographical reference to the subject property and a map, if applicable;
 - iv. State that a copy of the decision is available for review, and that a copy can be obtained at cost; and
 - v. State that the decision may be appealed by filing a written Notice of Intent to Appeal with the City Recorder within 15 calendar days of the date of the final decision. The notice shall include the requirements for filing a Notice of Intent to Appeal. Contained in LOC 50.07.003.7.d. The name, address and phone number of the City Recorder shall be included in the notice.
- i. Record of Proceedings**
- The City Manager shall maintain a record of all proceedings on requests processed pursuant to this Code. The record of proceedings leading to approval of a request shall be maintained for a period of time to be determined by the City Manager, which shall not be less than two years from the date of the approval.

5. CONDITIONS ON DEVELOPMENT

- a. The reviewing authority may impose conditions of approval on a major or minor development permit in one or more of the following circumstances:
 - i. The condition is necessary to bring the application into compliance with applicable approval criteria.
 - ii. The condition is required as a condition of approval, construction or implementation by the development standards, the Lake Oswego Code or state statute.

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- iii. The condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. As used in this section, "public services or facilities" includes sewer, water, surface water management, parks, open space, streets, sidewalks, and pathways.
 - iv. The condition is reasonably related to eliminating or mitigating a negative impact on natural features or processes or on the built environment of the neighborhood which is created or contributed to by the proposed development. As used in this section, "natural features or processes" includes tree groves, stream corridors and natural drainage ways, significant tree(s), wetlands, and other natural areas.
 - v. The proposed or exception to a code requirement is based on the preservation of tree(s), and the condition of approval is reasonably related to preserving the tree(s) that is the basis for the variance or exception.
- b. Conditions of approval contemplated by subsection (a), above, include, but are not limited to:
- i. Imposition of a development schedule.
 - ii. Requiring reservation or protection of land for open space or to protect significant natural features.
 - iii. Requiring dedication of property, rights-of-way, easements or conservation easements for public facilities such as streets, utilities, pathways, sidewalks, surface water management and street trees, or for protection of tree groves, wetlands, stream corridors or other natural features. Dedications of property or property rights pursuant to this subsection must be based upon findings pursuant to LOC 50.07.003.5.a.iii or 5.a.iv of this section.
 - iv. Requiring on-site and off-site construction of or improvements to public facilities where necessary to ensure adequate capacity and where service demand will be created or increased by the proposed development. The costs of off-site improvements may be pro-rated between the applicant and the City in proportion to the increased service demand which will be created by the project when compared to the demand existing if the project were not constructed.
 - v. Requiring construction and maintenance guarantees to ensure that required public facilities are constructed to and will comply with City standards, regulations or conditions.
 - vi. Requiring modifications in the design or intensity of a proposed development or to require or prohibit certain construction methods.
 - vii. Requiring approval, inspection, or evaluation by another agency, jurisdiction, public utility or consultant.
 - viii. Limiting the number, location or design of street accesses to a proposed development to maintain street capacity, improve safety, or otherwise comply with an approval criterion.
 - ix. Requiring covenants, conditions or restrictions to be recorded against the property.

6. EFFECT OF DECISION

a. Effective Date of a Decision

- i. Except as provided by subsection (ii) of this section, below, a final decision approving a development permit becomes effective upon expiration of the local appeal period, unless an ordinance amendment is required in order to implement the approval. In the latter case, the approval becomes effective at the time the ordinance becomes effective

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pursuant to the Lake Oswego Charter. The filing of an appeal automatically stays the decision until resolution of the appeal by City appellate authorities.

- ii. A final decision of the City Council approving a development permit is effective immediately and is not stayed by appeal to Land Use Board of Appeals (LUBA), unless LUBA so orders pursuant to ORS 197.845
- b. Effect of Decision to Approve**
An approved and effective development permit is binding upon the City, the applicant and successors in interest, unless it expires, is amended or is revoked pursuant to this code.
- c. Effect of Denial; Resubmittal**
- i. A final decision denying a development permit is effective immediately.
 - ii. If an application is denied and is not appealed, or the denial is affirmed on appeal, no new application for the same or a substantially similar proposal shall be filed within six months after the date of final denial. A new application shall not be considered "the same or substantially similar" if it can be modified, and is modified, to address the reasons why the original application was denied.

7. APPEALS

a. Review by Hearing Body

An application for a major development, minor developments in the R-DD zone pursuant to LOC 50.07.003.14a.ii(1), or an appeal of a decision of the City Manager regarding a minor development application shall be decided by a hearing body following a public hearing held pursuant to this Code.

b. Appeal of Minor Development Decision

- i. Except for a Residential Infill Design Review preliminary decision pursuant to LOC 50.07.003.14.d.iii(2), a final decision of the City Manager on a minor development application may be appealed to a hearing body by the applicant or any person aggrieved by the decision. An appeal shall be made by filing a written request for a hearing with the City Recorder within 15 calendar days of the date of decision.

For decisions made by the City Manager on historic resources, the applicant or any person aggrieved by the decision may appeal that decision. (If notice of the application was given, the person must have participated in the process leading to the Manager's decision in order to appeal.) The City Manager shall determine if the Development Review Commission or Historic Resources Advisory Board is the appropriate hearing body based upon the nature of the decision appealed, the notice of appeal, and the expertise of the Commission and Board.

- ii. A written request for a hearing shall contain:
 - (1) A reference to the City application number and date of the final decision;
 - (2) A request that a hearing be held on the application;
 - (3) The name, address, and signature of the appellant; and
 - (4) A filing fee. The filing fee shall be set by resolution of the City Council, but shall be no more than authorized by state law. The filing fee shall be refunded if the appellant prevails at the hearing or on a subsequent appeal. The filing fee requirement shall not apply to appeals filed by the Oregon State Department of

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Land Conservation and Development or to appeals filed by recognized neighborhood associations entitled to receive notice of a pre-application neighborhood meeting pursuant to LOC 50.07.003.1.f.iii(1)(a) and (b).

- iii. The City Recorder shall reject the appeal if it is not filed within the 15 day appeal period set forth in subsection (i), above, is not filed in the form required by subsection (ii), above, or does not include the filing fee required by subsection (ii), above. If the City Recorder rejects an appeal, the City Recorder shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City Recorder rejects the appeal. A decision of the City Recorder to reject an appeal pursuant to this section is final and is not subject to appeal to the hearing body or the City Council. An appeal rejected pursuant to subsection (ii), above, may be corrected if it is refiled within the 15 day appeal period set forth in subsection (i), above.
 - iv. An appeal of a City Manager decision regarding a minor development shall be heard de novo by the hearing body pursuant to LOC 50.07.003.3.e, LOC 50.07.003.4, LOC 50.07.003.15.b.i-ii.
- c. Filing an Appeal of a Hearing Body Decision**
- i. A final decision of a hearing body may be appealed to the Lake Oswego City Council by the applicant or any person who appeared before the hearing body either orally or in writing regarding the application. An appeal shall be made by filing a Notice of Intent to Appeal with the City Recorder within 15 calendar days of the date of the hearing body's final decision.
 - ii. A Notice of Intent to Appeal shall be in writing and shall contain:
 - (1) A reference to the City application number and date of the final decision;
 - (2) A statement that demonstrates the appellant is the applicant or appeared either orally or in writing in front of the hearing body;
 - (3) The name, address, and signature of the appellant or the appellant's representative;
 - (4) An appeal fee, if applicable; and
 - (5) A discussion of the specific issues raised for Council's consideration and the specific reasons why the appellant contends that the hearing body decision is incorrect or not in conformance with the applicable criteria. This requirement shall not limit, however, the right of the appellant or other persons appearing at the hearing from raising other issues that were raised before the hearing body.
 - iii. The appeal fee shall be set by resolution of the City Council. The appeal fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal.
 - iv. The City Recorder shall reject the appeal if it is not filed within the 15 day appeal period set forth in subsection (i), above, is not filed in the form required by subsection (ii), above, or does not include the filing fee required by subsections (ii) and (iii), above. If the City Recorder rejects an appeal, the City Recorder shall so notify the appellant by letter. This letter shall include a brief explanation of the reason why the City Recorder rejects the appeal. A decision of the City Recorder to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to a hearings body or the City Council. The appellant shall be allowed to correct a failure to comply with subsections (ii) or (iii), above, if the correction can be made and is made within the 15 day appeal period provided in subsection (i), above.

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d. Multiple Appeals; Consolidation

- i. If more than one person files a Notice of Intent to Appeal a specific hearing body decision, the appeals shall be consolidated into one proceeding. The appeal fee shall be divided equally among the multiple appellants; any amount deposited in excess of the amount determined by the City Recorder to be owed shall be refunded on a pro rata basis.
- ii. The appellants shall share the appellant's time for testimony equally or may make such other split as they mutually agree, or the appellants may elect to have one person represent all appellants. If appeals are filed by opposing parties (i.e. an applicant for a project and a person opposed to the project), they may be consolidated into one proceeding but shall be heard separately prior to the decision. The Mayor, with Council consent, may decide to alter the time limits for testimony depending on the circumstances.

e. Withdrawing an Appeal

A Notice of Intent to Appeal may be withdrawn at any time prior to a final decision. Proceedings on the appeal shall terminate as of the date of withdrawal. The City Manager may refund the appeal fee either in full or in part, depending on the amount of staff work expended preparing the appeal for hearing.

f. Preparation of Record and Staff Report; Transcript

i. Record of Hearing Body Proceedings

Following receipt of a Notice of Intent to Appeal filed in compliance with LOC 50.07.003.7.b, the City Manager shall prepare a record for Council review containing:

- (1) All staff reports and memoranda prepared regarding the application that were presented to the hearing body;
- (2) Minutes of all hearing body proceedings at which the application was considered;
- (3) All written testimony and all exhibits, maps, documents or other written materials presented to and not rejected by the hearing body during the proceedings on the application; and
- (4) The final written order of the hearing body.

ii. Staff Report

The City Manager shall prepare a staff report on the appeal explaining the basis for the hearing body's decision as relates to the reasons for appeal set forth in the Notice of Intent to Appeal, and such other matters related to the appeal as deemed appropriate. The staff report shall be available for public inspection at least ten days prior to the appeal hearing.

iii. Transcript

A verbatim transcript of the hearing body proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the hearing body proceedings at that person's own expense. The City Manager may prepare a certified verbatim transcript of all or part of the hearing body proceedings at the City's expense if the City Manager deems a transcript necessary or advisable. A certified transcript prepared pursuant to this subsection shall be considered to be part of the record of the hearing body proceedings, and, if offered, shall be accepted into evidence and considered by the City Council.

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g. Notice of the Appeal Hearing

- i. Written notice of the appeal hearing before the City Council shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, and all persons who testified either orally or in writing before the hearing body.
- ii. Notice of the hearing shall:
 - (1) Reference the applicable Planning Department File Number or Numbers;
 - (2) Set forth the street address or other easily understood geographical reference to the subject property;
 - (3) State the date, time and location of the hearing;
 - (4) State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
 - (5) State that City Council review is confined to the record before the hearing body, that only persons who testified either orally or in writing before the hearing body may testify before the City Council, and that the only issues that may be raised before the council are issues that were raised before the hearings body with sufficient specificity to enable the hearing body to respond.
 - (6) Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 - (7) State that a copy of the decision being appealed, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost; and
 - (8) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

h. Scope of Council Review

- i. Except as provided in subsections (ii) and (iii), below, Council review is limited to the evidence in the record before the hearing body. No new evidence may be presented at the hearing and no person may testify unless that person appeared either orally or in writing before the hearing body. No issue may be raised on appeal to the Council that was not raised before the hearing body with sufficient specificity to enable the hearing body and the parties to respond.
- ii. The City Council may take official notice of all adjudicative facts and law which may be judicially noticed pursuant to ORS 40.060 to 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City of Lake Oswego. Matters officially noticed need not be contained within the record and may be considered by the hearing body in determination of the matter.
- iii. The Council may reopen the record and consider new evidence if such a request is made prior to or at the Council hearing by the appellant or any person who testified before the hearing body, and the requesting party demonstrates:
 - (1) That the hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the hearing body to correct the error; or

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(2) That new evidence material to the decision on appeal exists and could not have been presented to the hearing body. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the hearing body. This exception shall be strictly construed by the Council in order to ensure that all relevant evidence and testimony is submitted to the hearing body.

i. Conduct of the Appeal Hearing Before City Council

The Mayor shall conduct a hearing on appeal pursuant to the requirements of Section 50.07.003.4.a(i-x and xiii), Conduct of the Hearing. For the purposes of this section, "Mayor" includes the Council President or any other Councilor who serves as presiding officer of the Council in the Mayor's absence.

j. Time Limits on Testimony

The provisions of Section 50.07.003.4.b shall be applicable here with the following time frames substituted for those in LOC 50.07.003.4.b.i:

i. If the appellant is the applicant:

- (1) 15 minutes for the applicant's presentation;
- (2) Ten minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization;
- (3) Five minutes each for other persons; and
- (4) Five minutes for the applicant's rebuttal.

ii. If the appellant is not the applicant:

- (1) 15 minutes for the appellant's presentation. If there is more than one appellant, the appellants shall have a total of 15 minutes, unless the time is expanded by the Mayor pursuant to LOC 50.07.003.4.b.iii;
- (2) 15 minutes for the applicant's presentation, except if the time is expanded by the Mayor pursuant to LOC 50.07.003.4.b.iii;
- (3) Ten minutes for a representative of a recognized neighborhood association, homeowner association, government or government agency, or other incorporated public interest organization;
- (4) Five minutes each for other persons; and
- (5) Five minutes for the applicant's rebuttal.

k. Presenting Testimony

- i.** Any person who testified either orally or in writing before the hearing body may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to argument regarding issues raised before the hearing body, and shall be based solely upon the record of the proceedings before the hearing body. Enlargements, illustrations, Maps or other exhibits may be submitted as long as they are part of the record or are entirely derived from evidence in the record.
- ii.** Written testimony may be submitted prior to or at the public hearing. Written testimony submitted prior to the public hearing must be received by the City Recorder by 5:00 p.m. on the day of the scheduled hearing to be submitted by staff at the public hearing.

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Written testimony submitted at the hearing must be filed with the recording secretary and placed before the City Council. Written comments that are merely referred to in testimony but which are not placed before the hearings body pursuant to this section shall not become part of the record of the proceedings. Written comments that attempt to present new evidence or raise new issues not presented or raised before the hearing body shall be rejected.

I. Objections

The purpose of the hearing procedures is to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide a full and impartial hearing on the application or appeal before the hearing body. Any question concerning the proper conduct of a hearing held pursuant to this code may be raised by any person during the proceeding by making an objection. The Mayor shall rule on any objection, subject to the right of the Council to overturn the Mayor's ruling by majority vote.

m. Continuances

i. The Council may elect to continue a hearing one or more times on its own motion or at the reasonable request of a party. No continuance shall be granted at the request of the applicant unless the applicant waives the 120 Day Rule in writing or on the record. If the hearing has not been completed pursuant to LOC 50.07.003.7.i, the continued hearing shall resume at the point in the proceedings at which the hearing was continued. If the hearing has been concluded and the Council desires a continuance to reopen the hearing for additional testimony, the continued hearing shall be conducted as provided in subsection (ii), below. In the later case, the Council may limit testimony to a particular issue or issues. If the appeal hearing has been concluded and the Mayor has returned the matter to the table for deliberations, the Council may continue deliberations to a date, time and place certain.

ii. If an appeal hearing is continued to reopen the record for additional testimony, it shall be conducted as follows:

- (1) The Mayor shall open the continued hearing.
- (2) The City Manager shall give a staff report which shall include the reason for the continuance.
- (3) The Mayor shall call for the appellant's testimony.
- (4) The Mayor shall call for testimony from persons in favor of the appeal.
- (5) The Mayor shall call for testimony from persons opposed to the appeal, beginning with the applicant, if the applicant is not the appellant.
- (6) The Mayor shall call for testimony from persons neutral on the appeal.
- (7) The Mayor shall call for rebuttal by the appellant.
- (8) The Mayor shall return the matter to the table for deliberation and decision as described in LOC 50.07.003.4.a.xiii.

iii. Notice

No additional notice of a continued hearing is required if the Council continues a hearing to a date, time and place certain. If a public hearing must be continued due to lack of a quorum of the Council, no additional notice of the continued hearing is required if all entrances to the hearing location are posted by the time and date of the originally scheduled hearing with a conspicuous written notice setting forth a date, time and place

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certain for the continued hearing. In all other cases, public notice of a continued hearing shall be given pursuant to LOC 50.07.003.7.h.

n. Decision of the Council

- i. At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the hearing body's decision in whole or in part, or may remand the decision back to the hearing body for additional evidence or consideration. The preliminary oral decision is not a final decision. At any time prior to the adoption of the final order pursuant to subsection (ii), below, the Council may modify its decision based upon the record or choose to reopen the hearing.
- ii. The Council shall adopt a final written order either immediately after making its preliminary oral decision or at a public meeting within a reasonable time after making the preliminary oral decision. The final written order shall consist of a brief statement that explains the criteria and standards considered relevant, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth. The order shall also contain or incorporate by reference any conditions of approval deemed necessary or appropriate by the Council. A proposed order may be prepared by the City Attorney or may be prepared by the prevailing party subject to review and approval of the City Attorney. The Council shall amend the proposed order if it finds that the proposed order does not accurately articulate the Council's decision. The written order is the final decision on the application and the date of the order for purposes of appeal is the date on which it adopted by the Council.
- iii. Motions for reconsideration of either a preliminary decision or final order filed by a party shall not be allowed. The City Manager may recommend reconsideration prior to adoption of the final order if the City Manager, in consultation with the City Attorney, believes reconsideration is necessary to correct a procedural error that prejudiced a party's substantial rights.

o. Notice of Decision

Notice of the Council's decision shall be sent by regular mail to the appellant, the applicant if different from the appellant, and to all persons who testified either orally or in writing before the Council. The notice of decision shall:

- i. Include the File number, date and brief summary of the final decision;
- ii. Include the name and address of the applicant;
- iii. Include an easily understood geographical reference to the subject property and a map, if applicable;
- iv. State that the decision is available for review, and that a copy can be obtained at cost; and
- v. State that the decision may be appealed by filing a written Notice of Intent to Appeal with the Oregon State Land Use Board of Appeals (LUBA) within 21 days of the date of the final decision. The address and telephone number of the Land Use Board of Appeals shall be included in the notice.

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8. REMANDS

a. Remands from the Council to the Hearing Body

- i. An order of the City Council remanding an application to a hearing body is a final decision for purposes of appeal to LUBA. If not appealed, all issues resolved by the remand order shall be considered decided and may not be revisited on remand, unless addressing the remanded issues results in amendments to the application which change the criteria or the factual basis on which the Council based its decision regarding an issue or issues not remanded.
- ii. The hearing body shall issue public notice and hear the application on remand as provided in LOC 50.07.003.16.b.i and ii and LOC 50.07.003.3.e, except that issues shall be limited as provided in subsection.(i), above.

b. Remands from LUBA to the City Council

When a final decision of the City Council is remanded to the City by the Oregon Land Use Board of Appeals (LUBA), the City Council shall either:

- i. Hold a hearing on remand if the issue upon which LUBA remanded the decision can be resolved by the City Council without reopening the record for additional evidence. Notice of the hearing on remand shall be given pursuant to LOC 50.07.003.7.h, Notice of the Appeal Hearing, to all persons who testified before the City Council at the public hearing or hearings that led to the decision remanded by LUBA. Instead of the explanation contained in LOC 50.07.003.7.h.ii(4), the notice shall set forth issues on remand that will be considered by the Council. The hearing shall be conducted pursuant to LOC 50.07.003.7.j, Conduct of the Appeal Hearing Before City Council, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City, unless the application is amended on remand in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded.
- ii. Remand the application to the hearing body if the issue upon which LUBA remanded the decision requires reopening the record for additional evidence. Notice of the hearing on remand shall be given pursuant to LOC 50.07.003.3.e, Notice for Public Hearing, and the hearing shall be conducted pursuant to LOC 50.07.003.4, Hearings, except that the notice of the applicable criteria and the testimony shall be limited to the criterion or criteria or the issue or issues upon which LUBA remanded the decision to the City, unless the application is modified in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded. A decision of the hearing body on remand may be appealed to the City Council pursuant to LOC 50.07.003.7.d, Filing an Appeal of a Hearing Body Decision.

9. IMPROVEMENTS AND SECURITY

a. Obligation to Construct Public Facilities; Security; Acceptance of Improvements

- i. When an applicant for a development permit has an obligation to construct or improve public facilities imposed as a condition of the permit, the obligation shall be fulfilled prior to the issuance of a permit for building construction on the site unless the City Manager has granted a waiver in writing of this requirement and the applicant has filed with the City Manager an acknowledgment of the obligation. The acknowledgment shall state the nature of the obligation, the time within which the obligation is to be met, identify the property subject to the obligation and contain a security deposit in a form acceptable to

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the City Manager and in an amount equal to 120% of the cost of fulfilling the obligation as estimated by the City Manager for the year in which fulfillment of the obligation is anticipated. A sufficient performance bond, cash deposit, or letter of credit are acceptable forms of security. Return of the security deposit shall be conditioned upon the applicant carrying out the obligation.

- ii. As an additional and separate part of the acknowledgment, the applicant shall agree to maintain the public facility for a period of one year following acceptance by the City Manager, to include but not be limited to repair, replacement and all things necessary to insure the operational integrity of the facility, and shall provide the City with security in the amount of ten percent of the cost of the improvement to insure the fulfillment of this obligation.
- iii. The security shall be forfeited to the City if the applicant does not fulfill the requirements stated in the acknowledgment. The City may use the security to complete the obligation or any part of it. Until the obligation is completed the security shall remain in the custody of the City or shall be placed in an escrow account subject to City control.
- iv. Upon receipt of written notice to the City Manager that the public facility has been completed and is ready for final inspection and acceptance, the City Manager shall within ten calendar days make such inspection. If the City Manager finds the work to be acceptable, there shall promptly be issued a final certificate stating that the work has been completed and is accepted.

10. CERTIFICATE OF OCCUPANCY

In order to assure completion of the work in the manner and at the time approved, the premises shall not be used or occupied for the purposes set forth in the permit until the City has issued a Certificate of Occupancy following completion of the work in substantial conformance to the permit. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the premises or conditioned upon further work being completed by a date certain.

11. MODIFICATION OF DEVELOPMENT PERMITS

a. Modification of Approved Permit

For ministerial or minor development permits, modifications to a development permit are classified as the same type of development as the original permit and shall be reviewed under the applicable review criteria for that classification of development, except that the review criteria shall be limited to that criteria that are affected by the requested modification.

[**Cross-References:** See LOC 50.07.007.4.c - Planned Development zone requirement modifications; LOC 50.07.006.8, Changes to the Overall Development Plan and Schedule; LOC 50.07.005.4, Modification of Conditional Use Permit.]

12. EXEMPT DEVELOPMENT

a. Classification

Exempt Developments include:

- i. Landscaping or landscape alterations, unless:

- (1) Such landscaping or alterations would modify or violate a condition of approval of a prior permit. In such instance, the permit shall be processed as a modification of the prior permit;

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- (2) Located within the Greenway Management Overlay District; or
 - (3) Located within an RP or RC Overlay District, an RC Protection Area and not exempt from the requirements of the RP or RC District pursuant to LOC 50.05.010.2.b.
 - ii. Normal or emergency repair or maintenance of public or private buildings, structures, or utilities.
 - iii. Construction of a structure that does not require a building permit.
 - iv. Interior remodeling which does not change a structure's occupancy classification or change the structure to a use that does not qualify as a permitted use in the zone.
 - v. Exterior remodeling of a structure that does not require a building permit.
 - vi. Street vacations.
 - vii. Temporary structures and uses listed in LOC 50.03.005 or which are for relief of victims of disaster or in an emergency.
 - viii. Where an awning is the only change to the façade of an existing building, and the awning is funded or partially funded utilizing a financial incentive grant, provided by or obtained through the authority of the City of Lake Oswego or LORA. "Financial incentive" includes a grant, fee waiver, revolving loan, tax abatement, property exchange, or similar financial incentive provided by or secured through the City or LORA.
- b. Development Review**
No development permit pursuant to this code is required for exempt development.

13. MINISTERIAL DEVELOPMENT DECISIONS

a. Ministerial Development Classification

i. Requirements of Ministerial Decisions

A ministerial development is a development which requires a permit or review from the City where the decision:

- (1) Is made pursuant to land use standards which do not require interpretation or the exercise of policy or legal judgment;
- (2) Approves or denies a building permit issued under clear and objective land use standards; or
- (3) Determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations.

ii. Ministerial Development Types

- (1) Exterior modification of single family detached dwellings, (including exterior modifications that reduce setbacks pursuant to LOC 50.08.001.2.b) duplexes or zero lot line dwellings or modification of an accessory structure in the R-DD zone.
- (2) Construction or exterior modification of a detached single family dwelling, duplex, zero lot line dwelling or a structure accessory to such structures which:
 - (a) Is not processed through the Residential Infill Design Review process pursuant to LOC 50.08.007;

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- (b) Is not located within a delineated RP resource or RC protection area pursuant to LOC 50.05.010, Sensitive Lands Overlay District;
 - (c) Does not impact an Historic Landmark designated pursuant to LOC 50.06.009;
 - (d) Does not change the nature of the use or occupancy classification to a use that does not qualify as a permitted use in the zone or as an approved conditional use;
 - (e) Does not require special design review by the zone, design district, prior development approval or Overall Development Plan and Schedule (ODPS) for the development in which the subject property is located;
 - (f) Is not located on Weak Foundation Soils as identified in LOC 50.06.006.1.b;
 - (g) Is not located in a "Known Potential Severe Landslide Area" as defined in LOC 50.06.006.2, Hillside Protection; or
 - (h) Is not located in the Greenway Management Overlay District, as identified in LOC 50.05.009.
- (3) Exterior modification of a structure other than a detached single family dwelling, duplex, zero lot line dwelling, or structure accessory to such structures which:
- (a) Does not increase building footprint or height; or
 - (b) Does not modify, either by itself or cumulatively with prior modifications after December 1, 2011, more than 25% of the façade, as the façade existed on December 1, 2011, excluding in both cases a change of color of the façade; or
 - (c) If the property abuts property zoned for residential use, does not modify any portion of the facade visible from the residentially zoned property; or
 - (d) Does not modify any façade, including change of color of façade, for a building that was the subject of a prior development review approval ("change of color" occurs when the new color is not within the shades or tones of the approved color); or
 - (e) Does not result in additional illumination of the façade, including accent lighting, for a building that was the subject of a prior development review approval; and
 - (f) Complies with LOC 50.07.003.13.a.ii.2(a-h), Ministerial Development Decisions.
- (4) Lot line adjustments which do not increase the allowable density on a site.
- (5) Resource enhancement projects in an RP or RC District.
- (6) Passive use recreational facilities within an RC or RP District if such facility would otherwise qualify as a ministerial development.
- (7) Passive use recreational facilities that require a building permit such as pedestrian bridges, observation decks and handicapped facilities.
- (8) Construction or alteration of public transportation or utility facilities consistent with the Comprehensive Plan and land use regulations and is not located in a delineated RP District or RC protection area.
- (9) Mitigation required under LOC 50.05.010 .4.f for exempt development or Sensitive Lands Violation Mitigation.
- (10) Building permits for structures approved pursuant to a prior approved major or minor development.
- (11) Collocated Telecommunications facilities.
- (12) Delineation of an RC resource boundary.

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- (13) Fill in quantities of ten cubic yards or less when located within the Flood Management Area and outside of the floodway boundary.
- (14) When located within the floodplain of Oswego Lake, fill in quantities greater than ten cubic yards, provided the fill is associated with development of a single family dwelling, duplex, zero lot line dwelling, water dependent use, or related accessory structure.
- (15) Change of Use/Parking Effect
- A change of use from one permitted use to another, including from the use assumed in a development review approval, that increases on-site parking or loading requirements under LOC 50.06.002.2 and:
- (a) There are sufficient number of parking spaces available [off-street parking, or if in the Downtown Redevelopment Design District, also on-street parking, pursuant to LOC 50.05.004.9.a.vi], applying the reductions permitted in Table 50.06.002-2, Parking Requirement Modifiers, except for reductions permitted by a parking study; or
- (b) The use of a parking easement to provide some or all of the parking or loading requirements under LOC 50.06.002.2.
- (16) Developments in parks, on Park and Natural Area (PNA) zoned land, when the development is in accordance with a master plan adopted pursuant to LOC 50.07.004.6.c, including parks within the Greenway Management Overlay District.
- (17) Landscaping or landscape alterations that are not “exempt development” per LOC 50.07.003.12.a. (No ministerial permit shall be required; City Manager review and approval shall be sufficient for the ministerial decision.)

[Cross Reference: LOC 50.05.009, Greenway Management Overlay District.]

b. Application

Application for a ministerial decision shall be made pursuant to LOC 50.07.003.1, Application.

c. Public Notice/Opportunity for Public Comment

Ministerial decisions are made without notice or opportunity for appeal.

d. Hearing

No public hearing is required for a ministerial decision.

e. Review and Decision

i. Decision-Making Authority

Ministerial development applications shall be reviewed and approved by the City Manager.

ii. Review Criteria for Ministerial Developments

A ministerial development shall comply with the requirements of the zone, including overlay zones, in which the subject lot or parcel is located, and shall comply with the following sections of the Development Standards:

- (1) Parking, LOC 50.06.002.

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- (2) Drainage Standards for Ministerial and Minor Development, LOC 50.06.006.3.a.
- (3) Hillside Protection, LOC 50.06.006.2.d.iii-v; LOC 50.06.006.2.e; and LOC 50.07.004.3.a.i, and ii.
- (4) On-Site Circulation – Driveways and Fire Access Roads, LOC 50.06.003.2.
- (5) If the ministerial development involves placement of a manufactured home, Manufactured Homes, LOC 50.03.003.1.c.
- (6) Building Design Standard LOC 50.06.001.5.b.viii [mechanical equipment screening].
- (7) If located in the Flood Management Area, LOC 50.05.011.

f. Appeal

Ministerial decisions are made without the opportunity for appeal.

[Cross Reference: LOC 50.05.009, Greenway Management Overlay District.]

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

- i. A Minor Development is a development which requires a permit from the City that requires a more discretionary level of review than a ministerial decision. "Minor Development" is intended to include decisions defined as "limited land use decisions" pursuant to ORS 197.015 (12).
- ii. "Minor Development" includes:
 - (1) In the R-DD zone:
 - (a) Construction of new single family detached dwellings, duplexes, multi-family dwellings, zero lot line dwellings or exterior modification of a structure containing a non-conforming use that requires a building permit.
 - (b) Expansion or reconstruction that result in a change of use (e.g. from single family to duplex) or in an expansion of floor area of an existing structure by more than 50%.
 - (c) Any exterior modification of a single family detached dwelling that reduces setbacks pursuant to LOC 50.08.001.2.b, R-DD Administrative Modification.
 - (2) Construction or exterior modification of a detached single family structure, duplex, zero lot line dwelling or a structure accessory to such structures which:
 - (a) Does not qualify as a ministerial decision pursuant to LOC 50.7.003.13.a.ii.(2)(a)-(h), or
 - (b) Requires one or more variances.
 - (3) Involves a determination by the City Manager that a use not expressly permitted in the zone may be allowed pursuant to the considerations contained in LOC 50.03.002.1.f, Authorization for Similar Uses. In such case, the required notice shall include a description of the proposed use and the reasons for the City Manager's determination.
 - (4) Involves an improvement to an existing school facility that will increase the capacity of the school facility, generate additional traffic, or generate significant additional noise or other negative impact on the surrounding neighborhood.
 - (5) Secondary dwelling units.

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- (6) Construction of a structure other than a detached single family dwelling, duplex, zero lot line dwelling or accessory structure, or an exterior modification of such a structure which does not qualify as a ministerial development pursuant to LOC 50.07.003.13.a.ii(3).
- (7) Lot line adjustments which would increase allowable density on the site.
- (8) Partitions.
- (9) Subdivisions (with or without a Planned Development overlay).
- (10) Review of development phases subject to an ODPS.
- (11) Change of Use or Access/Parking Study
 - A change of use from one permitted use to another, including from the use assumed in a development review approval that:
 - (a) Changes access requirements pursuant to LOC 50.06.003.1, Access/Access Lanes (Flag Lots), or that will result in the construction of private streets, driveways; or
 - (b) Involves the use of a parking study pursuant to LOC 50.06.002.
- (12) Determining an RC District protection area pursuant to LOC 50.05.010.5.b.
- (13) Construction of a structure described in LOC 50.06.003.4.a.ii, Local Street Connectivity.
- (14) Fill in the floodway or fill in quantities greater than ten cubic yards when located elsewhere in the Flood Management Area, excluding fill for single family detached dwellings, duplexes, zero lot line dwellings, water dependent uses, or related accessory structures when the fill is located within the floodplain of Oswego Lake, as provided by LOC 50.05.011, Flood Management Area.
- (15) Outright permitted residential dwellings, other than in the R-DD zone, when processed through the Residential Infill Development process (LOC 50.08.007).
- (16) Minor Variances, Hardship Variances, and Reasonable Accommodation Variances.
- (17) Construction of any public or private road, or major transportation or utility facility within a delineated RP District or RC protection area.
- (18) Permitted uses in the PNA zone that are not listed as exempt in LOC 50.07.003.12 or classified as a ministerial use.
- (19) Minor changes to Minor or Major Development Review Permits, pursuant to LOC 50.07.003.11.
- (20) Delineation of an RP District.
- (21) Modification of dimensional standards and setbacks pursuant to LOC 50.05.010.4.b (Sensitive Lands), Modifications to Dimensional Standards and Setbacks of the Underlying Zone, and LOC 50.05.010.6.b.iii, Reduction of RP District.
- (22) Development within the Greenway Management Overlay District that is not classified as ministerial development.
- (23) Expansion of an existing parking lot.

[Cross Reference: LOC 50.05.009, Greenway Management Overlay District.]

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b. Application

Application for a minor development decision shall be made pursuant to LOC 50.07.003.1, Application.

c. Public Notice/Opportunity for Public Comment

i. Notice shall be provided pursuant to LOC 50.07.003.3, Public Notice/Opportunity for Public Comment.

d. Review and Decision

i. Review by City Manager

Except for applications for a minor development in the R-DD zone, Major Adjustments in the Lake Grove Village Center Overlay, and appeals of a decision of the City Manager regarding a minor development application, minor development permit applications shall be reviewed and decided by the City Manager. In the alternative, the City Manager may refer a minor development application directly to a hearing body for public hearing and decision pursuant to LOC 50.07.003.4, Hearings.

Minor Development in the R-DD zone and Major Adjustments in the Lake Grove Village Center Overlay shall be reviewed by the Development Review Commission pursuant to LOC 50.07.003.4, Hearings.

ii. Review Criteria for Minor Developments

A minor development shall comply with:

- (1) The requirements of the zone in which it is located;
- (2) The Development Standards applicable to minor developments;
- (3) Any additional statutory, regulatory or Lake Oswego Code provisions which may be applicable to the specific minor development application, as provided for in this Community Development Code (LOC Chapter 50), Streets and Sidewalk Chapter (LOC Chapter 42), and the Tree Cutting Chapter (LOC Chapter 55); and
- (4) Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

[Cross Reference: If applicable, see LOC 50.05.009 - Greenway Management Overlay District.]

iii. Final Decision

(1) City Manager Approve, Condition, or Deny Application

The City Manager shall make a final decision on a minor development application following expiration of the 14 day comment period. The City Manager shall approve, approve with conditions pursuant to LOC 50.07.003.5, or deny the application based upon the applicable criteria and the evidence submitted by the applicant and other interested persons during the comment period. Approval or denial of an application shall be accompanied by written findings that explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering the decision and explain the justification for the decision based on the

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criteria, standards and facts set forth. The date of the decision for purposes of appeal is the date on which the City Manager signs the written findings.

(2) Final RID Application

For development processed through the Residential Infill Design Review Process (LOC 50.08.007), the City Manager's preliminary decision will become final if no written comments are received within the 14 day comment period, and no opportunity for appeal shall exist. In such cases, no additional notice of a final decision will be required. If written comments are received within the 14 day comment period, the City Manager shall then make a Final Decision and provide notice in accordance with subsections (1), above, and (3), below.

(3) Notice of Final Decision

The City Manager shall send notice of a final decision on a minor development application to the applicant, all persons and neighborhood associations entitled to notice of the application pursuant to LOC 50.07.003.3, Public Notice/Opportunity for Public Comment and any other persons who submitted comments during the comment period. The notice of decision shall:

- (a) Include the file number, date of the decision, and the name and address of the applicant;
- (b) Include an easily understood geographical description of the property and a map, if applicable;
- (c) Briefly summarize the decision making process and the decision made;
- (d) State that a copy of the decision is available for review, and that a copy can be obtained at cost; and
- (e) State that the decision may be appealed by filing a written request for a hearing before the appropriate hearing body with the City Recorder within 15 calendar days of the date of the final decision. In addition, the notice shall contain the requirements for requesting a hearing pursuant to LOC 50.07.003.7.b. The name, address and phone number of the City Recorder shall be included in the notice.

e. Appeal

Minor development determinations are subject to appeal as provided by LOC 50.07.003.7.b, Appeal of a Minor Development Decision, except for Residential Infill Design Review applications that are not appealable.

15. MAJOR DEVELOPMENT DECISIONS

a. Major Development Classification

- i. A Major Development is a development which requires a permit from the City involving the greatest level of review.
- ii. "Major Development" includes:
 - (1) Conditional uses,
 - (2) Any development defined as major development pursuant to this section which is proposed to be phased pursuant to adoption of an Overall Development Plan and Schedule (ODPS), and

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(3) Any development which requires a quasi-judicial Comprehensive Plan and/or Zoning map amendment.

iii. A Major Development is subject to public notice, hearing and opportunity for appeal as described in this section.

[**Editor's Note:** Rezone of a parcel is not a "development" and hence is not a major development, but is to be *processed* as a major development. Also see LOC 50.05.009 - Greenway Management Overlay District.]

b. Application

Application for a major development decision shall be made pursuant to LOC 50.07.003.1, Application. The following additional requirements shall be applicable to applications for major development:

i. Applicant's Evidence

All documents or evidence relied on by the applicant for a development shall be submitted to the City and be available for inspection by the public at no cost.

ii. Staff Report

The City Manager shall prepare a staff report on the application. The staff report shall contain an analysis of the applicable criteria and the evidence in the record. Based upon this review, the City Manager shall recommend approval, approval with conditions, denial, or continuance of the application. The staff report shall be completed and shall be available for public inspection at no cost at least ten days prior to the date of the public hearing.

c. Public Notice/Opportunity for Public Comment

Notice shall be provided pursuant to LOC 50.07.003.3, Public Notice/Opportunity for Public Comment.

d. Review and Decision

i. Decision-Making Authority

Major developments are reviewed by a hearing body.

ii. Review Criteria for Major Developments

A major development shall comply with:

- (1) Any applicable regulatory policies of the Lake Oswego Comprehensive Plan;
- (2) The requirements of the zone in which it is located;
- (3) The Development Standards applicable to major developments;
- (4) Any additional statutory or Lake Oswego Code provisions which may be applicable to the specific Major development application, such as the variance provisions, the Streets and Sidewalks Ordinance (LOC Chapter 42), and the Tree Cutting Ordinance (LOC Chapter 55); and
- (5) Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

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e. Appeal

Major development determinations are subject to appeal as provided by LOC 50.07.003.7.c, Filing an Appeal of a Hearing Body Decision.

16. LEGISLATIVE DECISIONS

a. Legislative Decisions Defined

- i. A "Legislative Decision" is an amendment to the policies, procedures, standards, criteria or Map designations of the Comprehensive Plan, and this Community Development Code, unless such amendment applies to a small number of identified properties only or is required to effect a particular development permit application.
- ii. An amendment to the policies, procedures, standards, criteria or Map designations of the Comprehensive Plan, or this Community Development Code which is not a "legislative decision" as defined in subsection (i), above, shall be considered "quasi-judicial" and shall be processed as a major development.

b. Criteria for a Legislative Decision

A legislative decision is generally a policy decision which is up to the discretion of the City Council, but shall:

- i. Comply with any applicable state law;
- ii. Comply with any applicable Statewide Planning Goal or Administrative Rule adopted pursuant to ORS Chapter 197; and
- iii. In the case of a legislative amendment to this Community Development Code, comply with any applicable provision of the Lake Oswego Comprehensive Plan.

c. Required Notice to DLCD

- i. Except as provided by subsections (ii) and (iii), below, any proposed amendment or addition to the City's acknowledged Comprehensive Plan or land use regulations shall be forwarded to the Director of the Oregon Department of Land Conservation and Development (DLCD) at least 45 days before the first evidentiary hearing on adoption. The City shall include the text of the proposed amendment and any supplemental information that the City believes is necessary to inform the Director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.
- ii. Advance notice to the Director of DLCD is not required when the City determines that the Statewide Planning Goals do not apply to the proposed amendment or new regulation.
- iii. The City may submit the proposed amendment or new regulation with less than 45 days' notice where the City determines an emergency exists requiring expedited review.
- iv. Not later than five working days following a final decision pursuant to subsections (i)-(iii), above, the City shall mail a copy of the adopted text and the findings to the Director of DLCD. If the text of the amendment as adopted differs substantially from that sent to the Director of DLCD pursuant to subsection (i), above, the City Manager shall note the changes that have been made in the notice to the Director of DLCD. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail.
- v. On the same day that the text and findings are mailed or delivered, pursuant to subsections (i)-(iii), above, the City shall also mail notice of the decision to all persons who

SECTION 50.07.003. REVIEW PROCEDURES
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participated in the hearings leading up to the decision who have filed a written request for notice of the final decision with the City Recorder. The notice shall:

- (1) Briefly describe the decision;
- (2) State the date of the decision;
- (3) If delivered by mail, include a certificate of mailing containing a statement signed by the person mailing it indicating the date the notice was deposited in the mail;
- (4) State the date, time and place where the decision, including the text and the findings, may be reviewed; and
- (5) Explain the requirements for appeal of the decision pursuant to ORS 197.830 to 197.845.

[**Cross-reference:** See also ORS 227.186 (individual property owner mailed notice at least 20 days prior to first evidentiary hearing) if legislative change “changes the base zone” or “limits or prohibits land uses previously allowed in the affected zone.”]

d. Planning Commission Recommendation Required

- i. Except in cases where a legislative amendment is mandated by state statute, a legislative decision shall be referred to the Planning Commission for review and recommendation. In cases where a legislative amendment is mandated by state statute, referral to the Planning Commission for review and recommendation is not required. If an amendment is not referred to the Planning Commission for review and recommendation, a copy of the proposed amendment shall be sent to the Planning Commission, along with notice of the City Council's hearing on the proposed amendment. In cases where part of a proposed amendment is mandated by state statute but part is not, the legislative decision shall be referred to the Planning Commission for review and recommendation pursuant to this section.
- ii. The Planning Commission shall hold at least one public hearing on the proposed legislative decision.
- iii. **Notice**
Notice of a Planning Commission hearing on a legislative decision shall be published pursuant to LOC 50.07.003.3.c, Published Notice.
- iv. **Conduct of the Hearing**
The Chair of the Planning Commission shall follow the following procedures when conducting a legislative decision hearing:
 - (1) The Chair shall briefly explain the nature of the legislative decision.
 - (2) The Chair shall call for the staff report. The staff shall explain the applicable criteria, if any, and the reasons for the proposed legislative amendment.
 - (3) The Chair shall open the public hearing and take testimony or evidence presented. Any person may appear and be heard.
 - (4) The Chair shall close the public hearing and return the matter to the table for deliberation and decision. The hearing body may ask questions of staff or any member of the public during deliberations.

SECTION 50.07.003. REVIEW PROCEDURES
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v. Time Limits on Testimony

The following time limits on testimony shall be observed, subject to the right of the Chair, with Planning Commission consent, to modify or waive the time limits: five minutes each for individuals and ten minutes each for recognized neighborhood organizations, homeowner associations, government or governmental agency or other incorporated public interest organizations. The time limits shall not include time taken up by questions and response from the Planning Commission. Any person in attendance may cede his or her time for testimony to another person, but in no case shall any person's testimony be increased to greater than ten minutes.

vi. Recommendation of Planning Commission

(1) The Planning Commission shall make a preliminary decision recommending enactment, enactment with modifications, or rejection of the proposed amendment. Within a reasonable time after making its preliminary decision, the Planning Commission shall adopt an order setting forth its recommendation and explaining the reasons for its decision.

(2) A final recommendation of the Planning Commission shall be forwarded to the Council for review.

e. City Council Review and Decision

The City Council shall hold at least one public hearing on the proposed legislative decision.

i. Notice

Notice of a City Council hearing on a legislative decision shall be published pursuant to LOC 50.07.003.3.c, Published Notice.

ii. Conduct of the Hearing

The Mayor shall follow the same procedures identified for the Planning Commission hearing in LOC 50.07.003.4.a, Conduct of the Hearing, when conducting a legislative decision hearing.

iii. Time Limits on Testimony

The following time limits on testimony identified for the Planning Commission in LOC 50.07.003.4.b shall be observed in the City Council hearing.

iv. Decision

(1) The Council may approve, reject or modify the proposed amendment in whole or in part. Within a reasonable time after making its preliminary decision, the Council shall adopt findings setting forth its decision and explaining the reasons for such decision. The legislative decision shall be enacted by ordinance. The ordinance adoption procedures of the Lake Oswego Charter shall be followed.

(2) The legislative decision shall become final for purposes of appeal on the date of enactment of the ordinance pursuant to the Lake Oswego Charter.

f. Effective Date of Legislative Decision

i. A legislative decision becomes effective on the 30th day from the date of enactment of the ordinance, or immediately if adopted by emergency, pursuant to the Lake Oswego Charter, unless a stay of application is granted by LUBA pursuant to ORS 197.845.

ii. A decision on an application subject to a legislative amendment that is effective pursuant to LOC 50.07.004.f.i of this section, but which has not been acknowledged pursuant to ORS 197.610 to 197.650, shall include findings of compliance with those statewide land

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 17: EXPIRATION OF DEVELOPMENT PERMIT

use planning goals applicable to the legislative amendment. The issuance of a permit under an effective but unacknowledged comprehensive plan or land use regulation shall not be relied on to justify retention of improvements so permitted if the comprehensive plan or land use regulation does not gain acknowledgment.

17. EXPIRATION OF DEVELOPMENT PERMIT

- a. Except as otherwise provided in LOC 50.07.007.4.f, 50.07.005.5, or 50.07.007.3, or other provision of this Code, or as may be specifically stated as a condition of approval of a development permit, any permit issued under this Code shall expire three years following the final decision and effective date of any order constituting or approving the development permit unless:
 - i. If development involves construction of a structure, at least 15% of the structural construction has occurred within three years of the date of final decision; and
 - ii. Development authorized by the permit is commenced and work has reasonably continued to completion of the development.
- b. Upon expiration, no further work on the development or use authorized by the development permit may be undertaken without obtaining a new development permit.
- c. The City Manager shall, in writing grant, a one-year extension to a development permit where the request for the extension is made by written application prior to the expiration of the three-year period.
- d. If the City Manager believes that work on the development has ceased prior to completion, or has otherwise been abandoned, the City Manager may, at any time, require the applicant to demonstrate that the applicant is proceeding with efforts to commence or to continue the development.

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This section contains submission and review criteria for the procedures listed below. Where review criteria are important for an understanding of the substantive requirements of a section or limited in size they have been maintained with the substantive provisions.

1. DRAINAGE STANDARDS

a. Submissions for All Development

For all applicable development or construction, the applicant shall submit information regarding existing drainage systems, storm water runoff under existing and proposed development site conditions, and the effect of site runoff on adjoining properties. Such information includes:

i. General Information

Information concerning clearing, grading, vegetation preservation, and drainage improvements.

ii. Hydraulic Characteristics

When a watercourse is present on the site, information regarding its hydraulic characteristics shall be submitted.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 2: FENCES

b. Additional Submission Requirements for Major Developments

An analysis of both upstream and downstream impacts that would result from the development. This shall include:

- i. Ten Year Storm: The amount (volume) and rate (in cubic ft. per second) of storm water generated from the project site during a ten year frequency storm for the undeveloped condition of the site.
- ii. 50 Year Storm: The amount and rate of storm water generated from the project site during a 50 year frequency storm for the proposed development on the site.
- iii. Drainage System Impacts. The effects of increased development runoff on existing drainage systems including potential downstream erosion and/or sedimentation, capacities of existing downstream storm conduits and potential flooding areas downstream and upstream.

c. Storm Water Detention Feasibility

When, as determined by the City Manager, on-site detention is not feasible, practical or required by the City, the applicant shall:

- i. Submit a plan to mitigate any adverse effects (such as erosion and flooding of culverts) resulting from increased runoff and,
- ii. Construct these mitigating measures.

d. Drainage Management Measures

All drainage management measures shall be prepared by a registered engineer to meet City standards and specification. These plans must be approved by the City Engineer.

[Cross-Reference: See City Engineer's Surface Water Management Design Manual.]

2. FENCES

a. Complaint Procedures

- i. If a complaint is received by the City that the structural side of a fence or retaining wall faces the public, the City shall require the property owner to provide evidence to City staff of the written consent of all abutting property owners to construct the fence or retaining wall in such a manner and shall provide design plans showing both sides of the fence or retaining wall in elevation and plan. Based upon the evidence provided, staff shall determine compliance with this Section. If the property owner is unable to provide such evidence, the City shall notify the property owner(s) in writing regarding corrective action requirements. Within 30 days of the date of mailing of the notice, the property owner(s) shall provide a corrective action plan subject to the approval of the City.
- ii. Corrective action shall require the structural side of the fence or retaining wall to face the owner's property or the written consent of all abutting property owners as described in subsection (i), above.

3. HILLSIDE PROTECTION

a. Submission Requirements

For all applicable development or construction, the applicant shall submit the following:

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 3: HILLSIDE PROTECTION

i. Survey Required

(1) Development Types:

- (a) All development proposed on land with existing undisturbed slopes greater than 20%;
- (b) All major development permit applications;
- (c) A survey may be required for a minor development permit if the City Manager determines that the information is needed to know whether the standard is being met.

(2) Contents

The survey shall be used to provide accurate topographic information for site and building designs which will minimize disturbance or removal of soils during construction and shall show:

- (a) Specific contours,
- (b) Location and types of trees,
- (c) Soils,
- (d) Rock outcroppings or surface rock, and
- (e) Drainage ways.

ii. Grading Plan Required

For all development proposed on land with undisturbed slopes greater than 20%, a specific grading plan shall be provided and approved which shows all proposed changes in natural terrain, including the following:

- (1) Site contours at one ft. intervals.
- (2) Location of existing structures and buildings, including those within 100 ft. of the development site on adjacent property.
- (3) Limiting dimensions or finish contours of proposed grading, including all cut and fill slopes, proposed drainage and related structures or construction.
- (4) Description of all methods to be employed in disposing of soils or other materials to be removed, including location of disposal site.
- (5) All proposed cuts, fills or retaining walls shall be shown on development applications.

iii. Removal of Vegetation

All development applications shall show areas where grubbing, clearing or removal of vegetation is to occur, and shall describe provisions to protect soils during construction in accordance with LOC Chapter 52, Erosion Control Standard.

iv. Potential Severe Erosion of Landslide Hazard Areas

Where development is to occur on a Potential Severe Erosion or Landslide Hazard area, a report evaluating soil conditions and potential hazards shall be submitted to the City Manager.

The report shall be prepared by a registered soils engineer or engineering geologist and shall contain the following:

- (1) Evidence that a field investigation was made to determine the actual hazard.
- (2) Statements regarding the exact nature and extent of the hazard.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 4: HISTORIC PRESERVATION

- (3) Recommendations on site preparation and construction methods to minimize the effects of the hazard.
- (4) If erosion hazard exists, a specific erosion control plan to be approved by the City Manager, in accordance with LOC Chapter 52, Erosion Control.
- (5) A description of any hazard area which should not be disturbed by construction.
- (6) If landslide hazard exists, a statement as to whether or not a proposed development constructed in accordance with the recommended methods is reasonably likely to be safe and to prevent landslide or damage to other property.

4. HISTORIC PRESERVATION

a. Process to Initiate Review

- i. The City Council, Historic Resources Advisory Board (Board), property owner or their authorized representative may initiate the following processes:

- (1) Designating a landmark
- (2) Removing a landmark designation
- (3) Designating a Contributing Resource
- (4) Removing Contributing Resource designation

- ii. **Create or Modify Historic District**

The process to create or modify the boundaries of a Historic District may be initiated by the City Council, the Board, City staff, or by the owners, or their authorized representatives, of at least one-third of the privately owned property in the area sought to be designated. In the case of a boundary modification, the owners of property within the area encompassed by the existing district and the total proposed district boundary shall be counted. If there is multiple ownership in a parcel of land, each consenting owner shall be counted as a fraction equal to the interest the owner holds in the land relative to other owners. At the time of application, the City Manager shall make available information regarding the benefits and restrictions of a designation to all the property owners within the proposed Historic District boundaries.

- iii. **Demolish or Move a Landmark and Contributing Resource**

The process for demolishing or moving a landmark or contributing resource may be initiated only by the property owner or their authorized representative.(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2160, Amended, 11/18/97) (Ord. 2316, Amended, 03/05/2002)

- iv. **Application Requirements**

The following information is required in an application pursuant this section to initiate a review process:

- (1) The applicant's name and address.
- (2) The owner's name(s) and address(es), if different from the applicant and a statement of authorization to act on behalf of the owner;
- (3) An explanation of what review process the applicant wishes to initiate and why,
- (4) A written description of the boundaries of the proposed Historic District, if applicable, or the location of the site;

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 4: HISTORIC PRESERVATION

- (5) A map illustrating the boundaries of the proposed district, if applicable, or the location of the site;
- (6) A statement explaining compliance with the applicable approval criteria;
- (7) Any other information deemed necessary by the City Manager.

(Ord. No. 2000, Sec. 1; 3-14-90.)

b. Process for Moving or Demolition of a Landmark

- i. If an application to demolish a landmark is based upon compliance with LOC 50.06.009.6.b.i(1), demolition due to severe hazard, the request shall be directly forwarded to the Board for a public hearing and decision. If the application to demolish is based upon compliance with LOC 50.06.009.6.b.i(2) or (3) or if the application requests to move a landmark, at least 120 days prior to submittal of the application, the applicant shall prepare and submit a plan for preservation of the landmark. One or more pre-application conferences shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements and the applicable criteria. The preservation plan may be submitted to the City after seven days following the pre-application conference.

ii. Preservation Plan

The preservation plan shall include a narrative describing how the applicant will accomplish all of the following:

- (1) The applicant or the applicant's agent shall advertise the resource in local, regional and historic preservation newspapers of general circulation in the area once per week during the preapplication period and shall provide evidence of such advertising.
- (2) Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read; HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. The sign shall also state the City department and telephone number to call for further information. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten ft. of each abutting public right-of-way on which the resource is located. The applicant is responsible for assuring that the sign is posted for the entire pre-application period.
- (3) Prepare and make available information related to the history and sale of the property to all who inquire.
- (4) Provide information regarding the proposed use for the landmark site.
- (5) Keep a record of the parties who have expressed an interest in purchasing and/or relocating the structure. To ensure that an adequate effort has been made to secure a relocation site within the district, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.

iii. Media Release

Following receipt of the preservation plan, the City Manager shall issue a media release to local and state newspapers of general circulation in the City. The media release shall include, but not be limited to, a description of the significance of the landmark, the reasons for the proposed demolition or removal, and possible options for preserving the landmark.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 4: HISTORIC PRESERVATION

iv. Postponement of Decision on Demolition of Landmark

The Board may postpone up to 60 days making a final decision to approve, or approve with conditions, a request to demolish a landmark if it meets the criteria in LOC 50.06.009.6.b.i(2), ESEE analysis, or (3) hardship. The postponement period may be invoked if the Board finds that:

- (1) There is a program or project underway that could result in preservation of the landmark; or
- (2) There is substantial evidence that a program or project will soon be underway and will successfully preserve the landmark.

v. Issuance of Moving or Demolition Permit

A moving or demolition permit for a landmark found to comply with LOC 50.06.009.6.a.i or LOC 50.06.009.6.b.i(2) or (3) shall not be issued until all development permit applications for the new use or development have been approved by the City.

- vi. This section shall not be construed to make it unlawful for any person, without prior approval of the Board, to comply with an order by the City Manager or other competent authority to remove or demolish any landmark determined to be dangerous to life, health, or property.

(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2160, Amended, 11/18/97)

c. Process for Moving or Demolition of a Contributing Resource

- i. If the application is based upon compliance with LOC 50.06.009.6.e.ii, the following actions must be commenced at least 90 days before an application can be approved:

- (1) Contact the City Manager.
- (2) Continuously post a "For Sale" sign on the contributing resource site which shall read: Contributing Historic Resource to be moved or demolished - For Sale, with property owner and City contact information also included. The sign will be provided by the City and shall be posted in a prominent and conspicuous place within ten ft. of each abutting right-of-way.
- (3) The applicant or the applicant's agent shall advertise the resource in local and state newspapers of general circulation in the area once per week for 90 days and shall provide evidence of such advertising.
- (4) To ensure that an adequate effort has been made to secure a relocation site within the district, the applicant shall provide a list of property locations and owners who were contacted regarding purchase of a relocation site.

(Ord. No. 2000, Sec. 1; 3-14-90.)

d. Casualty Destruction of a Historic Resource

A historic resource damaged or destroyed by unintentional means to the extent that the cost of rebuilding damaged portions would exceed 50% of the replacement value of the entire historic resource, may be removed from the Landmark Designation List by requesting such action of the City Manager and providing such proof as is necessary to establish that the requirements of this section are met.

(Ord. No. 2000, Sec. 1; 3-14-90.)

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 4: HISTORIC PRESERVATION

e. Review Procedures and Historic Resources Advisory Board Recommendation

The Development Review Commission shall apply the criteria of this chapter for major development which occurs on or to a landmark or within a Historic District during its normal consideration of such development. The Historic Resources Advisory Board may make recommendations regarding these matters to the Development Review Commission.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 5: LOCAL STREET CONNECTIVITY

5. LOCAL STREET CONNECTIVITY

a. Submission Requirements

For all applicable development or construction, the applicant shall submit:

- i. Proof of notification of a circulation analysis pursuant to this subsection and subsection (2), below, to all property owners within 530 ft. of the boundaries of the parcel on which a development or construction is proposed, if any future streets or accessways are proposed beyond the boundaries of the subject parcel. Notification shall be in a form substantially similar to the example provided by the City. Notification shall be sent to the applicant and the owners of record on the most recent property tax assessment roll as stated above, in the manner required in LOC 50.07.003.3.e, Notice for Public Hearing.
- ii. A circulation analysis, which includes a scaled site plan showing at a minimum:
 - (1) The subject site and the entirety of all properties within 530 ft. of the parcel on which the development or construction is proposed;
 - (2) A scaled site plan showing existing and proposed topography with contour intervals not more than five ft.;
 - (3) Drainage features, flood plains, and existing natural resource areas and significant vegetation;
 - (4) The name, location, right-of-way, pattern and grades of all existing and approved streets bikeways and pedestrian ways;
 - (5) Proposed streets and bike or pedestrian facilities identified in the Transportation Improvement Program in the Comprehensive Plan or applicable Neighborhood Plans;
 - (6) All permanent structures;
 - (7) Property lines;
 - (8) Bus lines or activity centers, such as schools, shopping or parks, within one-quarter mile (1,320 ft.) of the site; and
 - (9) All streets and residential accessways proposed by the applicant, containing sufficient dimensions, spot elevations, existing structures and land features on the subject site and abutting parcels, to demonstrate compliance with this standard.

The circulation analysis shall graphically and textually illustrate how the proposed development or construction complies with this standard. The applicant must illustrate how proposed streets and residential accessways will provide connections to surrounding properties within 530 ft. of the subject site or to the nearest through street pairs, whichever is closer, in compliance with this standard.

6. PARKS AND NATURAL AREAS MASTER PLAN

a. Master Plan Elements

At a minimum, a Master Plan shall include the plan elements and public involvement processes as follows:

i. Plan Elements

- (1) Plan vision or goals;
- (2) Design program, including statement of character, proposed uses, and size of facilities;

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 6: PARKS AND NATURAL AREAS MASTER PLAN

- (3) A site plan, including general circulation patterns and approximate access points, methods of public services, and general placement of structures and type of uses;
- (4) A site inventory and environmental analysis;
- (5) Identification of opportunities and constraints;
- (6) A site master plan, including provisions for protecting natural resources, where applicable; and
- (7) Construction estimating and phasing plan.

ii. Public Involvement Elements

- (1) Development of the Master Plan through a committee approved by the City of Lake Oswego.
- (2) Public meetings to address the following items:
 - (a) Project introduction;
 - (b) Discussion of site analysis, opportunities, and constraints; and
 - (c) Discussion of design alternatives and selection of a preferred alternative.
- (3) A study session has been held where members of affected Boards and Commissions have been invited to review the proposal.

(Ord. 2462, Added, 12/19/2006)

b. Master Plan Procedure

The review of a master plan shall be subject to the following procedure below:

- i. The public hearing notice shall follow the same requirements in LOC 50.07.003.3.e, Notice for Public Hearing.
- ii. The Planning Commission shall hold a public hearing to review the master plan application and the Commission shall forward a recommendation to the City Council whether or not a proposed master plan satisfies the criteria below.
- iii. The City Council shall hold a public hearing to consider the hearing body's recommendations and make the final decision based on the criteria below.

(Ord. 2462, Added, 12/19/2006)

c. Master Plan Criteria

A master plan presented to the City Council shall be approved if it complies with the following criteria:

- i. The master plan satisfies applicable regulatory policies of the City Comprehensive Plan;
- ii. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
- iii. The improvements and uses proposed for the site are capable of being served by the existing or planned transportation systems, public facilities and services;
- iv. The proposed uses will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties as allowed by the respective underlying zone;

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 7: PARK AND OPEN SPACE CONTRIBUTION

- v. A master plan shall include an analysis of the projected average daily vehicle trips to be generated by the proposed uses to be authorized under the master plan and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the uses; and,
- vi. The allowed development will be compatible or can be made compatible with the surrounding neighborhood to the extent practicable.
(Ord. 2462, Added, 12/19/2006)

d. Master Plan Conditions of Approval

In reviewing the master plan, conditions may be imposed that are suitable and necessary to assure compliance with the criteria in this section. These conditions may include, but are not limited to:

- i. Limiting the manner in which the uses are conducted, by restricting the time an activity may take place and by minimizing such environmental effects as noise, vibration, air pollution, glare and odor;
- ii. Establishing a special yard, setback, lot area or other lot dimensions;
- iii. Limiting the height, size or location of a building or other structure;
- iv. Designating the size, number, location and design of vehicle access points;
- v. Increasing roadway widths, requiring street dedication, and/or requiring street;
- vi. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- vii. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- viii. Limiting the location and intensity of outdoor lighting, including and shielding necessary;
- ix. Requiring berming, screening or landscaping and designating standards for its installation and maintenance;
- x. Designating the size, height, location and materials for fences;
- xi. Protecting and preserving existing trees, soils, vegetation, water resources, wildlife habitat or other significant natural resources; and
- xii. On and off-site public improvements including, but not limited to storm water and transportation.
(Ord. 2462, Added, 12/19/2006)

e. Master Plan Modification

- i. Unless otherwise established through the master plan, modification of an approved master plan shall comply with LOC 50.07.004.6.a and c as applicable to the modification.
- ii. Minor modifications of the master plan may be approved by the City Manager. The criteria set forth in LOC 50.07.003.11 shall be used by the City Manager in determining whether the modification is minor.
- iii. Modifications of the master plan that are not minor modifications shall be processed in the same manner as a master plan (LOC 50.07.004.6.b).
(Ord. 2462, Added, 12/19/2006)

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS
SUBSECTION 7: PARK AND OPEN SPACE CONTRIBUTION

7. PARK AND OPEN SPACE CONTRIBUTION

a. Application

Development applications shall include a scaled plan which identifies the site's proposed open space.

b. Identification on Plat or Development Plan

Open space land shall be clearly and accurately depicted on the final plat map or development plan and documented in the development permit record. If not dedicated by plat and the land is to be in public control, the conveyance shall be by document acceptable in form to the City Attorney.

c. Priority Open Space Areas

Lands shall be selected by the City for reservation as open space areas in accordance with the following priorities:

- i. Delineated RP resources;
- ii. RC District Protection Areas;
- iii. Proposed Public Open Space including intra-city bike/pedestrian pathways;
- iv. Woodlands, tree groves;
- v. Specimen trees;
- vi. Natural meadows;
- vii. Topographic variations, such as rock outcrops, cliffs, extreme slopes, riverbanks;
- viii. Conveniently located areas where recreation opportunities can be created. Examples include trails, nature study sites, picnic areas, or view points;
- ix. Scenic views and vistas; or
- x. Others.

d. Review and Decision

- i. The decision on whether land is acceptable by the public for control and maintenance for open space purposes is to be made by the City Manager at the City Manager's discretion. Formal acceptance of open space lands shall be by City Council resolution. Lands may be approved by the City to be counted toward meeting the open space requirement that are not acceptable to the City for public control and maintenance.
- ii. Final approval of open space boundaries shall be made by the hearing body at the time of the public hearing on the development proposal.

e. Granting of Partial Rights to Open Space Lands

Up to 100% of the open space requirements may be met by the granting of partial rights or reservations, such as:

- i. Scenic or view easements or cross easements, or
- ii. Imposition of deed restrictions such as tree cutting restrictions in yards or special setback requirements.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 8: SENSITIVE LANDS OVERLAY DISTRICTS

8. SENSITIVE LANDS OVERLAY DISTRICTS

a. Criteria for Designating Property within an Overlay District

i. Goal 5 Analysis Required

In order to include an individual property, a portion of a property, or a group of properties within an RP or RC Overlay District, the reviewing body shall find that the resource on the site or sites has been ranked and evaluated through an Economic, Social, Environmental, and Energy (ESEE) Process Analysis in compliance with Statewide Land Use Planning Goal 5 and merits a Resource Protection (RP) and/or Resource Conservation (RC) designation.

ii. Procedure

An RP or RC designation may be imposed, modified or removed pursuant to either a City or area-wide Goal 5 analysis or a Goal 5 analysis of a single property or small number of individual properties. A group of properties shall be processed as a legislative Comprehensive Plan Map and Zoning Map amendment pursuant to LOC 50.07.003.16.a.i, and a single property shall be processed as a quasi-judicial Comprehensive Plan Map and Zoning Map amendment pursuant to LOC 50.07.003.16.a.ii.

iii. Addition of Resources

(1) Submission of Application

Within 90 days of receiving evidence that a previously unmapped resource is likely to meet the criteria for resource designation, the City Manager shall submit an application for designation of resource to the reviewing authority pursuant to LOC 50.07.004.8.a.ii above.

(2) Criteria

The reviewing authority shall adopt a Comprehensive Plan Map and Zoning Map Amendment to add the resource to the Sensitive Lands Atlas, and designate the RP District or RC District, as applicable, if the reviewing authority finds that the proposed resources are "significant resources," by meeting the requirements of either LOC 50.07.004.8.a.v [stream or wetland] or LOC 50.07.004.8.a.vi [tree grove] below, and if an ESEE analysis shows that the resources are required to be protected.

iv. Methodologies

The methodologies for determining whether or not the criteria for designation of a resource has been met shall be the following:

(1) Lake Oswego ESEE Analysis Methodology to be Utilized

The City shall determine:

(a) Tree Grove: The Wildlife Habitat Assessment Score (HAS); or

(b) Stream Corridors and Wetlands: The Oregon Freshwater Wetland Assessment Methodology developed in the City of Lake Oswego Resource Areas Report and ESEE Process Analysis for evaluation and comparison of inventoried sites pursuant to Statewide Land Use Planning Goal 5. The HAS is a numerical ranking applied in an ESEE Inventory which represents the relative wildlife values of a given natural resource site. Six features are evaluated to determine the total Wildlife Habitat Assessment Score: Water; Food; Cover; Disturbance; Linkage; Unique Features. In addition, the City shall consider the scenic value of the resource

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pursuant to the methodology established in the ESEE Analysis. See Lake Oswego Resource Areas Report and ESEE Analysis dated April 1, 1997, as revised on July 15, 1997, on file with the Lake Oswego Community Planning & Building Services Department.

(2) Oregon Freshwater Wetland Assessment Methodology.

The City shall utilize the then current Oregon Freshwater Wetland Assessment Methodology, as adopted by the Oregon Division of State Lands, to evaluate wetland sites with respect to water quality and hydrologic control functions.

v. Applicability of RP Overlay District

The Resource Protection (RP) Overlay District shall protect environmentally significant stream corridors and wetlands. Non-jurisdictional irrigation ditches and non-jurisdictional roadside and railway ditches, as defined by the Oregon Department of State Lands, shall not be placed within the RP District. The following resources may be placed within the RP District:

- (1) Stream corridors and wetlands that have a HAS ranking of 50 or more (defined as "Class I" stream corridors and wetlands).
- (2) Stream corridors and wetlands that have a HAS ranking of 35-49 or have a "high" ranking for scenic values (defined as "Class II" stream corridors and wetlands).
- (3) Wetlands that are significant under OFWAM guidelines, including:
 - (a) Wetlands fed by surface flows, sheet flows or precipitation, that have evidence of flooding during the growing season, and have 60% or greater vegetated cover, and are over one-half acre in size; or other wetlands that qualify as having "intact water quality function" under the Oregon Freshwater Wetland Assessment Methodology; or
 - (b) Wetlands in the Flood Management Area, that have evidence of flooding during the growing season, and are five acres or more in size, and have a restricted outlet or no outlet; or other wetlands that qualify as having "intact hydrologic control function" under the Oregon Freshwater Wetland Assessment Methodology; or
 - (c) Wetlands where at least a portion of the resource is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41.
- (4) All perennial streams.

vi. Applicability of RC Overlay District

The Resource Conservation (RC) Overlay District shall protect significant tree groves. A tree grove may be placed within an RC District if the tree grove has:

- (1) A HAS ranking of at least 35; or
 - (2) A "high" ranking for scenic values in the study; or
 - (3) Is associated with a stream corridor or wetland that has an RP ranking.
- (Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

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b. Removing an Overlay District Designation

- i. In order to remove an overlay District designation the review body shall find that one of the following criteria is met:
 - (1) As a result of natural occurrences or evolution the resource has been degraded to the extent that the subject property no longer meets the criteria for designation found in LOC 50.07.004.8.a.iv and (v), above, and a re-application of the ESEE analysis demonstrates that the designation is no longer justified; or
 - (2) There was a mistake in the analysis of quality or quantity in the original designation of the resource and a re-application of the ESEE analysis demonstrates that the designation no longer meets the criteria; or
 - (3) There was a mistake in the location of the original designation of the resource, such that no portion of the resource was on the subject property.
- ii. An overlay district designation shall not be removed as a result of damage caused by the property owner, another party, or other than natural causes.
- iii. A removal application pursuant to subsection b.i(1) or b.i(2), above, shall be processed in the same manners as a designation application pursuant to LOC 50.07.008.a.
- iv. An Overlay District Designation may be removed pursuant to b.i(3), above, by a delineation on the subject site in accordance with LOC 50.07.004.8.d and a finding that there is not now nor was there any resource located upon the site at the time of designation.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

c. Environmental Review

An applicant for a development subject to LOC 50.05.010.2 shall comply with:

- i. For Exempt Development under LOC 50.07.003.12 occurring within an RC or RP District or its associated construction setback, the applicant shall:
 - (1) Comply with the applicable RP District or RC District Development Standards (LOC 50.05.010.5.c or LOC 50.05.010.6.c);
 - (2) Comply with the Construction Standards (LOC 50.05.010.4.d) to the satisfaction of the City Manager;
 - (3) Meet the steps of avoidance and minimization as stated in LOC 50.05.010.4.f; and
 - (4) File a mitigation plan that complies with the standards of LOC 50.05.010.4.g for the review and approval of the City Manager.
- ii. For development other than subsection (i), above, the environmental review requirements in LOC 50.07.004.8.d, LOC 50.05.010.4.b and c, and LOC 50.05.010.5.b and c (for RC Zones), LOC 50.05.010.6.b-d (for RP Zones) or LOC 50.05.010.6.e (Special Standards for the Oswego Canal), whichever sections are applicable.

(Ord. 2527, Amended, 04/21/2009; Ord. 2346, Amended, 06/10/2003; Ord. 2316, Added, 03/05/2002)

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d. Delineation of Streams, Wetlands, and Tree Groves

i. Preparation/Criteria

Except as provided in LOC 50.07.004.8.d.iv, below, an applicant for a development subject to environmental review shall first delineate the stream, wetland, or tree grove. A delineation is a more precise, site specific determination of the location of the tree grove or water resource prepared by a qualified professional. The delineation shall include a map showing the delineated boundary to plus or minus two ft. The delineation map shall also show the protected riparian area if required for the particular resource. Resource boundaries shall be delineated as follows:

(1) Tree Groves

The RC District shall be delineated as follows:

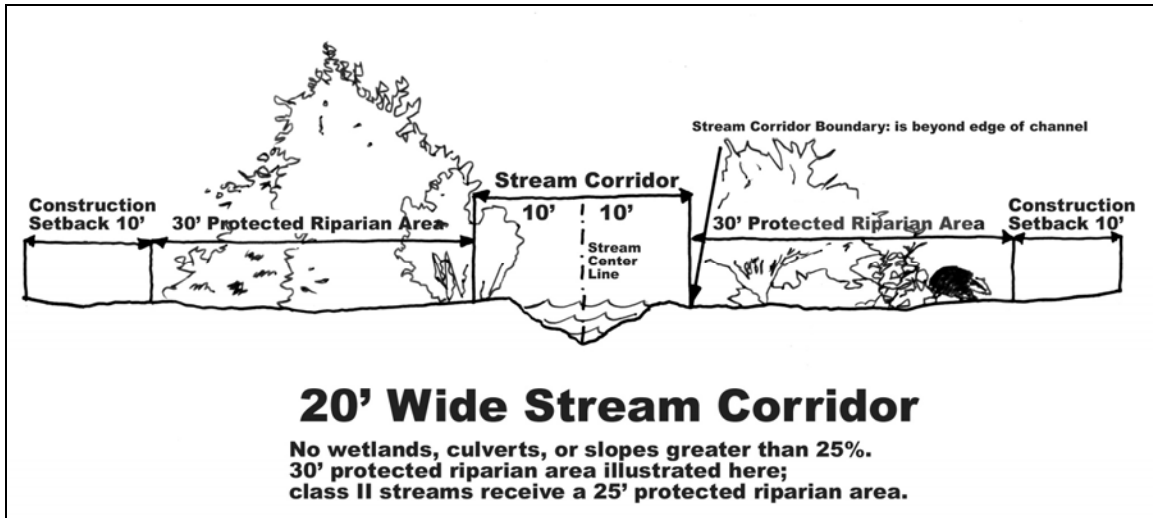
The boundary of a tree grove shall be measured at the outer edge of a contiguous tree canopy based on aerial photos and/or visual field observations, but shall not include any tree canopy that is within a wetland or below the top bank of a stream; and

(2) Wetlands

A wetland boundary shall be delineated in accordance with the *1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, except that:

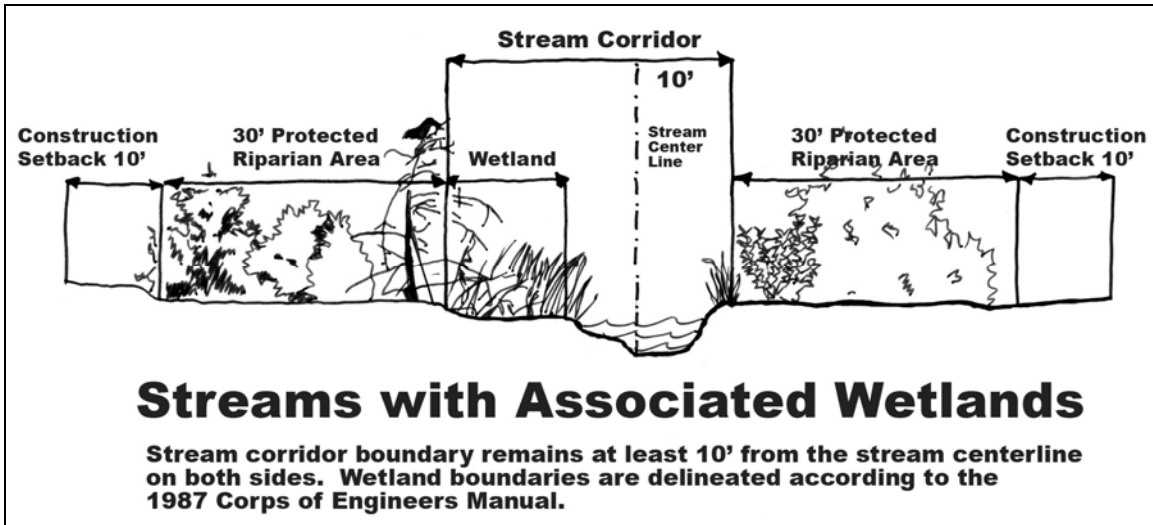
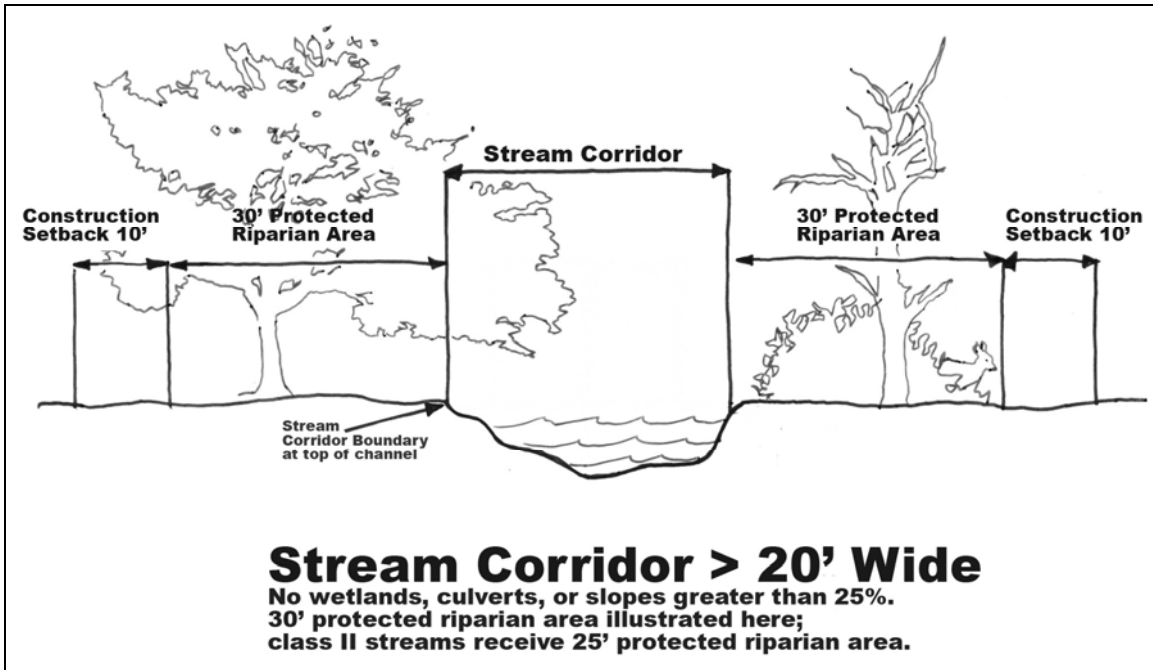
- (a) The methodology must include soils testing, and
- (b) When a delineated wetland boundary is abutting a steep slope, the protected riparian area shall be applied from the top of the slope rather than from the delineated boundary. The top of the slope shall be determined according to the same criteria as the top of the bank, pursuant to Figure 50.07.004-A: Wetland and Stream Corridor Measurement.

Figure 50.07.004-A: Wetland and Stream Corridor Measurement



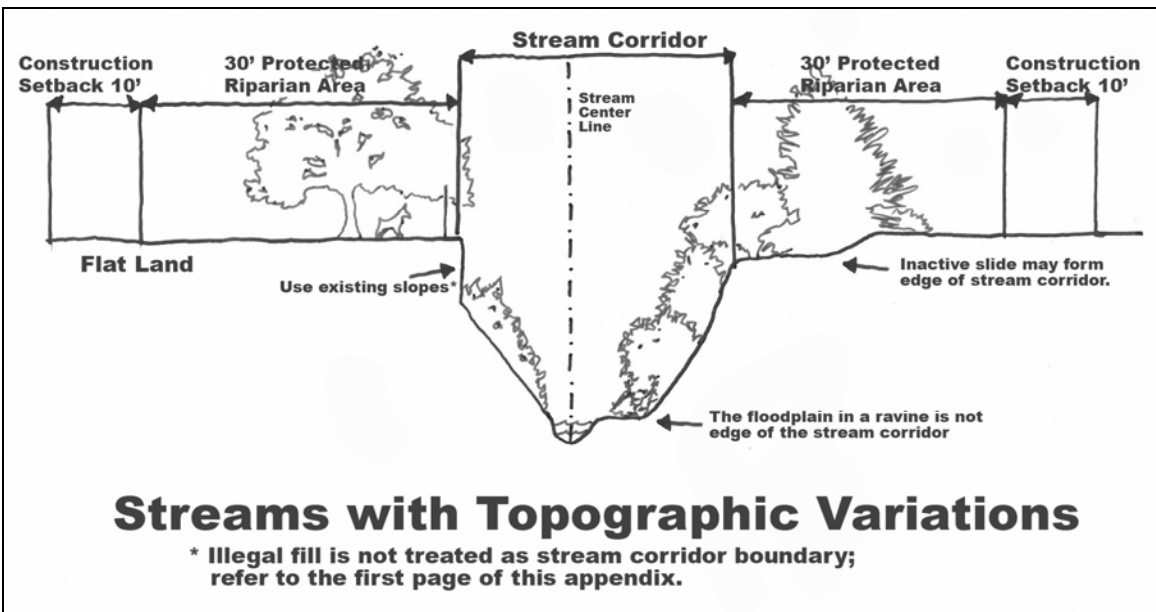
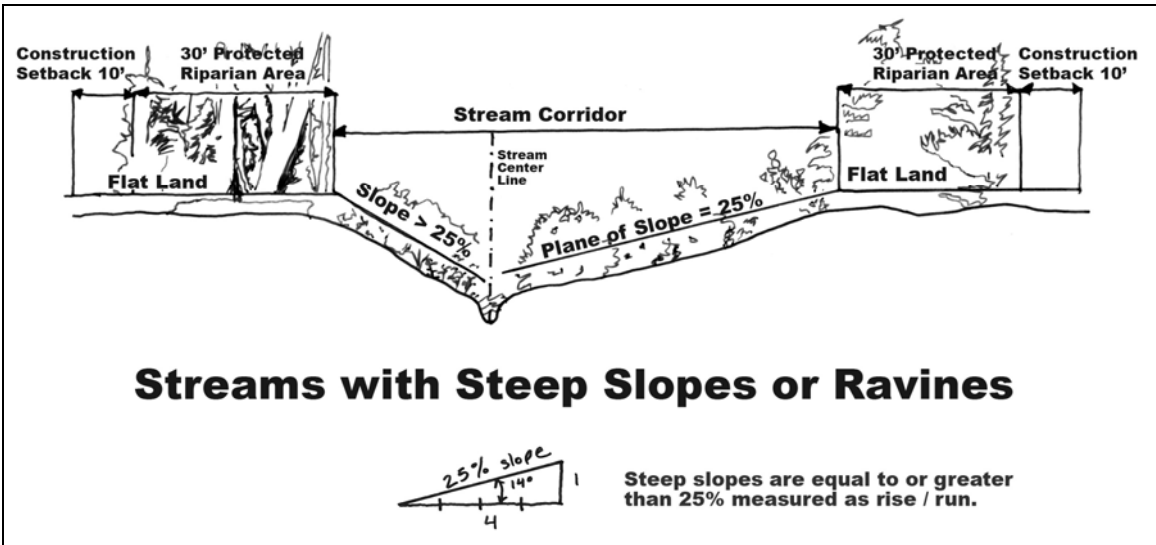
SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

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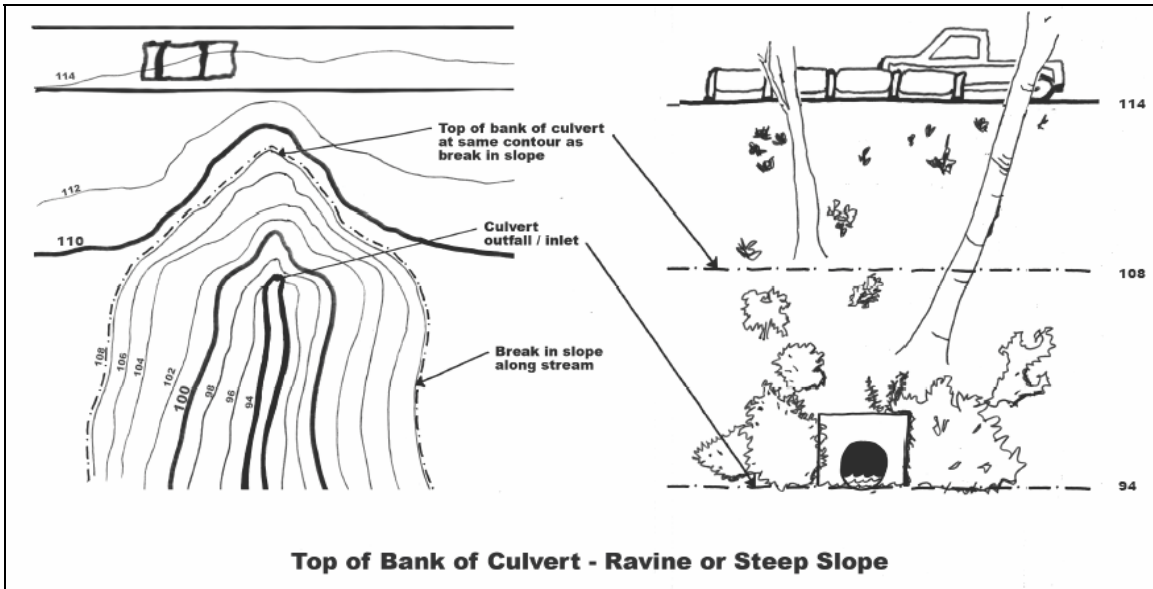
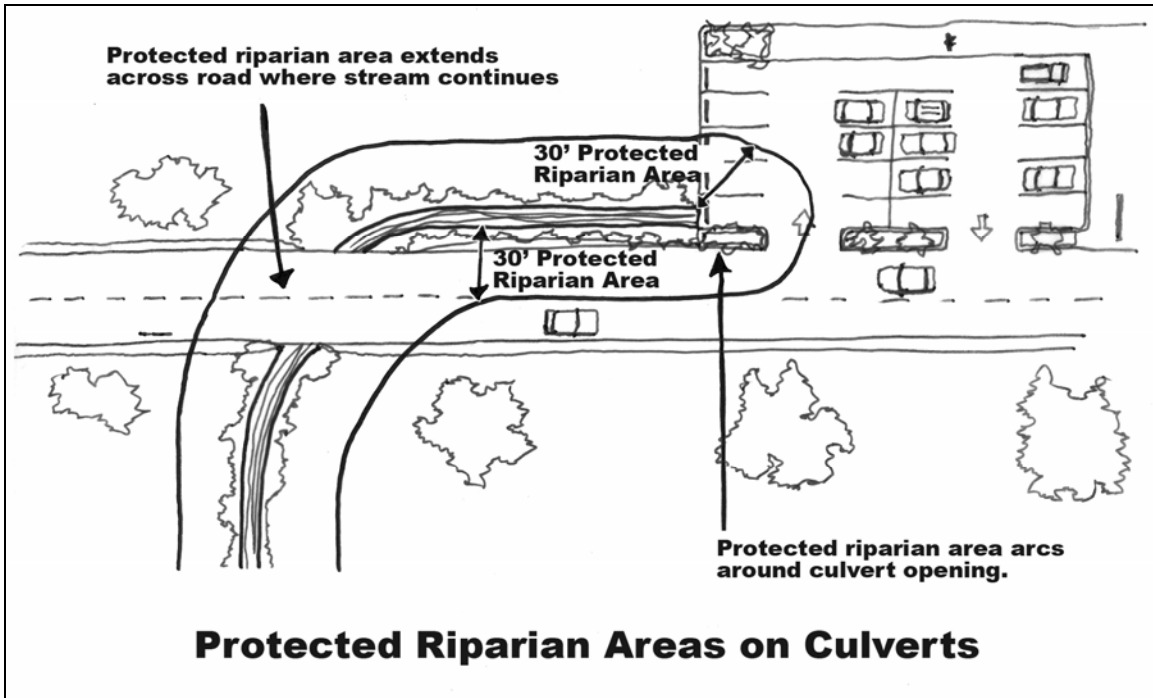


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(3) Stream Corridors

A stream corridor boundary shall be measured or delineated based on topographic maps, hydrology maps, and/or field observations, pursuant to Figure 50.07.004-A: Wetland and Stream Corridor Measurement.

ii. Review of Delineation

The reviewing authority shall compare the applicant's delineation maps with the 1994/1995 ESEE Study and the SL Atlas, and shall inspect staked, delineated resource boundaries. The reviewing authority shall approve the delineation if the delineated boundary more accurately reflects the locations of RP and/or RC resources than the

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boundary as shown in the SL Atlas. If the reviewing authority finds that the evidence is contradictory or does not support the proposed delineations, the application shall be denied. In the alternative, review of the application may be continued for additional information if:

- (1) The applicant agrees to conduct a new delineation by an expert selected by the City Manager at the applicant's expense; and
- (2) The applicant waives the applicable statutory deadline for completing a local decision on the application for the period of time necessary to conduct the new delineation.

iii. Adjustment of Overlay District Boundaries to Reflect Approved Delineation

An approved delineated boundary shall replace the boundary in the Sensitive Lands Atlas for the purposes of review of the development proposal for compliance with this section. If and when the proposed development receives final approval, including resolution of any appeals, the boundary of the RP or RC district as shown in the SL Atlas and SL Map (if necessary), shall be modified to be consistent with the delineated boundary.

iv. Delineation Not Required; Exceptions

An applicant for a development subject to this section shall not be required to delineate the resource pursuant to this section if:

- (1) The resource has been previously delineated pursuant to an earlier development application subject to this section. Exception: The City Manager may require a new delineation if:
 - (a) The applicant desires to demonstrate that the previously delineated boundary is no longer accurate;
 - (b) There is evidence of a substantial change in circumstances on the property that has affected the location of the resource as previously delineated; or
 - (c) The City Council has adopted new delineation standards or requirements since the previous delineation, or
- (2) The proposed development consists solely of landscaping and/or tree removal or qualifies as a resource enhancement project, and complies with LOC 50.05.010.6.c.ii.1.a, Landscaping; 50.05.010.6.c.ii.1.b, Tree Removal, or either LOC 50.05.010.5.c.iii.6, Utilities, or 50.05.010.6.c.ii.1.f, Resource Enhancement Projects.

v. Delineation in the Absence of a Development Application

An applicant may apply to delineate a resource in absence of an application for a specific development.

(Ord. 2527, Amended, 04/21/2009; Ord. 2316, Added, 03/05/2002)

9. SOLAR ACCESS PERMIT

a. Purpose

The purpose of this Article is to protect solar access to solar features on lots designated or used for a single family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site.

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b. Applicability

An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in a R-7.5, R-10 or R-15 zone, or is or will be developed with a single family dwelling. The City's decision whether or not to grant a solar access permit is intended to be ministerial and not subject to a public hearing.

c. Development Review

A solar access permit shall be processed pursuant to the Ministerial Development Decision process in LOC 50.07.003.13.

d. Solar Access Submission Requirements

An application for approval of a development subject to this section shall include:

- i. Maps and text sufficient to show the development complies with the solar design standards, except for lots for which an exemption or adjustment is requested, including at least:
 - (1) The north-south lot dimension and front lot line orientation of each proposed lot.
 - (2) Protected solar building lines and relevant building site restrictions, if applicable.
 - (3) For the purpose of identifying exempt trees, a map showing existing trees at least 30 ft. tall and over six in. diameter a point four ft. above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
 - (4) Copies of all private restrictions relating to solar access.
- ii. If an exemption or adjustment to is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in LOC 50.04.004.1, Exemptions from Solar Design Standard or 50.04.004.2, Adjustments to Solar Design Standard, respectively.
- iii. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in this section. The City shall be made a party of any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

e. Solar Site Plan Required

An applicant for a building permit for a structure subject to solar balance point requirements shall submit a site plan that shows the maximum shade point height allowed and the allowed shade on the proposed structure's solar features. If applicable, the site plan also shall show the solar balance point for the structure.

f. Application Contents

An application for a solar access permit shall contain the following information:

- i. A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 ft. of the applicant's lot and 54° east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County Assessor shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.

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- ii. A scaled plan of the applicant's property showing:
 - (1) Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature.
 - (2) The approximate height above grade of the solar feature, its location, and its orientation relative to true south.
 - iii. A scaled plan of the properties on the list required in 50.07.004.11.f.i above showing:
 - (1) Their approximate dimensions; and
 - (2) The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
 - iv. For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit. The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five ft. increments at an angle to the south not less than 21.3° from the horizon and extend not more than 54° east and west of true south.

Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow non-exempt vegetation on that lot whose height causes not more shade on the benefited property than could be caused by a structure that complies with LOC 50.06.007, Solar Access, for existing lots.
 - v. The required fee.
 - vi. If available, a statement signed by the owner(s) of some or all of the property lies to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to subsection iii, above, accurately represents vegetation in the ground on the date of the application. The City shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.
- g. Approval Standards for a Solar Access Permit**
The City Manager shall approve an application for a solar access permit if the applicant shows:
- i. The application is complete,
 - ii. The information it contains is accurate, and
 - iii. Non-exempt vegetation on the applicant's property does not shade the solar feature.
- h. Duties Created by Solar Access Permit**
- i. A party to whom the City grants a solar access permit shall:
 - (1) Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in LOC 50.07.004.9.f.iii with such modifications as required by the City Manager in the office of the county recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing. The recording shall occur within ten days of the date of issuance and the applicant shall notify the City of recording. Failure to record as required by this section shall void the permit.
 - (2) Install the solar feature in a timely manner as provided in LOC 50.07.004.9.k, Expiration and Extension of a Solar Access Permit, below; and

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- (3) Maintain non-exempt vegetation on the site so it does not shade the solar feature.
- ii. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping non-exempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the site plan required in LOC 50.07.004.9.f.iii, vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation are exempt from the solar access permit.
- i. Application Review Process**
- i. Pre-Application Conference: Unless waived by the City Manager, prior to filing an application for a solar access permit, an applicant or applicant's representative shall pay the required fee and meet with the City Manager to discuss the proposal and the requirements for an application. If a meeting is held, the City Manager shall convey a written summary of the meeting to the applicant by mail within five calendar days of the meeting.
- ii. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in LOC 50.07.004.9.f.
- iii. Within seven calendar days after an application is filed, the City Manager shall determine whether the application is complete and if it is not complete notify the applicant in writing, and specify what is required to make it complete.
- iv. Within 14 calendar days after the City Manager decides an application for a solar access permit is complete the City Manager shall issue a written decision tentatively approving or denying the request, together with reasons therefore, based on the standards of LOC 50.07.004.9.g, Approval Standards for a Solar Access Permit.
- (1) If the tentative decision is to deny the permit the City Manager shall mail a copy of the decision to the applicant.
- (2) If the tentative decision is to approve the permit, and the owners of all affected properties did verify the accuracy of the plot plan as permitted under LOC 50.07.004.9.f.vi, the City Manager shall mail a copy of the decision to the applicant and affected parties by certified mail, return receipt requested.
- (3) If the tentative decision is to approve the permit, and the owners of all affected properties did not verify the accuracy of the plot plan as permitted under LOC 50.07.004.9.f.vi, the City Manager shall send a copy of the tentative decision to the applicant and to the owners of affected properties who did not sign the verification statement pursuant to LOC 50.07.004.9.f.vi by certified mail, return receipt requested. If the City Manager determines that the owners of a given property affected by the permit are not the occupants of that property, then the City Manager also shall send a copy of the notice to the occupants of such property.
- (a) The notice sent to the applicant shall include a sign that says a solar access permit for the property has been tentatively approved, and that informs readers where to obtain more information about it. The applicant shall be instructed to conspicuously point the sign so it is visible from right-of-way adjoining the property, and to sign and return a form provided by the City Manager certifying that the sign was posted as provided herein not more than 14 days after the tentative decision was mailed.
- (b) The notice shall include the plot plans required in LOC 50.07.004.9.f.ii and iii, the proposed solar access height limits, and duties created by the permit.

SECTION 50.07.004. ADDITIONAL SUBMISSION REQUIREMENTS

SUBSECTION 9: SOLAR ACCESS PERMIT

- (c) The notice shall request recipients to verify that the plot plan shows all non-exempt vegetation on the recipient's property, and to send the City Manager comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes the applicant's plot plan is inaccurate.
- (4) Within 28 days after notice of a tentative decision is mailed to affected parties, the City Manager shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The City Manager shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit by certified mail, return receipt requested.
- v. If the application is approved, the applicant shall, as required by LOC 50.07.004.9.h.i(1) record in the office of the County Recorder with the deeds to the properties affected by it, the permit, associated solar access height limits, legal descriptions for the affected properties, and the site plan required in LOC 50.07.004.9.f.iii with such modifications as required by the City Manager before the permit is effective.

j. Permit Enforcement Process

- i. Enforcement Request. A solar access permittee may request the City to enforce the solar access permit by providing the following information to the City Manager:
 - (1) A copy of the recorded solar access permit and the plot plans submitted with the permit; and
 - (2) The legal description of the lot(s) on which alleged non-exempt vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the non-exempt vegetation; and
 - (3) Evidence the vegetation violates the solar access permit, such as a sunchart photograph, shadow pattern, and/or photographs.
- ii. Enforcement Process. Allowing or permitting non-exempt vegetation to violate the solar access permit is a civil violation and a public nuisance. If the City Manager determines the request for enforcement is complete, he or she shall initiate an enforcement action pursuant to LOC Chapter 34. Provided the City Manager shall not enforce the permit against vegetation the owner of which shows was in the ground on the date the permit application was filed with the City.

k. Expiration and Extension of a Solar Access Permit

- i. Expiration. Every permit issued by the City Manager under the provisions of this section shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, or if the solar feature is removed, the City Manager shall terminate the permit by recording a notice of expiration in the office of the County Recorder with the deeds to the affected properties.

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SUBSECTION 10: WEAK FOUNDATION SOILS DETERMINATION PROCEDURES

- ii. Extension. Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this section for good and satisfactory reasons. The City Manager may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.
- iii. A permit shall be void and of no effect if it is not recorded as required by LOC 50.07.004.9.h.i.1.

10. WEAK FOUNDATION SOILS DETERMINATION PROCEDURES

a. Confirmation of Weak Foundation Soil

The applicant shall be responsible for confirming whether or not the soils in the proposed development site are actually Weak Foundation Soils.

b. Report Required

- i. If a development is located in an area of potential weak foundation soils, the applicant shall provide the City Manager a report prepared by a registered professional soils engineer or engineering geologist. This report shall describe the nature, distribution, and strength of the soils, including findings regarding the adequacy of the soils to support the intended types of structures.
- ii. The engineering report shall include conclusions and recommendations for design criteria for corrective measures, which are appropriate to the soils and types of proposed structures.
- iii. The application materials shall include description of the design or engineering features which will compensate for the soils in accordance with the recommendations of the engineering report. The proposed design shall be certified by a registered professional engineer.

c. City Manager Review

- i. If soils characteristics are determined to be adequate for the proposed use, no further consideration of compensating design shall be necessary.
- ii. The City Manager shall specifically review design or engineering features in the development application which are intended to compensate for Weak Foundation Soils.
- iii. The City Manager may require modifications in the proposed design or engineering where necessary to assure adequate structural support, prior to submission of the application for public hearing or approval of a Development Permit.

11. UTILITIES

For all applicable development or construction, the applicant shall submit:

- a. A scaled utility plan of existing and proposed utilities shall be furnished to the City as part of any major development plan application and shall include at least the following at 1" = 100' scale.
- b. Easements shall be recorded in the final plat or plan to serve the development and each lot therein.

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SUBSECTION 12: TELECOMMUNICATION FACILITIES

12. TELECOMMUNICATION FACILITIES

a. New Facilities

In addition to standard required application material, the applicant for a new facility shall submit the following information in conjunction with an application for a new facility:

- i. A site reconnaissance study containing, at a minimum:
 - (1) A vicinity map depicting the proposed extent of the service area.
 - (2) A graphic simulation showing the appearance of the proposed tower and accessory structures from five points within the impacted vicinity. Such points are to be mutually agreed upon by the City Manager and applicant.
 - (3) An inventory within the applicant's proposed service area depicting the height and location of non-habitable structures, including poles, towers, and appurtenances that could accommodate collocation of the proposed antennae.
- ii. Recognizing that technology in this field is changing rapidly, a demonstration that an alternative technology that does not require the use of new towers, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, or any other less visually obtrusive method, is unsuitable. For the purposes of this subsection, a "less visually obtrusive method" means a reasonably practicable alternative technology that will better accomplish the purposes of this section as set forth in LOC 50.03.003.3.e.i, Purpose. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- iii. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods.
- iv. Evidence demonstrating collocation has been explored and is impractical on existing structures, existing transmission towers, and existing tower facility sites for reasons of safety, available space, or failing to meet service coverage area needs.
- v. A report containing the following information:
 - (1) A description of the proposed tower and reasons for the tower design and height.
 - (2) Documentation to establish the proposed tower has sufficient structural integrity for the proposed uses at the proposed location in conformance with minimum safety requirements as required by the State Structural Specialty Code, latest adopted edition.
 - (3) Ice hazards and mitigation methods which will be employed, including increased setbacks, and/or deicing equipment.
 - (4) The general capacity of the tower in terms of the number and type of antennae it is designed to accommodate.
 - (5) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the Federal Communications Commission (FCC).
 - (6) A signed agreement stating that the applicant will allow collocation with other users, provided all safety and structural requirements are met. This letter shall also state that any future owners or operators will allow collocation on the tower. This agreement is not necessary if the applicant does not own the facility or structure; however, a consent to allow the owner to grant access to other users for the same structure or facility shall be required.

SECTION 50.07.005. CONDITIONAL USE PERMITS

SUBSECTION 1: INTENT AND PURPOSE; EFFECT OF USE UNDER PRIOR CODE WHICH IS CONDITIONAL UNDER CURRENT CODE

- (7) A soils report if the property contains weak foundation soils or has landslide potential.
- (8) Identification of any other antenna sites owned or operated by the applicant in the City.

b. Collocated Facilities

In addition to standard required application material, the applicant shall submit the following information in conjunction with an application for a collocated facility:

- i. Documentation demonstrating that the collocated facility will comply with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the Federal Communications Commission (FCC).

50.07.005. CONDITIONAL USE PERMITS

1. INTENT AND PURPOSE; EFFECT OF USE UNDER PRIOR CODE WHICH IS CONDITIONAL UNDER CURRENT CODE

- a. A conditional use is an activity which is permitted in a zone but which, because of some characteristics which are not entirely compatible with other uses allowed in the zone, cannot be permitted outright. A public hearing and review of the proposed conditional use by the hearing body and the imposition of conditions, if necessary, is intended to insure that the use proposed will be as compatible as practical with surrounding uses, and is in conformance with the purposes and requirements of the district, if any, and with other applicable criteria and standards of the City.
- b. An alteration in a use which was classified by the prior zoning code as a permitted use that is by this Code classified as a conditional use shall conform to the requirements of this Code.
- c. A use that existed before December 16, 1982 which is permitted only upon receiving a conditional use permit under the terms of this Code is not a non-conforming use, but is without further action to be considered a conforming use.

(Ord. No. 2334, Amended, 12/17/2002; Ord. No. 2316, Added, 03/05/2002)

2. APPLICATION

Application for a conditional use shall be made on forms provided by the City for that purpose and shall be signed by the property owner, or shall be accompanied by the owner's written authorization. The application shall include:

- a. Name, address and telephone number of applicant,
- b. Map number and/or subdivision block and lot.
- c. Narrative concerning the proposed request explaining how the applicable criteria are complied with.
- d. Copy of deed, signed earnest money agreement, or other document showing ownership or interest in property.
- e. Vicinity map.
- f. Comprehensive Plan and zoning designations.
- g. One map showing existing uses and a second map drawn in the same scale showing proposed development, placement of lot lines, etc. A survey map is not required.

SECTION 50.07.005. CONDITIONAL USE PERMITS

SUBSECTION 3: AUTHORIZATION TO PERMIT OR DENY CONDITIONAL USES

- h.** Detailed plans for the specific project (working drawings are not required).
- i.** Names and addresses of property owners whose property is within 300 ft. of the applicant's property which is the subject of the application or contiguous property owned by the applicant.
- j.** Proof of payment of the applicable fees.
- k.** Additional drawings, topographic surveys, photographs or other material necessary to understand the proposed use, and of its relationship to surrounding properties, may be required. The City Manager shall determine the completeness of an application. Variances may be applied for and considered concurrently with a conditional use application. All notifications for the conditional use application or hearing shall specifically state that variances have been applied for and clearly describe the proposed variances in terms understandable to a person of ordinary intelligence.

3. AUTHORIZATION TO PERMIT OR DENY CONDITIONAL USES

- a.** An application for a conditional use shall be allowed if:
 - i.** The requirements of the zone are met; and
 - ii.** Special conditions found in LOC 50.03.003.1.b, LOC 50.03.003.2.a-c, LOC 50.03.003.3.a-d, and f, LOC 50.03.003.4.a, d, if applicable, are met; and,
 - iii.** The site is physically capable of accommodating the proposed use; and,
 - iv.** The functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity.
- b.** In permitting a new conditional use, or the modification of an existing conditional use, the hearing body, or the City Manager in the case of a minor modification, may impose conditions which are suitable and necessary to assure compatibility of the proposed use with other uses in the vicinity. These conditions may include, but are not limited to:

SECTION 50.07.005. CONDITIONAL USE PERMITS
SUBSECTION 4: MODIFICATION OF CONDITIONAL USE PERMIT

- i. 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;
- ii. Establishing a special yard, setback, lot area or other lot dimension.
- iii. Limiting the height, size or location of a building or other structure.
- iv. Designating the size, number, location and design of vehicle access points.
- v. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way.
- vi. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- vii. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- viii. Limiting the location and intensity of outdoor lighting, requiring its shielding, or both.
- ix. Requiring berming, screening or landscaping and designating standards for its installation and maintenance.
- x. Designating the size, height, location and materials for fences.
- xi. Protecting and preserving existing trees, soils, vegetation, water resources, wildlife habitat or other significant natural resources.
- xii. On and off-site public improvements.

The number of residential units allowed by the provisions of this Code on a site may be reduced only if it is found that development to that number will result in a violation of the standards stated in subsection 3(a) of this section, above.

(Ord. No. 2316, Added, 03/05/2002)

4. MODIFICATION OF CONDITIONAL USE PERMIT

A request by the conditional use permit holder to substantially modify a conditional use permit shall be processed in the same manner as a request for a conditional use permit. Minor modifications of permits may be approved by the City Manager. The criteria set forth in LOC 50.07.003.11 shall be used by the City Manager in determining whether a request to modify is substantial or minor.

(Ord. No. 2316, Added, 03/05/2002)

5. ABANDONMENT OF CONDITIONAL USE PERMIT

- a. A conditional use permit shall be void after two years if 15% of the structural construction has not occurred pursuant to the approval. The two year limitation does not apply to permits issued for major public facilities.
- b. If a use operating pursuant to a conditional use permit is discontinued for a period of at least six months, any further use of the property shall conform to the requirements of this Code. Such a conditional use shall not operate without first obtaining a new conditional use permit.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.07.006. OVERALL DEVELOPMENT PLAN AND SCHEDULE

SUBSECTION 6: REVIEW OF CONDITIONAL USE PERMITS; AMENDMENT AND REVOCATION PROCEDURES

6. REVIEW OF CONDITIONAL USE PERMITS; AMENDMENT AND REVOCATION PROCEDURES

- a. Uses operating pursuant to a conditional use permit may be reviewed to determine whether or not the conditions applied are continuing to be met.
- b. The hearing body is authorized to amend a conditional use permit or to provide for further conditions to more adequately assure compatibility of such uses to adjacent land uses, public facilities or other requirements of this Code, or to terminate a permit, if it is found that the applicable requirements or conditions are not being met.
- c. A conditional use permit may be revoked or modified by the hearing body if the applicable conditions or the specific requirements of this Code are not continuously met and also for the reasons stated in LOC 50.09.002.3, Revocation of Permit.
 - i. Amendment or revocation pursuant to subsection (b), above, may only occur after a hearing before the hearing body at which the permit holder and interested persons have been given an opportunity to be heard on the question. This procedure is not exclusive and is in addition to any other procedure allowed by law.
 - ii. The owner of record of the affected property shall be notified, by certified mail, and notice shall be posted on or within 50 ft. of the property not less than ten days prior to the date of the hearing of the public hearing. The notice shall specify the non-conformance alleged and the actions which may be taken if non-conformance is confirmed.
 - iii. The hearing body shall hold a hearing pursuant to the provisions of LOC 50.07.003.3.e and LOC 50.07.003.15.b.i and ii. After consideration of all evidence presented at the public hearing, the City Manager's report, the applicable Code provisions, the use permit requirements, and the criteria set forth in LOC 50.09.002.3, Revocation of Permit, the hearing body may revoke, terminate, allow continuation of the use, amend the use permit, or may grant additional time to bring the use into conformance. If additional time is granted, specific direction may be given setting forth the changes required to achieve conformance. An appeal to the City Council may be taken pursuant to LOC 50.07.003.7, Appeals.
 - iv. The hearing body's action shall be transmitted to the owner of the affected property by mail, together with an explanation of the procedures for appeal to the City Council.

(Ord. No. 2316, Added, 03/05/2002)

50.07.006. OVERALL DEVELOPMENT PLAN AND SCHEDULE

1. PHASING

A minor or major development may be planned and constructed in phases. A separate development permit shall be approved for each phase.

(Ord. No. 2316, Added, 03/05/2002)

2. PURPOSE OF OVERALL DEVELOPMENT PLAN AND SCHEDULE

The purpose of the ODPS is to:

- a. Assure that the proposed development, considered as a whole, will conform to the Comprehensive Plan and Development Standards;
- b. Assure that individual phases will be properly coordinated with each other and can be designed to meet the Development Standards;

SECTION 50.07.006. OVERALL DEVELOPMENT PLAN AND SCHEDULE

SUBSECTION 3: DENSITY BONUS WITHIN PHASED DEVELOPMENT

- c. Provide preliminary approval of the land uses, limit uses permitted within the ODPS, maximum potential intensities or densities, arrangement of uses, open space and resource conservation and provision of public services of the proposed development; and
- d. Provide the developer a reliable assurance of the City's expectations for the overall project as a basis for detailed planning and investment.

(Ord. No. 2316, Added, 03/05/2002)

3. DENSITY BONUS WITHIN PHASED DEVELOPMENT

Density bonuses, identified and allowed by this Code, may be granted for any phase of a development provided the cumulative bonuses for any total development may not exceed, by more than 25%, the density and intensity determination of the ODPS.

[Cross-Reference: Density Bonuses of up to 25% are permitted for public agency rental housing. See LOC 50.04.001.2.b, Density – Additional Standards, R-5 and R-DD zones and LOC 50.04.001.3.b, Density – Additional Standards, R-0, R-2, and R-3 zones.

(Ord. No. 2316, Added, 03/05/2002)

4. OVERALL DEVELOPMENT PLAN AND SCHEDULE (ODPS)

Development permits for individual phases within a major development shall be approved and conditioned in accordance with the ODPS. Development permits for each phase shall assure that the development plans conform to the ODPS, as well as the Comprehensive Plan and Development Standards.

(Ord. No. 2316, Added, 03/05/2002)

5. APPLICATION

- a. The application shall be submitted at least 30 days prior to the requested hearing date.
- b. Upon receipt of the application the City Manager shall review for completeness and shall accept or return with a written list of omissions within seven calendar days of the date of filing. The date of acceptance of the completed application shall be noted on all documents.
- c. **Submission Requirements**
 - i. Vicinity map.
 - ii. Maps and narrative indicating present use of land, including all natural and man-made features. A survey is not required.
 - iii. Maps and narrative indicating types and location of land uses to be provided including park and open space sites or other reserved land.
 - iv. General layout of streets, utilities and drainage management measures including areas reserved for water improvements.
 - v. General layout or siting of public transit, bicycle and pedestrian circulation.
 - vi. Maps and/or narrative showing off-site improvements necessary to serve the proposed development.
 - vii. An overall schedule of phasing; and the development to occur in each phase.

SECTION 50.07.006. OVERALL DEVELOPMENT PLAN AND SCHEDULE

SUBSECTION 6: PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

viii. The City Manager may require additional information related to the particular circumstances of an ODPS. All maps except vicinity and detail maps shall be at the same scale.

d. Application Review

Within seven calendar days after acceptance of the complete application the City Manager shall determine whether the information in the ODPS is adequate to allow the Planning Commission or the Development Review Commission to make the determinations required by LOC 50.07.006.7.a, below. If the information is insufficient the applicant shall be so informed by written notice listing the deficiencies. If the information is adequate the City Manager shall submit a report with comments, recommendations and recommended conditions to the Planning Commission or the Development Review Commission.

(Ord. No. 2316, Added, 03/05/2002)

6. PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

Notice shall be provided pursuant to LOC 50.07.003.3, Public Notice/Opportunity for Public Comment.

7. REVIEW AND DECISION

a. Decision-Making Body

- i. The appropriate hearing body shall consider the ODPS at a public hearing conducted pursuant to LOC 50.07.003.4, Hearings, and notice shall be given in accordance with LOC 50.07.003.3.e, Notice for Public Hearing.
- ii. The Planning Commission shall approve mixed-use ODPS applications prior to consideration of a related development permit application. The ODPS may be considered concurrently with a zoning application.
- iii. Single use ODPS applications shall be reviewed and approved by the Development Review Commission.

(Ord. No. 2316, Added, 03/05/2002)

b. Review Criteria for ODPS Consideration

The hearing body shall approve the proposed ODPS only if it finds that the plan and schedule will satisfy the requirements of LOC 50.07.003.15.d.ii, Review Criteria for Major Developments, and,

- i. Provides an overall general site plan which is properly related to and preserves natural features and resources consistent with the provisions of this Code,
- ii. Provides for land uses and intensities that are consistent with the provisions of the Comprehensive Plan, this Code, and with the planned capacities of public facilities,
- iii. Provides clear guidance for the specific design and coordination of future phases.

(Ord. No. 2316, Added, 03/05/2002)

c. Content of the Approved Final Overall Development Plan and Schedule

The approved overall Development Plan and Schedule shall consist of the following documents:

SECTION 50.07.006. OVERALL DEVELOPMENT PLAN AND SCHEDULE

SUBSECTION 8: CHANGES TO THE OVERALL DEVELOPMENT PLAN AND SCHEDULE

- i. A site plan showing location and type of all approved land uses, approximate acreage and approximate number of units or square footage of uses.
- ii. A general utility plan showing streets, utilities, drainage management measures, bike and pedestrian ways and transit locations.
- iii. A statement acknowledging need for off-site improvements as required.

(1) A schedule of the overall phasing and development to occur within each phase.

These documents shall be prepared subsequent to hearing body approval and shall be approved by the City Manager. If the City Manager finds that the final submittal does not accurately reflect the hearing body action, then the documents shall be returned to the hearing body for approval.

Upon approval, the documents will be stamped "Approved Final Plan" and filed in the ODPS project file.

(Ord. No. 2316, Added, 03/05/2002)

8. CHANGES TO THE OVERALL DEVELOPMENT PLAN AND SCHEDULE

The City Manager shall have the authority to approve minor changes to the ODPS, including the transfer of densities within the project as a whole, which do not change the overall land uses, densities, amount of open space, decrease public facility capacities or affect the relationship of the development to adjacent land uses. Any other changes must be processed as a new application pursuant to this Article.

(Ord. No. 2316, Added, 03/05/2002)

SECTION 50.07.007. LAND DIVISIONS
SUBSECTION 1: REQUIREMENTS FOR LAND DIVISIONS

50.07.007. LAND DIVISIONS

1. REQUIREMENTS FOR LAND DIVISIONS

All land divisions shall meet the requirements of this Code including all zone district standards and dimensions except as modified in this section.

2. FLAG LOTS

a. Purpose; Applicability

i. The purpose of the Flag Lot section is to:

- (1) Enable the efficient use of residential land and public facilities and services,
- (2) Provide standards for site, building, and design compatibility of the new development with the existing neighborhood character,
- (3) Reduce the area of impervious surface resulting from redundant access paving, and improve the appearance where pavement is necessary, and
- (4) Minimize the disturbance of natural resources.

ii. The provisions of this section shall apply to all land divisions and lot line adjustments creating flag lots in residential zones, and to any development occurring on a flag lot in a residential zone created after September 6, 1998.

iii. Compliance with Zone StandardsFlag lots shall comply with the requirements of the underlying zone except where noted in this article. A land division or lot line adjustment creating a flag lot shall also comply with any specific residential design criteria contained within an applicable adopted neighborhood plan.

iv. Parcelization Plan

In addition to the general application requirements for land divisions or lot line adjustments, an application to create a flag lot shall include a conceptual plan of complete parcelization of the subject property, and shall include a site plan illustrating the location of existing structures on adjacent parcels. The reviewing authority may impose conditions in order to ensure that parcelization of the subject property will not preclude the development of surrounding properties. Such conditions may be related (but not limited) to access, circulation, building location, utility availability, and natural resource protection.

b. Exceptions

The reviewing authority may allow exceptions to this section without the need to obtain a formal variance pursuant to LOC 50.08, Adjustments, Alternatives, and Variances, in one or more of the following circumstances:

- i. Landscaping required by LOC 50.07.007.2.f.i as separation between driveways, which would not result in screening or buffering as intended due to topography, lot configuration, or existing natural resources which would be preserved, may be modified or may not be required;
- ii. Setback adjustments of up to two ft. which are necessary to site a dwelling in compliance with this Article, or will result in additional separation from existing dwellings on surrounding lots, may be permitted;

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 2: FLAG LOTS

- iii. If an existing structure(s) would be located on a proposed flag lot created by partition and the structure(s) would become non-complying with any regulation of this Code, the proposed partition may be approved if the standard causing the non-compliance can be adjusted under LOC 50.04.003.2, General Exception to Lot Area and Dimension Requirements.
- iv. Minimum driveway widths of 12 ft. required by LOC 50.07.007.2.c.iii may be reduced, when approved by the City of Lake Oswego Fire Marshal.

c. Access

- i. When creating flag lots, the reviewing authority shall require that access to the flag lots is consolidated into a single shared access lane with access to the parent parcel or off-site, wherever practicable. If not practicable, then an additional access may be allowed on-site or off-site. Access lanes shall extend through the partition site and be extended to abutting developable property to provide a continuous connecting access lane where practicable.
- ii. Flag lots shall have access to a public or private street; however, actual street frontage shall not be required.
- iii. A driveway shall be used to serve a single property. An access lane shall serve no more than eight properties.
 - (1) Driveway widths shall be a minimum of 12 ft. Driveway length, construction standards, and turnaround requirements shall be determined by LOC 50.06.003.2, On-Site Circulation - Driveways and Fire Access Roads.
 - (2) See LOC 50.06.003.1.d, Standards for Access Lanes, for width of access lanes.
- iv. No more than two driveways or access lanes shall be permitted within a distance equal to the minimum lot width of the underlying zone, or within 50 ft. of each other if no minimum exists, as measured from the closest edge of each driveway or access lane.
- v. All buildings on flag lots must post an address at the beginning of the driveway or access lane. The address shall be no less than six in. tall, must be on contrasting background, plainly visible, and must indicate the direction to the building.

d. Lot Configuration Requirements

i. Determination of Front Yard

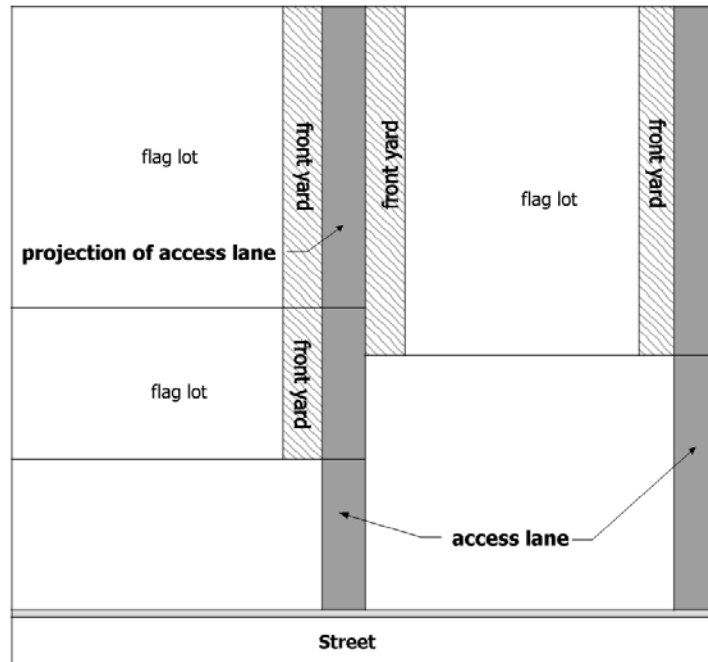
The front yard shall be determined as follows:

- (1) Except for a lot that fronts on a public street, the front yard(s) of a flag lot shall be measured from the access lane or from a projected extension of the access lane through the property (see LOC 50.07.007.2.e.v for setback requirements).
- (2) A front yard occurs on either side of the access lane of the flag lot. See Figure 50.07.007-A: Flag Lot Front Yard.

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 2: FLAG LOTS

Figure 50.07.007-A: Flag Lot Front Yard



ii. Lot Width

Lot width shall be measured by a line connecting two points on opposite side yard property lines, that will result in a line parallel to the front yard.

iii. Lot Depth

The lot depth shall be measured at the mid-point of the front and rear property lines of the "flag".

iv. Lot size

Area of access easement or flagpole shall be deducted from the gross acreage of the flag lot. The "flag" portion of the lot shall be equal to or exceed the square footage of the underlying zone.

[Cross-Reference: See LOC 50.04.003.6.c - Determination of Front Yard for Flag Lots Created Prior to September 6, 1998 and Lots Accessing by Easement.]

e. Building and Site Design Standards

i. Building Orientation

The reviewing authority shall require the following:

- (1) New dwellings on flag lots shall have the front of the house oriented towards the access lane or from a projected extension of the access lane through the property.
- (2) Buildings shall be oriented to provide the maximum separation and privacy from existing dwellings on abutting lots outside of the partition site. The reviewing authority may require conditions of approval to include measures such as specific

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 2: FLAG LOTS

building locations, increased setbacks, additional height restrictions, location and orientation of windows and other openings.

- ii. Garage placement shall be reviewed at the time of building permit application to ensure minimum visibility of the garage from the street. Garage placement shall meet the following requirements:

- (1) Be side-loading where a turning radius can be provided that allows for a minimum of 24 ft. separation from the garage door and any obstructions or property lines, or
- (2) Be placed such that no more than 40% of garage wall area is visible from the intersection of the flag lot driveway and street.
- (3) Garage Wall Facing Street. When a garage has wall(s) facing a street, these wall(s) shall have more than one plane or shall include fenestration equal to at least ten percent of the garage wall. When the lot is a corner lot (abutting two or more streets), this subsection is applied to each wall that faces a street.
 - (a) To demonstrate compliance with this standard, building elevations shall be submitted which depict the facade area facing the street at a width equal to the access easement.
 - (b) The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall facing the street. For buildings with more than one wall (plane) along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

iii. **Maximum Structure Height**

The height of a single-family residential structure and any accessory structures on a flag lot shall not exceed:

- (1) For flag lots created after August 14, 2003, the taller of:
 - (a) 22 ft., or
 - (b) The average height of all dwellings on properties abutting the development site, as determined prior to the time of creation of the flag lot. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average.
- (2) For flag lots created before August 14, 2003, the taller of:
 - (a) The maximum building height limitation established at the time of creation of the flag lot. The methodology used to calculate the maximum building height permitted by this subsection shall be the same methodology used to at the time of lot creation to establish the maximum building height, or
 - (b) 22 ft. (see LOC 50.10.003.2, Height of Building for methodology).

The City Manager may execute and record amendments to previously recorded development restrictions, upon the Owner's or adjacent property owner's request,

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 2: FLAG LOTS

or at the City’s discretion, if necessary to reflect a taller building height limitation than previously approved.

(3) Modification of Approved Building Height

The maximum building height of single family residential structures and accessory structures on a flag lot (whether created prior to or after August 14, 2003) may be modified from that previously determined at the time of creation of the flag lot to the average height of all dwellings on properties abutting the development site. Where there is no dwelling on the abutting property or where a dwelling is located more than 100 ft. away from the development site, then the maximum height permitted in the underlying zone shall be used for calculating the average. In cases where the abutting property is zoned to permit a height greater than that allowed on the subject site, then the maximum height for the zone in which the subject site is located shall be substituted and used to calculate the average. Where an existing structure on an abutting lot exceeds the maximum height allowed by the underlying zone, then the maximum height permitted by the underlying zone shall be used for purposes of calculating the average.

An application for modification of maximum building height for a flag lot shall be processed pursuant to LOC 50.07.003.11, Modification of Development Permits, as a new application. The City Manager may execute and record amendments to previously recorded development restrictions.

(4) Exceptions to Maximum Structure Height

A greater height than otherwise permitted for roof forms or architectural features, such as cupolas or dormers may be allowed pursuant to LOC 50.04.001.1.g.ii, 50.04.001.2.g.ii, or 50.04.001.3.f.vii.

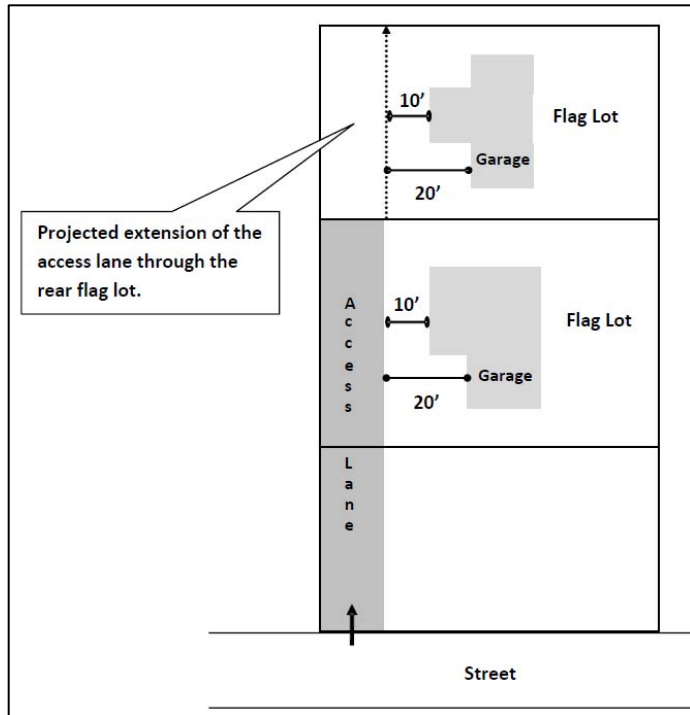
iv. Access Lane Siting

The access lane shall be located no closer than five ft. to any existing structures.

v. Setback Requirements

(1) The standard front yard setback of the zone shall be superseded by the following front yard requirement: A minimum ten ft. front yard setback is required from the access lane, except that a 20 ft. setback is required from the access lane to the front of a garage or carport when the garage or carport opening faces the access lane. For purposes of this standard, the access lane shall include the projected extension of the access lane through the

Figure 50.07.007-B: Access Lane



SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 2: FLAG LOTS

property as illustrated in Figure 50.07.007-B: Access Lane.

- (2) Where a flag lot abuts a lot in a residential district of lower density, the greater setback requirements of the more restrictive district shall apply for those yards which have abutting property lines.
- (3) The side and rear yard setbacks shall be established at the time of flag lot creation, subject to the following requirements:
 - (a) The sum of the side and rear yard setbacks on flag lots shall be not less than:
 - (i) 50 ft. in R-10 and R-15 zones; and
 - (ii) 45 ft. in residential zones other than R-10 and R-15.
 - (b) In applying the flexible standard, provide yard dimensions that are similar to the yard dimensions of primary structures on abutting properties that are not part of the partition site and that abut the rear or side yards of the flag lots, but in no event shall the rear or side yard established under this section be less than ten ft.

vi. Width and Depth Requirements

The standard zoning dimensional requirements for lot depth do not apply to flag lots. No width or depth dimension of a flag lot shall be less than the standard width dimension listed for lot under its respective zone.

f. Screening, Buffering and Landscape Installation

- i. A minimum five ft. landscape strip shall be provided abutting both sides of the access lane serving flag lots except for pedestrian and vehicle access to the flag lot(s) served by the access lane. Where land area is not sufficient to accommodate a five ft. wide landscape strip on either side of the new access lane, the review authority may impose conditions of approval to include measures that will provide effective buffering and screening. These measures may include landscaped islands, fencing, and meandering access lane.

The reviewing authority shall require the landscape strip to be planted with trees and shrubs in order to mitigate the visual impact of wide expanses of pavement, and to provide a visual buffer between the access lane and the affected dwelling(s) located on abutting parcels. Plant materials used for screening and buffering shall be of a size to provide an effective screen within two years of planting. Trees shall be a minimum two in. caliper, and shrubs shall be a minimum of five gallon at time of planting. Maintenance of the buffer is an ongoing obligation of the property owner.

- ii. Existing mature vegetation and trees shall be integrated as screening where practicable. The review authority may require dwelling and garage placement or orientation in a manner that will minimize the removal of specific trees, hedges, or other vegetation that would serve to screen the proposed structures from existing and potential surrounding homes.
- iii. The rear and side yards of the lot where the new development occurs shall be screened from adjacent property with a six ft. tall fence, except where a four ft. fence is required by LOC 50.06.004.2.c.i, Fences, and except where the abutting property owner agrees in writing that a fence is not necessary along the common property line. In addition, a landscaped buffer within the rear yard setback a minimum of six ft. in width shall be created along the rear property line and planted with a deciduous or evergreen hedge, a minimum four ft. in height at planting which shall grow to a height of six ft. within two years and shall be maintained at a minimum of that height, except where the abutting property owner agrees in writing that a landscaped buffer is not necessary. The above

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 3: PLATTING

requirements pertaining to the "rear yard" are not applicable where the rear yard abuts Oswego Lake.

iv. Tree Removal Mitigation

A minimum of one evergreen or deciduous tree, of a species which will attain a minimum of 30 ft. in height, shall be planted at a 1:1 ratio where practicable in order to mitigate the removal of existing trees necessary for site development. Deciduous trees at planting shall be a minimum of two in. caliper and evergreen trees shall be a minimum of eight ft. tall.

3. PLATTING

a. Preparation and Submittal of Final Plan or Plat

- i. The final plan or plat shall be submitted within one year of the date of the order setting forth the final decision. Upon written application, prior to expiration of the one-year period, the City Manager shall, in writing, grant a one-year extension. Additional extensions may be requested in writing and will be submitted to the approving authority which approved the final decision for review of the project for conformance with the current law, development standards and compatibility with development which may have occurred in the surrounding area. The extension may be granted or denied and if granted may be conditioned to require modifications to bring the project into compliance with then current law and compatibility with surrounding development.
- ii. A final plan or plat shall include all information required by the final decision on the Plan.
- iii. A final plan or plat for a subdivision shall accurately reflect the preliminary approval granted by the hearing body, with all conditions satisfied and shall also contain the following information:
 - (1) The proposed name of the subdivision. The name shall not duplicate or resemble the name of another subdivision in the Urban Service Area.
 - (2) Location of the subdivision by section, township and range.
 - (3) Reference points of the existing surveys identified, related to the plat by distance and bearings, and reference to a field book or map as follows:
 - (a) Stakes, measurements or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
 - (4) The location and width of streets and easements intercepting the boundary of the tract.
 - (5) Tract, block and lot or parcel boundary lines and street rights-of-way and center lines, with dimensions, bearings and deflection angles, radii, arcs, points of curvature and points of tangency. Flood plain or high water line for major water bodies. Plat accuracy shall be determined by the County Surveyor.
 - (6) The width of the portion of streets being dedicated and the width of existing rights-of-way. For streets on curvature, curve data shall be based on the road centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated on each right-of-way line. Also, arc and chord data shall be shown on each line for all lots as applicable.

SECTION 50.07.007. LAND DIVISIONS

SUBSECTION 3: PLATTING

- (7) Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision lines shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
- (8) Lot number beginning with the number "1" and numbered consecutively in each block in the subdivision.
- (9) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout a subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (10) Identification of land to be dedicated to the public and a specific statement of the purpose of the dedication.
- (11) The following certificates may be combined where appropriate:
 - (a) Certificate signed and acknowledged by all parties having any recorded title interest in the land (excluding lien holders), consenting to the preparation and recording of the plat.
 - (b) Certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision or their lessees, tenants, employees and visitors.
 - (c) Certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.
 - (d) Certificate for execution by the City Manager.
 - (e) Certificate for execution by the County Surveyor.
 - (f) Certificate for execution by the County Tax Collector.
 - (g) Certificate for execution by the County Assessor.
 - (h) Other certifications now or hereafter required by law.
- (12) Other information as required by ORS Chapter 92.
- (13) Deed restrictions and covenants shall be submitted as a separate document at the time as the final plat is submitted.

b. Review of the Final Plan or Plat, Filing Requirements

- i. Staff shall determine whether the final plan or plat conforms to the final decision of the hearing body, including all conditions, and other applicable state statutes and city codes.
- ii. If staff determines that the plan or plat is in conformance, then the appropriate signatures shall be affixed to the plan or plat, such signatures signify City approval of the plan or plat. Final plats shall be recorded with the appropriate County within 30 calendar days of signature. Acceptance by the City of the land dedicated to the public by means of a plat occurs upon the recording of the plat. Any plat not so recorded is void.
- iii. If staff determines that the final plan or plat does not conform, the applicant shall be advised by a written notice which shall list the reasons for the decision.
- iv. The applicant shall have 30 calendar days to correct the plan or plat or to schedule a review of the final plan or plat by the Development Review Commission. When the

SECTION 50.07.007. LAND DIVISIONS
SUBSECTION 4: PLANNED DEVELOPMENT OVERLAY

differences have been resolved and the plan or plat approved, the procedure in subsection (ii) of this section, above, shall be followed.

- v. Approval of a final plan or plat authorizes the issuance of development permits for actions or uses as approved therein.

4. PLANNED DEVELOPMENT OVERLAY

a. Purpose

The purpose of the Planned Development (PD) Overlay is to provide, for parcels of sufficient size, greater flexibility in development of land as compared to a standard subdivision, encourage variety in the development pattern of the community, encourage developers to use a creative approach in land development, conserve natural land features, facilitate a desirable aesthetic and efficient use of open space, create public and private common open spaces, and provide for flexibility and variety in the location of improvements on lots. If these public purposes are accomplished, exceptions to certain zoning standards may be granted as provided by LOC 50.07.007.4.d, Authorization.

b. Applicability

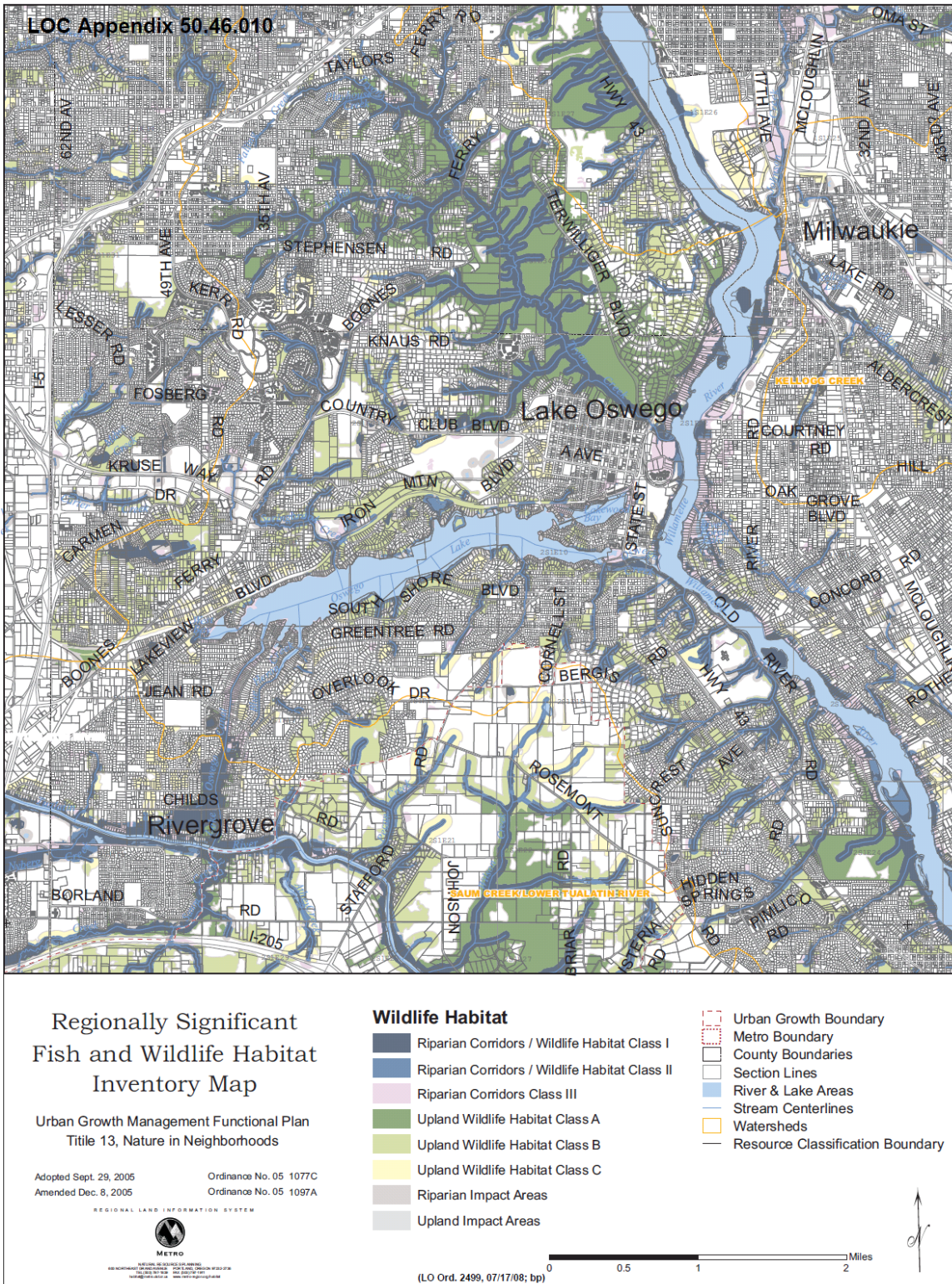
Use of the PD Overlay is allowed in any zone for subdivision proposals, except when the property is located in the R-7.5, R-10, or R-15 zone, at least one of the following circumstances must exist:

- i. The property is greater than 75,000 square ft. in size;
- ii. An RC District or RP District is located on the property;
- iii. A tree grove greater than 15,000 square ft. in size exists on the property; or
- iv. The property includes resources identified as Class I or II Riparian Corridors/Wildlife Habitat or Class A or B Upland Wildlife Habitat as mapped on Metro's Title 13 Regionally Significant Fish and Wildlife Habitat Inventory Map (adopted by Metro on September 29, 2005 and amended on December 8, 2005) see Figure 50.07.007-C: Regionally Significant Fish and Wildlife Habitat Inventory Map. [Cross-reference: This subsection is automatically repealed upon enactment of an updated Sensitive Lands Atlas, which includes the resources inventoried between 2003 and 2007 per Ordinance 2499, Section 6.] .

(Ord. 2499, Amended, 06/17/2008; Ord. 2309A, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

SECTION 50.07.007. LAND DIVISIONS
 SUBSECTION 4: PLANNED DEVELOPMENT OVERLAY

Figure 50.07.007-C: Regionally Significant Fish and Wildlife Habitat Inventory Map



SECTION 50.07.007. LAND DIVISIONS
SUBSECTION 4: PLANNED DEVELOPMENT OVERLAY

c. Procedures

i. Multi-Phase PD Overlay Approval

The establishment of a PD overlay for projects containing more than one phase shall occur in conjunction with the approval by the Planning Commission of an Overall Development Plan and Schedule (ODPS) pursuant to the provisions of LOC 50.07.006. The ODPS shall contain a section which identifies the zone requirements to be applied in the PD Overlay. These requirements may be adopted by referring in the Final Order to existing provisions of this section or by creating special zoning standards pursuant to this section.

ii. Single-Phase PD Overlay Approval

A request for a PD overlay for a project that will contain only one phase may be considered by the Development Review Commission. No ODPS shall be required, but the requirements of subsection (i), above, for the adoption of zone requirements in the Final Order shall be complied with.

iii. Following Approval of a PD Overlay:

(1) If any modifications were made from the underlying zone requirements for lot area, dimensions, setback, residential maximum floor area, FAR, garage appearance and location, front building plane, side yard elevation or lot coverage for any lots within the planned development, then any subsequent request for modification to these standards by variance shall be processed as a modification to the development permit granting the PD Overlay, pursuant to LOC 50.07.003.11; further exceptions to the modified underlying zone requirements are permissible through the Residential Infill Development (RID) process (LOC 50.08.007) without modification of the PD Overlay.

(2) If no modifications were made from the underlying zone requirements for lot area, dimensions, setbacks, residential maximum floor area, FAR, garage appearance and location, front building plane, side yard elevation or lot coverage for any lots within the planned development, then any subsequent request for modification to these requirements of the underlying zone shall be processed as a variance pursuant to LOC 50.08 or, for qualified residential developments, processed according to the provisions of LOC Article 50.08.007, RID.

(3) For PD applications filed prior to August 14, 2003, the following standards do not apply:

(a) The maximum floor area standards of LOC 50.04.001.1, Residential Low Density Zones;

(b) The maximum floor area standards of LOC 50.04.00.1.2, Residential Medium Density Zones – R-5 only;

(c) The height exception, front setback plane, side yard setback plane, and garage appearance and location standards for all residential districts.

(Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2314, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

d. Authorization

i. Underlying Zone

(1) In considering an application for a PD Overlay, the reviewing authority shall apply the height, maximum floor area, lot coverage, garage appearance and location, use,

SECTION 50.07.007. LAND DIVISIONS
SUBSECTION 4: PLANNED DEVELOPMENT OVERLAY

open space and density requirements of the underlying zone. The maximum floor area and lot coverage requirements may be applied with reference to the total area.

- (2) If the proposed PD is part of an approved ODPS as described in LOC Article 50.07.006, requirements of the ODPS approval regarding arrangement of uses, open space and resource conservation and provision of public services, will be considered when reviewing the considerations in subsection (1), above, for the PD.

ii. Dimensional Exceptions

- (1) The reviewing authority may grant exceptions to the lot size, front setback plane, maximum side yard plane, lot dimension and front and rear setback requirements of the underlying zone if the applicant demonstrates that the proposed PD provides the same or a better sense of privacy, appropriate scale and open space as a PD designed in compliance with the standard or standards to which an exception is sought. The considerations in granting the exceptions are set forth in subsection (2) below:

- (2) In making the determination under subsection (1), the reviewing authority may consider:

- (a) Whether the applicant has reserved or dedicated more than the minimum amount of open space required by the Park and Open Space Development Standard;
- (b) Whether the requested exception allows the lots to be designed in a manner that provides better access to common open space areas from within and/or outside the PD, better protects views, allows better solar access, maintains or improves relationships between structures, maintains or improves privacy and/or improves pedestrian or bicycle access to surrounding neighborhoods;
- (c) Whether the requested exception will allow a more attractive streetscape through use of meandering streets, access through alleys or shared driveways, provision of median plantings, or other pedestrian amenities;
- (d) Whether the requested exception will enhance or better protect a significant natural feature on the site, such as a wetland, a tree or tree grove, or a stream corridor;
- (e) Whether the requested exception will provide better linkage with adjacent neighborhoods, parks and open space areas, pathways, and natural features; or
- (f) Whether the requested exception will allow the development to be designed more compatibly with the topography and/or physical limitations of the site.

(3) Side Yard Setback Exceptions

The reviewing authority may grant exceptions to the minimum side yard setbacks of the underlying zone, without the necessity of meeting the requirements of LOC 50.08, Adjustments, Alternatives, and Variances, if the requirements of LOC 50.07.007.4.d.ii, above, are met, and:

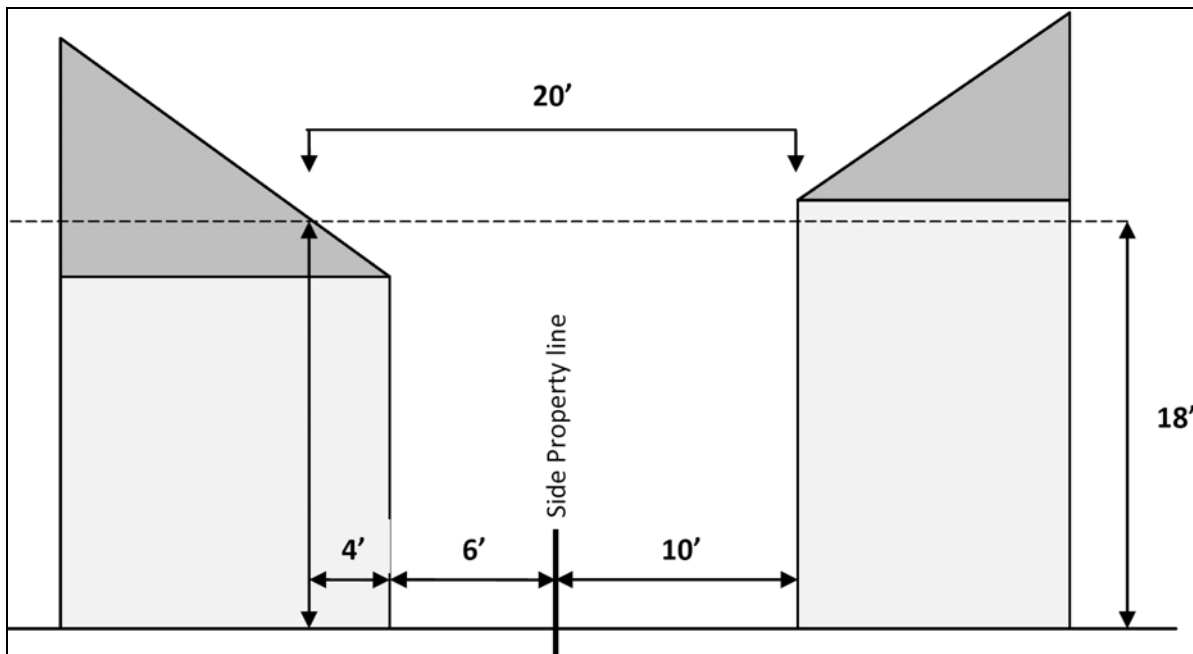
- (a) Proposed lot sizes are less than the minimum size required by the underlying zone, or
- (b) Lesser setbacks are necessary to provide additional tree preservation or protection of abutting natural areas.
- (c) Side yard setbacks shall not be reduced to less than eight ft. except under the following circumstances:

SECTION 50.07.007. LAND DIVISIONS
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- (i) Structures on abutting lots within the development are separated by no less than 16 ft. when all portions of the structure within the standard setback are no greater than 18 ft. in height.
- (ii) Structures on abutting lots within the development are separated by no less than 20 ft. when any portion of the structure exceeds 18 ft. in height within the standard setback area.

This limitation does not affect the underlying base zone yard setbacks when those setbacks are less than eight ft. See Figure 50.07.007-D: Side Yard Setbacks.

Figure 50.07.007-D: Side Yard Setbacks



(Ord. 2524, Amended, 06/01/2010; Ord. 2499, Amended, 06/17/2008; Ord. 2333, Amended, 07/15/2003; Ord. 2346, Amended, 06/10/2003; Ord. 2309A, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

- (4) In the R-7.5, R-10, and R-15 zones, where the parcel being developed is less than 75,000 square ft. in size, the following additional provisions apply:

(a) Rear Yard Setback Exceptions

- (i) For lots where the rear yard setback abuts open space land, the rear yard setback may be reduced by up to 50% of the base zone requirement.
- (ii) For lots where the rear yard setback do not abut open space, the rear yard setback may be reduced by the percentage of the gross site area that is designated as open space, but in no case greater than 20% of the base zone requirement.

(b) Lot Size Exceptions

Lot sizes may be reduced by the percentage of the gross site area that is designated as open space, but in no case greater than 20% of the base zone requirement.

SECTION 50.07.007. LAND DIVISIONS
SUBSECTION 4: PLANNED DEVELOPMENT OVERLAY

iii. PD Standards

- (1) Lots which are located on the perimeter of a development located in a R-0, R-2, R-2.5, R-3, R-5, R-6, R-7.5, R-10 or R-15 zone, and which are adjacent to lots in an R-7.5, R-10 or R-15 zone upon which are constructed single-family dwellings, may be not less than:
- (a) Development in R-0, R-2, R-2.5, R-3, R-5, R-6 zones: 75% of the minimum lot area per unit of the adjacent zone.
 - (b) Development in R-7.5, R-10, and R-15 zones: 80% of the minimum lot area per unit of the adjacent zone.
 - (c) Housing types located on the perimeter lots described in (1), above, shall be single-family, zero lot line or duplex dwellings, except three attached dwelling units may be placed on three lots which abut at a common point with the middle lot being a corner lot.
 - (d) In a PD located in a R-0, R-2, R-2.5, R-3, R-5, or R-6 zone which abuts a R-7.5, R-10 or R-15 zone and which does not contain separate lots for the dwelling units, the building setbacks shall meet the requirements of the zone in which the development is located.

e. Maintenance of Facilities and Open Space

If common private open space or common buildings are included in the plan, a homeowner's association or similar organization must be established to provide for maintenance of the facilities or open space. The articles of incorporation or other evidence of incorporation of such organization shall be included in the application.

(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

f. Expiration, Revocation

If 15% of the structural construction of the planned development has not occurred within three years of the date of the order granting approval for the PD Overlay or if development has occurred in violation of the approval granted, the reviewing authority may initiate a review of the PD Overlay to determine whether or not its continuation in whole or in part is in the public interest. The reviewing authority may decide that the PD Overlay is to be removed and the plan or plat be resubmitted and made to conform to the requirements of the underlying zone, that the approval be retained, or that the approval be modified in any manner consistent with laws in effect at that time.

(Ord. No. 2309A, Amended, 03/05/2002; Ord. No. 2316, Added, 03/05/2002)

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LOC 50.08: ADJUSTMENTS, ALTERNATIVES, AND VARIANCES

50.08.001. ADJUSTMENTS

1. R-6 ADMINISTRATIVE MODIFICATION

- a. Notwithstanding LOC 50.08.002 and 50.08.003 the City Manager may grant an administrative modification to the lot coverage, front, and garage yard setback requirements of a development in an R-6 zone, in the following amounts:
 - i. Lot coverage: Up to 200 sq. ft.
 - ii. Front Yard Setback: Up to two ft.
 - iii. Garage front yard setback: Up to ten ft.
- b. The granting authority may grant an administrative modification if:
 - i. The proposed development makes desirable visual linkages between surrounding buildings by repeating or incorporating similar ridge lines, eaves, window and door openings; or
 - ii. The requested modification results in a development that is designed more compatibly with the topography and/or physical limitations of the site; or
 - iii. The requested modification will enhance or better protect a significant natural feature(s) on the site (RC or RP Overlay districts); or
 - iv. The proposed development provides visual continuity and cohesiveness with any abutting historic landmarks through the incorporation of style features, proportions and massing of the landmark structure.
- c. An administrative modification shall be processed as a minor development pursuant to the review procedures for minor development contained in 50.07.003.14.
(Ord. 2398, Amended, 12/06/2005; Ord. 2316, Added, 03/05/2002)

2. R-DD ADMINISTRATIVE MODIFICATION

- a. The reviewing authority may reduce required minimum setbacks for the exterior modification of a single-family detached dwelling in the R-DD zone built prior to 1960 by two ft. if the modification maintains at least 50% of the exterior walls (measured by sq. ft.) and does not increase height by more than 100%. All applicable City Codes and Standards for the R-DD zone apply.
- b. The reviewing authority may reduce required minimum setbacks by greater than two ft. but not exceeding five ft. for the exterior modification of a single family detached dwelling unit in the R-DD zone built prior to 1960 if the modification maintains at least 50% of the exterior walls (measured by sq. ft.), does not increase height by more than 100%, and the setback reduction will not result in an incompatible, negative relationship between the proposed expansion and:
 - i. The scale and character of the neighborhood;
 - ii. The scale and character of the street, such that the safety or the experience of a pedestrian using the street is diminished; and
 - iii. The scale, character and privacy to properties within 300 ft. of the property.All applicable City Codes and Standards for the R-DD zone apply.

SECTION 50.08.002. MINOR VARIANCE
SUBSECTION 3: SOLAR ACCESS YARD SETBACK ADJUSTMENT

3. SOLAR ACCESS YARD SETBACK ADJUSTMENT

The City Manager shall grant a ministerial adjustment to the side yard setback requirement(s) by up to 50% and/or the front or rear yard setback requirement(s) by up to 25% if necessary to build a proposed structure so it complies with either the shade point height standard in LOC 50.06.007.2.c, the allowed shade on a solar feature standard in LOC 50.06.007.2.d, or the solar balance point standard in LOC 50.06.007.2.e as provided herein. This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this section.

50.08.002. MINOR VARIANCE

1. PURPOSE

The purpose of variances is to allow development not in conformance with the requirements of the Community Development Code relating to the property except as provided in subsection (4), below.

(Editorial correction, Amended, 02/20/2007, ref. to LOC 50.68.010 corrected to LOC 50.68.017; Ord. 2314, Added, 03/05/2002)

2. VARIANCE STANDARDS

- a. The reviewing authority may grant a minor variance from the requirements of this Code, except as expressly prohibited, if it is established that:
 - i. The granting of the variance will not be detrimental to the public health or safety, or materially injurious to properties or improvements within 300 ft. of the property.
 - ii. The proposed development will not adversely affect existing physical and natural systems such as traffic, drainage, Oswego Lake, hillsides, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development were located as specified by the requirements of the zone.

(Ord. 2398, Amended, 12/06/2005; Ord. 2314, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

3. CLASSIFICATION OF VARIANCES

A variance which would allow development not in conformance with the requirements of the development standards may be granted. The City Manager shall decide the classification of any variance application.

Minor variances are small changes from the Code requirements and which will have little or no effect on adjacent property or users. Minor variances include:

- a. Variance from yard setback requirements for a single-family dwelling, or its associated accessory structure that does not comply with the three criteria set forth in LOC 50.03.004.2.b.i(1)-(3):
 - i. 20%, or less, provided the resulting side yard setback is no less than five ft. in width; or
 - ii. The request is the minimum necessary to preserve a tree and both:

SECTION 50.08.002. MINOR VARIANCE
 SUBSECTION 3: CLASSIFICATION OF VARIANCES

- (1) The resulting yard setback is no less than 50% of standard required by the zone
- (2) Side yards are not reduced to less than five ft.
- b. Variance from yard setback requirements for a structure other than those described in subsection (a), above, of:
 - i. Two ft. or less in side or front yards;
 - ii. Five ft. or less in rear yards: or
 - iii. The request is the minimum necessary to preserve a tree and both:
 - (1) The resulting yard setback is no less than 50% of standard required by the zone
 - (2) Side yards are reduced to not less than five ft.
- c. Variances from minimum lot width or depth of five ft. or less.
- d. Variances in lot coverage on lots which have the same boundaries as when platted and which were platted with an area less than the current zoning requirement for single-family residential dwellings and accessory structures of up to and including 15% of the maximum allowed lot coverage.
- e. Variances in floor area for single family residential development, up to a maximum 15% increase in floor area, subject to the following lot size limitations:

TABLE 50.08.002-1: VARIANCE IN FLOOR AREA	
Zone	Minimum Lot Size Required if House Floor Area is to be Adjusted Under Minor Variance
R-5	10,000 sq. ft.
R-6	12,000 sq. ft.
R-7.5	15,000 sq. ft.
R-10	15,000 sq. ft.
R-15	22,500 sq. ft.

- f. Variances from maximum fence or retaining wall height restrictions pursuant to LOC 50.06.004.2.
- g. Variation to the maximum grade of a private street or driveway.
- h. Variances for construction of a dormer that does not exceed the height of the roof ridge in which the dormer is being constructed in an existing single family detached dwelling that is non-conforming relative to lot coverage or setbacks.
 - i. Variances to distance of driveway from intersections (LOC 50.06.003.2.b).
 - j. Variances to street frontage (LOC 50.06.003.1.c).
 - k. Variances to driveway width for Flag Lots (LOC 50.07.007.2.c).
 - l. Variances for elevated walkway or pathway within setback or yard.
- m. Variances to yard requirements for extension of existing nonconforming walls, provided:
 - i. The square footage of any new encroachment into the setback does not exceed the square footage of the existing non-conforming, encroaching portion of the structure.
 - ii. The resulting structure complies with the floor area, lot coverage and other setback requirements.

SECTION 50.08.003. HARDSHIP VARIANCES

SUBSECTION 4: VARIANCES NOT ALLOWABLE

- iii. The variance shall not reduce the yard setback by more than 50%.
- iv. No previous variance has been granted for an extension of the subject non-conforming wall.
- v. The expansion area shall be defined by the extension of two or more existing exterior walls.
- n. Variances to dimensional requirements that are necessary due to prior errors in land surveying. Prior errors in land surveying are errors that were made before the applicant acquired the property or gained control of the property.
- o. Determination of the front yard for flag lots (LOC 50.07.007.2.d).
- p. Limitation on maximum height of solar system (panels), LOC 50.04.003.4.b.ii.
(Ord. 2524, Amended, 06/01/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2314, Amended, 03/05/2002; Ord. 2316, Added, 03/05/2002)

4. VARIANCES NOT ALLOWABLE

- a. No minor variance shall be granted that will permit a use not permitted in the applicable zoning district or that will increase the allowable residential density in any zone.
- b. No minor variance to a zone requirement for which an exception was granted pursuant to LOC 50.07.007.4.d.ii, Dimensional Exceptions, shall be granted to a lot within a planned development where an exception to the zone requirement was granted from the underlying zone requirements by the planned development overlay approval.
- c. No minor variance shall be granted to a setback required under LOC 50.05.010, Sensitive Lands Overlay District. This provision does not prevent modification of Protected Riparian Area or setbacks as permitted in that section.

[**Cross-References:** Subsection 4.b, above: See LOC 50.07.007.4c.iii - Modifications to Planned Developments; LOC 50.07.003.11 for modification of lot area or setback requirements within a planned development where any lot's dimension, lot area, or setback was modified from the underlying zone requirements.]

(Ord. 2398, Amended, 12/06/2005; Ord. 2314, Added, 03/05/2002)

50.08.003. HARDSHIP VARIANCES

1. PURPOSE

The purpose of hardship variances is to allow development not in conformance with the requirements of the Community Development Code relating to the property.

2. CLASSIFICATION OF VARIANCE

Hardship variances are significant changes from the Code requirements and are likely to create impacts on adjacent property or users. The City Manager shall decide the classification of any variance application. Hardship variances include:

- a. Variances from setback requirements for a single-family dwelling of more than 20% or where the resulting side yard setback is less than five ft. in width.

SECTION 50.08.003. HARDSHIP VARIANCES

SUBSECTION 3: VARIANCE STANDARDS

- b. Variance from yard setback requirements for an associated accessory structure to a single-family dwelling that does not comply with the three criteria set forth in LOC 50.03.004 2.b.i(1)-(3), Setback Reduction for Accessory Structures, of more than 20%.
- c. Variances from the minimum lot width or depth of more than five ft.
- d. Variances from setback requirements for structures other than those described in LOC 50.08.002.3.a of more than two ft. in side and front yards and more than five ft. in rear yards or where the resulting side yard setback is less than five ft. in width.
- e. Variances from the lot coverage or floor area for other than a single-family residential dwelling or its associated accessory structures.
- f. Variances to building height.
- g. Variance to fence, wall, and retaining wall requirements, other than height.
- h. Variances to any other requirement of this Code except as classified as a minor variance above, and applicable to a development.

3. VARIANCE STANDARDS

The reviewing authority may grant a variance from the requirements of this Code, except as expressly prohibited, if it is established that:

a. Hardship Variance Standards

- i. The request is necessary to prevent unnecessary hardship; and,
- ii. Development consistent with the request will not be injurious to the neighborhood in which the property is located or to property established to be affected by the request; and,
- iii. The request is the minimum variance necessary to make reasonable use of the property; and,
- iv. The request is not in conflict with the Comprehensive Plan.

b. Hardship Variance Factors and Considerations

- i. In evaluating whether a particular request is to be granted, the granting authority shall consider the following, together with any other relevant facts or circumstances:
 - (1) Relevant factors to be considered in determining whether a hardship exists include:
 - (a) Physical circumstances related to the piece of property involved.
 - (b) Whether a reasonable use similar to like properties can be made of the property without the variance.
 - (c) Whether the hardship was created by the person requesting the variance.
 - (d) The economic impact upon the person requesting the variance if the request is denied.
 - (2) Relevant factors to be considered in determining whether development consistent with the request is injurious include:
 - (a) An analysis of the physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.
 - (b) The perceptions of residents and owners of property in the neighborhood concerning the incremental impacts occurring as a result of the proposed variance.

SECTION 50.08.004. REASONABLE ACCOMMODATION VARIANCE (ADA, FHA)

SUBSECTION 4: VARIANCE NOT ALLOWABLE

- ii. A determination of whether the standards set forth in subsection (i), above, are satisfied necessarily involves the balancing of competing and conflicting interests. The considerations listed in subsection (i)(2), above, are not standards and are not intended to be an exclusive list of considerations. The considerations are to be used as a guide in the granting authority's deliberations.

4. VARIANCE NOT ALLOWABLE

- a. No hardship variance shall be granted that will permit a use not permitted in the applicable zoning district or that will increase the allowable residential density in any zone.
- b. No hardship variance to a zone requirement for which an exception was granted pursuant to LOC 50.07.007.4.d.ii, Dimensional Exceptions, shall be granted to a lot within a planned development where an exception to the zone requirement was granted from the underlying zone requirements by the planned development overlay approval.
- c. No hardship variance shall be granted to a setback required under LOC 50.05.010, Sensitive Lands Overlay District. This provision does not prevent modification of Protected Riparian Area or setbacks as permitted by that section.

50.08.004. REASONABLE ACCOMMODATION VARIANCE (ADA, FHA)

1. CLASSIFICATION OF VARIANCE

- a. Reasonable accommodation variances are variances to any requirement of this Code required by state or federal law based on the special needs of the occupant.
- b. An applicant must specifically designate a request for a reasonable accommodation variance in the application.

2. VARIANCE STANDARDS

The reviewing authority may grant a variance from the requirements of this Code, except as expressly prohibited, if it is established that:

- a. The applicant and proposed use meet the qualifications for applicability under a state or federal law that may require the City to waive, adjust, or reasonably accommodate land use regulations.
- b. The requested variance is necessary to comply with state or federal law requirements for adjustment, waiver, or reasonable accommodation of land use regulations, e.g., Federal Fair Housing Act, Americans with Disabilities Act, Rehabilitation Act, Religious Land Use and Incarcerated Persons Act.
- c. The variance is the minimum necessary to comply with the applicable state or federal law.

3. NOTICE OF DURATION OF REASONABLE ACCOMMODATION VARIANCES; EXPIRATION

- a. Notice of the condition(s) / event(s) that would terminate the reasonable accommodation variance shall be recorded in the county deed records.
- b. Reasonable accommodation variances that allow use of a lot not otherwise permitted by this Code but required under state or federal law shall expire upon termination of the occupancy of the lot by the activity, use, or individual/entity qualifying for the use variance under state or federal law.

SECTION 50.08.005. DOWNTOWN REDEVELOPMENT DISTRICT EXCEPTIONS TO STANDARDS

SUBSECTION 1: APPLICABILITY

- c. Reasonable accommodation variances relating to the placement of the structure, the dimensional standards of the lot, or other variances relating to the structure (other than to the use of the structure), shall expire when the portion of the structure that received the variance is damaged or destroyed and occupancy of the lot by the activity, use, or individual/entity qualifying for the variance under state or federal law has ceased.

50.08.005. DOWNTOWN REDEVELOPMENT DISTRICT EXCEPTIONS TO STANDARDS

1. APPLICABILITY

The reviewing authority may allow exceptions to LOC 50.05.004, Downtown Redevelopment Design District, and to other Lake Oswego Community Development Code provisions that are applicable to the downtown redevelopment design district without the need to obtain a formal variance in one or more of the following circumstances:

- i. The applicant demonstrates that the physical characteristics of the site or existing structure make compliance impractical; or
- ii. New buildings or substantial remodels may vary from the design requirements in LOC 50.05.004.5-7 if:
 - (1) The applicant demonstrates that the design should vary in order to create a complimentary relationship with an abutting viable existing structure that is not designed in the Lake Oswego Style; and
 - (2) The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of the Downtown Redevelopment District Design Standards; or
- iii. The applicant demonstrates that the alternative design accomplishes the purpose of the Urban Design Plan in a manner that is equal or superior to a project designed pursuant to this standard.

2. APPLICATION PROCESS

A request for exception under this provision may be processed as part of the underlying application or separately as a major development.

(Ord. 2346, Amended, 06/10/2003; Ord. No. 2316, Added, 03/05/2002)

50.08.006. LGVC ADJUSTMENTS

1. PURPOSE

The regulations in LOC 50.05.007, Lake Grove Village Center Overlay District, are designed to implement the goals and policies of the Lake Grove Village Center Plan. These standards apply to the entire Lake Grove Village Center Overlay District. However, due to the District's diversity, some sites are not able to be developed in compliance with all applicable district standards, or through application it may be found that various district standards conflict when applied to a general class of property, or the district generally. Adjustment reviews provide the opportunity for flexibility in unusual situations or in the event of code conflict and allow the district standards to be modified if the proposed development continues to meet the intended purpose of the regulation or of the policies of the Lake Grove Village Center Plan.

SECTION 50.08.006. LGVC ADJUSTMENTS
SUBSECTION 2: STANDARDS SUBJECT TO ADJUSTMENT

2. STANDARDS SUBJECT TO ADJUSTMENT

a. Eligible Standards

Except as listed in subsection (b), below, the standards in the Lake Grove Village District overlay district code may be modified using the adjustment review process.

b. Ineligible Standards

Adjustments are prohibited for the following:

- i. Standards addressing the permitted or conditional uses allowed on the property,
- ii. Standards and requirements relating to review procedures,
- iii. LOC 50.05.007.4.b, Maximum structure height,
- iv. LOC 50.05.007.4.c, Lot Coverage, or
- v. LOC 50.05.007.4.d.ii, Village Transition Yard Setbacks adjacent to R-7.5 and R-10 parcels.

3. MINOR ADJUSTMENTS

Minor adjustments are available to provide flexibility in circumstances where application of the Lake Grove Village District overlay code results in the inability to meet all applicable quantitative code requirements. A project may involve one or more Minor Adjustments. The following Lake Grove Village Center overlay district code standards involving quantitative requirements may be adjusted by 20% or four ft., whichever is less:

a. Site Dimensional Standards

- i. LOC 50.05.007.4.d., Yard Setbacks not including Village Transition Yard Setbacks adjacent to R-7.5 and R-10 parcels, and
- ii. LOC 50.05.007.4.e, Streetfront Environment standards, (i) Build-to Line and (ii) Minimum Street Frontage.

b. Site Planning Standards

- i. LOC 50.05.007.6.k.viii.(5), Landscape Requirements: Parking Facility Edge Requirements, and
- ii. LOC 50.05.007.6.l.i(1), Buffer Area and Screening, Requirements Adjacent to Low-Density Residential.

4. MAJOR ADJUSTMENTS

Major adjustments are available to any eligible standards, as listed in LOC 50.08.006.2.a, including Minor Adjustments which exceed the quantitative minor adjustment threshold.

5. ADJUSTMENT APPROVAL CRITERIA

a. Criteria for Minor and Major Adjustments

Except as provided in subsection (b), below, both Minor Adjustments and Major Adjustments applications shall satisfy all of the following criteria:

- i. Granting the adjustment results in a site plan or building design that equally or better meets the purpose of the standard(s) being adjusted.

SECTION 50.08.006. LGVC ADJUSTMENTS

SUBSECTION 5: ADJUSTMENT APPROVAL CRITERIA

- ii. The property has special circumstances or conditions involving site configuration, natural or topographic features, existing improvements, or relationships to abutting or adjacent properties which would result in the inability of the applicant to comply if the standards were applied to the property without an adjustment
- iii. The adjustment is the minimum necessary to alleviate the inability to comply with the applicable standards.
- iv. The adjustment will not adversely affect existing physical and natural systems such as traffic, access, circulation, connectivity, drainage, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development fully met the standards of the overlay district; and
- v. Any significant impacts resulting from the adjustment are mitigated to the extent practical through building or site design features on the site.

b. Additional Criteria for Major Adjustments

Major adjustments shall either:

- i. Satisfy the following additional criteria, in addition to all of the criteria in subsection (a), above: The applicant shall demonstrate through an alternatives analysis how a site plan or building design cannot reasonably be proposed, which complies with all applicable Lake Grove Village Center Overlay District standards; or
- ii. Satisfy the following additional criteria, in addition to the criteria in LOC 50.08.006.5.a.iii-v above:
 - (1) The applicant shall demonstrate that without an adjustment, the application of the conflicting standards would constitute a “regulatory taking” under State and Federal Constitutions, and
 - (2) The request results in a design that achieves the listed policies of the Lake Grove Village Center Plan in a manner that is better than what would result if the Lake Grove Village Center Overlay District standards were fully met. If applicable to the proposed development, the policies to be considered are:

TABLE 50.08.006-1: GOALS CONSIDERED FOR ADJUSTMENT	
Goal Title	Policies
Enhance the Pedestrian Environment and Connectivity Within the Village Center	3.1, 3.2, 3.3, 3.4
Strengthen the Lake Grove Sense of Place and Community	5.1, 5.4
Enhance Village Character	6.1, 6.2, 6.3, 6.4, 6.5
Protect the Residential Character of Adjoining Neighborhoods	7.1, 7.2
Protect Natural Resources and Enhance the Natural Environment Within the Village Center	8.1, 8.2, 8.4, 8.5, 8.6
Support Businesses in the Village Center	9.3, 9.4, 9.6

c. Review Authority Consideration

When applying the above approval criteria, the review authority shall consider the following:

- i. To the extent practicable, standards for landscaping and buffering at the perimeter of a site and setback requirements adjacent to R-7.5 and R-10 zones shall have the highest priority for retention.

SECTION 50.08.007. RESIDENTIAL INFILL DEVELOPMENT (RID)

SUBSECTION 1: PURPOSE

- ii. Site planning standards for internal landscaping and other internal dimensional standards shall be considered for adjustment prior to any adjustment of perimeter landscaping and buffering standards.
- iii. For a Major Adjustment, the thoroughness of alternative designs and overlay district code analysis presented. Priority consideration shall be given in the alternatives analysis to achieve designs which eliminate the need for Major Adjustment.

[**Cross Reference:** LOC 50.07.003.5, Conditions on Development, provides authority to require conditions to mitigate adverse impacts.]

(Ord. 2455, Add, 04/01/2008)

50.08.007. RESIDENTIAL INFILL DEVELOPMENT (RID)

1. PURPOSE

The purpose of this article is to:

- a. Provide an alternative process for the review of building permits for construction or alteration of outright permitted residential dwellings and accessory structures in residential zones where the clear and objective development standards of the code conflict with or prevent development that may otherwise be compatible with the character of the neighborhood and surrounding residential development.
- b. Ensure that new development is consistent with the character of development envisioned for neighborhoods in Lake Oswego.
- c. Ensure that new development is compatible with existing, surrounding residential development.

(Ord. 2398, Amended, 12/06/2005; Ord. 2333, Add, 07/15/2003)

2. APPLICABILITY

This standard is applicable to Minor developments listed in LOC 50.07.003.14a.ii(15) where an applicant has requested approval of an alternative design that does not meet the clear and objective development standards of the code but may otherwise be compatible with the character of the neighborhood and surrounding residential development.

[**Cross-Reference:** See LOC 50.07.003.3.d, Residential Infill Design Review Notice, and 50.07.03.14.d.iii(2), Final RID Application, for notice and decision process for RID Review applications.]

(Ord. 2333, Add, 07/15/2003)

3. AUTHORIZATION AND CRITERIA

- a. In considering an application for residential infill design review, the City Manager shall apply the building height, lot coverage, floor area, yard setback, Oswego Lake setback, front setback plane, side yard setback elevation requirements, garage appearance and location and accessory structure requirements of the underlying zone, and the height and footprint requirements in the Oswego Lake setback (LOC 50.04.003.7), including such requirements created or modified by a planned development overlay.

SECTION 50.08.007. RESIDENTIAL INFILL DEVELOPMENT (RID)

SUBSECTION 3: AUTHORIZATION AND CRITERIA

- b. The City Manager may grant exceptions to the applicable requirements listed in subsection (a), above, if the applicant demonstrates that the proposed residential dwelling or accessory structure design results in development that is equal to or better than development that would meet the clear and objective standards listed in subsection (a), above, for the applicable zone. In making this determination, the City Manager shall consider the following:

i. **Residential Dwelling or Accessory Structure Size**

(1) **Intent**

Compatible infill is ensured through a mix of standards addressing lot dimensions and maximum allowable floor areas. These standards are intended to reflect the size of building(s) that can be reasonably located and shaped to suit the scale and character of a neighborhood. The Code establishes that maximum allowable floor area and its location on a lot through the following standards:

- (a) Floor area,
- (b) Lot coverage,
- (c) Yard setbacks,
- (d) Building height,
- (e) Accessory structures,
- (f) Boathouse footprint, and
- (g) Height of accessory structures in the Oswego Lake setback.

(2) **Criteria**

The City Manager may permit a residential dwelling or accessory structure design to exceed or vary from the standards listed in LOC 50.08.007.3.b.i(1), above, when a more compatible, positive relationship between the size of a proposed residential dwelling or accessory structure and the scale and character of a neighborhood can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that diminish the perceived scale and improve the perceived character of greater size. That review will include consideration of:

- (a) Distance and visibility from street and adjoining properties;
- (b) Topography;
- (c) Building number (more smaller versus one larger, for example);
- (d) Building form(s), massing and orientation; and
- (e) Landscaping.

(3) **Oswego Lake Setback Exception Limitations**

For accessory structures in the Oswego Lake setback, no height exception shall be granted above 18 ft. and no boathouse footprint exception shall be granted to allow more than 800 sq. ft.

ii. **Relationship to the Street**

(1) **Intent**

Compatible infill is development that makes a positive contribution to the scale and character of a neighborhood's streetscape. While this scale and character will vary from neighborhood to neighborhood and from street to street, a positive contribution is typically one that enhances the safety and experience of a pedestrian using the

SECTION 50.08.007. RESIDENTIAL INFILL DEVELOPMENT (RID)

SUBSECTION 3: AUTHORIZATION AND CRITERIA

street. The Code establishes the relationship of a building's location and form relative to the street through the following standards:

- (a) Front yard setback,
- (b) Front setback plane, and
- (c) Garage door openings.

(2) Criteria

The City Manager may permit a residential dwelling or accessory structure design to exceed or vary from the standards listed in LOC 50.08.007.3.b.ii(1), above, when a more compatible, positive relationship between a proposed design and the scale and character of the street can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that enhance the perceived scale and character of the street from a pedestrian's perspective. That review will include consideration of:

- (a) Distance and visibility from street;
- (b) Prevailing patterns of front yard setback, building alignment and spacing (rhythm);
- (c) Topography;
- (d) Preservation of existing trees and features of perceived value to the street;
- (e) Perceived building form, proportion, massing and orientation relative to the street;
- (f) Porch and/or entry location and treatment relative to the street;
- (g) Garage distance and visibility from the street;
- (h) Perceived size and scale of garage doors from the street;
- (i) Perceived area and scale of driveways and parking areas from the street;
- (j) Fencing or screens; and
- (k) Landscaping.

iii. Relationship to the Neighbors

(1) Intent

Compatible infill does not diminish the scale, character or privacy of neighboring residences. While the scale, character and privacy of one building relative to another will vary from street to street, and from lot to lot, a positive contribution is typically one that adjusts the location and perceived scale, character and views from or to a new residential dwelling or accessory structure to avoid visual conflict with neighbors. The Code establishes the relationship of a building's location and form relative to its neighbors through the following standards:

- (a) Side yard setback and
- (b) Side wall elevation

(2) Criteria

The City Manager may permit a residential dwelling or accessory structure design to exceed or vary from the standards listed in LOC 50.08.007.3.b.iii(1), above, when a more compatible, positive relationship between a residential dwelling or accessory structure and the scale, character and privacy of its neighbors can be demonstrated in other ways. The City Manager will evaluate that relationship by considering the degree to which a proposed design offers features that enhance perceived scale,

SECTION 50.08.007. RESIDENTIAL INFILL DEVELOPMENT (RID)

SUBSECTION 3: AUTHORIZATION AND CRITERIA

character and privacy relative to adjoining properties. That review will include consideration of:

- (a)** Distance and visibility from adjoining properties;
 - (b)** Preservation of existing trees and features of perceived value to adjoining properties;
 - (c)** Topography;
 - (d)** Perceived building height, form, proportion, massing and orientation relative to adjoining properties;
 - (e)** Treatment of elevations exposed to adjoining properties;
 - (f)** Perceived sight lines to and from windows, decks and outdoor living spaces;
 - (g)** Fencing or screening; and
 - (h)** Landscaping.
- c.** When applying the criteria for compatibility of residential dwelling or accessory structure size, relationship to the street, and relationship to neighbors as set forth in subsection (b), above, the City Manager shall consider the pattern and character of development of all lots within 200 ft. of the subject site. The City Manager shall also consider any neighborhood design objectives or guidelines for residential development that have been adopted by the local neighborhood association.

(Ord. 2556, Amended, 08/03/2010; Ord. 2398, Amended, 12/06/2005; Ord. 2333, Add, 07/15/2003)

(Ord. 2455, Add, 04/01/2008)

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LOC 50.09: ENFORCEMENT AND PENALTIES

50.09.001. VIOLATIONS

1. VIOLATIONS

- a. Any development which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted hereunder is hereby declared to be unlawful and a public nuisance, and may be abated pursuant to LOC 34.08.400 to 34.08.490.

(Ord. No. 2316, Added, 03/05/2002)

- b. It shall be a violation of this code for a property owner or homeowner's association to amend or rescind or fail to comply with any covenant, condition or restriction required by the City pursuant to a development approval without approval of the City.

2. EVIDENCE OF VIOLATION

Proof of a violation of this Code or permit, or approval issued or granted hereunder shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the unlawful use, activity, condition, building, structure or other development exists. Prosecution, or lack thereof, of the owner of the property, the occupant, or other person in possession or control of property shall not be deemed to relieve any other responsible person.

(Ord. No. 2316, Added, 03/05/2002)

50.09.002. ENFORCEMENT

1. DUTIES OF CITY MANAGER

- a. It is the duty of the City Manager to enforce the provisions of this Code.
- b. It shall be the duty of the City Manager to insure compliance with conditions of approval or postponement of any approvals or actions related to Sections 50.06.009, Historic Preservation.

2. ABATEMENT

- a. Upon request of the City Manager, the City Attorney may institute an appropriate action in any court to enjoin the maintenance of any use, occupation, building or structure which is in violation of any provision of this Code.

3. REVOCATION OF PERMIT

Upon referral by the City Manager, the Development Review Commission may hold a hearing pursuant to LOC 50.07.003.3.e, LOC 50.07.003.4, and LOC 50.07.003.15.b to consider revocation of an approved permit and/or revocation of a certificate of occupancy. The DRC may revoke any permit approval or certificate of occupancy based upon one or more of the following findings:

- a. The applicant or the applicant's representatives either intentionally or unintentionally committed a material misrepresentation of fact in the application or the evidence submitted in support of the application. For the purposes of this section, "material misrepresentation of fact" means a misstatement of factual information that:
 - i. Was submitted by the applicant in support of the application;

SECTION 50.09.003. PENALTIES

SUBSECTION 4: INJUNCTIVE RELIEF – HISTORIC PRESERVATION

- ii. Could have been corrected by the applicant at the time of application; and
- iii. Formed the sole basis for approval of the application pursuant to an applicable approval criterion.

A "material misrepresentation of fact" does not include misstatements of fact made by City staff or caused by failure by another party to appear or adequately testify.

- b. The applicant or successor in interest failed to complete the work within the time or in the manner approved without obtaining an extension of time or modification of the permit from the granting authority.
- c. The applicant or successor in interest failed to maintain or use the property in accordance with the approved permit or conditions of approval.

(Ord. No. 2316, Added, 03/05/2002)

4. INJUNCTIVE RELIEF – HISTORIC PRESERVATION

Upon request of the City Manager, the City Attorney may institute an appropriate action in any court to enjoin the demolition, alteration or moving of any historic resources, or noncontributing resource or construction on or to any landmark or within any historic district which is in violation of any provision of this section.

5. FAILURE TO FULFILL OBLIGATION, LIEN CREATED

- a. If the City Manager determines that an applicant has failed to fulfill the obligations referred to in LOC 50.07.003.9, Improvements and Security, written notice shall be given detailing the failure and stating the City's intention to use the security given to complete the obligation. If the City completes the obligation and the security required by LOC 50.07.003.9, Improvements and Security, is not sufficient to compensate the City for costs incurred, the excess amount due to the City, plus a ten percent administrative charge, is a lien in favor of the City and upon the real property subject to the obligation.
- b. The lien attaches upon entry in the City lien docket and the giving of notice of the claim for the amount due for the completion of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the cost of the fulfillment of the obligation, and allege the applicant's failure to complete the required obligation.
- c. The lien may be foreclosed in the manner prescribed by ORS Chapter 223 for foreclosing liens on real property.

(Ord. No. 2316, Added, 03/05/2002)

50.09.003. PENALTIES

1. CIVIL VIOLATION, SEPARATE VIOLATIONS

A violation of any provision of this Code is a civil violation and shall be enforced pursuant to the provisions of LOC 34.04.101 to 34.04.145. Each day that the violation exists shall constitute a separate violation.

SECTION 50.09.003. PENALTIES
SUBSECTION 2: CUMULATIVE REMEDIES

2. CUMULATIVE REMEDIES

The rights, remedies and penalties provided in this code are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. A person holding a City business license who violates the provisions of this code is also subject to a proceeding to consider revocation of the license pursuant to LOC 20.02.085.

3. HISTORIC PRESERVATION

A violation of any provision of LOC 50.06.009, except the demolition provisions of LOC 50.07.004.b, is a civil violation and shall be enforced pursuant to the provisions of LOC 34.04.101 to 34.04.145. Each day that the violation exists constitutes a separate violation. The demolition of a landmark in violation of LOC 50.07.004.b is a misdemeanor and shall be punished as provided in LOC 34.02.081, Criminal Penalties.

(Ord. No. 2000, Sec. 1; 3-14-90. Ord. No. 2125, Amended, 09-19-95)

(Ord. 2231, Amended, 03/21/2000)

CONTENTS LOC 50.10

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LOC 50.10: DEFINITIONS AND RULES OF MEASUREMENT

50.10.001. RULES OF CONSTRUCTION

[Reserved]

50.10.002. RULES OF MEASUREMENT

[Reserved]

50.10.003. DEFINITIONS

1. INTERPRETATION

- a. For the purposes of this Code certain terms and words are defined as follows: the words "used for" include "designed for" and vice-versa; words used in the present tense include the future, the singular tense includes the plural and vice-versa; the word "shall" is always mandatory; the word "may" is discretionary; the masculine gender includes the feminine gender, except as otherwise provided.
- b. In the case of conflict between two similar or identical terms, the term identified as Historic Preservation or Solar Access shall take precedence over the general term when applied to historic preservation or solar access requirements.

2. DEFINITION OF TERMS

The following terms shall mean:

100-Year Flood

See LOC 50.05.011.3.c, "Flood, Base".

AASHTO

American Association of State Highway and Transportation Officials.

Abut

Contiguous to; for example, two lots with a common property line. However, "abut" does not apply to buildings, uses, or properties separated by public right-of-way, rivers or canals.

Abutting parcels

Parcels of land that share a common boundary.

Access

The place, means or way by which pedestrians or vehicles have ingress to and/or egress from a lot or use. [But see "Access" definition for purposes of Access/Access Lanes (Flag Lots) Development Standard, LOC 50.06.003.1.a.]

Accessory Building

Any detached building the use of which is subordinate and consistent with that of the main building and which is consistent with the buildings and uses allowed in the zone in which it is located.

Accessways

A strip of land intended for use by pedestrians and bicyclists that provides a direct route where the use of public roads would significantly add to the travel time and/or distance.

Adjacent

Touching; across a public right-of-way from; across an easement from; across a small stream or creek from.

SECTION 50.10.003. DEFINITIONS

SUBSECTION 2: DEFINITION OF TERMS

Aerial

A privately owned and operated antenna for non commercial uses subject to height limitations as specified in LOC 50.04.003.4, General Exception to Structure Height Limitations. For the purposes of this Code, "aerial" includes ham radio antennae and is not a "telecommunications facility".

Alley

Public right-of-way which provides a vehicular means of access to abutting property from other than a street.

Alter

To change or modify the construction or occupancy of a building or structure or use of land.

Alteration, Major (Historic Preservation)

An exterior alteration which is not a minor alteration.

Alteration, Minor (Historic Preservation)

An exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or which duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans or other evidence of original features or materials.

Applicant

The owner of land, a representative designated in writing by the owner, a contract purchaser, City representative or other person requesting some action under the terms of this Code.

Artificial Sky Glow (Lighting)

The brightening of the night sky attributable to sources of light that are not generated by nature.

Average Daily Traffic

The known average of the number of vehicles which pass a given point in a 24-hour period.

Average Daily Trip (ADT)

The estimated or known trip average of the number of one-way trips generated by a particular use during a 24-hour period.

Backfill

The material placed in a trench over a sewer or water pipe, or other utility structure.

Balanced Cut and Fill

The placement of fill material that is balanced with removal of an equal amount of material, such as sand, gravel, soil, rock, and building materials.

Base Flood

See LOC 50.05.011.3.c "Flood, Base" definition.

Base Height

The height allowed by the underlying zone district prior to the application of any height exceptions that may be authorized by the code.

Basement

Any area of a building having its floor subgrade (below ground level) on all sides.

Bay Window

A composite of two or more windows, or rounded windows, projecting (cantilevered) from the outer wall of a building and forming a recess within.

SECTION 50.10.003. DEFINITIONS

SUBSECTION 2: DEFINITION OF TERMS

Bikeway

Any road, path, or way which is open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

Board (Historic Preservation)

The Historic Resources Advisory Board.

Boat Dock

A structure built along the shore of a river, lake, canal or navigable stream for use by boats for moorage and loading and unloading passengers and materials.

Boat House

A roofed structure built along the shore of a river, lake, canal or stream for the purpose of storing a boat or other watercraft and accessories.

Bodies of Water

Any outdoor swimming pool, spa or hot tub as defined by the State of Oregon One and Two Family Dwelling Specialty Code.

Building

Any structure used or intended for supporting or sheltering any use or occupancy. If the building is located across separate parcels or lots and the portions of the building are separately owned, the "building" shall be considered to be only that portion of the structure that is used or intended for supporting or sheltering any use or occupancy that is occurring within the boundaries of the parcel or lot.

Building Envelope

The area within the setback lines required by this Code for any lot.

Building - Main

A building within which the principal use of a lot is conducted.

Building Regulations

The specialty codes as adopted by LOC Chapter 45.

By-Pass

A drainage system to carry storm water runoff around or through a specific area.

Cabana

Waterfront single-family dwelling or cluster development over the water on pilings.

Candela (Lighting)

The unit of luminous intensity of a lighting source emitted into a given direction.

Canopy

A nonmovable roof-like structure attached to a building.

Canopy Footprint (Lighting)

The area on the ground enclosed by vertical planes extending downward from the outer solid edge of a structure's canopy.

Capacity

The effective ability of a pipe, conduit or other structure usually related to a sanitary sewer or water distribution system to carry the substance being transmitted by that system. Is usually expressed in gallons per minute or cubic feet per second.

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Carpool

A group of two or more commuters, including the driver, who share the ride to and from work or other designation on a regularly scheduled basis.

Carport

A permanent roofed structure, open on at least one side, designed to provide covered parking for one or more motor vehicles (see Garage).

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries.

Certified Arborist

An arborist who has passed the International Society of Arboriculture Certification Exam.

City

The City of Lake Oswego; its officers, employees and agents.

City Engineer

The person holding the position of City Engineer of the City of Lake Oswego or designee of the City Engineer.

City Manager or Manager

The person holding the position of City Manager or any officer or employee of the City of Lake Oswego.

Cleanout

A vertical opening providing equipment access to the end of a sanitary sewer line for purposes of flushing or cleaning the line.

Closed-end street

A street that has only one connection to any other existing through street or planned through street. Cul-de-sacs and dead-end streets are examples of closed-end streets.

Commission

The City of Lake Oswego Development Review Commission or Planning Commission, depending on context.

Comprehensive Plan

Volume I of the Comprehensive Plan adopted by the City of Lake Oswego July, 1978 as it now exists or is hereafter amended.

Conflicting Uses

A conflicting use is one which, if allowed, could negatively impact a Statewide Planning Goal 5 resource site.

Conflicting Uses (Historic Preservation)

The development or redevelopment planned for a property which may result in demolition, alteration or moving of a landmark or contributing resource. In the absence of a development proposal, the identified conflicting use is the most intensive use allowed in the zone.

Congregate Housing

Multi-unit housing that: (1) consists of self-contained apartments with cooking facilities; and (2) complies with one of the following: (a) at least 80% of the apartments are occupied by at least one person 55 years of age or older; or (b) the housing supports independent lifestyles for those who have a disability as defined in the federal Americans with Disabilities Act, including any amendments thereto, and who do not require residential care or skilled nursing services; and (3) provides varying levels of support services, such as meals, laundry, housekeeping, transportation, and social, recreation, cultural and education activities.

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The full range of services normally associated with a residential care facility are not provided in association with congregate housing.

Continuing Care Retirement Community (CCRC)

An age-restricted development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care, and enters into contracts to provide lifelong care. A CCRC typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. CCRCs provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

Contributing Resource (Historic Preservation)

A structure, site, or object in a historic district, and the property surrounding it, if so designated pursuant to this section, which is 50 years old or older, which may have received alterations, but retains its overall physical integrity, contributes to the integrity of the historic period represented in the district, but individually does not merit landmark status. A contributing resource must be specifically designated pursuant to the provisions of this section.

Convent

A local community or house of a religious order or congregation.

Cornice

The horizontal element in the elevation of a building demarcating the difference between the pedestrian oriented level on the street (characterized by entrances, shops, service space, loading areas and lobbies) and office/residential uses on levels above.

Courtyard

An open space surrounded or mostly surrounded by walls or buildings. Commercial courtyards shall consist of some textured materials or pavers and shall contain one or more of the following elements: landscaping, fountain, arbor, or outdoor furniture.

Creek

A natural stream of water typically smaller than and often tributary to a stream or a river.

Crown Cover

The area directly beneath the crown and within the drip line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Cultural Resource (Historic Preservation)

Evidence of an ethnic, religious or social group with distinctive traits, beliefs and social forms.

Curfew (Lighting)

A time each night after which certain electric illumination must be turned off or reduced in intensity.

Cut or Excavation

Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Deck

A non-enclosed platform (excluding above-grade entry walkways) constructed on or above the ground, used for several purposes, including leisure, social gatherings, etc.

Delineated Resource

An RP District stream corridor or wetland or an RC District tree grove delineated pursuant to LOC 50.07.004.8.d.

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Delineation (Resource)

An analysis of a resource by a qualified professional that determines its boundary to plus or minus two ft. A resource delineation includes a survey map of the resource prepared by a professional surveyor or engineer.

Demolish (Historic Preservation)

To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a contributing resource within a historic district or any landmark.

Density Transfer Acre/Acreage

Potentially hazardous or resource areas within which development may occur or from which density may be transferred to buildable portions of the site, only after it has been demonstrated by the applicant that development can occur in compliance with criteria established by this Code, including the Development Standards. Density Transfer Acre includes the following:

- a. Area within the floodway and the floodway fringe as shown on the FEMA flood maps,
- b. Area of over 25% slope,
- c. Area in known landslide areas or in areas shown to have potential for severe or moderate landslide hazard,
- d. Area in the RC or RP Districts pursuant to LOC 50.05.010.4.c, Density Transfer, stream buffer areas of major stream corridors, wetlands, and
- e. Area in public open space and parks.

Detention

The act of detaining or storing storm water runoff for a short period of time during and after a storm.

Development

Any man-made change to improved or unimproved real property, including, but not limited to, construction, installation or alteration of a building or other structure, change of use, land division, establishment or termination of a right of access, storage on the land, grading, clearing, removal or placement of soil, paving, dredging, filling, excavation, drilling or removal of trees.

Development (Solar Access)

Any partition, subdivision or planned development for which a development permit is required.

Development Permit

Written authorization for a development to proceed as described in an application, such authorization having been given in accordance with this Code.

Development Site

The total area of parcel(s) or lot(s) prior to a development action, such as a partition or subdivision, or other development activity.

Development Standards

LOC 50.06, inclusive, of this Community Development Code.

Ditch

A manmade water conveyance channel. Channels that are manipulated streams are not considered ditches.

Drainage

A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.

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Drainage Pattern

The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, retention or detention facilities, and the storm sewer system.

Drainageway

An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

Dripline

The outer limit of a tree's branches, projected to the ground. The point where water dripping off the canopy will hit the ground.

Driveway

A vehicular accessway that has, as its primary purpose, the provision of a driveable connection between a structure or parking area on a lot and connecting to the shared access easement, access lane, private street, or public street system. "Driveway" may include parking pads, turnaround areas, and parking lot aisles.

Driveway Approach

That portion of the driveway that is situated in the public right of way.

Driveway Grade

The ratio of the change in elevation to the change in horizontal distance traveled, measured along the steepest ten ft. increment along the centerline of the traveled way. Grades are expressed in percent.

Duplex

A building on a lot designed to contain two dwelling units and used for residential purposes.

Dwelling, Multi-Family

A building on one or more lots designed to contain three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwelling includes structures commonly called garden apartments, apartments and condominiums.

Dwelling, Single-Family

A detached dwelling unit designed and used for that purpose or an attached dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall shall consist of a structural wall that is shared for at least 25% of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse, townhouse, or a common-wall house.

Dwelling Unit

One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, sanitary facilities, cooking and eating.

Dwelling, Zero Lot Line

A building providing two dwelling units on two separate lots, sharing a common wall, and used for residential purposes.

Easement

A grant of the right to use designated land for specific purposes.

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Emergency

Any event or circumstance causing or threatening life, injury to persons or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Erosion

Detachment and movement of soil or rock fragments by water, wind, gravity, frost and ice or by mechanical action caused by development activities.

ESEE Analysis (Historic Preservation)

An evaluation in which the economic, social, environmental and energy consequences to the community of designating or preserving a historic or cultural resource are considered and balanced with the community benefit of allowing change or loss of the historic or cultural resource to a conflicting use.

ESEE Process Analysis

The Economic, Social, Environmental, and Energy Analysis required under Statewide Land Use Planning Goal 5. The purpose of the ESEE analysis is to balance the relative value of an inventoried natural resource against conflicting uses and thereby determine an appropriate level of protection through land use regulations. The ESEE Analysis that formed the factual basis for the Sensitive Lands Overlay District (LOC 50.05.010) and was used initially to designate properties for protection under the program is the Lake Oswego Resource Areas Report and ESEE Analysis, dated April 1, 1997, as revised on July 15, 1997.

Exchange Carrier

A provider of telecommunications services.

Exempt Tree or Vegetation (Solar Access)

The full height and breadth of vegetation that the City Manager has identified as "solar friendly" and listed in the "Solar Friendly Trees Report" dated April, 1987 as that report may be amended from time to time; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

Façade

All the wall planes of a structure as seen from the one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

Facade Lighting (Lighting)

Floodlighting aimed solely at the facade of a building or structure.

Family

An individual or two or more persons related by blood, marriage, legal adoption, or associated by guardianship, conservatorship or a foster care relationship, or a group of not more than five persons not so related or associated living together in a dwelling unit as a single housekeeping unit.

Family Day Care Facility

A day care facility which regularly accommodates 12 or fewer children regardless of full-time or part-time status, in the day care provider's home, including the children of the day care provider.

Farming

To cultivate or produce a crop on.

Fenestration

Doors and/or windows.

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Fence

A free standing structure, not including a hedge or other natural growth, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, enclosure, security, or partition purposes. A railing provided for public safety purposes does not constitute a fence.

Fill

Placement of any soil, sand, gravel, clay, mud, debris and refuse or any other material, organic or inorganic.

Fire Code

The Oregon Fire Code as adopted or amended by LOC Chapter 15, and any other applicable provisions of LOC Chapter 15.

Fire Department/delivery vehicle turnaround

An area providing space for the maneuvering of fire fighting vehicle or other vehicles (in the case of a delivery or loading area) consistent with LOC Chapter 15 (Fire Code).

Fish and Wildlife Habitat

Lands that contain significant food, water, or cover for native terrestrial and/or aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot

A lot that:

- a. Has the actual building site located behind another lot; and
- b. Takes access from the street via:
 - i. A driveway or access lane that is part of the lot and the width narrows to less than the minimum lot width for the zone; or
 - ii. An access easement.

Flood Management Area

See LOC 50.05.011.3.g.

Floodplain (or flood plain)

The area bordering a watercourse encompassing both the floodway fringe and the floodway inundated during the base flood. In addition to the above definition, for purposes of LOC 50.06.006.3.b, (Drainage Standard for Major Development), floodplain shall include the land areas adjoining all streams, lakes, ponds, or wetlands that are subject to inundation by the base flood.

Floor Area

The gross building floor area excluding:

- a. vent shafts,
- b. court yards,
- c. garages, except as modified in:
 - i. the R-5 zone (LOC 50.04.001.2.d.i(1), for residential development);
 - ii. the R-6 zone (LOC 50.04.001.2.d.i(1), for outright permitted residential development);
 - iii. the R-7.5, R-10, and R-15 zones (LOC 50.04.001.1.d.i(1), for single family dwellings);
- d. allowable projections,
- e. decks,
- f. patios,
- g. uncovered exit stairs, and
- h. uncovered, above-grade driveways.

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Floor Area Ratio (FAR)

The ratio of the floor area to the net buildable acre. The greater the ratio, the greater the floor area relative to the size of the lot. For example, a building occupying one-fourth of the net site areas has a FAR of 0.25:1, or 0.25; adding a second floor to the same building increases the FAR to 0.50:1, or 0.5.

Foot-candle (fc)

The density of luminous flux (lumens) incident at a point on a surface having an area of one sq. ft.

Footprint

The polygon formed by (1) the surrounding exterior walls of a building or portion thereof, and (2) any structure which is over 30 in. in height with or without exterior walls, but exclusive of vent shafts and courtyards. The footprint does not include the ground area under the eaves of the building or structure.

Footprint, Flat

A footprint that is not a sloped footprint.

Footprint, Sloped

A footprint where the highest ground surface at the exterior wall of a building or proposed building or below any projecting deck is more than ten ft. above the lowest ground surface at the time of building permit application. For the purposes of determining building height, ground surface shall mean: The elevation of the existing ground surface at the time of building permit application.

Foundation Soil, Potential Weak

A generalized map of locations of potential Weak Foundation Soils is maintained at the Public Works Department, City Hall. However, the actual condition of the site will determine whether such soils exist.

Foundation Soils, Weak

Those which may cause overall settlement or differential settlement resulting in damage to structures not designed to accommodate movements. Weak Foundation Soils have one or more of the following characteristics: low strength, compressibility, high organic material content, high shrink-swell ratio or elasticity, or slow percolation and wetness.

Full Street:

For the purposes of providing multi-modal access, a street section that includes auto and bike travel surface, and pedestrian travel area, lighting, landscaping, drainage and all other City standards or requirements.

Functions and Values (Resource)

Functions and values are the benefits provided by resources. The benefits may be physical, environmental, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, the functions and values of a wetland can include its ability to provide storm water detention for "x" units of water draining "y" acres, and its ability to provide food and shelter for "z" varieties of migrating waterfowl. In addition, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have multiple functions and values.

Gate

An opening in a wall or fence or the frame or door that closes a gate.

Garage Opening

The garage door or in the case of a carport, the opening from which cars enter or exit the carport.

Garage, Private

A structure having one or more stories, used for the parking of motor vehicles belonging to tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by Chapter 50 and are not open for use by the general public. A carport is a garage.

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Garage, Public

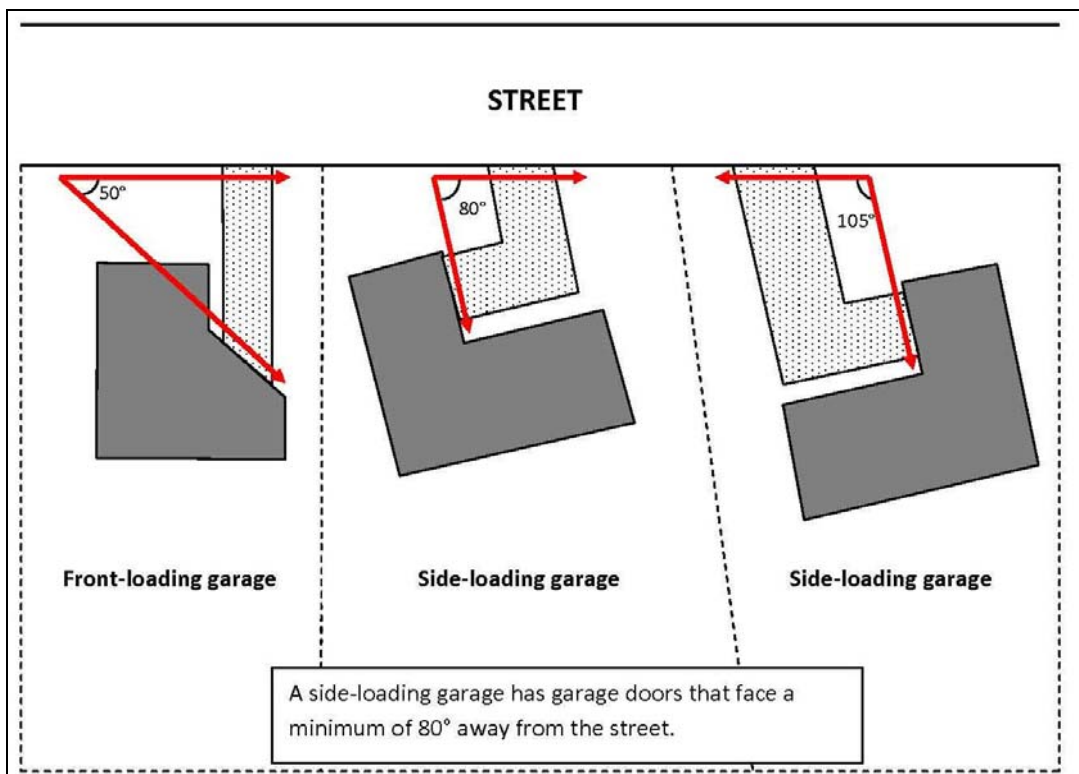
A publicly or privately owned structure having one or more stories, used for the parking of motor vehicles, and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this Code, provided said parking spaces are clearly identified as parking space(s) for the building or use.

Garage, Repair

A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental parking of vehicles.

Garage, Side-loading

A garage that meets the definition of a Private Garage but is located such that the garage doors, or in the case of carports, the vehicle access openings, face a minimum of 80 degrees away from the street as shown below.



Garage Wall Area

The garage wall area includes the entire area on the specified side of a structure between the ceiling, floor, and walls of the garage, including the garage door.

Glare

Light that causes visual discomfort or disability, and the wattage and/or light distribution that is excessive for the purposes for which the illumination is necessary.

Grade

The ground surface next to a structure that is constructed to the earth (example: building with foundation) or next to a tree when the height of the tree is at issue, or under a structure that is not constructed to the earth (example: decking).

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Grade, Utility or Street

The slope, measured in percent, of a street, pipe, or conduit as part of a utility system.

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.

Group Care Home

Any dwelling licensed under the authority of ORS 443.400 which provides residential care and training to five or fewer adults who are mentally or emotionally disturbed, developmentally disabled, alcohol or drug dependent persons, elderly, or physically disabled. "Residential care" means as defined in ORS 443.400. Group Care Homes are also known as "residential treatment home" and "residential training home" under ORS 442.400. Additional "family" members related to the five or fewer adults may reside in the dwelling, as part of a single housekeeping unit, e.g., persons related by blood, marriage, legal adoption, or associated by guardianship, conservatorship, or a foster care relationship.

Guest House

An accessory structure of less than 400 sq. ft. with no cooking or kitchen facilities.

Gully

A long, narrow channel worn by the action of water, particularly on a hillside. It is much smaller than a ravine. Several gullies often lead to a ravine.

Habitable

Habitable means the portion of any building or structure used, or intended for use on a day-to-day basis, by people for residential purposes, or for purposes of conducting a commercial or industrial business, public use, or institutional use, or for purposes of a similar nature.

Hardscape (Lighting)

Permanent improvements to a site other than a building, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments, stairs, ramps, and architectural features.

HAS (Habitat Assessment Score)

The numerical ranking applied in an ESEE Inventory which represents the relative wildlife habitat values of a given natural resource site in comparison with other sites in the City. Six features are evaluated to determine the total Wildlife Habitat Assessment Score:

- a. Water
- b. Food
- c. Cover
- d. Disturbance
- e. Linkage
- f. Unique Features

Each feature receives a "High, Medium, or Low" description and a numeric ranking as shown in the HAS rankings sheet in the Lake Oswego Resource Areas Report and ESEE Analysis dated April 1, 1997, as revised on July 15, 1997 (on file in the Planning Department), to the Sensitive Lands District. The maximum possible score is 124. A minimum score of 35 is necessary for a site to be considered significant for wildlife values. See the City of Lake Oswego 1994/95 Natural Resource Inventory and ESEE Analysis (on file in the Planning Department) for a detailed explanation of the methodology used in applying the HAS rankings.

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Hazardous Substances

Any substance listed or described as hazardous in ORS Chapter 453 (Hazardous Substances). Hazardous substances are toxic, corrosive, irritants, strong sensitizers, flammable, combustible, or generate pressure through decomposition, heat or other means. Hazardous substances or mixture of substances may cause substantial personal injury or illness during, or as a proximate result of any customary or reasonably foreseeable handling or use.

Hearing Body

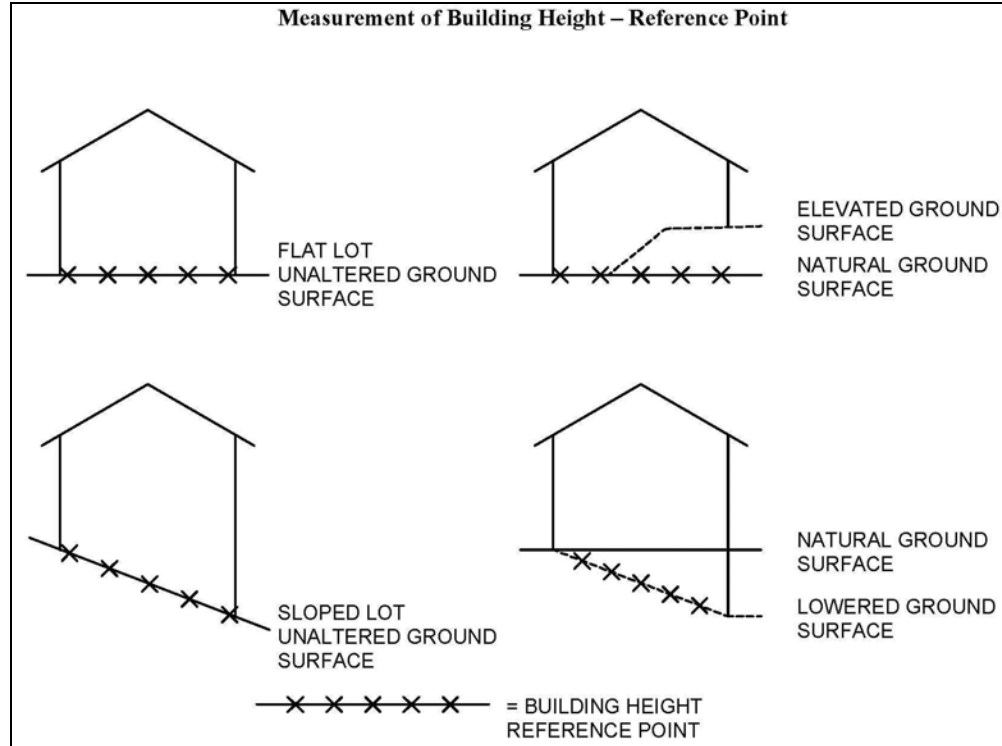
The Lake Oswego Development Review Commission, Planning Commission or City Council.

Height of Building

The vertical distance above a reference point measured to the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the gable of a pitched or hipped roof.

The reference points are determined as follows:

- If, for purposes of construction of a structure, an artificial elevation of the ground surface results: the elevation of any ground surface prior to construction at or within the exterior wall of the building.
- If, for purposes of construction of structure, there is an alteration or artificial lowering of the ground surface: the elevation of any ground surface after construction at or within the exterior wall of the building. See Measurement of Building Height figure below.
- On Lots within the Flood Management Area: The elevation of any ground surface at the exterior wall of the building prior to construction of any structure which artificially elevates the ground surface, except that if the structure elevates the ground surface for the purpose of raising the floor level above the base flood elevation consistent with LOC 50.05.011, Flood Management Area, then the reference point shall be the elevated ground surface.



Height, Fence

The height of a fence is determined by measuring the vertical distance from the downslope side of finished grade below the fence at any point along the fence to the highest horizontal surface, except vertical

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structural members such as posts or columns that are no wider than two ft. and that are spaced not closer than eight ft. (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height.

Height, Retaining Wall

The height of a retaining wall is determined by measuring the greater vertical distance from top of retaining wall to the top of the footing, except that as applied to retaining walls that act as seawalls around Oswego Lake and its bays and canals, the height is determined by measuring the greater vertical distance from top of retaining wall/seawall to the average water level of Oswego Lake (elevation 98.6).

Historic District (Historic Preservation)

A geographically defined area, the boundaries of which have been adopted pursuant to the provisions of this Code. Historic Districts are composed of structures, sites and objects classified pursuant to this Code as landmarks, contributing resources or noncontributing resources.

Historic Resource (Historic Preservation)

Sites, structures and objects that have local, regional, statewide or national historical significance. Historic resources are contributing resources within historic districts and landmarks.

Home Occupation

A lawful use conducted in a residential zone in or on the premises of a dwelling unit, said use being secondary to the use of the dwelling for dwelling purposes.

Horticulture

The science or art of cultivating fruits, vegetables, flowers and plants.

House Side Shield

For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates the unit of illumination in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir.

Hotel, Motel

A building or group of buildings used for transient residential purposes containing rental units which are designed to be used, or which are used, rented or hired out for sleeping purposes.

Hydraulic Characteristics

The features of a watercourse which-determine its water conveyance capacity. They include the watercourse cross-section, alignment, width from bank to bank, profile, and the location and types of vegetation within the watercourse.

Hydrophytic Vegetation

Plant life growing in water or in soil that is at least periodically deficient in oxygen as a result of excessive water content.

IES (Lighting)

The Illuminating Engineering Society of North America (see www.iesna.org).

Illumination, Uniformity of

The ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.

Impermeable Surface

Any surface which prevents absorption of water into the ground.

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Incidental Retail Uses

Retail uses within an Industrial Park (IP) zone that are outright permitted retail uses in the Neighborhood Commercial (NC) zone, when such uses are directly related to the sales of products manufactured, processed, or assembled on the IP zoned site.

Increased Use

An increase in trip generation or parking requirement.

In-kind Vegetation

Vegetation similar to vegetation found in the impacted resource or Protected Riparian Area in type and size.

Institutional Use

Private educational, cultural, religious or social welfare facilities.

Intersection (Lighting)

A place where two or more public or private rights-of-way (serving vehicular and/or pedestrian traffic) cross. For purposes of Table 50.06.004-6, City Standard Criteria for Street and Roadway Lighting, an "intersection" requires the presence of a street name sign.

Invasive Plants

Vegetation that displaces or dominates natural plant communities, such as Himalayan blackberry, English ivy, reed canary grass, scotch broom, etc. A list of such plants can be found in the Lake Oswego Master Plant List. See LOC 50.11.004, Appendix D.

Irregular Lot

A lot in which the front and rear lot lines are not parallel.

Isocandle Plot (Lighting)

A diagram showing the distribution of light from a lighting system in various directions by means of contours connecting directions of equal luminous intensity, projected in a suitable manner.

Lake Oswego Master Plant List

See LOC 50.11.004, Appendix D for a listing of native plants, invasive plants, street trees – prohibited, street trees – approved (applicable to LOC 50.05.006, Old Town Neighborhood Design Standards only), and solar-friendly plants.

Lake Oswego Style

Means a building design that borrows from the City's historic architectural traditions including the Arts and Crafts, English Tudor and the Oregon Rustic Styles. Buildings which use complex massing, asymmetrical composition and natural materials exemplify this style (See photos and descriptions in LOC 50.11.001, Appendix A: Lake Oswego Style). Adherence to the "Lake Oswego Style" is not intended to require historical replication. Modern designs interpreting, quoting or utilizing the above noted stylistic forms are also encompassed within the definition.

Lake-Related Infrastructure

Lake-related infrastructure means the structures, facilities, and equipment necessary to maintain Oswego Lake. Lake-related infrastructure includes, but is not limited to dams, dikes, levees, headgates, fish screens, culverts, water storage and water diversion facilities, flood control structures, structures to shelter and maintain boats or other equipment for lake maintenance or policing, and structures used in connection with hydroelectric power generation. Lake-related infrastructure does not include office buildings.

Land

Includes water surface and the land under water.

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Landmark (Historic Preservation)

Any site, object or structure, and the property surrounding it, if so designated pursuant to this Code, that is identified as a landmark pursuant to the provisions of this Code.

Landscape Lighting (Lighting)

Luminaires attached to structures, mounted on poles or otherwise, or at grade (luminaire not to exceed three feet above grade) and used solely for landscape rather than area lighting.

Lantern (Lighting)

A wall mounted ornamental luminaire.

Large Animal

Horses, cattle, sheep, goats, swine or any other animal which customarily weighs more than 45 pounds at maturity, excluding dogs.

LED

Light Emitting Diode.

Light Fixture

See Luminaire.

Lighting System

One or more luminaires, together with associated wires, conduits, poles, etc., that constitutes the illumination system on the site.

Light Source (Lighting)

The actual bulb or lamp that emits the light.

Light Trespass (Lighting)

Spill light that because of quantitative, directional, or spectral content causes light level at the property line that is greater than as provided on Table 50.06.004-4, Performance Method.

Live/Work Building

A building that contains one or more commercial or office spaces on the first floor connected to residential units above or behind the commercial or office space, and the ownership of the building is not divided between the residential and commercial portions of the building.

Levee

A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding.

LORA

The Lake Oswego Redevelopment Agency, an urban renewal agency created by the City pursuant to ORS Chapter 457.

Lot

A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation.

Lot Area or Lot Size

- a. Non-Flag Lots: the gross acreage of the lot within the lot lines.
- b. Flag Lots: the area of a lot, defined by the lot lines, less the area of access easements and access lanes.

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SUBSECTION 2: DEFINITION OF TERMS

Lot, Corner

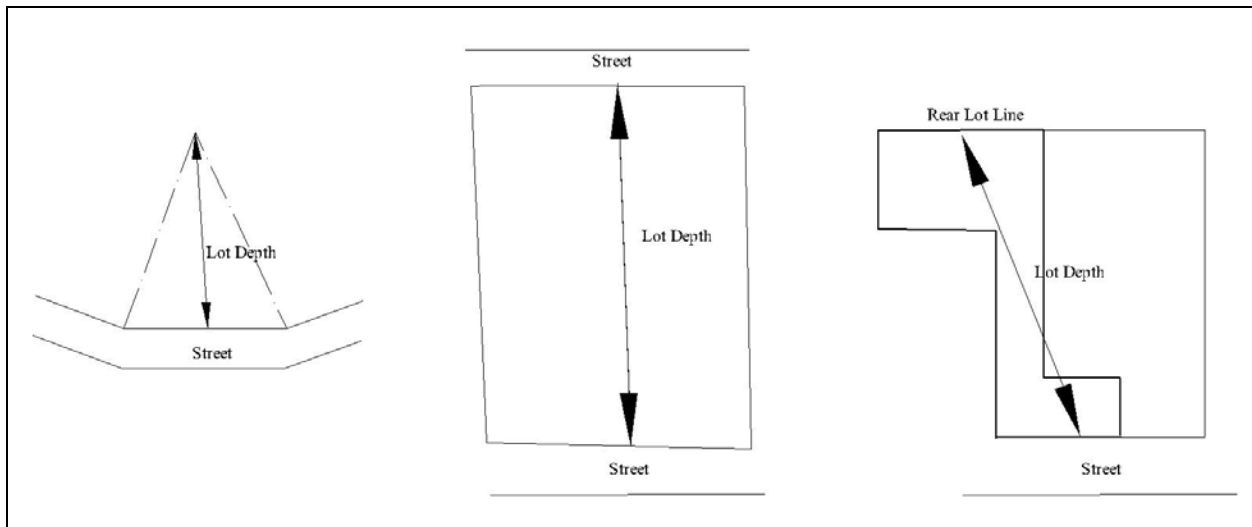
A lot abutting two intersecting streets, provided that the streets do not intersect on an angle greater than 135 degrees.

Lot Coverage

The ratio of A to B where A is the area of the polygon formed by the surrounding exterior walls of all structures or portions thereof over 30 in. in height with or without exterior walls, but exclusive of vent shafts and courtyards; and B is the gross acreage of the site excluding area in street right-of-way, private streets and access easements (calculated in the same manner as provided in "Net Buildable Acre"). Boat houses shall not be included in lot coverage calculations.

Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, except for a flag lot, which shall be measured from the mid-point at the front lot line of the flag area. In the case of a triangular lot, the lot depth is the horizontal distance from the midpoint of the front lot line to the furthest most intersection of the side lot lines. In the case of a through lot, the lot depth is the horizontal distance from the midpoint of one front lot line to the other front lot line. Lot depth measurement illustrations follow:



Lot Frontage

That portion of a lot nearest a street. For the purpose of determining yard requirements, all sides of a lot abutting a street shall be considered frontage.

Lot Illegal

A unit of land created in violation of one or more legal requirements in effect and applicable at the time of creation.

Lot, Interior

A lot other than a corner lot, with frontage on only one street.

Lot Line

Boundary lines of a lot.

Lot Line, Front

In the case of an interior lot, the lot line separating the lot from the street. In the case of a corner lot, the lot line designated pursuant to 50.04.001.1.e.iv, 50.04.001.2.e.iii(4), 50.04.001.3.e.i, and Table 50.04.001-14, Note [10]. In the case of flag lots, the lot line designated pursuant to 50.07.007.2.d.i.

SECTION 50.10.003. DEFINITIONS

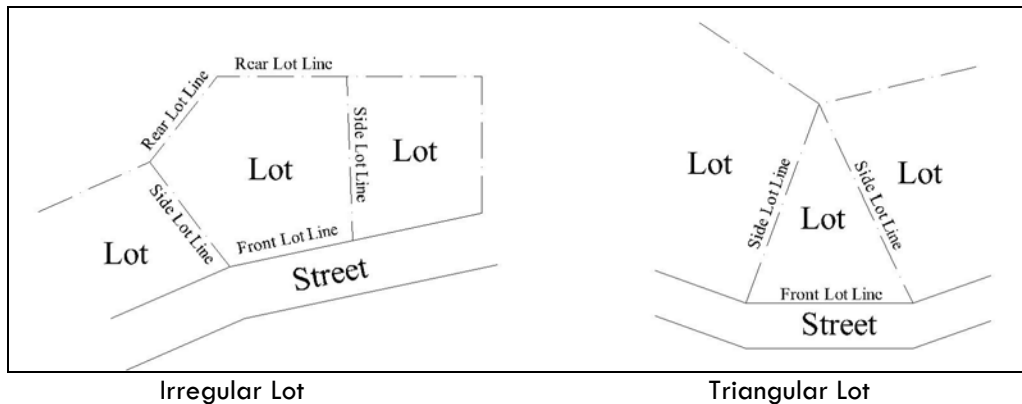
SUBSECTION 2: DEFINITION OF TERMS

Lot Line, Front (Solar Access)

A lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot.

Lot Line, Rear

A lot line which is opposite the front lot line. A triangular lot and a through lot have no rear lot line: the frontage on each street of a through lot is a front lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. Illustration of lot line measurement follows:



Lot Line, Side

Any lot line not a front or rear lot line.

Lot Line, Side Street

On a corner lot, the lot line(s) abutting a street that is not the front lot line.

Lot of Record

A lot shown as part of a recorded subdivision, partition, or any lot described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded with the county; except that no lot or parcel of land created without compliance with the subdivision or partition requirements in effect and applicable at the time of the lot creation shall be considered a lot of record.

Lot, Platted

A lot described and identified within a recorded subdivision or partition and remaining the same in size and shape as it was when the subdivision or partition was recorded.

Lot, Steeply Sloped

A steeply sloped lot is a lot with a slope of 20% or more, when measured from the front line to the most distant point of the primary building footprint.

Lot, Through; Double Frontage Lot

A lot other than a corner lot with frontage on more than one street.

Lot Width

The width of the lot as measured at the front setback line.

SECTION 50.10.003. DEFINITIONS

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Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, watercraft, building access or storage, in an area other than a basement, is not considered a building's lowest floor.

Low Voltage Landscape Lighting (Lighting)

Landscape lighting for which power is provided at less than 15 volts and on circuits limited to 25 amps.

Lumen

A unit of measurement of the amount of light emitted by a lamp.

Luminaire (or "Light Fixture")

A complete lighting device consisting of a light source together with its direct appurtenances, such as globe, reflector, refractor, housing and such support as is integral with the housing. The pole, post or bracket is not considered a part of the luminaire.

Luminance

The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. The unit is candela per square meter.

Luminous Flux

A measure of the total light output from a source, the unit being the lumen.

Maintenance or Repair (Historic Preservation)

Upkeep or repair of any object, site or exterior architectural feature, which does not involve a change in design, material or appearance of the object, site or feature or if such a change is required it is one which the City Manager determines is required without delay in order to preserve the public safety and convenience due to the presence of an unsafe, dangerous or emergency condition.

Major Development (Historic Preservation)

Development defined as major development in LOC 50.07.003.15.a, Major Development Classifications.

Manhole

A vertical opening providing human access to a sanitary sewer or storm drain line, provided with a heavy cover at the ground or street surface.

Manufactured Homes

A multi-sectional dwelling unit with a Department of Housing and Urban Development (HUD) label, of not less than 1,000 sq. ft. constructed in an off-site manufacturing facility on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, and designed to be used with a foundation as a dwelling unit on a year-round basis with approved connections to water, sewer and electric utility systems.

Notwithstanding the above, for the purpose of LOC 50.05.011, Flood Management Area, a manufactured home is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Marina

A facility providing moorage for boats and marine related services.

SECTION 50.10.003. DEFINITIONS

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Masonry

A concrete block, stone, or brick wall. Masonry includes a veneer (overlay of a layer of fine or decorative material) that has an average range of depth of 1.75 in. or greater, based upon the manufacturer's specifications.

Mean Sea Level

Mean sea level and other references to elevations are based on the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mechanical Equipment

Heating, ventilating and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks and other similar features.

Minor Development (Historic Preservation)

Only the following types of development: a) construction of single family dwelling, duplex, zero lot line dwellings, accessory building which requires a building permit; garage, carport, studio, etc., b) minor partition, c) lot line adjustment where resulting lots will meet requirements of the Community Development Code, d) signs, e) tree cutting, f) grading which is not exempt from the Uniform Building Code and g) an exterior remodel of a duplex or single family dwelling which requires a building permit.

Mitigation

To rectify, repair or compensate for adverse impacts to a resource or resource functions and values caused by development.

Mitigation Methods (for Wetlands)

- a. Wetland Creation: The conversion of a non-wetland area into a wetland.
- b. Wetland Enhancement: Alteration of an existing wetland to develop new functions or to improve existing conditions
- c. Wetland Restoration: Re-establishment of lost or impaired functions in a degraded wetland or in a former wetland that no longer functions as a wetland.

Mitigation Ratio (for Wetlands)

The ratio of the amount of wetland to be created, restored or enhanced compared to the amount of wetland lost due to development.

Mixed Use

A development consisting of more than one broad category of use (e.g. commercial, industrial, residential, public use, or institutional).

Mobile Home

A unit or units built between January, 1969 and June 15, 1976 in conformance with the American National Standards Institute requirements adopted by the State of Oregon in 1969 and having an Oregon insignia of compliance issued by the Oregon Department of Commerce, Building Codes Division, or a unit built after June, 1976 in conformance with the 1976 HUD requirements. All units shall have a minimum of 900 sq. ft. of living area.

The following definitions apply only to mobile homes:

- a. Accessory structure: An attached or unattached structural addition to a mobile home or mobile home space including, but not limited to: cabanas, awnings, carports, garages, covered porches, storage structures and covered patios.
- b. Accessway: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.

SECTION 50.10.003. DEFINITIONS

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- c. **Awning:** A stationary structure used in conjunction with a mobile home, other than a window awning or ramada for the purpose of providing shelter from the sun and rain for patios, porches or yard areas, and having a roof with supports and not more than one wall.
- d. **Cabana:** A stationary structure which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home, to provide additional living space designed to be moved with the mobile home.
- e. **Carport:** A stationary structure consisting of a roof with its supports which is entirely open on two or more sides and is used for sheltering a motor vehicle.
- f. **Mobile Home Park:** A parcel of land under common ownership on which two or more mobile homes are occupied as residences and which conforms to the regulations of this article.
- g. **Mobile Home Subdivision:** A subdivision designed for sale of lots for residential occupancy by mobile homes.
- h. **Mobile Home Space or Lot:** A plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home, its accessory structures, parking spaces and required yard areas.
- i. **Stand:** A hard surfaced area within a mobile home space or lot designed for placement of a mobile home.

Motor Vehicle and Recreational Vehicle Sales Area

A lot used for display, sale or rental of new or used motor vehicles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs or cleaning of motor vehicles, recreational vehicles or trailers to be displayed, sold or rented for use off the premises.

Mounting Height

The vertical distance between the lowest optical component of the luminaire and the ground surface directly below the luminaire.

Moving (Historic Preservation)

Relocating a historic or cultural resource from its existing parcel or tax lot to another site.

Mulch

Application of plant residue, netting, plastic sheeting or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover.

Nadir

The downward direction; exactly vertical, directly below a luminaire.

Natural Area

An area of land and/or water that has a predominantly undeveloped character. Natural areas may be pristine, or may have been affected by human activity such as vegetation removal, agriculture, grading or drainage if such areas retain significant natural characteristics, or have recovered to the extent that they contribute to the City's natural systems including hydrology, vegetation, or wildlife habitat. The purpose of natural areas is to provide a scenic, aesthetic appearance and/or protecting natural processes, providing passive recreational uses, and/or maintaining natural vegetation. Natural areas shall be either dedicated to the public or by other means committed to use for the general public, or may also be permanently reserved by common ownership among the owners of a development. Except as otherwise set out in LOC 50.06.010.7, Park and Open Space Standards for Maintenance, natural areas shall remain in natural conditions existing at the time of their designation. (Area designated as "Open Space" prior to [effective date of this Ordinance] is a "natural area" under this definition.)

Natural Resource Areas, Non-designated

"Natural areas" that have not been included in an RP or RC District pursuant to LOC 50.07.004.8.

SECTION 50.10.003. DEFINITIONS

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Net Buildable Acre

The residentially designated land remaining in a gross acre of 43,560 sq. ft. after the following areas have been deducted:

- a. Area in street right-of-way, private street, or access easements. For public street, use the actual acreage if known or 20% of the gross site area. For private street use actual acreage if known or 40 ft. right-of-way. For access easement use actual acreage of easement.
- b. Acreage in 100-year floodplain as shown on U.S. Army Corp of Engineers flood maps.
- c. Acreage of over 25% slope.
- d. Acreage in known landslide areas.
- e. Acreage in stream buffer area of major stream corridors including wetlands located therein.
- f. Acreage in public open space and parks.

Net Developable Acre

Gross acreage (at 43,560 sq. ft. per acre) of residentially designated land, including Density Transfer Acreage, less the area in street right-of-way or access easements. For public streets, use the actual acreage if known or 20% of the gross acreage. For private streets use actual acreage if known or 40 ft. right-of-way. For access easements use actual acreage of easement.

Net Loss (Wetland)

A permanent loss of wetland area, functions, or values resulting from a development action after accounting for mitigation measures.

Noncontributing Resource (Historic Preservation)

A structure, site or object within a Historic District which is neither a contributing resource nor a landmark.

Non-Exempt Tree or Vegetation (Solar Access)

Vegetation that is not exempt.

Non-Profit Use

A use operated by an organization, corporation or association that distributes no part of its income to its members, directors or officers.

Northern Lot Line (Solar Access)

The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line ten ft. in length within the lot parallel with and at a maximum distance from the front lot line.

North-South Dimension (Solar Access)

The length of a line beginning at the midpoint of the northern lot line and extending a southerly direction perpendicular to the northern lot line until it reaches a property boundary.

Obstruction

Any dam, wall, wharf, embankment, levee, dike, pile abutment, excavation, bridge, conduit, pole, culvert, building, wire, fence, fill, or projection into a floodplain, watercourse, or drainage system

Occupancy Classification

As defined in Section 501 of the Uniform Building Code, adopted pursuant to LOC Chapter 45.

Open Space

Parks and natural areas.

SECTION 50.10.003. DEFINITIONS

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Ornamental or Accent Lighting (Lighting)

Outdoor lighting that is installed mainly or entirely for its decorative effect or to accent an object or a feature, rather than as an aid to visibility.

Oswego Lake

For purposes of LOC 50.05.011, Flood Management Area, Oswego Lake includes the main lake and all embayments and canals that have the same elevation as the main lake.

Oswego Lake Surface Elevation.

The elevation of the surface of Oswego Lake is established and may be referenced as either 98.6 ft. (NGVD 29) or 102.1 ft. [NAVD 88]).

Outdoor lighting

Any hard wired, low-voltage or solar powered lighting system that is used in an exterior space.

Owner

Where used in relationship to real property, "owner" means the legal owner of record or, where there is a recorded land sales contract in effect, the purchaser there under.

Parking Area, Private

Property, other than streets and alleys, unless subject to such parking use by grant of a revocable permit by the City, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, patrons or owners of the property for which the parking area is required or allowed by Chapter 50 and not open for use by the general public.

Parking Area, Public

Property other than streets or alleys on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required for retail customers, patrons and clients.

Parking District

A district established for the purpose of planning and development of shared parking facilities which serve the whole district.

Park Improvements, Major

- a. Athletic field for organized sport games.
- b. Lighting for outdoor recreational facilities and activities.
- c. Facilities that require a building permit, occupying more than 3,500 sq. ft. of site area. (A play area for non-organized sport games is not subject to this subsection even if more than 3,500 sq. ft.)
- d. On-site parking for more than eight vehicles.
- e. Facilities for motorized boats.

Park Improvements, Minor.

Park improvements with limited offsite impacts. Minor park improvements include:

- a. One play area that is not intended for organized sport games (regardless of size), without lighting.
- b. Facilities that require a building permit, that may include park buildings, picnic shelters, restrooms, athletic courts, non-motorized boating facilities, and playground structures provided the uses do not occupy more than 3,500 sq. ft. of site area (individually or cumulatively, excluding facilities authorized by a master plan).
- c. On-site parking for eight or less vehicles.
- d. Trails.

SECTION 50.10.003. DEFINITIONS

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Parking, Tandem

The parking of a vehicle in front of or behind another vehicle which requires one of the vehicles to be moved in order for the other vehicle to enter or exit. Also called stacked parking.

Parks

Public or private land providing for one or more of the following:

- a. The active recreational needs of the community;
- b. The passive recreation needs of the community; or
- c. Scenic and aesthetic appearance and/or protection of natural processes on land that is to remain in natural or landscaped condition;

and is either dedicated to the public or by other means committed to use for the general public, or permanently reserved by common ownership among the owners of a development.

Partition

To divide an area or tract of land into two or three lots within a calendar year when such land exists as a unit or contiguous units of land under common ownership at the beginning of such year. "Partition" does not include adjustments of lot lines by relocation of a common boundary where no additional lots are created, and the resulting lots satisfy the minimum lot size allowed by this Code, nor foreclosure proceedings or sales exempted by the definition of "partition" in ORS Chapter 92.

- a. Major Partition: A partition which includes the creation of a street.
- b. Minor Partition: A partition that does not include the creation of a street.

Pathway

A public or private right-of-way for pedestrian or non-motorized traffic.

Patio

An impervious surface on the ground, excluding parking areas and pathways of five ft. or less in width, used for several purposes, including leisure, social gatherings, etc.

Pavement, paving

As used in this standard, "Pavement" means Portland cement concrete, asphaltic concrete and modular masonry pavement systems. "Pavement" also includes pervious pavement systems such as those known by the proprietary names of Grasscrete or Geoweb, provided that the cells are filled with an aggregate material or vegetation.

Pedestrian/Bicycle Access, Convenient

Hard surfaced pedestrian/bicycle path.

Pedestrian Density

The ratio of pedestrians to sidewalk area is intended to encourage increased pedestrian density in order to promote retail use and provide community interaction.

Person

A natural person, his heirs, executors, administrators, or assigns; a firm, partnership, or corporation, association or legal entity, it's or their successors or assigns; and any agent, employee or representative of any of the above mentioned.

Pet Care, Daily

Business primarily engaged in providing pet care services (except veterinary), such as boarding, grooming (including pet clipping and pedicure services), pet day care services and training pets, and incidental retail sales of pet care products. Overnight boarding shall not exceed 25% of animals provided daily pet care on-site and shall occur in a fully enclosed structure.

SECTION 50.10.003. DEFINITIONS

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Photometric Analysis Report

A report by a laboratory certified by the National Institute of Standards and Technology (NIST), describing the candela distribution, shielding type, luminance, and other characteristics of a specific luminaire.

Plat

A map, containing all the descriptions, locations, specifications, dedications, provisions or other information concerning a subdivision.

Portal

A structure such as an arbor, arch or trellis which is used as a point of entry to the property. The portal may stand alone or be part of a fence or wall.

Potential Severe Erosion Hazard Area

Surface areas where erosion can be easily caused by removal of vegetation cover, stripping topsoil or by placement of fill, whether by natural causes such as streams or surface runoff or by development activities. The placement of any new fill in such an area shall be considered as creating a potentially severe erosion hazard. (Known Potential Severe Erosion Hazard Areas are described and mapped in the Engineering Geology chapter of the Lake Oswego Physical Resources Inventory, March, 1976, on file at City Hall; specifically in Table II, "Characteristics and Limitations of Earth Materials" and "Engineering Geology" map, and the Relative Slope Instability Hazard Map of the Lake Oswego Quadrangle, prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI), published in 1995.)

Potential Severe Landslide Hazard Area

Areas where earth movement or failure, such as slumps, mud flows, debris slides, rock falls or soil falls, are likely to occur as a result of development activities. These activities include excavation which removes support of soils by changes in runoff or groundwater flow or vibration loading such as pile driving or blasting.

Practicable

Capable of being done after considering and balancing cost, existing technology, and logistics in light of overall project purposes.

Profile

- a. Utility. A "side view" of a proposed utility pipe or street showing grade, changes in grade, depth of pipe and vertical curves of streets.
- b. Structure. A "side view" of a proposed structure showing the front building wall and roof line, from the front yard setback, to the highest point of the roof.

Protected Riparian Area

The area adjacent to a water resource described in LOC 50.05.010.6.b.i. The protected riparian area may provide water resource functions and values and/or protect the functions and values of the adjacent stream or wetland.

Protected Solar Building Line (Solar Access)

A line on a plat or map recorded with the plat that identifies the location on a lot where a point two ft. above may not be shaded by structures or non-exempt trees.

Public Building

Any building owned or used by a public governmental entity for the purpose of carrying out a public service, other than a public facility, but including public schools.

SECTION 50.10.003. DEFINITIONS

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Public Facilities

Any and all onsite and offsite improvements to be accepted for ownership, maintenance and operation by the City, including but not limited to sanitary sewers, pump stations, water lines and hydrants, storm drain systems, streets, alleys, street lights, street name signs and traffic control signs and devices.

Public Facility, Major

Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility.

Public Facility, Minor

The following public service improvements or structures developed by or for a public agency:

- a. Minor utility structures, except substations, but including poles, lines, pipes, telecommunications facilities or other such facilities.
- b. Sewer, storm drainage, or water system structures, including reconstruction of existing facilities, pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems, except treatment plants, reservoirs, or above-ground trunk lines.
- c. Street improvements within existing development including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.
- d. Transit improvements, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or on public property.
- e. School improvements which will not increase the capacity of the school nor create additional traffic or other impact on the surrounding neighborhood.
- f. Park improvements which will not create additional motor or foot traffic impact on the surrounding neighborhood.

Public Service

Any service provided by a public agency including but not limited to power, water, streets, sewers, parks, recreation facilities, schools, community centers, libraries, police and fire protection. This term includes utilities provided by regulated utility companies such as telephone, gas and electric power.

Public Transportation Facilities

Those facilities that are associated with a transportation system, such as bus stops, transit centers, light rail, and similar facilities, but excluding public or private streets.

Qualified Professional

An individual who has proven expertise and vocational experience in a given natural resource field, as determined by the City Manager. A qualified professional may either be a consultant or a member of the City staff. The following types of expertise are applicable:

- a. Streams. An individual such as a hydrologist or an engineer who has expertise in analyzing water quality and/or delineating stream corridor boundaries.
- b. Tree Grove. An individual who has expertise in delineating or surveying tree grove drip lines such as a Certified Arborist, professional forester, engineer, architect, landscape architect, surveyor, or similarly qualified person.
- c. Wetlands. An individual such as a wetland biologist or ecologist who has expertise in applying Federal and/or State-approved methods for wetland delineations and value assessments.

Ravine

A small, narrow valley with steep sides that is usually worn by running water. A ravine is larger than a gully.

SECTION 50.10.003. DEFINITIONS

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Recreational Facilities

- a. Active Use Recreational Facilities. Facilities for recreational uses that tend to be more organized and/or that require a greater degree of site development and conversion of natural area, including sports fields, playground equipment, group picnic shelters, hard surfaced pathways, permanent restrooms, accessory parking lots and similar facilities.
- b. Passive Use Recreational Facilities. Facilities for recreational uses related to the functions and values of a natural area that require limited and low impact site improvement, including soft-surface trails, signs, pedestrian bridges, seating, viewing blinds, observation decks, handicapped facilities, drinking fountains, picnic tables, interpretive facilities, and similar facilities.

Recreational Vehicles

Towed or self-propelled vehicles such as motor homes, pickup campers and tent trailer campers, travel trailers, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopable

Land on which development has already occurred, but due to present or expected market forces, there exists the strong likelihood that current development will be converted to more intensive uses during the planning period.

Reserved Area

Land to be kept free of buildings or other structures as a condition of development approval.

Residential Accessway

A strip of land intended for use by pedestrians and bicyclists that provides a direct route through single family residential development where the use of public roads would significantly add to the travel time and/or distance.

Residential Care Housing

A residential care housing facility houses and provides services for six or more persons who may have a range of physical and mental health problems, including chronic and debilitating conditions requiring assistance with daily activities. This term is synonymous with other terms such as “assisted living facilities,” “group care facilities,” and “adult care housing” used to describe housing which provides the range of services described below.

Living units within residential care housing do not have cooking facilities. A range of services is provided including staff supervised meals, housekeeping and personal care, medication supervision, recreation, cultural, social activities and transportation.

Residential care housing facilities may include housing for persons needing intermediate care. These are persons who do not require around-the-clock nursing, but who do need preventative care, therapies at levels less than continuous licensed nursing care or observation. Intermediate care emphasizes personal, social and emotional / mental health care, but involves the availability of 24 hour service with physicians and nurses in supervisory roles.

Skilled nursing services, including convalescent care, may be provided as an accessory and subordinate use in conjunction with residential care facilities.

The total allowed number of persons requiring skilled nursing care may be up to 25% of a residential care facility’s total occupant capacity.

Residential Turnaround

An area providing space for the maneuvering of a passenger vehicle in which the vehicle can make a 180 degree change in direction with a continuous forward movement, or no more than one backing movement.

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Resource Conservation (RC) District Resource

A tree grove protected by an RC District Overlay Zone pursuant to LOC 50.05.010 and 50.07.004.8.

Resource Conservation Protection Area

The portion of an RC District resource identified pursuant to LOC 50.05.010.5.b, RC District Protection Area.

Resource Enhancement

The modification of a resource or its functions and values to improve the quality or quantity of the resource. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for storm water detention and surface water management, changes in water quantity or quality, or similar improvements. A resource enhancement project must result in no loss of any resource functions or values, and the gain of at least one.

Resource Protection (RP) District Resource

A wetland or stream corridor protected by a RP District overlay zone pursuant to LOC 50.05.010, Sensitive Lands Overlay.

Retention

The act of retaining or storing storm water, runoff permanently or for a considerable length of time for some use, or until it percolates into the ground or evaporates.

Reversed Frontage Lot

A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

Riparian Areas

Lands adjacent to rivers, streams, lakes, ponds, and other water bodies that are transitional between aquatic and upland zones and contain elements of both aquatic and terrestrial ecosystems. Such lands are characterized by high water tables, soils made up largely of water-carried sediments, and vegetation that requires free (unbound) water or conditions that are more moist than normal.

Road

See "Street".

Sanitary Sewer System

A system consisting of pipes, house service lines, manholes, cleanouts and other appurtenant structures provided for the conveyance of sewage to a place of treatment.

Secondary Dwelling Unit

A second dwelling unit, either attached or separate, located on a lot already containing a dwelling unit, which complies with LOC 50.03.003.1.f, Secondary Dwelling Unit.

Security

A means of guaranteeing the performance of terms and conditions of a development permit.

Sediment

Any organic or mineral material that is in suspension, is being transported or has been moved from its site of origin by water, wind, or gravity as a product of erosion.

Sedimentation

Deposition of boils, debris, or other materials suspended and transported by storm water runoff.

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Sensitive Lands

Lands containing natural resources that have environmental significance within the Lake Oswego planning area (Urban Service Boundary) including wetlands, stream corridors, and tree groves. Such lands are more sensitive or easily damaged by development impacts than non-resource lands.

Service Lateral

A sewer pipe extending from a sewer line to the property line to provide service for the structure on that property.

Service Station

A commercial establishment which provides retail sale of motor fuel and oil for motor or marine vehicles, services batteries, furnishes repair and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing equipment capable of washing more than one car at a time, and at which accessory sales or incidental services are conducted.

Setback Line

The innermost line of any required yard or reserved area on a lot.

Shade (Solar Access)

A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3° , and an azimuth ranging from 22.7° east and west of true south.

Shade Point (Solar Access)

The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3° , and an azimuth ranging from 22.7° east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of three ft. or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45° of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by three ft. If a structure has a roof oriented within 45° of a true east-west line with a pitch that is flatter than five ft. (vertical) in 12 ft. (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is five ft. in 12 ft. or steeper, the shade point will be the peak of the roof.

Shade Reduction Line (Solar Access)

A line drawn parallel to the northern lot line that intersects the shade point.

Shadow Pattern (Solar Access)

A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3° and an azimuth ranging between 22.7° east and west of true south.

Shelters, Waiting

An area providing protection from weather, and visual access and physical proximity to arriving transit vehicles; may be as simple as an extended overhang or protected entry or as elaborate as a separate structure complete with furniture.

Shielding:

- a. Directional. A luminaire designed to be aimed or pointed.
- b. Fully Shielded. A luminaire emitting no more than one-half percent of its luminous flux above the horizontal plane, including any luminaire rated "full cut off" according to IES RP-8-01.
- c. Shielded. A luminaire emitting no more than two percent of its total luminous flux above the horizontal plane, including any luminaire rated "cutoff" according to IES RP-8-01.

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- d. Partly Shielded. A luminaire emitting no more than ten percent of its total luminous flux above the horizontal plane, including any luminaire rated “semi-cutoff” according to IES RP-8-01.
- e. Unshielded. A luminaire that may emit its luminous flux in any direction (i.e., neither shielded nor partly shielded).

Silviculture

The care and cultivation of forest trees.

Skilled Nursing Facility

Skilled nursing facilities provide 24 hour direct medical, nursing and other health services. Registered nurses, licensed practical nurses, and nurses’ aides provide services prescribed by resident(s) physician(s). Skilled nursing is for those persons who need health supervision but not hospitalization. The emphasis of this use is on nursing care, but convalescent, restorative physical, occupational, speech, and respiratory therapies are also provided. The level of care may also include specialized nursing services such as specialized nutrition, rehabilitation services and monitoring of unstable conditions. The term skilled nursing facility is also synonymous with the terms nursing facility and nursing home.

Slope

Slope is measured by the following equation $S = E/D$, where S is the slope, E is the vertical elevation change between two reference points, and D is the horizontal distance between two reference points. [Cross-Reference: see Footprint, Sloped.]

Slopes, Stabilized

Building materials used to control an inclined ground surface where the inclination is less than 60 degrees. This inclination is expressed as a ratio of horizontal distance to vertical distance.

Solar Access Height Limit (Solar Access)

A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit.

Solar Access Permit (Solar Access)

A document issued by the City that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

Solar Feature (Solar Access)

A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square ft. of glazing oriented within 45° east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Code.

Solar Gain Line (Solar Access)

A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street that intersects the solar feature on that lot.

South or South Facing (Solar Access)

True south, which is 20° east of magnetic south.

Specimen Tree

Particularly fine or unusual example of any tree species, including smaller trees such as dogwood, cherry, or Japanese maple.

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Steep Slope

A steep slope is an average slope of 25% or more, when measured from the front lot line to the most distant point of the building.

Standard Details

The set of detail drawings contained in the City of Lake Oswego's "Standard Construction Specifications and Drawings".

Start of Construction

Start of construction is meant to apply to new construction and substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date.

- a. For new construction. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.
- b. For substantial improvement. The actual start means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storefront

The entrance facade of a building typically facing the street.

Storm Water Runoff

Water that results from precipitation which is not absorbed by the soil or plant material.

Storm Water Storage Area

A facility used for detention and/or retention of storm water runoff.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six ft. above grade for more than 50% of the total perimeter or is more than 12 ft. above grade at any point, such basement or unused under-floor space shall be considered as a story.

Stream

Flowing surface waters that produce a definable channel or bed. Stream flows can be perennial, intermittent, or ephemeral. Streams do not include ditches, storm drains, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction or have come to function as natural water courses, thus contributing to the quality of an area's overall natural systems.

Notwithstanding the above "stream" definition, for purposes of LOC 50.06.006.3.b (Drainage Standard for Major Development), stream shall mean a natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Stream Channel

A definable channel that demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and vegetated swales. A stream channel

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may be a bed with sloping banks or may be a swale with gradually sloping sides. In most cases there is a distinct grade break at the edge of the stream channel.

Stream Corridor

A stream corridor is an area of land that includes both a stream and the area ten ft. on either side of the centerline of the stream and any area beyond ten ft. that includes a set of natural features generally associated with the stream. See Figure 50.07.004-A: Wetland and Stream Corridor Measurement. These natural features include, stream channels, flood plains, wetlands, riparian vegetation, associated vegetation, steep slopes, and habitat features. A stream corridor generally includes the following:

- a. Hydrological Characteristics. Physical features that affect stream flow capacity, rates of channel erosion and patterns of sedimentation including but not limited to stream alignment, cross section and profile, roughness of channel and banks, and drainage patterns.
- b. Plant Communities and Wildlife Habitat. The association of trees, shrubs, ground cover, and aquatic plants that affects the hydrological characteristics of a stream corridor, reduces runoff turbidity, provides shade which lessens thermal pollution, filters out nutrients carried by runoff, protects stream corridor soils and slopes from erosion, and provides habitat for fish, wildlife and aquatic organisms.
- c. Soils with Potential for Severe Erosion. Soils within stream corridors tend to be very erosion-prone by nature. This feature affects channel erosion rates, patterns of sedimentation downstream, and potential for hazards to property within and adjacent to the stream corridor.
- d. Ravines and Steep Slopes. Lake Oswego stream corridors frequently include ravines and steep slopes.
- e. Associated Aquatic Elements. Floodplains and wetlands may be adjacent to or associated with the stream.

Stream Corridor Functions and Values

The beneficial characteristics of stream corridors, including, but not limited to:

- a. Protection of wildlife habitat and travel corridors;
- b. Protection of riparian vegetation;
- c. Erosion control;
- d. Flood and storm water control;
- e. Water quality enhancement;
- f. Open space, passive recreation, and visual enjoyment, and;
- g. Cultural, social, education and research values.

Stream, Perennial

A stream or part of a stream that flows continuously above ground during years of average or near-average rainfall, as a result of ground-water discharge or surface runoff.

Street

The entire width between the right-of-way lines of a local street, collector, or arterial capable of providing the principal means of access to abutting property.

Stripping

Any activity which disturbs vegetated or otherwise stable soil surface, including clearing and grubbing operations.

Structural Alteration

A change to the supporting members of a structure including, but not limited to, foundation, bearing walls or bearing partitions, columns, beams, girders or the roof.

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Structure

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. If the structure is located across separate parcels or lots and the portions of the structure are separately owned, the "structure" shall be considered to be only that portion of the structure that is used or intended for supporting or sheltering any use or occupancy that is occurring within the boundaries of the parcel or lot. For purposes of LOC 50.05.011, Flood Management Area, a "structure" means a walled and roofed building and a gas or liquid storage tank.

Structure, Viable Existing

- a. An existing structure that complies with LOC 50.05.004, Downtown Redevelopment Design District;
- b. A designated historic resource; or
- c. A structure that is not likely to be redeveloped due to use, size, recent construction or other similar factors (e.g. City Hall, Main Fire Station, Bank Building at northeast corner of 4th and A, building at northeast corner of 2nd and B).

Subdivide

To divide an area or tract of land into four or more lots within a calendar year, when such land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. For the purpose of computing the number of lots created, each lot created shall be counted as a separate lot notwithstanding the fact they are held in common ownership.

Substantial Improvement

For the purpose of LOC 50.05.011, Flood Management Area Overlay, a substantial improvement is any reconstruction, rehabilitation, addition, or other improvements to a structure, the cost of which exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means improvement to a structure that has been damaged or destroyed to a degree that the cost of repair or restoration would equal or exceed 50% of the market value of the structure before the damage or destruction occurred.

The term does not include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Cross-Reference: See LOC 50.05.011.10 for methods of calculating market value for flood management purposes.)

Sunchart (Solar Access)

One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

Surcharge

An excess load or burden of earthen material as defined by the State of Oregon One and Two Family Dwelling Specialty Code.

Swale

A swale is a depression, sometimes swampy, in the midst of generally level land that conducts surface water.

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Telecommunications Facilities

Facilities designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices. The following definitions apply to the regulation of telecommunications facilities:

- a. Abandoned Facility. A transmission tower and/or ancillary facilities whose use has been discontinued for a period of at least six months.
- b. Ancillary Facilities. The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, and ventilation and other mechanical equipment.
- c. Antenna(e). An electrical conductor or group of electrical conductors that transmit or receive radio waves.
- d. Attachment. An antenna or other piece of related equipment affixed to a transmission tower.
- e. Collocated Facility. A new attachment, antenna, or tower placed on existing suitable structures or the addition of new ancillary facilities to an existing transmission tower facility site.
- f. New Facility. The installation of a new transmission tower. New attachments are not new facilities.
- g. Pre-existing Towers and Pre-existing Antennas. Any tower or antenna constructed or approved pursuant to City standards in effect prior to the effective date of this ordinance.
- h. Service Area. The vicinity around a telecommunications facility site that effectively receives signals from and transmits signals to the facility at the strength of signal required by the Federal Communications Commission.
- i. Shadow. A geographic area that has less than adequate telecommunication service coverage.
- j. Tower Footprint. The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members but excluding ancillary facilities and guy wires and anchors.
- k. Tower Height. The vertical distance measured from the highest point on the transmission tower or other structure, including any antennae, to the original grade of the ground directly below this point.
- l. Tower Pad. The area that encompasses the tower footprint, ancillary facilities, fencing and screening.
- m. Transmission Tower. The guyed tower, lattice tower, monopole, or similar structure on which transmitting or receiving antennae are located. For purposes of this Code, ham radio transmission facilities are considered "aerials" and not "transmission towers".
 - i. Guyed Tower. A tower which is supported by the use of cables (guy wires) which are permanently anchored.
 - ii. Lattice Tower. A tower characterized by an open framework of lateral cross members which stabilize the tower.
 - iii. Monopole. A single upright pole, engineered to be self supporting and does not require lateral cross supports or guys.

Temporary Lighting

Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.

Temporary Structure

A structure used for one year or less.

Transit Facilities

Includes, but are not limited to, transit streets, transit stops, park and ride stations, multi-modal exchange stations, bus pullout lanes, multiple-passenger transit waiting shelters and furniture, and transit information stations.

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Transit Oriented Development (TOD)

A mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use.

Transit Oriented Features

Features to support a high level of transit use, such as sidewalks, accessways, bikeways, pedestrian and bicycle amenities, and walkways within developments.

Transit Service, Protected

Service which will be established within a one-fourth mile radius within five years after completion of development.

Transit Street

All streets designated by the Lake Oswego Comprehensive Plan as an arterial street and any street designated by Tri-Met as a bus route.

Transportation Project

A public or private road, street, sidewalk, pathway, bridge, tunnel, rail, or transit improvement designed to facilitate the movement of people or goods within the community. The term includes improvements for drainage, bank stabilization, and erosion control which are related to a transportation project.

Tree Grove

A stand of three or more trees (of the same species or a mixture) which form a visual and biological unit, including the area between the forest floor and the canopy, including skyline trees, and including any understory vegetation existing within the canopied area. A stand of trees must be at least 15 ft. in height and must have a contiguous crown width of at least 120 ft. to qualify as a tree grove.

- a. Associated Tree Grove. A tree grove that is contiguous with the boundaries of a designated stream corridor or wetland and contributes to the resource value of the riparian area by extending and operating in conjunction with the habitat of the riparian area and providing flood control and water quality enhancement. Such tree groves are located within the Protected Riparian Areas of a wetland or stream corridor but may extend beyond the Protected Riparian Area.
- b. Isolated Tree Grove. A grove of trees that is not associated with a stream corridor or wetland as described in subsection (a) of this definition.

Undevelopable Area (Solar Access)

An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45° east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Undisturbed Slopes

Slopes, or portions of slopes, that have not been previously altered from the natural topography for slope stability, i.e., re-contoured, graded, and/or terraced and the altered slope was either performed in accordance with or subsequently approved by a licensed geotechnical engineer, registered civil engineer experienced in soils engineering, or licensed engineering geologist. Undisturbed slopes consist of natural topography, vegetation, and soils.

Uplands (or upland forests)

The non-riparian portions of tree groves lying outside of stream corridors, wetlands, and their respective Protected Riparian Areas.

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Use, Accessory

Any use incidental, subordinate and consistent with the primary use on the same lot or in the same building, and which is consistent with the uses allowed in the zone in which it is located.

Use, Change of

A change of the activity on a site which results in a change in the number of parking spaces required by the parking and loading standard.

Use, Principal

The main or primary purpose for which land or a structure is arranged, designed or intended, or for which either land or a structure is, or may be, occupied or maintained.

Utility

For purposes of this Code, a utility is any person (as defined in this section) who is a local exchange carrier or an electric, gas, water, or other public utility, and who owns or controls poles, ducts, conduits, or rights of way used, in whole or in part, for any wire or cable communication.

Vanpool

A group of from seven to 15 commuters, including the driver, who share the ride to and from work or other destination on a regularly scheduled basis.

Vegetation

All plant growth, especially trees, shrubs, mosses and grasses.

Walkway

A surfaced strip of land, legally accessible to the public, improved to accommodate pedestrian traffic.

Wall

A structure which stands alone and which supports no load other than its own weight. The wall may have a solid vertical surface or may have an open pattern.

Walls, Exterior

Any wall or element of a wall, or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degree or greater with the horizontal plane.

Wall, Retaining

A structure of masonry, wood, stonework or other building material serving to support or protect an area. For the purpose of this Code, stabilized slopes 60 degrees or greater in inclination shall be considered retaining walls.

Water Bodies

Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, ponds, and permanently or temporarily flooded lands which lie below the deep water boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered non-soil or the water may be too deep or otherwise unable to support emergent vegetation.

Water Conveyance Capacity

The capacity of a watercourse to convey a particular volume of water per unit of time at a particular water surface elevation at any particular point on the watercourse.

Water Quality Protection Actions (Historic Preservation)

Activities, including construction, related to waterways, canals and water bodies intended to affect the quality of water including, but not limited to, dredging, siltation removal or transfer, siltation dams or gabions; maintenance, repair, additions, alterations, removal and replacement of utility lines located in

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the waterbody; weed or algae control, weed or algae harvesting measures; chemical or biological treatment and water filtration; other water quality improvement measures including temporary stoppage of water flow; management of fish, water fowl and wildlife; raising or lowering water level; control of water flow rate including periodic, temporary or emergency stoppage or drainage; diversions, dams or channel relocations.

Watercourse

A natural or artificial channel which conveys storm water runoff.

Notwithstanding the above definition, for purposes of LOC 50.05.011, Flood Management Area, watercourse means a bed or channel of a riverine drainageway such as a river, stream, creek, or brook.

Water Courses

Water courses are defined as ephemeral, intermittent, and perennial drainageways which exhibit defined channels:

- a. Ephemeral means water courses which convey water associated with rainfall events.
- b. Intermittent means water courses whose conveyance of water is seasonal in nature.
- c. Perennial means water courses which convey water year-round.

Water courses also include perennial springs. They may be either the result of natural processes or human-made features such as canals, mill races, and open drainageways which are either historic in nature, or have come to function as natural water courses, thus contributing to the quality of an Area's overall natural systems including hydrology, vegetation, wildlife habitat. (See "watercourse" for purposes of LOC 50.06.006.3.b, Drainage Standard for Major Development and LOC 50.05.011, Flood Management Area.

Water Dependent Use

A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. Water dependent uses include, but are not limited to, boat houses, docks, decks, marinas, piers, boat lifts, or similar structures. A cabana is not a water dependent use.

Water Distribution System

A system consisting of underground pipes, house service lines, valves, hydrants, and other appurtenant structures provided for the transmission of potable water to its point of use.

Wetland

An Area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include but are not limited to swamps, marshes, bogs, and similar Areas.

- a. Isolated Wetland. A wetland that is not linked or connected to an adjacent stream corridor, wetland, tree grove, or other wooded Area.

Wetland Functions and Values

The beneficial characteristics of wetlands, including but not limited to:

- a. Wildlife and plant habitat protection
- b. Protection of sensitive, threatened and endangered species
- c. Erosion control
- d. Flood and storm water storage
- e. Water quality enhancement
- f. Ground water recharge

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- g. Open space, passive recreation, and visual enjoyment
- h. Cultural, social, educational, and research values

Wrecking Yard

Any premises used for the storage, dismantling or sale of either inoperable motor vehicles, trailers, machinery and/or building materials, or parts of such items.

Yard

An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Yard, Front

A yard, the front of which is the front lot line measuring at right angles toward the building the required distance or to the front exterior wall of the building.

Yard, Rear

A yard, measured at right angles from the rear lot line toward the building, the required distance.

Yard, Required

The area of land and space between a lot line and a setback line, whether the setback line is established by the terms of this Code or by an approval granted pursuant to this Code.

Yard, Side

A yard, measured at right angles from the side lot line toward the building, the required distance.

[**Cross-References:** Old Town Styles: See LOC 50.05.006.2, Definitions of Old Town Styles; Village Character: See LOC 50.05.004.4, Definitions.]

(Ord. 2549, Amended, 06/15/2010; Ord. 2524, Amended, 06/01/2010; Ord. 2527, Amended, 04/21/2009; Ord. 2530, Amended, 12/16/2008; Ord. 2507, Amended, 06/03/2008; Ord. 2462, Amended, 12/19/2006; Ord. 2398, Amended, 12/06/2005; Ord. 2429, Amended, 09/06/2005; Ord. 2333, Amended, 07/15/2003; Ord. 2346, Amended, 06/10/2003; Ord. 2322, Amended, 02/04/2003; Ord. 2334, Amended, 12/17/2002; Ord. 2328, Amended, 08/06/2002; Ord. 2243, Amended, 04/02/2002; Ord. 2316, Added, 03/05/2002)

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LOC 50.11: APPENDICES

50.11.001. APPENDIX A – LAKE OSWEGO STYLE

1. ARTS & CRAFTS STYLE 1900-1920

The Arts and Crafts movement originated in England in the 1880s when the designer William Morris (1834-1896) began writing and lecturing about the need for a “new birth” of the arts. He rejected classically inspired art and looked instead to the Middle Ages, local traditions, and nature for inspiration and subject matter. According to Morris, art was for everyone, not just the wealthy, and everyone was a potential artist or craftsman. He feared that the prevailing doctrine of “art for art’s sake” was causing artists to lose touch with real people and life, and that his attitude would eventually kill art’s vitality. Ardent and articulate in his views, he persuaded others to look at common objects such as furniture, metalwork, wallpaper, textiles, and houses and subjects worth of artistic expression. His philosophy became so influential that the Arts and Crafts Society was formed; it espoused the virtues of natural materials and fine craftsmanship, encompassed all aspects of design, and elevated the crafts to the status of art.

Although Morris was not an architect, he influenced many creative English architects, including Philip Webb (1831-1951) who designed Morris’s house, known as the Red House, in 1859. The design, modeled after local Gothic vernacular houses, was considered radical because vernacular houses were generally regarded as inferior and unworthy of emulation. The ideals of the Arts and Crafts movement – love of nature, and respect for the common man and craftsmanship – led many architects of the time to base their designs on traditional, rather than classical, houses built by country people out of available materials.

Two other English architects, C.F.A. Voysey (1857-1941) and Sir Edwin L. Lutyens (1869-1944), also influence the architecture of the Arts and Crafts movement. Voysey, who also designed furniture, wallpapers, and fabric, simplified and adopted English country house designs, creating a “new” usually smaller home for middle-income families. His work was published in Europe and the United States throughout his life. The Wade Pipes House (120), in Portland, with the medieval roof pitch of 45 degrees, and the low opposing slopes of the two gables, clearly shows Voysey’s influence.

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*The style descriptions are borrowed from the book Architecture, Oregon Style.

[**Cross-Reference:** Clark, Rosalind. *Architecture, Oregon Style*. Portland: Professional Book Center, 1983.]

Arts & Crafts Style 1900-1920

Characteristic Elements of the Style

- Steeply pitched gable roof, often with intersecting or double gable dormers, or with one slope occasionally sweeping close to the ground.
- Prominent chimneys.
- Asymmetrical composition, generally rectangular, with roof, window and porch projections.

SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE

SUBSECTION 1: ARTS & CRAFTS STYLE 1900-1920

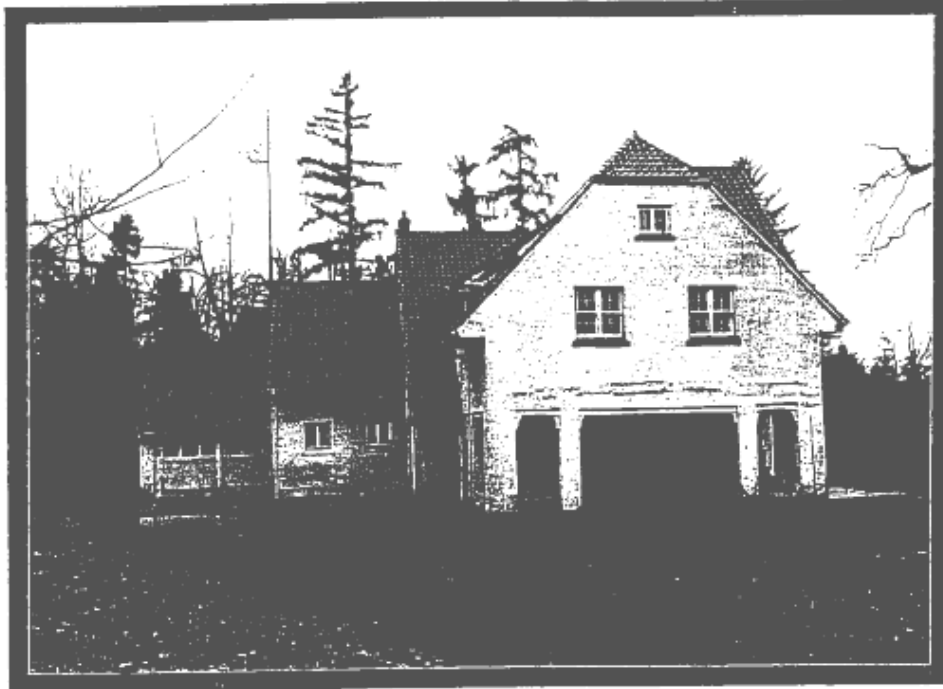
- Casement and sash windows with many small panes, segmental and round arched openings used for accent.
- Stucco, shingle, brick, or horizontal siding sometimes used in combination.
- Simplified English vernacular elements such as simulated half-timbering and simulated thatched roofs.

Arts & Crafts Style 919 West Point Road



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 1: ARTS & CRAFTS STYLE 1900-1920

Arts & Crafts Style
1515 Cherry Lane



Arts & Crafts Style
768 North Shore Road



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 1: ARTS & CRAFTS STYLE 1900-1920

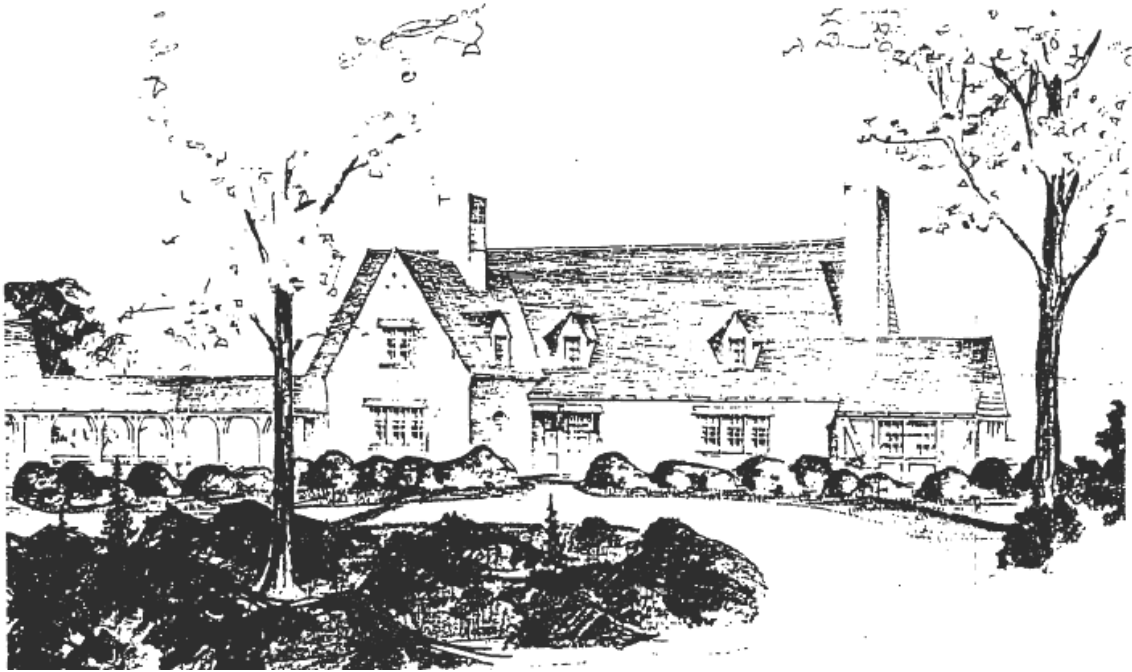
Arts & Crafts Style
1125 Maple



Arts & Crafts Style
13100 Riverside Drive



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 2: ENGLISH TUDOR STYLE 1910-1935



Arts & Crafts Style
4375 South Shore Boulevard



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 2: ENGLISH TUDOR STYLE 1910-1935

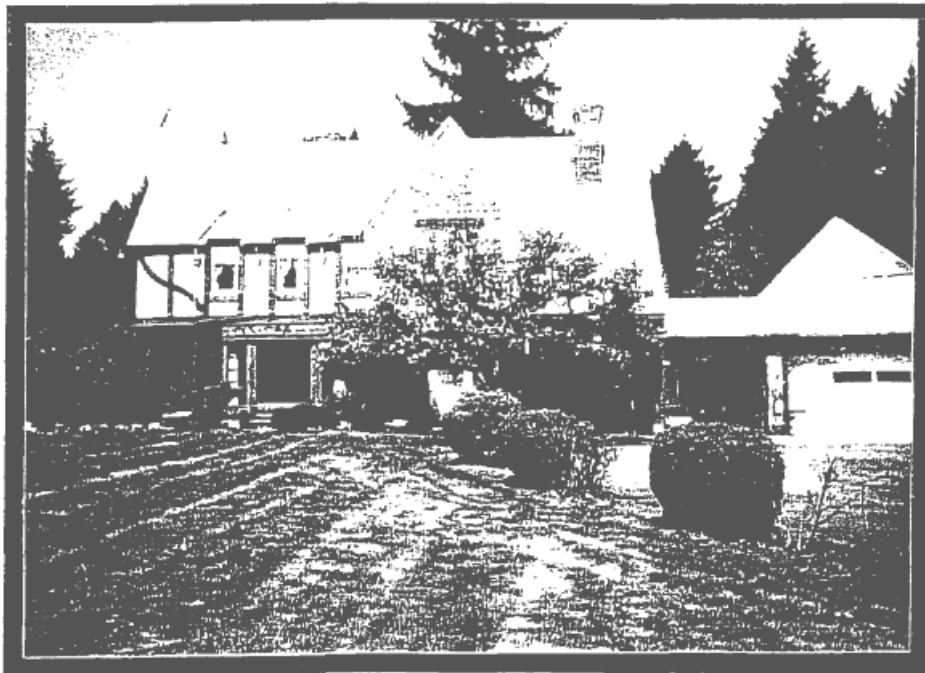
2. ENGLISH TUDOR STYLE 1910-1935

Characteristic Elements of the Style

- Steeply pitched gable roof, often with double gable dormers, or lower roofs behind ornamental parapets.
- Prominent fluted chimneys.
- Rectangular shape with vertical projections.
- Bay, oriel, dormer, and many-paned windows, sometimes with leaded glass.
- Brick construction, with bricks sometimes set in intricate designs; wood-frame construction, with stucco finish; or a combination of brick and stucco construction.
- Tudor-arched or round-arched openings, especially in the entrance door; quatrefoil or medieval designs in decorative trim; imitation half-timbering. Brick buildings have contrasting stone moldings.

The English Tudor style was one of the most popular styles in the years following the First World War. Wealthy Americans were attached to the English country manor house and used it as the model for their suburban homes. The characteristic half-timbering, usually only a superficial design placed upon a stucco wall, was based on the medieval tradition, which called for heavy timber framing with wattle and daub (a mud-and straw or twig mixture) or brick infilling between the timbers. The sources for this fashion are to be found in English buildings of the sixteenth and early seventeenth centuries. Good examples can be found in most towns and cities throughout the state.

English Tudor Style
737 Country Club Road



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 2: ENGLISH TUDOR STYLE 1910-1935

English Tudor Style
409 Edgecliff Road



English Tudor Style
1515 Cherry Lane



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 3: OREGON RUSTIC STYLE 1915-1940

English Tudor Style
1097 Chandler Road



English Tudor Style
1650 North Shore Road



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 3: OREGON RUSTIC STYLE 1915-1940

3. OREGON RUSTIC STYLE 1915-1940

Characteristic Elements of the Style

- Moderately pitched hipped and gable roofs, sometimes in combination.
- Large stone chimneys.
- Asymmetrical composition.
- Numerous small windows with many panes and simple undecorated frames, dormer windows.
- Log construction, unpeeled logs or half-round logs applied as siding; board-and-batten or shingled siding left unpainted; natural materials such as river boulders or rough stone used in foundations or as siding for first-floor levels.
- Handcrafted rustic decorative elements: carved newel-posts, handwoven textiles, and log or bent-twigg furniture.

The Oregon Rustic style is comparable to the National Park style used for the lodges and buildings in national parks around the country. These buildings, designed to harmonize with their forested settings, used natural materials such as logs and local stone, and sometimes emulated to the look of pioneer or folk architecture. They resemble early log buildings but differ from them in their self-conscious use of rustic elements. The Rustic style was also influenced by the Great Camp architecture of the Adirondacks, a style used in resorts built for very wealthy American families between the 1880s and the 1920s. The buildings of these resorts were mansion-like wooden structures that used logs for siding, branches for posts and other rustic materials for furniture and decorative details.

Perhaps the first Rustic style building in Oregon was Cloud Cap Inn, built on Mount Hood in 1889. Its design by William H. Whidden featured log construction, a stone chimney, and a wood shake roof, trademarks of the style.

Crater Lake Lodge, built in 1914 with additions in 1924, and Oregon Caves Chateau, built in 1934, were both constructed in the National Park tradition. Timberline Lodge, built on Mount Hood between 1936 and 1938 as a Works Progress Administration (WPA) project, is the finest example of the Oregon Rustic style. The Timberline project employed some of Oregon's most noted craftsmen and artists, and remains today as a monument to their skills.

The United States Forest Service used this style in ranger stations, shelters, and lookouts in the early 1900s. During the Great Depression, the Civilian Conservation Corps (CCC) adopted the style in the many structures it built in recreation areas across the country.

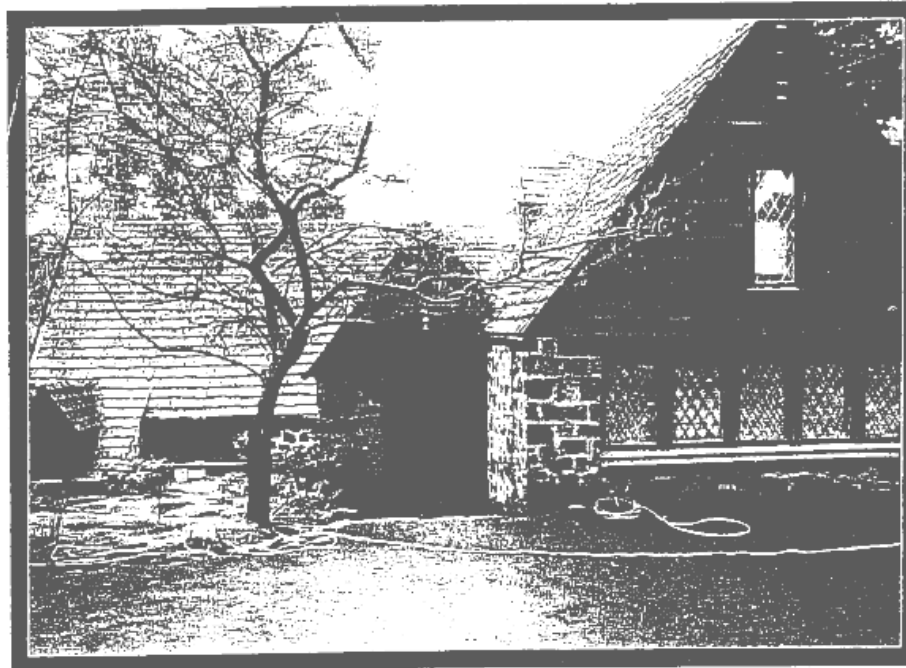
///

SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 3: OREGON RUSTIC STYLE 1915-1940

Oregon Rustic Style
16722 Greenbriar Road



Oregon Rustic Style
16865 Greenbriar Road



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 3: OREGON RUSTIC STYLE 1915-1940

Oregon Rustic Style
876 North Shore Road



///

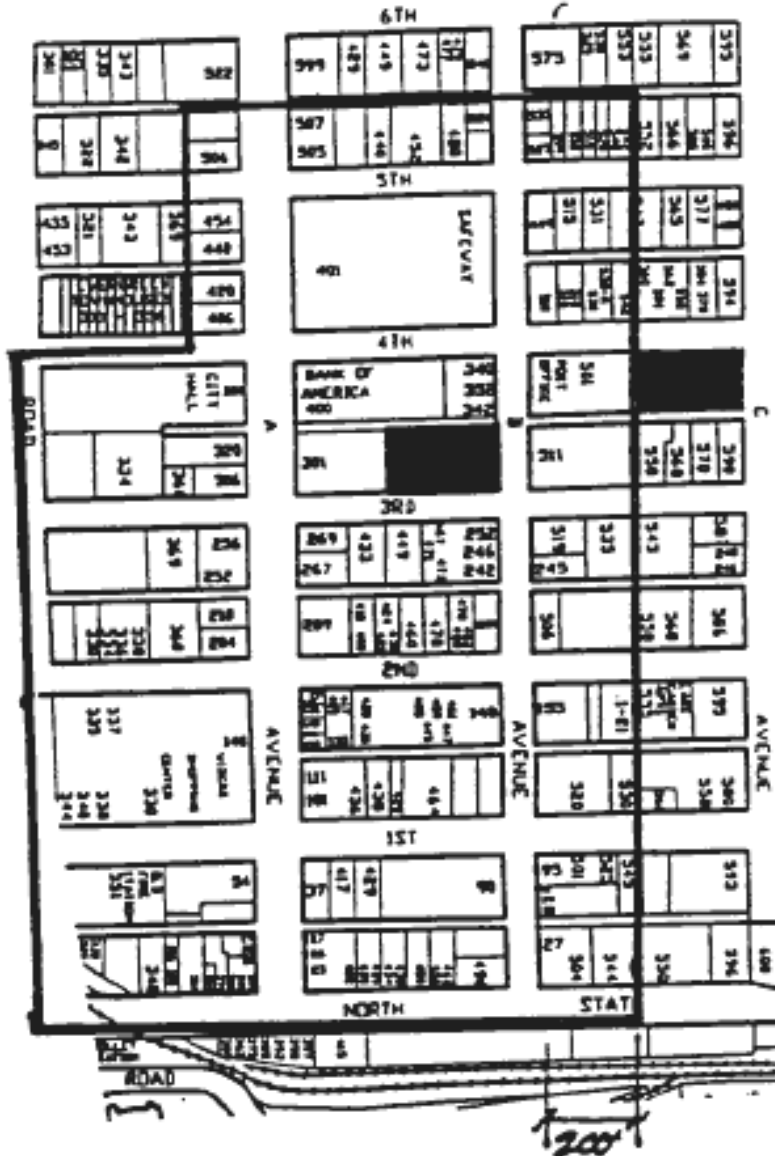
SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
 SUBSECTION 4: LOC 50.05.004 FIGURES

4. LOC 50.05.004 FIGURES

FIGURE 1

LOC 50.05.004.9

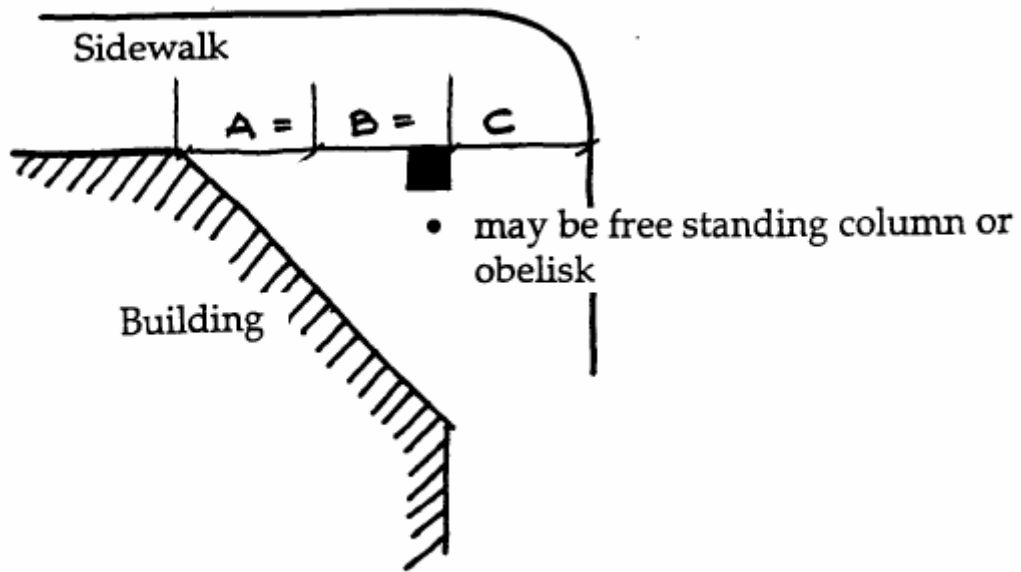
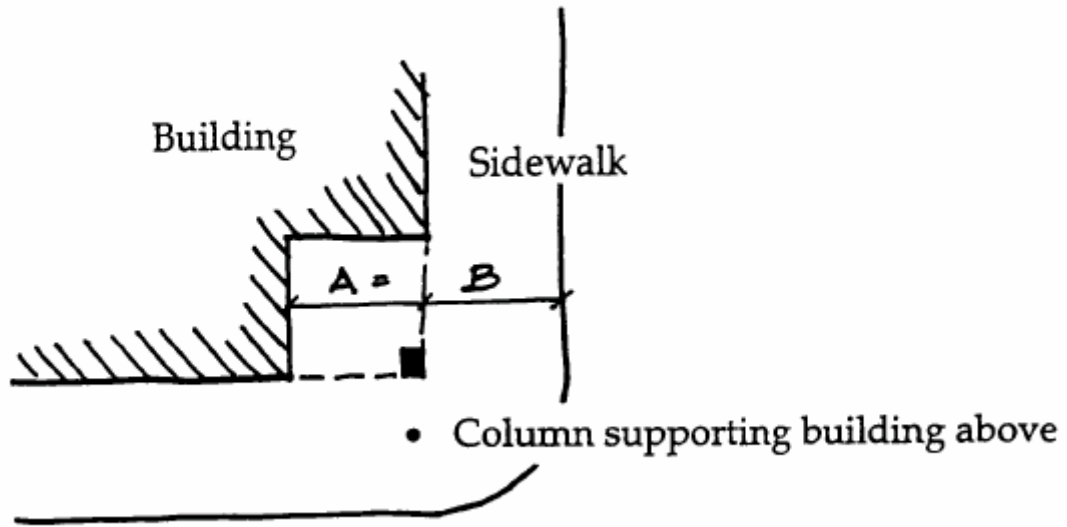
(Parking Requirements - portion of Downtown Shopping & Business District)



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 2

LOC 50.05.004.5
(Street Corners)

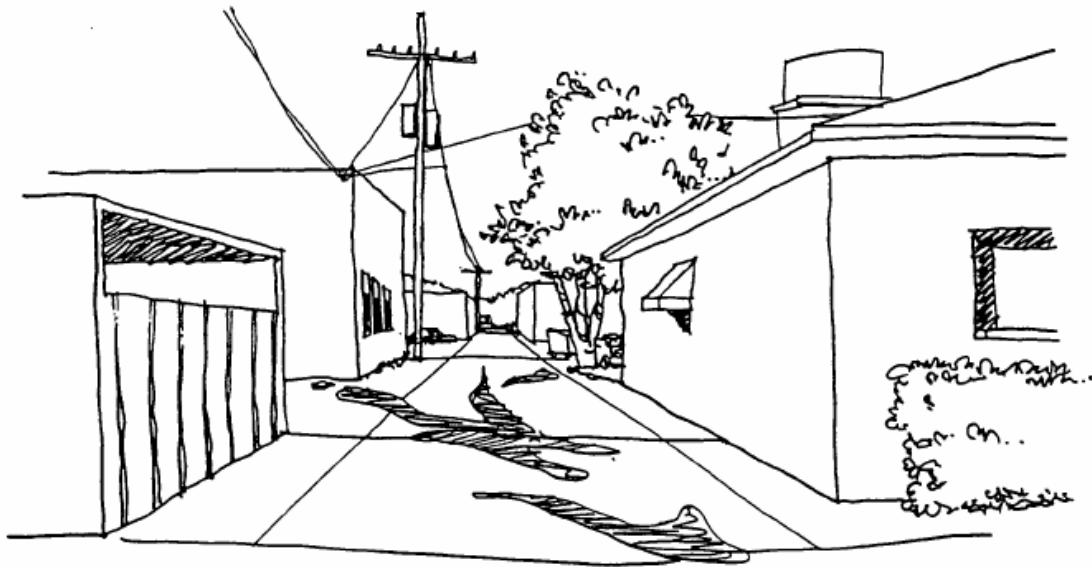


SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 3

LOC 50.05.004.5
(New Building & Secondary Building Entrances)

ALLEY (BEFORE)



ALLEY (AFTER)



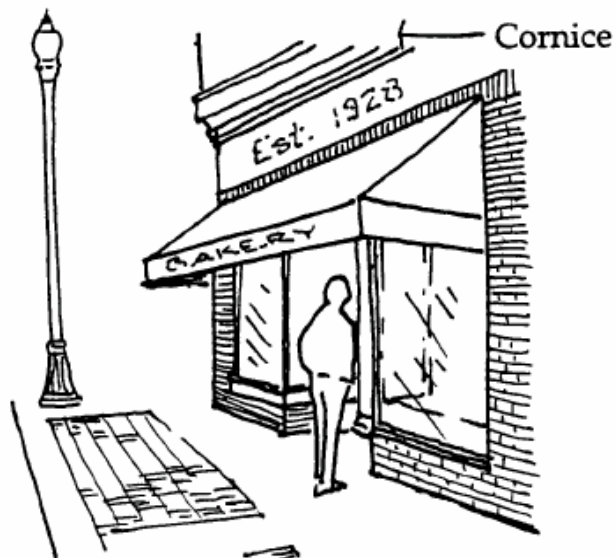
SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 4

LOC 50.05.007.5 & 50.05.004.6
(Building Design - Storefront Appearance & Awnings)



- Shed type awning with open end (above) and closed end below. Both with valance.
- Storefront appearance at ground level.
- Brick pavement panel (below):



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE

SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 5

LOC 50.05.004.6

(Building Design - Ground Floor Design)

- Mixed use structures – retail below/office or residential above.
- Stepped cornice due to slope.
- The Gable roofed building is masonry at lower level to establish a strong visual base.
- The flat roofed building is all masonry.
- Signage opportunities on awnings and in cornice band or hanging above cornice.



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 6



New buildings borrow from the adjacent English Tudor Building.

Note complimentary massing, roof forms, masonry chimney and building base. One site defines the street with a hedge, the other with a masonry and metal fence.

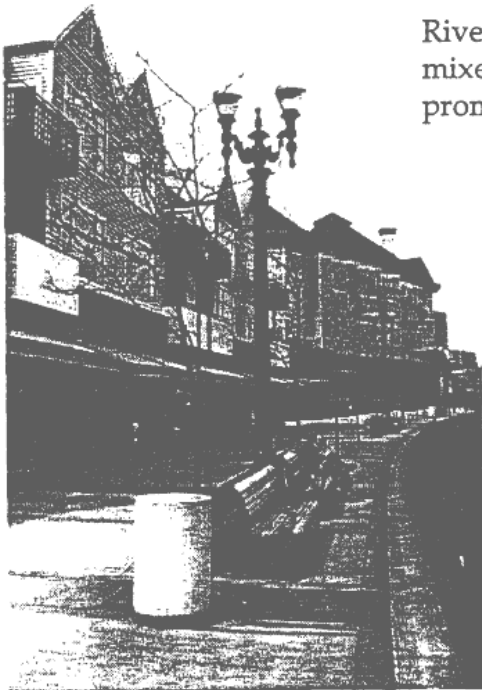
SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 7

LOC 50.05.004.6
(Landscaping & Site Design Requirements)



Riverplace in Portland - a successful mixed-use project along a public promenade.



SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 8

LOC 50.05.004.8

(Landscaping & Site Design Requirements – Street Furniture & Lighting)

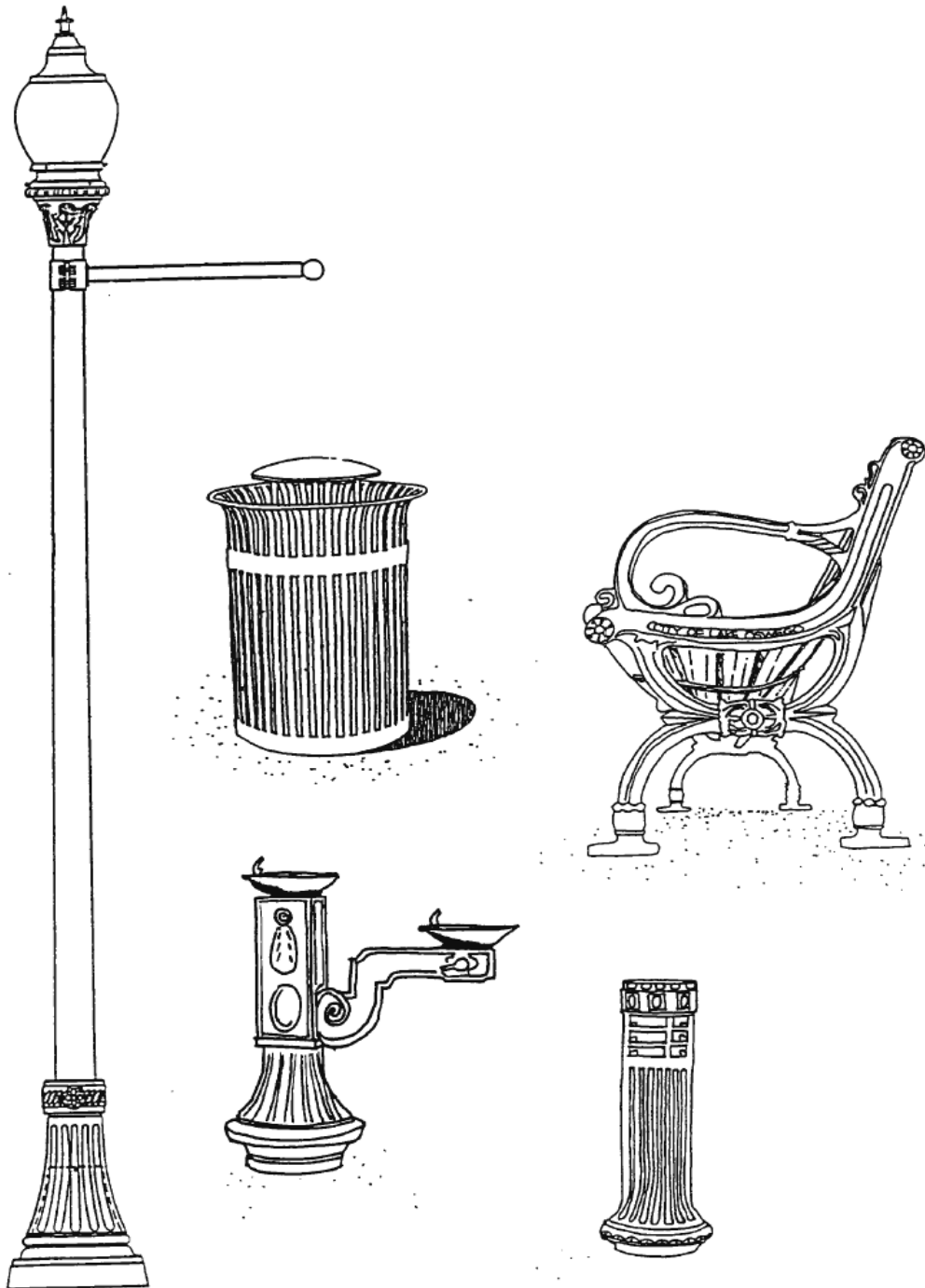
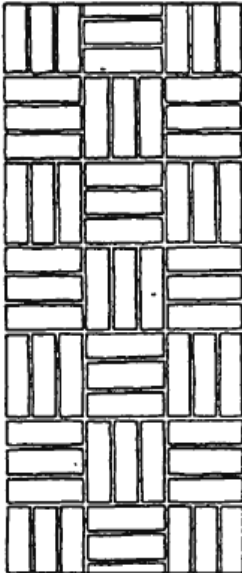


FIGURE 9

Brick

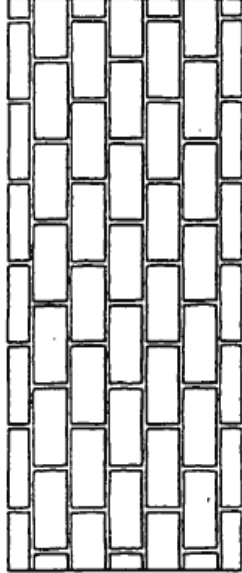
Basket Weave



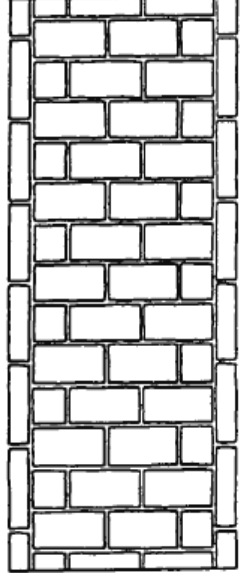
Herringbone



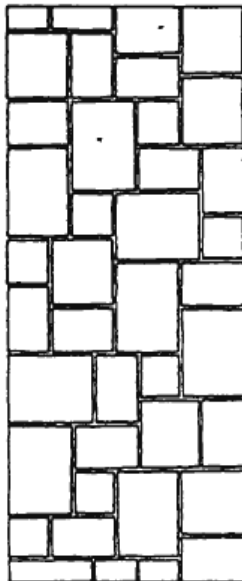
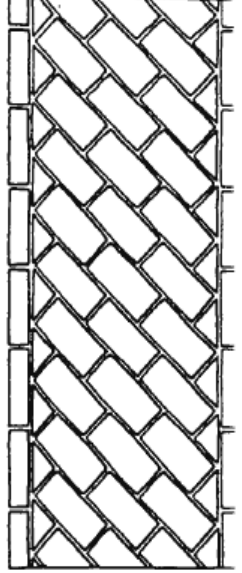
Running



Cross

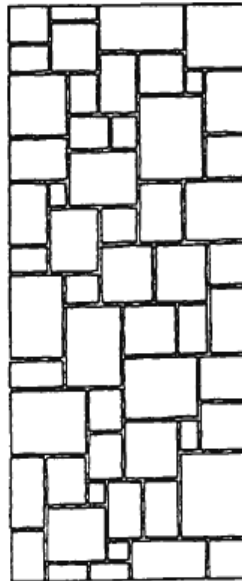


Diagonal

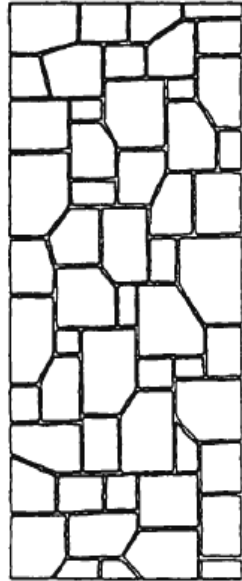


Rectangular

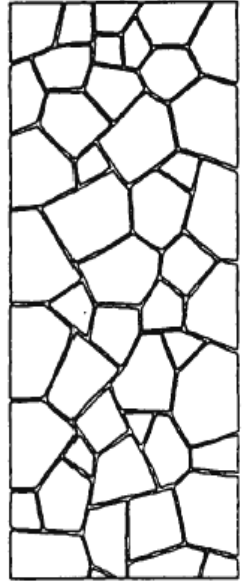
Stone



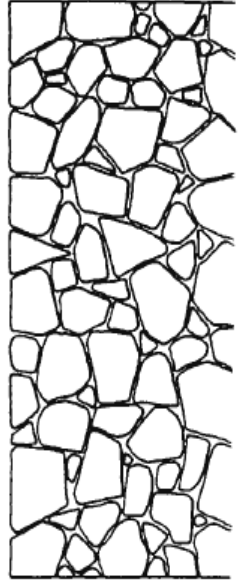
Random
Rectangular



Semi-irregular



Irregular
(fitted)

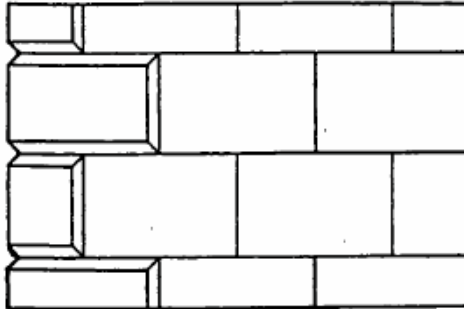


Crazy Paving
(irregular
unfitted)

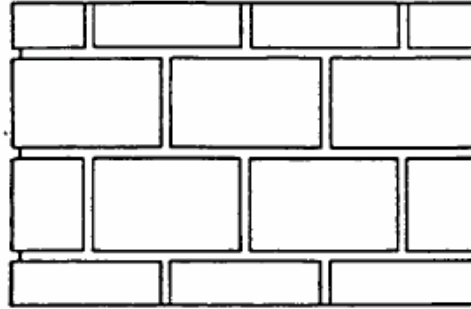
SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 10

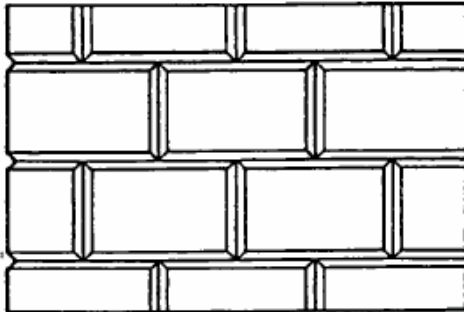
LOC 50.05.004.8
(Landscaping & Site Design Requirements – Walls)



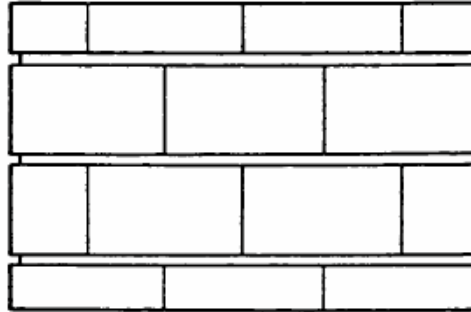
Ashlar with chamfered quoins



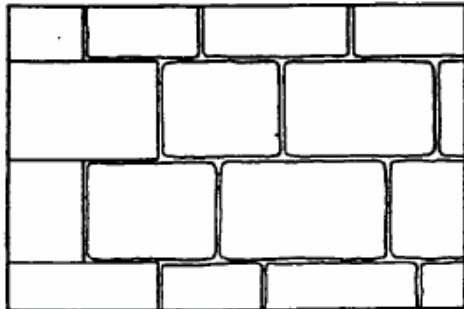
Rustication



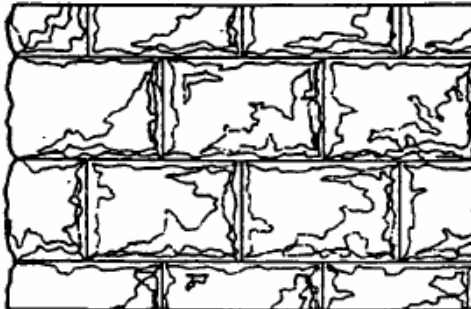
Chamfered Rustication



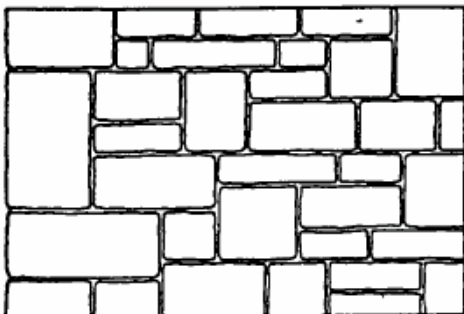
Banded Rustication



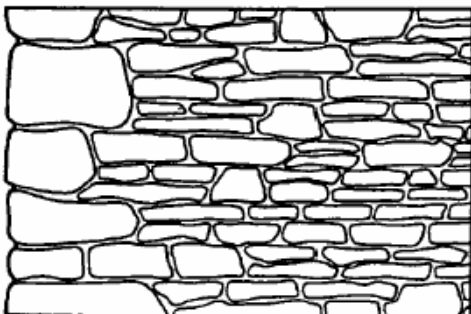
Dressed Stone



Cyclopean (rock-faced) Stone



Snecked Stone



Random Rubble

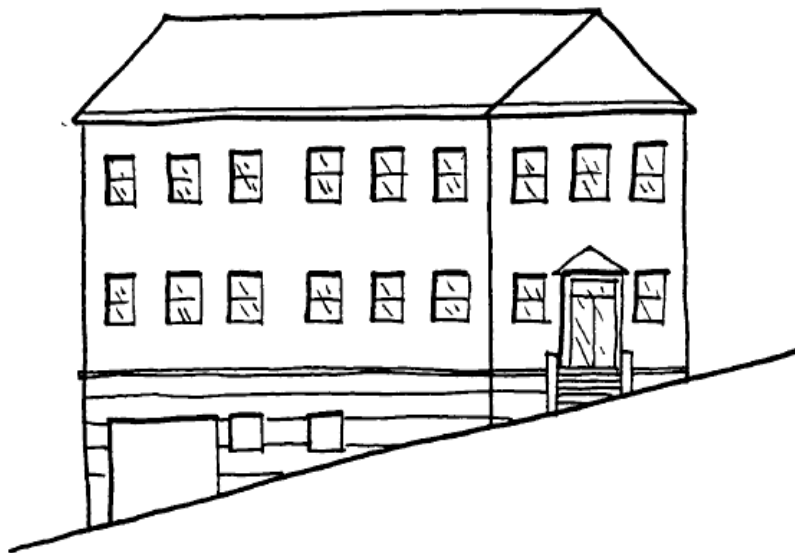
SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 11

LOC 50.05.004.11
(Parking Structures)



Parking structures can be integrated with residential or commercial building by using similar materials and similar proportions of openings and by extending horizontal elements (i.e. cornice).

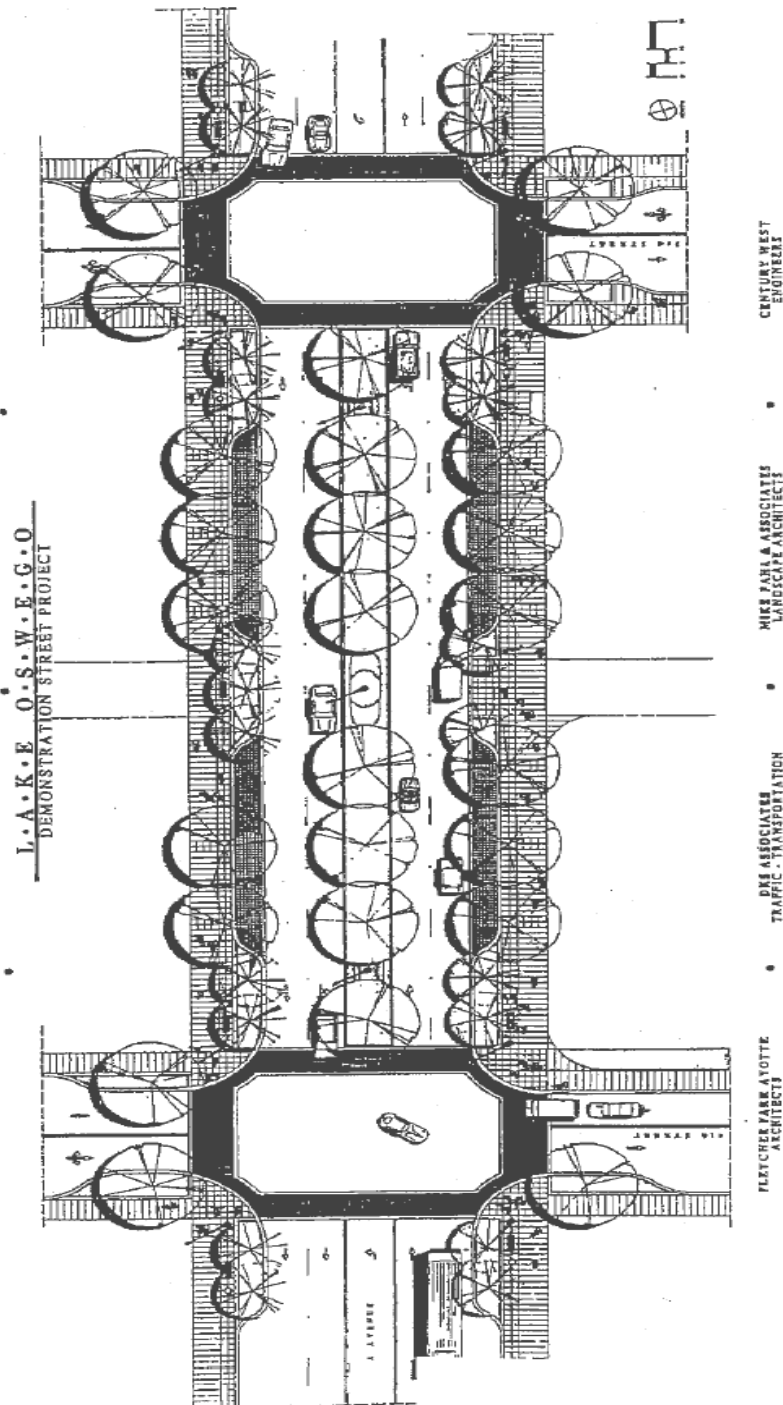


The garage entry takes advantage of topography to be visually subordinate to the pedestrian entry.

SECTION 50.11.001. APPENDIX A – LAKE OSWEGO STYLE
SUBSECTION 4: LOC 50.05.004 FIGURES

FIGURE 12

LOC 50.05.004.12
(Street Alley & Sidewalk Design – A Avenue)



50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

Background Information

Industrial land uses have existed in Lake Oswego all through its history. They originally developed on the Willamette River where proximity to water transportation attracted heavy industry such as Iron smelting and now cement production. Light industrial land use developed relatively late in Lake Oswego's history. In the early 1960's, a light industrial park zone was established by the City on Boones Ferry Road, adjacent to I-5. Despite this expansion of industrial zoning, industrial development remains a relatively insignificant part of Lake Oswego's overall character. Since 1950, the City's residential growth has outpaced any other type of development, and Lake Oswego has become a suburban residential community with few local employment opportunities.

In examining its future through comprehensive planning, the City found major adverse fiscal effects would occur if future growth were solely residential. The high per unit cost of public services for low density residential development and the failure of such development to supply adequate revenues are the causes of this situation. This finding led citizen task forces, Planning Commission, and City Council to conclude that additional industrial development would be desirable. Analysis also showed that public policies are needed to improve existing industrial developments in order to maintain and enhance their value.

Summary of Major Issues

Issues related to industrial land use which were resolved through the comprehensive planning process include:

- Could Lake Oswego's future growth include additional industrial development in order to counteract adverse fiscal effects of residential growth?
- Could additional employment opportunities be provided in the Lake Oswego area to help reduce commuting distances for future residents?
- Could additional area be designated for industrial development without degrading environmental quality in the community?
- Could the City take actions to encourage improvements in existing industrial areas?

Summary of Major Conclusions

The industrial land use policies are a product of extensive analysis by city staff, recommendations of a citizen task force, and review and modification by the City Council. The emphasis on increasing the amount of industrial development represents a major shift in previous development policies for Lake Oswego.

Conclusions reached in this process include:

- Additional industrial development is needed to help balance the fiscal effects of the community's growth.
- Light industrial park development can have a positive aesthetic and economic impact on the community while also not overburdening the transportation system.
- Suitable locations for a planned industrial park development exist in the Kruse Way Corridor.
- Specific city actions are needed in the existing Lake Grove Industrial Park to stimulate improvement, upgrading, and code compliance.

SECTION 50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

SUBSECTION 4: LOC 50.05.004 FIGURES

Summary of Supporting Documents

The following list includes supporting documents related directly to the development of the industrial land use policies. For a complete bibliography, refer to supporting documentation.

- Lake Oswego Community Goals, 1974
- Industrial Task Force Report, 1976
- Fiscal Impacts of Urban Development in Lake Oswego, (preliminary findings), 1976
- Minutes from Public Meetings of Industrial Task Force, 1976
- Lake Oswego Population Study, 1976

OBJECTIVE: TO ENCOURAGE INDUSTRIAL DEVELOPMENT COMPATIBLE WITH THE COMMUNITY IN ORDER TO INCREASE LOCAL EMPLOYMENT OPPORTUNITIES AND MAINTAIN A HEALTHY LOCAL ECONOMY.

GENERAL POLICIES:

- I. The City will encourage environmentally compatible industrial development located in visually attractive structures in landscaped settings.
- II. The City will encourage industrial development by assuring that adequate streets, utilities and public services exist to serve existing and proposed industrial areas.
- III. The City will encourage industrial development by establishing clear, concise and unified development standards in order to minimize time for processing development applications.
- IV. The City will encourage industrial development by designating industrial park areas in appropriate locations in the Comprehensive Plan.

Specific Policies

FOR GENERAL POLICY I: Encourage environmentally compatible industrial development.

The City will:

1. Establish specific district policies for each industrial district to accommodate the unique conditions existing in each and use these specific district policies as conditions for actual development approval. These areas are:
 - a. Lake Grove Industrial Park
 - b. Willamette River Industrial Park

(Specific Policy c deleted 12/18/85)
2. Assure compliance with local, state and federal standard for noise, water quality, air quality, fire hazards, material storage and screening.

SECTION 50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

SUBSECTION 4: LOC 50.05.004 FIGURES

3. Initiate a program of code enforcement for all existing industrial areas to improve the areas' aesthetic quality and protect individual investments in buildings and landscaping.
4. Establish methods assuring the continued care and maintenance of buildings and grounds in the City's industrial areas.
5. Establish ordinances enabling the City to monitor and control impacts from changes or expansions in use in industrial districts.
6. Require all manufacturing operations in industrial parks to be conducted within an enclosed building.
7. Work with property owners in the Willamette River Industrial Area, in the event any major plant closures occur during the next 20 years, to plan in advance for a transition in land use that is:
 - a. Economically feasible for the industrial property owners, and
 - b. Compatible with the City's long range plans for the East End Business District
8. Plan adequate storm water runoff management systems and facilities in industrial districts and require developments to conform to City storm drainage policies.
9. Require exterior lighting in industrial districts to be designed so as not to shine beyond property lines adjacent to residential zones.
10. Require all outdoor storage in industrial parks to be screened from public view.
11. Require preservation of major tree stands wherever feasible.

FOR GENERAL POLICY II: Encourage industrial development by assuring adequate streets, utilities and public services.

The City will:

1. Place high priority on water system improvements which will assure adequate water volumes and pressure for the City's existing and proposed industrial areas.
2. Develop and implement a detailed Lake Grove Industrial Park improvement program in conjunction with property owners.
3. Assure timely completion of the Boones Ferry widening project and integrate this improvement with the local circulation system in Lake Grove Industrial Park.

(Specific Policy 4 deleted 12/18/85 – PA 4-85)

FOR GENERAL POLICY III: Encourage industrial development by establishing clear development standards to minimize time for processing development applications.

The City will:

1. Refine design guidelines for industrial park areas to clarify requirements for development review approval. (See Strategies for General Policy I).

SECTION 50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

SUBSECTION 4: LOC 50.05.004 FIGURES

2. Assist industrial park development proposals in obtaining DEQ indirect source permits.
3. Work cooperatively with individual industrial park development proposals to assist in complying with city and state regulations.
4. Review and revise all regulations affecting industrial development in the city and assure they are clear, concise and equitably enforced.

FOR GENERAL POLICY IV: Encourage industrial development by designating new industrial park areas in appropriate locations in the Comprehensive Plan.

The City will:

1. Expand the existing Lake Grove Industrial Park in a manner compatible with neighboring residential areas. (Recommended expansion is shown on map below.)
2. Require the new Kruse Way Industrial Park to be developed consistent with unified overall plan. Proposals for individual parcel development will not be considered prior to city approval of an overall plan for the total site.

This overall plan will include, but not be limited to stream protection, internal circulation plan, and preservation of major open spaces.

(Specific Policy 2 deleted and 3 renumbered 12/18/85 – PA 4-85)

Specific Policies

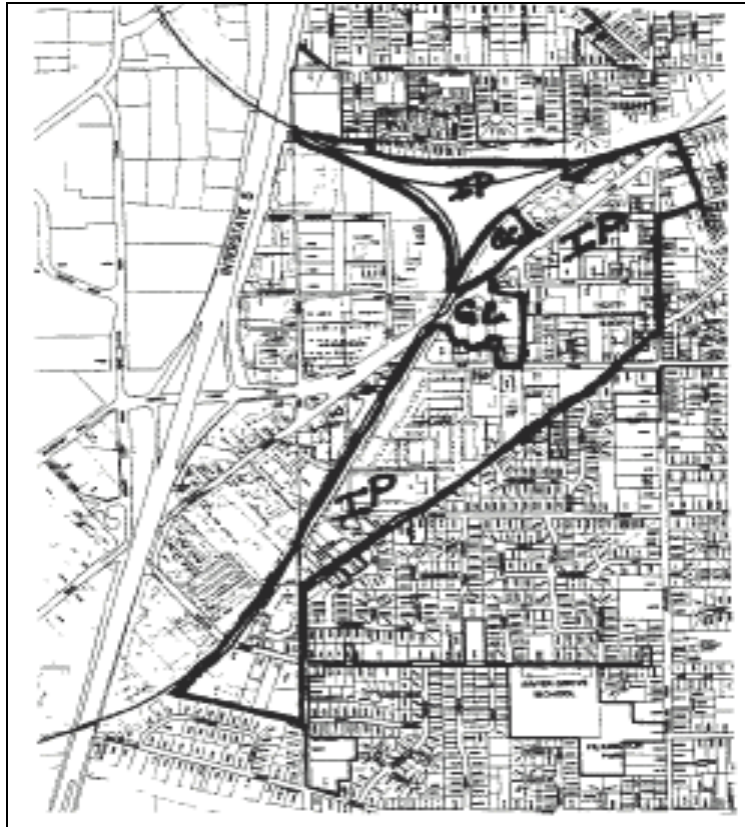
Specific Industrial District Policies.

FOR GENERAL POLICY V: Encourage environmentally compatible industrial development.

The following three sets of specific district policies will guide development in the existing and proposed industrial districts in the Lake Oswego Urban Service Area. Each district has unique conditions, thus individual policies are needed for each.

SECTION 50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

SUBSECTION 4: LOC 50.05.004 FIGURES



LAKE GROVE INDUSTRIAL PARK DISTRICT

1. Lake Grove Industrial Park District Policies.
 - a. Realign the Jean Road/Boones Ferry Road intersection as part of the Boones Ferry Road widening project to assure adequate truck turning radius.
 - b. Initiate measures to solve circulation and drainage problems, enhance the area's general appearance, and identify the southwestern entrance to the City.
 - c. Preserve major stands of trees where feasible.
 - d. Encourage developments on small parcels to develop shared access with adjacent parcels wherever feasible.
 - e. Assure adjacent residential areas are protected from adverse effects of industrial activities and land use.
 - f. Revise the existing "IP Zone" statutes in the Lake Oswego Code to require:
 - Compliance with the currently adopted noise performance standards and regulations of the Oregon Department of Environmental Quality.
 - Levels of maintenance of buildings and grounds.

SECTION 50.11.002. APPENDIX B – INDUSTRIAL LAND USE POLICY ELEMENT

SUBSECTION 4: LOC 50.05.004 FIGURES



WILLAMETTE RIVER INDUSTRIAL DISTRICT

2. Willamette River Industrial District Policies.

- a. Investigate feasibility of moving the Foothills Road/State Street intersection further south to reduce traffic conflicts with the existing railroad crossing.
- b. Require all proposed changes in use or expansions in use to provide the City with information on existing and projected truck and auto traffic levels.
- c. Work with property owners to determine feasibility of a proposed trail along the Willamette River from Tryon Creek to George Rogers Park.
- d. Encourage general improvement of the area's visual quality. (See Willamette River Greenway, Natural Resource policies).
- e. Investigate possibility of new or alternative access points to the Willamette River Industrial District.
- f. Coordinate future planning for the East End Business District with the development in Willamette River Industrial Area.

3. Kruse Way Industrial Park District Policies.

(Kruse Way Industrial Park District Policies and map deleted 12/18/85 – PA-4, 5, 6-85)

SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION

SUBSECTION 4: LOC 50.05.004 FIGURES

50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION

Structures in the Old Town Style shall be characterized by simple massing and composition, use of natural building materials, window and door openings emphasized with trim, and gable and hip roof forms.

Structures shall consist of elements from not more than two of the following traditional American home building styles: Early 1900 Vernacular (gable-front or gable front-&-wing), Craftsman, and Cape Cod.

SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION

SUBSECTION 1: EARLY 1900 VERNACULAR STYLE

1. Early 1900 Vernacular Style

One or two story with moderately pitched gable front or gable front with side wing, often with a front porch with shed or hip roof. Vernacular style house forms include square, rectangular, L or T-plan with intersecting gables. These houses can include symmetrical placement of doors and double hung sash windows, which are emphasized by window trim. They are typically sided with shiplap or other wood horizontal siding. Typically, there is little or no decorative detailing. On the more complex structures with intersecting gables, the roof ridge of one of the gables is sometimes higher than the other adjacent wing.



20th century construction in Old Town built to the with side wing



Example of early 1900 vernacular style, front gable vernacular style



The Workers Cottage, built in Old Town circa 1880

SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION

SUBSECTION 2: CAPE COD

2. Cape Cod

A 20th-century Cape Cod is square or rectangular with one or one-and-a-half stories and steeply pitched, side gable roofs, sometimes with an intersecting gable often with dormers. It may have dormers and shutters. The siding is usually clapboard or brick. There is often an accentuated front door, with a decorative crown (pediment) supported by pilasters or extended forward and supported by slender columns to form a small entry porch. Windows typically are with double-hung sashes, usually with multi-pane glazing on one or both sashes, frequently in adjacent pairs.



SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION
SUBSECTION 3: CRAFTSMAN

3. Craftsman

Low pitched gabled roof (occasionally hip) with wide, overhanging eaves, roof rafters usually exposed, decorative (false) beams or braces commonly added under gables, porches either full or partial width, with roof supported by tapered square columns or pedestals, frequently extended to ground level and frequently composed of stone, clapboard, brick or in combination. Dormers are commonly gabled in two's or three's or large windows the front facade with smaller pane sections above and often flanked by two smaller windows. The most common wall cladding is wood clapboard, wood and shingles, with stone and brick used in combination, or for porch post pillars or columns. Stucco is occasionally used as is board and batten.



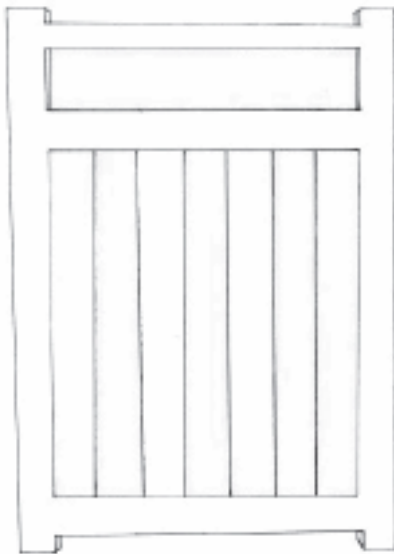
SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION

SUBSECTION 4: FENCES

4. Fences

All fences or walls over five feet in height shall incorporate an open design where areas, either at the top of the fence or wall, or throughout the fence or wall surface in a regular pattern, are permeable to light. The solid surface area of any fence or wall over five feet in height shall not exceed 83% of its total area measured in any 5-foot wide section. Lattice is exempt from the above calculation [LOC 50.05.006.6].

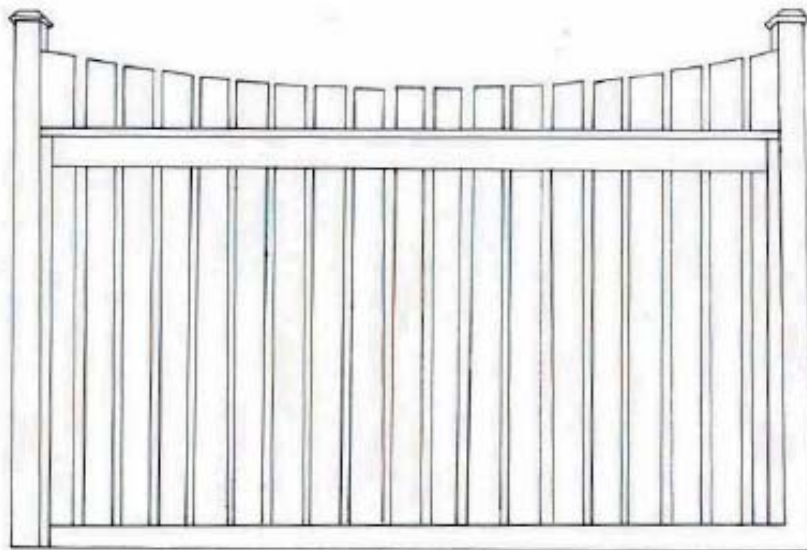
Examples of Fence Types:



Fence Type A



Fence Type B



Fence Type C

SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION
SUBSECTION 4: FENCES

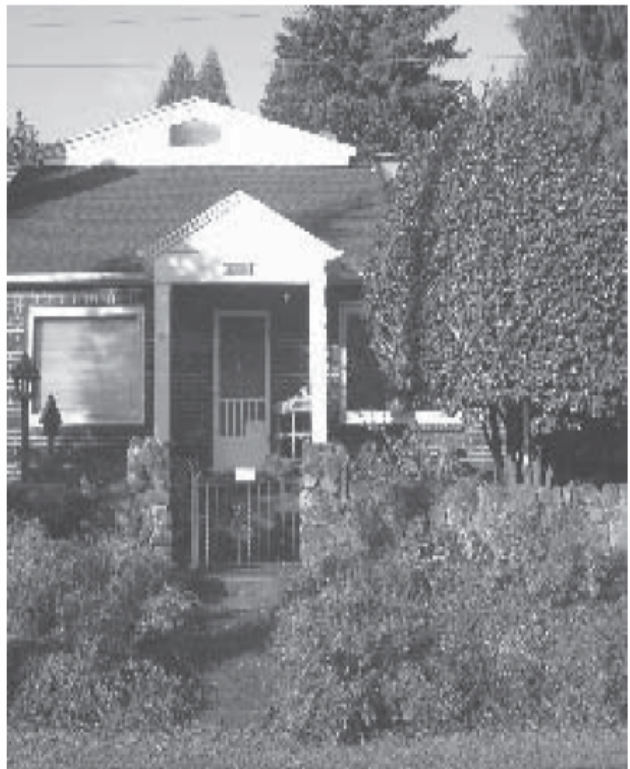
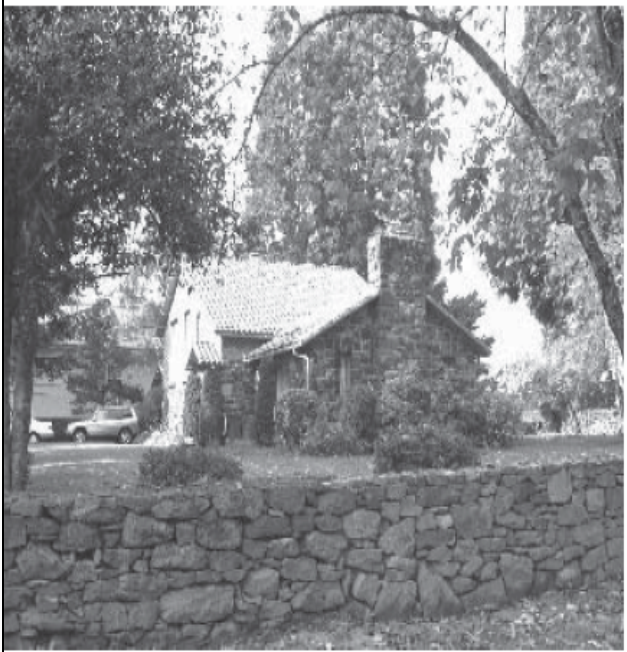


Fence Examples

SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION
SUBSECTION 5: ROCKWORK

5. Rockwork

Rockwork as a tradition in Old Town



SECTION 50.11.003. APPENDIX C – OLD TOWN STYLES DESCRIPTION
SUBSECTION 6: LOC 50.05.006 FIGURES

6. LOC 50.05.006 Figures

ARCHITECTURAL MASSING

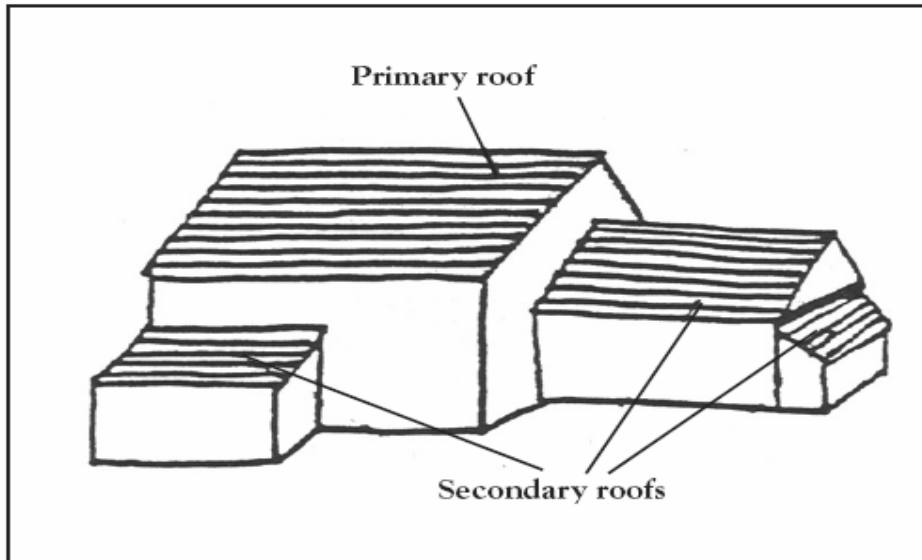


Figure 1. Example of primary and secondary roof forms

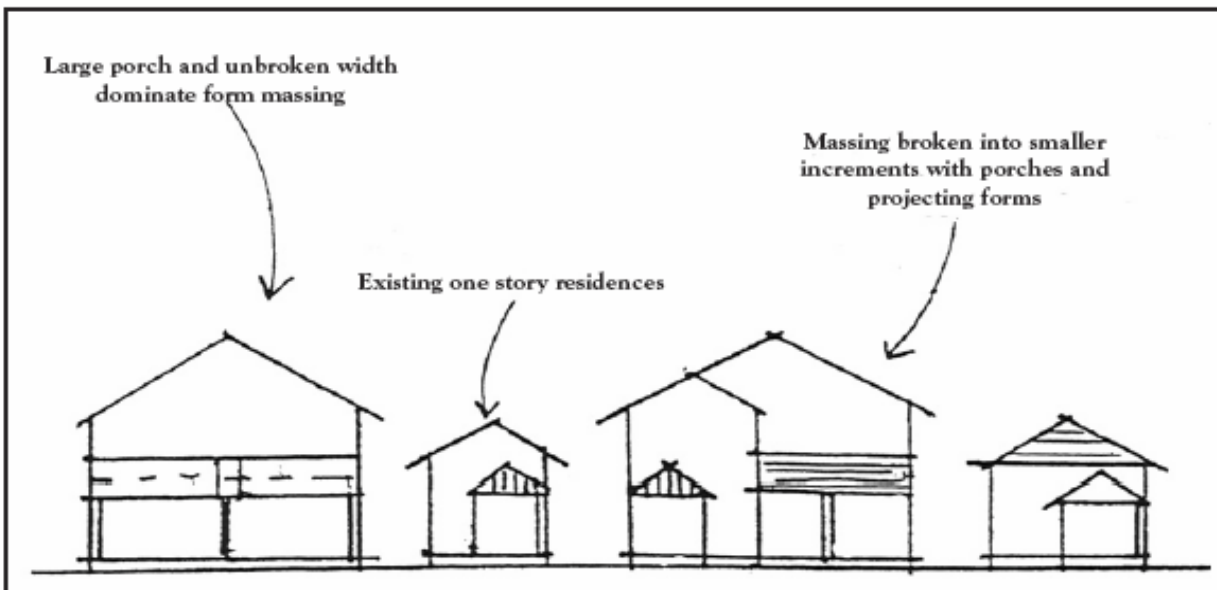


Figure 2. Create visual linkages. Offset building walls and roof lines. Incorporate similar roof forms and smaller design elements. (Note: The intent of this drawing is not to indicate that full-length porches are not acceptable for multi-family dwellings, but that design features must be considered along with overall form and massing to achieve compatibility.)

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST
SUBSECTION 6: LOC 50.05.006 FIGURES

ARCHITECTURAL MASSING and GARAGE PLACEMENT

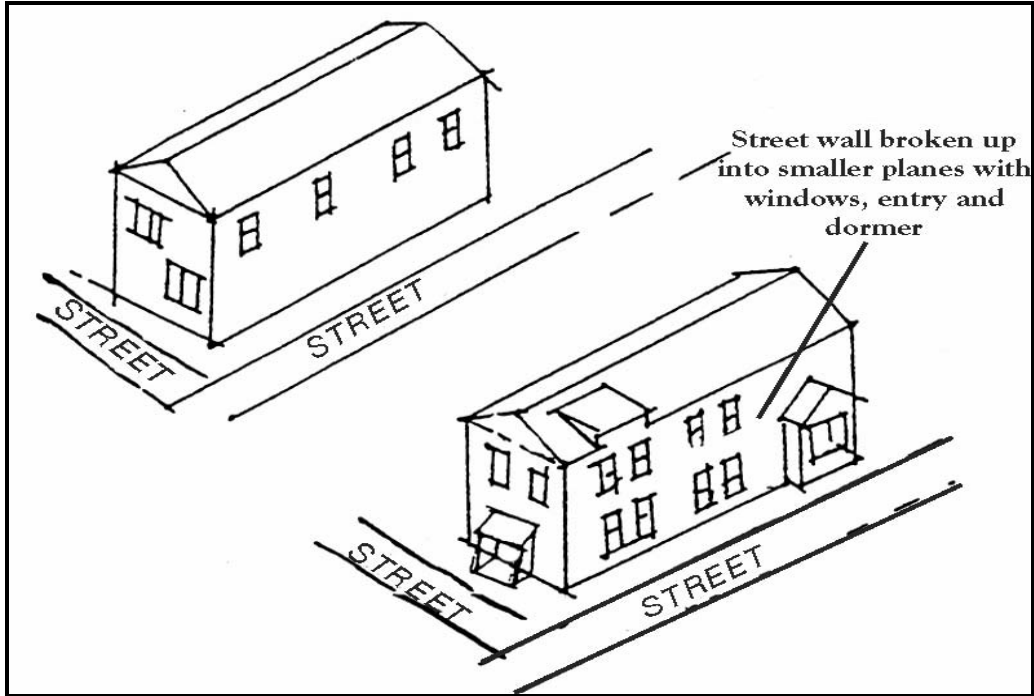


Figure 3. Create visual interest along the street. Incorporate porches, dormers, and bays to reduce scale of buildings and so as to relate better to existing structures.

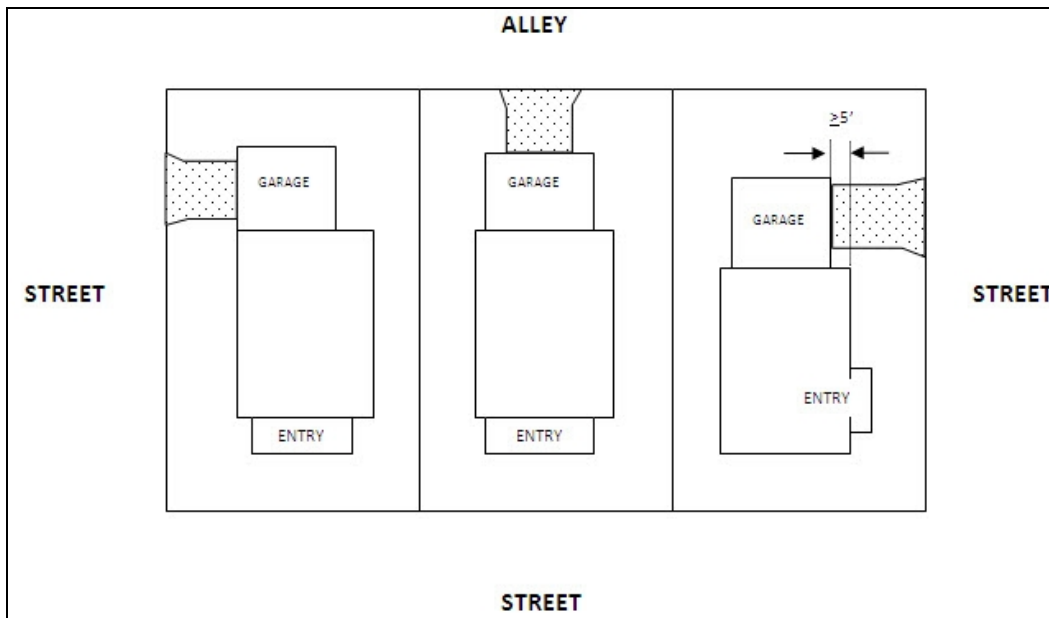


Figure 4. Garage placements

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 6: LOC 50.05.006 FIGURES

50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

The Lake Oswego Master Plant List identifies plants appropriate for landscaping in specific areas, i.e., resource areas, street trees, West Lake Grove Overlay District, or for other purposes as established in this code or elsewhere in the Lake Oswego Code, that either identifies plants that:

- a. Are adapted to local soils and growing conditions, provide food and shelter for native wildlife, and generally do not require fertilizers or pesticides, and do not require long-term irrigation, which can increase erosion and sedimentation; or
- b. Are detrimental to existing vegetation, or to the functions and values where located, or to the character of the area where planted; or
- c. Meet the requirements of plants as specified in the particular sections of this code, or elsewhere in the Lake Oswego Code.

This plant list is divided in the following subsections:

1. Native plants
2. Invasive plants
3. Street trees – prohibited
4. Street trees – approved [applicable to LOC 50.05.006.6.b.ii, Old Town Design standards only]
5. Solar friendly plants [see “Solar Friendly Trees Report” dated April 1987].

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 1: NATIVE PLANTS

1. Native Plants

The plants below are native to the Willamette Valley. They are adapted to local climate and soils. planted in the right location, they should thrive with little or no maintenance.

Scientific Name	Common Name
Native Tall Shrubs / Small Trees	
<i>Acer circinatum</i>	vine maple
<i>Amelanchier alnifolia</i>	western serviceberry / Saskatoon
<i>Berberis (Mahonia) aquifolium</i>	tall Oregongrape
<i>Cornus stolonifera</i>	redosier dogwood
<i>Corylus cornuta</i>	hazelnut
<i>Crataegus douglasii</i>	Douglas hawthorn
<i>Euonymus occidentalis</i>	western wahoo
<i>Holodiscus discolor</i>	oceanspray
<i>Lonicera involucrata</i>	black twinberry
<i>Malus fusca</i>	western crabapple
<i>Oemleria cerasiformis</i>	indian plum
<i>Philadelphus lewisii</i>	mockorange
<i>Physocarpus capitatus</i>	Pacific ninebark
<i>Prunus virginiana</i>	chokecherry
<i>Ribes sanguineum</i>	red-flowering currant
<i>Rosa gymnocarpa</i>	baldhip rose
<i>Rosa nutkana</i>	Nootka rose
<i>Rosa pisocarpa</i>	clustered wild rose
<i>Rubus parviflorus</i>	thimbleberry
<i>Rubus spectabilis</i>	salmonberry

Scientific Name	Common Name
Native Trees	
<i>Abies grandis</i>	grand fir
<i>Arbutus menziesii</i>	madrone
<i>Acer macrophyllum</i>	bigleaf maple
<i>Alnus rubra</i>	red alder
<i>Cornus nutallii</i>	Pacific dogwood
<i>Fraxinus latifolia</i>	Oregon ash
<i>Pinus contorta</i>	shore pine
<i>Pinus ponderosa</i>	ponderosa pine
<i>Populus trichocarpa</i>	black cottonwood
<i>Prunus emarginatus</i>	bitter cherry
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Quercus garryana</i>	Oregon white oak
<i>Rhamnus purshiana</i>	casacara
<i>Salix fluviatilis</i>	Columbia river willow
<i>Salix lasiandra</i>	Pacific willow
<i>Salix scouleriana</i>	Scouler's willow
<i>Salix sitchensis</i>	Sitka willow

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 1: NATIVE PLANTS

<i>Taxus brevifolius</i>	western yew
<i>Thuja plicata</i>	western red cedar
<i>Tsuga heterophylla</i>	western hemlock
<i>Sambucus cerulea</i>	blue elderberry
<i>Sambucus racemosa</i>	red elderberry
<i>Spiraea douglasii</i>	Douglas spiraea
<i>Symphoricarpos albus</i>	snowberry
<i>Vaccinium parvifolium</i>	red huckleberry
<i>Vaccinium ovatum</i>	evergreen huckleberry

Native Low Shrubs	
<i>Berberis (Mahonia) nervosa</i>	low Oregon grape
<i>Gaultheria shallon</i>	salal
<i>Rubus leucodermis</i>	blackcap

Native Herbaceous Flowering Plants	
<i>Achillea millefolium</i>	white yarrow
<i>Achlys triphylla</i>	vanillaleaf
<i>Alisma plantago-aquatica</i>	American water plantain
<i>Anaphalis margaritacea</i>	Pearly-everlasting
<i>Anemone deltoidea</i>	western white anemone
<i>Anemone oregana</i>	Oregon anemone
<i>Aquilegia formosa</i>	red columbine
<i>Arctostaphylos uva-ursi</i>	kinnikinnik
<i>Asarum caudatum</i>	wild ginger
<i>Aster chilensis</i>	Hall's aster
<i>Brodiaea congesta</i>	northern Saitas
<i>Brodiaea coronaria</i>	harvest brodiaea
<i>Brodiaea Howellii</i>	Howell's brodiaea
<i>Brodiaea hyacintha</i>	hyacinth brodiaea
<i>Calypso bulbosa</i>	Fairy Slipper
<i>Camassia leichtlinii</i>	Leichtlin's camas
<i>Camassia quamash</i>	common camas
<i>Campanula scouleri</i>	Scouler's Bellflower
<i>Cornus canadensis</i>	bunchberry
<i>Cryptantha intermedia</i> v. <i>grandiflora</i>	Common Forget-me-mot
<i>Cynoglossum grande</i>	Pacific Hound's-tongue
<i>Disporum hookeri</i>	Hooker fairy-bell
<i>Disporum smithii</i>	fairy lantern
<i>Eriophyllum lanatum</i>	Woolly Sunflower
<i>Erythronium oregonum</i>	giant fawn lily
<i>Fragaria vesca</i>	wild strawberry
<i>Fragaria virginiana</i>	Virginia strawberry
<i>Geum macrophyllum</i>	Oregon avens
<i>Heracleum lanatum</i>	cow-parsnip
<i>Hydrophyllum tenuipes</i>	Pacific waterleaf
<i>Iris tenax</i>	Oregon iris

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 1: NATIVE PLANTS

<i>Lilium columbianum</i>	Columbia lily
<i>Lonicera ciliosa</i>	trumpet vine
<i>Lupinus bicolor</i>	two color lupine
<i>Lupinus polyphyllus</i>	bigleaf lupine
<i>Lysichitum americanum</i>	skunk cabbage
<i>Mimulus guttatus</i>	yellow monkeyflower
<i>Montia parvifolia</i>	little-leaf montia
<i>Montia perfoliata</i>	miner's lettuce

Native Grasslike: grass, sedge, rush	
<i>Agrostis exarata</i>	spike bentgrass
<i>Agrostis oregonensis</i>	Oregon bentgrass
<i>Agrostis scabra</i>	hair/rough bentgrass
<i>Alopecurus Aequalis</i>	shortawn foxtail
<i>Alopecurus geniculatus</i>	water foxtail
<i>Beckmania syzigachne</i>	slough grass
<i>Bromus carinatus</i>	California/mountain brome
<i>Bromus sitchensis</i>	Alaska brome
<i>Bromus vulgaris</i>	Columbia brome
<i>Carex aperta</i>	Columbia sedge
<i>Carex densa</i>	dense sedge
<i>Carex deweyana</i>	Dewey's sedge
<i>Carex hendersonii</i>	Henderson's sedge
<i>Carex obnupta</i>	slough sedge
<i>Carex stipata</i>	sawbeak sedge
<i>Deschampsia caespitosa</i>	tufted hairgrass
<i>Eleocharis ovata</i>	ovoid spike-rush
<i>Eleocharis palustris</i>	common spike-rush
<i>Elymus glaucus</i>	blue wildrye
<i>Festuca idahoensis</i>	bunchgrass fescue
<i>Festuca occidentalis</i>	western fescue
<i>Festuca rubra</i>	red fescue
<i>Glyceria occidentalis</i>	western mannagrass
<i>Hierocloe occidentalis</i>	California sweetgrass
<i>Hordeum brachyantherum</i>	meadow barley
<i>Juncus balticus</i>	Baltic rush
<i>Juncus effusus</i>	common(soft)rush
<i>Juncus ensifolius</i>	daggerleaf rush
<i>Juncus tenuis</i>	slender rush
<i>Leersia oryzoides</i>	rice cutgrass
<i>Scirpus acutus</i>	hardstem bulrush
<i>Scirpus microcarpus</i>	small-flowered bulrush
<i>Scirpus validus</i>	softstem bulrush
<i>Typha latifolia</i>	common cattail

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST
 SUBSECTION 2: INVASIVE PLANTS

Ferns	
<i>Adiantum pedatum</i>	northern maidenhair fern
<i>Athyrium felix-femina</i>	ladyfern
<i>Blechnum spicant</i>	deer fern
<i>Gymnocarpium dropteris</i>	oak fern
<i>Polypodium glycyrrhiza</i>	Licorice Fern
<i>Polystichum munitum</i>	swordfern
<i>Pteridium aquilinum</i>	bracken fern
<i>Thelypteris nevadensis</i>	wood fern

2. Invasive Plants

These plants tend to dominate plant communities, crowding out other native plants. They generally have low value to wildlife, and some are considered harmful to humans. These plants are not good choices for landscaping. They may not be planted in resource areas. This prohibition also applies to sub-species and cultivars.

Scientific Name	Common Name
Shrubs	
<i>Cytisus scoparius</i>	Scotch broom
<i>Ilex Aquifolium</i>	English holly
<i>Prunus laurocerasus</i>	English / Portuguese laurel
<i>Rhus diversiloba</i> *	poison oak
Herbaceous Plants	
<i>Buddleia davidii</i>	butterfly bush
<i>Carduus alanthoides, Carthamus baeticus , C. lanatus, Cirsium vulgare, C. arvense</i>	thistles (plumless, smooth distaff, woolly distaff, bull, Canadian)
<i>Geranium lucidum, G. robertianum</i>	Shining Crane's-bill, Herb Robert
<i>Hypericum perforatum</i>	St. John's wort
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Vinca major and v. minor</i>	Periwinkle / vinca
Vines	
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's joy
<i>Convolvulus sepium</i>	Morning glory
<i>Hedera genus, including all cultivars of hedera helix and hedera hibernica</i>	Ivy, including English ivy
<i>Polygonum sachalinense and P. cuspidatum</i>	Giant knotweed, Japanese knotweed
<i>Rubus armenicus</i>	Himalayan blackberry
<i>Rubus ursinus</i> *	Trailing blackberry
Grasses	
<i>Phalaris arundinacea</i>	Reed canarygrass
various genera	running-type bamboo

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 3: STREET TREES – PROHIBITED

3. Street Trees – Prohibited

The following trees are prohibited as street trees, except those cultivars that do not have the characteristics identified by its species below:

SCIENTIFIC NAME	COMMON NAME
<i>Acer macrophyllum</i> Leaves block drainage, roots buckle sidewalks	Big-leaf Maple
<i>Acer negundo</i> Insects, weak wooded	Box Elder
<i>Acer rubrum</i> Shallow rooted	Red Maple
<i>Acer saccharinum</i> Shallow rooted, weak wooded	Silver Maple
<i>Aesculus hippocastanum</i> Messy fruits	Common Horsechestnut
<i>Betulus species</i> Insects, weak wooded	Birches
<i>Carya species</i> Fruits cause litter and safety problems	Hickories
<i>Catalpa species</i> Seed pods cause litter problems	Catalpas
<i>Corylus species</i> Fruits cause litter and safety problems	Filberts
<i>Crataegus species</i> Thorns, fruits cause litter and safety problems	Hawthorns
<i>Fraxinus species</i> Seed pods cause litter problems	Ashes
<i>Gleditsia triacanthos</i> Seed pods cause litter problem	Honey Locust (species) (does not include horticultural variants)
<i>Juglans species</i> Fruits cause litter problems	Walnuts
<i>Morus species</i> Fruits cause litter and safety problems	Mulberries
<i>Populus species</i> Weak wooded, shallow roots	Poplars
<i>Robinia species</i> Weak wooded, suckers	Locusts
<i>Salix species</i> Weak wooded, shallow roots	Willows
<i>Ulmus fulva</i> Insects, weak wooded, shallow roots	Slippery Elm
<i>Ulmus pumila</i> Weak wooded, shallow roots	Siberian Elm

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

4. Approved Street Trees –Old Town Neighborhood Design

Applicable to Old Town Design Standards, LOC 50.05.006. See LOC 50.05.006.6.b.

TREES FOR PLANTING STRIP SIZE UP TO 4 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Crimson Sentry Norway Maple <i>Acer platanoides</i> 'Crimson Sentry'	25'	12'	Very Upright Dense	Red		Maroon to Reddish- Bronze	
Allegheny Serviceberry <i>Amelancier laevis</i>	25'	15'	Upright Oval	Green	White Clusters	Orange	Purplish Blue
Pyramidal Serviceberry <i>Amelanchier canadensis Pyramidalis</i>	30'	12'	Very Upright	Dark Green	White Racemes	Brilliant Reds & Orange	Maroon Purple Heavy Fruits
Lavalle Hawthorn <i>Crataegus X Lavellei</i>	30'	20'	Upright to Vase	Dark Green	White Clusters	Bronze	Orange to Red
Crimson Cloud Hawthorn <i>Crataegus laevigata</i> 'Crimson Cloud'	25'	18'	Oval	Glossy Green	Bright Red White Centers		Bright Red
Columnar Hawthorn <i>Crataegus monogyna stricta</i>	30'	10'	Tightly Upright	Green	Double White	Yellow	Red
Flowering Ash <i>Fraxinus ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Heavily Scented	Yellow	
Columnar Goldenrain	30'	6'	Narrow Fastigiate	Green	Yellow	Yellow	Yellow Pods

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

<i>Koelreuteria paniculata Fastigiata</i>							
Goldenchain <i>Laburnum Vossi</i>	30'	20'	Upright to Vase	Green	Yellow Racemes	Yellow	
Blireiana Plum <i>Prunus X Blireiana</i>	20'	20'	Round	Purple-Green	Bright Pink	Reddish-Bronze	
Newport Plum <i>Prunus cerasifera 'Newport'</i>	20'	20'	Oval Round to Round	Dark Purple	Light Pink	Reddish	

Japanese Tree Lilac <i>Syringa reticulata</i>	25'	15'	Pyramidal	Green	White Panicle		Yellow Brown
Trident Maple <i>Acer buergeranum</i>	25'	20'	Oval Round to Round	Dark Green		Yellow Orange	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green above & Silvery under		Bright Red Orange	
Amur Maple <i>Acer ginnala</i>	20'	20'	Upright Round	Green		Yellow	
Hedge Maple <i>Acer campestre</i>	25'	25'	Round	Dark Green		Yellow	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue Green
Rocky Mountain Glow Maple <i>Acer grandidentatum 'Schmidt'</i>	25'	15'	Oval	Dark Green		Bright Red	

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

TREES FOR PLANTING STRIP SIZE 4 FEET TO 5-1/2 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Queen Elizabeth Maple <i>Acer campestre</i> 'Queen Elizabeth'	35'	30'	Upright	Dark Green		Yellow	
Cleveland II Norway Maple <i>Acer platanoides</i> 'Cleveland'	40'	25'	Upright	Medium Green		Bright Yellow	
Parkway Norway Maple <i>Acer platanoides</i> 'Columnar Broad'	40'	25'	Oval	Dark Green		Yellow	
Paperbark Maple <i>Acer griseum</i>	30'	20'	Round	Green above & Silver under		Bright Red-Orange	
Variiegated Norway Maple <i>Acer platanoides</i> 'Drummondii'	35'	25'	Broadly Oval	Light Green White Margin			
Pacific Sunset Maple <i>Acer truncatum</i> X A. <i>Platanoides</i> 'Warrenred'	30'	25'	Upright	Dark Green			
Chinese Dogwood <i>Cornus kousa</i> <i>Chinensis</i>	30'	30'	Round	Green	White	Red	Red Pink
September Goldenrain <i>Koelreuteria paniculata</i> 'September'	30'	25'	Flat Topped Open	Green	Yellow	Yellow	

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

Red Bud <i>Cercis Canadensis</i>	20'	25'	Spreading	Medium Green	Pink	Yellow	
American Hophornbeam <i>Ostrya virginiana</i>	35'	25'	Oval	Medium Green		Yellow	
Newport Plum <i>Prunus cerasifera 'Newport'</i>	20'	20'	Oval to Round	Dark Purple	Light Pink		Red
Capital Pear <i>Pyrus calleryana 'Capital'</i>	35'	12'	Columnar	Medium Green	White Clusters	Reddish Purple	
Chanticleer Pear <i>Pyrus calleryana 'Glen's Form'</i>	40'	15'	Pyramidal	Glossy Green	White Clusters	Orange Red	
Rocky Mountain Glow Maple <i>Acer grandidentatum 'Schmidt'</i>	25'	15'	Oval	Dark Green		Bright Red	
Japanese Stewartia <i>Stewartia pseudo-camellia</i>	40'	20'	Pyramidal	Dark Green	White Orange Center	Dark Red	
Rancho Linden <i>Tilia cordata 'Rancho'</i>	45'	20'	Pyramidal	Dark Green	Yellow Fragrant	Yellow	
Chancellor Linden <i>Tilia cordata 'Chancellor'</i>	35'	20'	Pyramidal	Dark Green		Yellow	
Lavalle Hawthorn <i>Crataegus X Lavellei</i>	30'	20'	Upright	Dark Green	White	Bronze Red	Red
Flowering Ash <i>Fraxinus ornus</i>	30'	15'	Pyramidal to Round	Medium Green	Off White Fragrant	Yellow	

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

Pyramidal Hornbeam <i>Carpinus betulus fastigiata</i>	35'	20'	Broadly Oval	Dark Green		Yellow	
Olmsted Columnar Norway Maple <i>Acer platanoides columnar 'Olmsted'</i>	40'	20'	Upright	Dark Green		Yellow	
Armstrong II Red Maple <i>Acer rubrum 'Armstrong'</i>	45'	15'	Narrow Fastigiate	Light Green		Yellow Orange-Red	
Gerling Red Maple <i>Acer rubrum 'Gerling'</i>	35'	20'	Pyramidal	Green		Orange-Red	

Saratoga Ginkgo <i>Ginkgo biloba 'Saratoga'</i>	30'	30'	Compact Spreader	Greenish-Gold		Yellow	
Columnar Sargent Cherry <i>Prunus sargentii columnaris</i>	30'	10'	Fastigiate	Green	Deep Pink	Orange-Red	
Glorybower Tree <i>Clerodendrum trichotomum</i>	20'	20'	Round	Dark Green	White Fragrant Clusters		Blue-Green
Globe Sugar Maple <i>Acer saccharum globosum</i>	15'	20'	Round	Medium Green		Yellow & Orange	

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

Globe Serviceberry <i>Amelanchier Canadensis oblongifolia</i>	20'	20'	Round	Green	White	Bright Yellow-Red	Maroon Purple
Saucer magnolia <i>Magnolia soulangiana</i>	20'	20'	Upright-Rounded	Green	Red/White	Yellow Brown	

TREES FOR PLANTING STRIP SIZE 6 FEET TO 8 FEET							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Urbanite Ash <i>Fraxinus pennsylvanica</i> 'Urbanite'	50'	40'	Broadly Pyramidal	Lustrous Green		Bronze	
Marshall Ash <i>Fraxinus pennsylvanica lanceolata</i>	50'	40'	Broadly Oval	Dark Green		Yellow	
Skyline Ash <i>Fraxinus Americana</i> 'Skyline'	45'	35'	Oval	Medium Green		Orange Red	
European Hornbeam <i>Carpinus betulus</i>	50'	35'	Oval to Round	Dark Green		Gold Yellow	
Hackberry <i>Celtis occidentalis</i>	45'	35'	Oval	Dark Green		Yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40'	35'	Oval	Bluish – Green		Yellow to Scarlet	
Sourwood <i>Oxydendrum arboreum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden
Macho Cork Tree <i>Phellodendron amurense</i> 'Macho'	40'	30'	Broadly Vase	Medium Green		Yellow	
Tricolor Beech <i>Fagus sylvatica</i>	40'	30'	Broadly Oval	Purple, Light Pink Border			

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

'Rosed Marginata'	–						
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Yellowwood <i>Claprasitis lutea</i>	40'	35'	Round	Yellow-Green to Bright Green	White Fragrant Clusters	Orange to Yellow	
Skyline Honeylocust <i>Gleditsia triacanthos</i> 'Skyline'	50'	35'	Broadly Pyramidal	Medium Green		Golden	
Shademaster Honeylocust <i>Gleditsia triacanthos</i> 'Shademaster'	45'	35'	Vase	Dark Green		Yellow	
Scarlet Oak <i>Quercus coccinea</i>	50'	40'	Broadly Oval	Glossy Green		Scarlet	
Glenleven Linden <i>Tilia cordata</i> 'Glenleven'	45'	30'	Pyramidal	Medium Green		Yellow	
Halka Zelkova <i>Zelkova serrata</i> 'Halka'	45'	30	Vase	Medium Green		Yellow	
Globe Norway Maple <i>Acer platanoides globosum</i>	15'	18'	Round	Medium Green		Yellow	
Globe Sugar Maple <i>Acer saccharum globosum</i>	15'	20'	Round	Medium Green		Yellow & Oranges	
Saratogoa Ginkgo <i>Ginkgo biloba</i> 'Saratoga'	30'	30'	Round	Green Gold		Yellow	

Emerald Queen Norway Maple <i>Acer platanoides</i> 'Emerald Queen'	50'	40'	Oval	Dark Green		Bright Yellow	
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SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 4: APPROVED STREET TREES –OLD TOWN NEIGHBORHOOD DESIGN

Crimson King Norway Maple Acer <i>platanoides</i> 'Crimson King'	40'	35'	Round	Deep Purple		Reddish Orange	
Superform Maple Acer <i>platanoides</i> 'Superform'	45'	40'	Oval	Medium Green		Yellow	
Red Sunset Red Maple Acer <i>rubrum</i> 'Franksred'	45'	35'	Oval	Dark Green		Orange Red	
October Glory Maple Acer <i>rubrum</i> 'October Glory'	40'	35'	Broadly Oval	Medium Green		Red to Purple	
Embers Red Maple Acer <i>rubrum</i> 'Embers'	50'	40'	Open	Green		Bright Red	
Saucer magnolia <i>Magnolia</i> <i>soulangiana</i>	20'	20'	Upright- Rounded	Green	Red/ White	Yellow Brown	
* Douglas-fir, <i>Pseudotsuga</i> <i>menziesii</i>	100'			Dark Green		Evergreen	
Lodgepole Pine <i>Pinus contorta</i>	100'			Dark Green			

Shore pine <i>Pinus contorta</i> <i>var. contorta</i>	25'		Upright- Irregular	Dark Green		Evergreen	
*Western red cedar <i>Thuja plicata</i>	100' +		Pyramidal			Evergreen	
*Grand fir <i>Abies grandis</i>	100' +			Dark Green		Evergreen	
Noble fir, <i>Abies procera</i>	90'			Bluish Green		Evergreen	
Sitka spruce, <i>Picea sitchensis</i>						Evergreen	

SECTION 50.11.004. APPENDIX D – LAKE OSWEGO MASTER PLANT LIST

SUBSECTION 5: SOLAR FRIENDLY TREES

* Western hemlock, <i>Tsuga heterophylla</i>	100'		Narrow-Pyramidal			Evergreen	
Incense cedar, <i>Libocedrus decurrens</i>	90'		Narrow-Pyramidal	Dark Green		Evergreen	

* Tree is on the Native Plants List (subsection 1 of this listing).

TREES FOR PLANTING STRIP SIZE 8 1/2 FEET AND LARGER							
TREE SPECIES	HEIGHT	SPREAD	STRUCTURE	FOLIAGE	FLOWERS	FALL COLOR	FRUIT
Catalpa <i>Catalpa speciosa</i>	75'	50'	Round	Green	White	Yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40'	35'	Oval	Bluish Green		Yellow to Scarlet	
Sourwood <i>Oxydendrum arboretum</i>	50'	25'	Pyramidal	Green	White	Brilliant Scarlet	Golden

5. Solar Friendly Trees

See "Solar Friendly Trees Report", dated April 1987 .

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES
SUBSECTION 1: GENERAL POLICIES

50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

OBJECTIVE: TO ENCOURAGE DEVELOPMENT OF COMMERCIAL FACILITIES ADEQUATE TO SATISFY COMMUNITY NEEDS AND TO FOCUS SOCIAL INTERACTION AND COMMUNITY IDENTITY IN CONJUNCTION WITH THOSE COMMERCIAL FACILITIES.

1. General Policies

- I. The City will encourage development of commercial areas to meet the community's consumer needs.
- II. The City will plan for a mix of social, cultural, commercial, and governmental activities within commercial centers, so that these centers are attractive community focal points.
- III. The City will plan for the development of commercial districts scaled in size to the area to be served.
- IV. The City will assure provision of adequate streets, public facilities and consistent governmental policies, which will encourage private investment in the development of Lake Oswego's commercial centers.
- V. The City will assure minimal negative impacts of commercial development on adjacent residential areas.

Specific Policies:

For General Policy I: Encourage development of commercial areas to meet the community's consumer needs.

The City will:

1. Limit the amount of commercial land to that needed to serve the expected population at full development, in an amount which will:
 - i. promote revitalization of existing business districts
 - ii. provide for proportional increases in commercial space as population increases
 - iii. encourage investment in new commercial facilities
 - iv. reduce length and number of vehicle shopping trips
 - v. create minimum intrusion into residentially developed neighborhoods
2. Maps for the planned commercial land areas appear on following pages.
3. Encourage more intense land coverage and pedestrian circulation within commercial areas.

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES
SUBSECTION 1: GENERAL POLICIES

For General Policy II: Plan for commercial centers as community focal points.

The City will:

1. Plan land use patterns which will guide commercial and service activities into groups of establishments, which will be mutually supporting and convenient to the public.
2. Prevent additional strip development along arterials and make provisions for parking, rear access and redevelopment, to minimize the negative impact of existing strip development.
3. Adopt design policies which encourage site plans which are in keeping with the general character of the community, and which will make sound healthy business centers.
4. Encourage development of the East End Commercial District and the West End Commercial District as centers of commercial and social activity and employment opportunities.
5. Encourage a mix of residential, commercial and service activities in commercial centers.
6. Encourage the development of intra-city transportation alternatives (such as mass transit) to serve the commercial centers.

For General Policy III: Plan for development of commercial districts scaled in size to the area served.

The City will:

1. Develop Commercial District Policies which outline the objectives, specific policies and strategies which will guide development in each Commercial District, including:
 - East End Business District
 - West End Business District
 - Mt. Park "Town Center" site
 - Monroe/Boones Ferry site
 - 1-5/Kruse Way Highway Commercial/Kruse Way Campus Research and Development
 - Grimm's Corner Neighborhood Commercial
 - Rosewood Neighborhood Commercial
 - Kruse-North Neighborhood Commercial
 - Other Commercial sites in Mt. Park
2. Include in Commercial District Policies:
 - a. identified service area, where applicable
 - b. gross leaseable sq. ft. building coverage or Floor Area Ratio desirable
 - c. land area designated commercial for full development
 - d. standards to apply to zone changes include:

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 1: GENERAL POLICIES

- i. necessary on-site circulation pattern
 - ii. site and building design criteria to fulfill community policies
 - iii. location criteria for access to streets and parking and public transportation
- e. type of activities desirable (e.g. comparison or convenience shopping)
3. Make zone changes subject to conditions which meet the Commercial District Policies, including preservation of the capacity of streets and intersections.

For General Policy IV: Encourage private investment in planned commercial centers.

The City will:

1. Provide public facilities plans and development policies which will encourage:
 - a. revitalization of the east end commercial area
 - b. revitalization of the west end commercial area
 - c. neighborhood commercial centers which maximize the advantages and minimize the disadvantages of neighborhood living adjacent to commercial activity
 - d. development of the "Town Center" site compatible with community goals and street system
 - e. development of highway oriented commercial facilities at I-5 and Kruse Way which are compatible with community goals and street system
 - f. private investment in shared parking and access facilities
2. Provide incentives which encourage developers to renovate and expand existing buildings, compatible with community policies such as:
 - a. decrease on-site parking requirements if equivalent public parking is available
 - b. re-define landscaping requirement, to include street trees, bike paths, public benches, conversation spots or other publicly desired amenities
 - c. allow waiver of height restrictions when appropriate
 - d. encourage two level parking facilities where appropriate
 - e. revise fire code standards to encourage commercial development in keeping with city revitalization policies as well as safety.
3. Establish a development corporation to encourage continuing vitality in the commercial area. The corporation could:
 - a. enable cooperative planning, problem solving, and investment
 - b. enlist community support
 - c. encourage private investment
 - d. seek public funds (federal, state and local)

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES
SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

For General Policy V: Assure minimum commercial intrusion on residential areas.

The City will:

1. Develop a major street network which minimizes through traffic on neighborhood streets.
2. Locate commercial activity on collector and arterial streets only and consider traffic impacts prior to siting new commercial activities
3. Design and construct commercial development to minimize the impacts on residential areas from traffic, lights, visual appearance of parking and loading areas, building bulk and height, noise and drainage. Such means as landscaping, berms, fencing, trees, open space, cul-de-sacs, building orientation, and lower intensity of commercial uses (e.g. offices) should be utilized.
4. Where feasible, pedestrian and bikeway paths should connect commercial development with adjacent residential areas.

2. Specific Commercial District Policies

For General Policy III: Plan commercial districts scaled in size to the area served.

In order to assure development of commercial districts in accord with policies set forth in this Plan, Commercial District Policies are defined as Specific Policies to implement the Comprehensive Plan. These specific Commercial District Policies will be implemented by Development Conditions attached to all commercial zone changes, and through Development Conditions attached to Development Review and building Permit approval.

Specific Commercial District Policies are outlined for the following Commercial Districts:

- I. East End Community Business District and Subarea
 - a. Existing East End Community Business District
 - b. Riverfront Subarea (PA 06-86-02-383, 10/17/86)
- II. Grimm's Corner Neighborhood Commercial District
- III. Rosewood Neighborhood Commercial District
- IV. West End Community Business District and sub areas:
 - a. Existing West End Business District
 - b. Oakridge Mixed Use Area
 - c. Bryant to Reese, North of Sunset
 - d. Southwest Quadrant of Kruse Way/Boones Ferry Intersection
 - e. Office Campus Northwest Quadrant of Kruse Way/ Boones Ferry Intersection
 - f. East Side of Boones Ferry Road at Kruse Way
- V. Highway Commercial District and CR & D, Kruse Way Area:

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- a. Northeast Quadrant
 - b. Bangy Road
 - c. CR & D, South of Kruse Way
- VI. Kruse Way North Neighborhood Commercial District
- VII. Mountain Park Commercial Area
- a. Mt. Park Town Center site
 - b. Monroe / Boones Ferry site
 - c. Other Mt. Park commercial and office sites

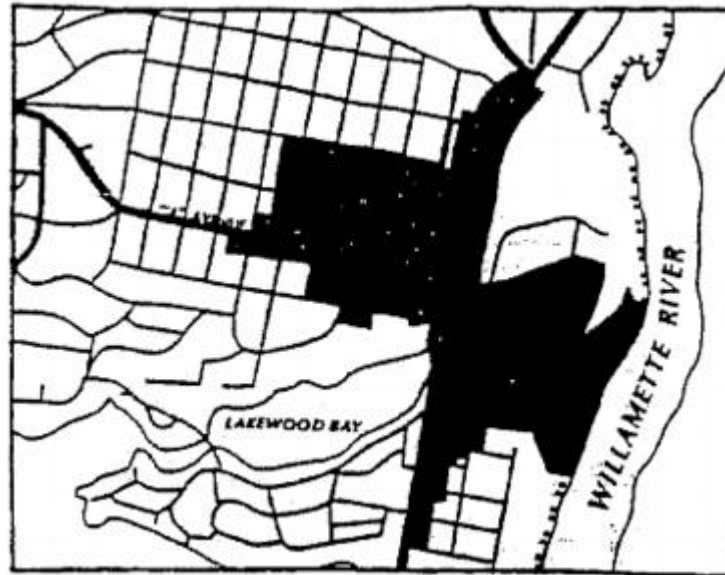
IA. East End Community Business District (PA 06-86-02-383, 10/17/86)

Lake Oswego's Central Business District has traditionally been the focal point of the community, as the location of City Hall, commercial shopping, Fire Department, and banking; the Library, Post Office and Adult Community Center have been located near this commercial district, focusing community identity. The streets of this business district have also served as major routes for commuter traffic, to and from Portland.

In recent years, traffic congestion has increased, causing problems for neighborhood residents and for business owners. Citizens and City officials have established goals to encourage revitalization of the business district, to solve the State Street traffic problem, and to assure the residential living environment of adjacent neighborhoods. To carry out these goals and policies in the East End Community Business District, the City will:

1. Provide for a 5.52 acre expansion of the East End Community Business District. This expansion will be maximum district expansion and will be limited on the north by 'C' Street, on the west by the alley between Fifth and Sixth, and include land bounded by Fourth, Evergreen and Third, except that major developments fronting State Street and abutting the Old Town Design District may be allowed necessary minimal expansion to the east, but only in accord with conditions set forth in the Old Town Design District Policies. (PA 5-84-151)

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES
SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES



East End Commercial District

2. Develop, adopt and implement an East End Business District Revitalization Plan. This action plan will be developed jointly with private business interests, the City, the Chamber of Commerce, and the Lake Oswego Development Corporation and should include:
 - a. steps necessary to prevent deterioration and encourage redevelopment
 - b. methods to implement solutions already proposed in previous studies, both short range solutions to be implemented immediately, and long range solutions
 - c. the involvement of property owners and the City, in stimulation of private investment
 - d. criteria for the intensification of commercial activity in appropriate locations (see Design Standard, Specific Policy 9 and 10)
 - e. a schedule for provisions of needed public improvements, including traffic and parking improvements, pedestrian facilities, street trees
 - f. criteria for re-examination of commercial requirements, should a substantial portion of present commercial land located east of State Street be eliminated from commercial use, or should industrial area use change
 - g. as re-development occurs on State Street and 'A' Avenue, encourage development to re-orient towards alleys and interiors of blocks
3. Plan for adequate delineation of adjacent residential neighborhoods to enhance living environment and neighborhood stability. This includes the following:
 - a. peripheral traffic circulation plan which separates commercial and through traffic from residential neighborhood
 - b. specific land use designations and district boundaries, which specify allowed uses and densities, adopted as part of the Comprehensive Plan

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- c. means to provide separation of incompatible uses, which will be developed as conditions of zone change, conditional use, and Development Review approval, such as:
 - i. tree planting, hedges, fences, walls or open space
 - ii. walkways and alleys
 - iii. landscaped parking lots
- d. restriction of new commercial uses on the west side of Fifth Street and the south side of 'C' Street to non-retail commercial
- e. means to buffer residential properties from the noise, glare and visual appearance of commercial activity (both residential and commercial property owners will be encouraged to use landscaping and site design to screen residential property from commercial activities)
- f. considering commercial uses in residential zones to be nonconforming uses
- g. see Residential Policies

East End Community Business District - Through Traffic Routes



- 4. Develop a peripheral street circulation pattern, to guide shoppers to and from the commercial area into appropriately sited parking facilities. This circulation pattern will include the following components:
 - a. peripheral street circulation pattern, which will:
 - i. define and limit the commercial district to the squared configuration
 - ii. allow convenient vehicular access to parking in all areas of commercial district
 - iii. provide uncongested access from the commercial district into through streets
 - iv. include necessary measures to protect neighborhood streets from through traffic

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- v. route southbound to westbound through traffic as follows: west from State into 'D' to First, then south to 'C', up 'C' to Fifth Avenue and south into 'A' Avenue (see Through Traffic Routes)
5. Encourage the development of an interconnecting network of bicycle and pedestrian ways, to encourage shoppers to leave their cars and circulate easily among shops, restaurants, cultural and civic activities. This network could include:
- a. covered walkways and mid-block pedestrian paths where feasible
 - b. alleys as paths, places for benches, outdoor eating, kiosks, and landscaping
 - c. bike racks and lockups, covered where feasible
 - d. sidewalk extensions (using up to eight feet of parking lane at street corners) to decrease street width pedestrians must cross
 - e. stairways or possible elevated street crossings, to connect adjacent properties which are at different elevations.
6. Develop a traffic engineering plan incorporating appropriately located parking facilities, to assure that State Street can best handle expected future traffic. This plan will include at least the following:
- a. State Street as a five-lane street with center lane designated as a left turn sanctuary
 - b. traffic signalization system, programmed for maximum flow of traffic on major streets during peak hours
 - c. widening of Oswego Creek Bridge to handle through traffic in each direction
 - d. removal of all parking from State Street
 - e. additional parking lot space of equal the number of spaces removed from State Street, North Shore to 'B' Avenue (See Parking Facility Policies, following)
 - f. parking spaces sited conveniently to State Street between:
 - i. 'A' and 'B' on west side
 - ii. 'A' and railroad on west side
 - iii. Railroad and North Shore and west side
 - iv. Village Shopping Center and Foothills Road on east side
 - g. continued pursuit of a way to accomplish a grade separation of the railroad at State Street
 - h. negotiations with Southern Pacific, to minimize railroad crossing during peak commuter hours (7:00-9:00 a.m.; 3:30-6:00 p.m.) and assure that switching of cars will be accomplished between 10:00 p.m. and 6:00 a.m.
 - i. a relocation of the access to Foothills Road, as far south of 'A' as possible, to provide adequate left turn sanctuary for left turn from State onto 'A' Avenue
7. Require adequate parking space to be provided to serve each business and public activity. Businesses will be required to provide such parking either on-site or in shared facilities.

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

The City's role in provision of such facilities will be determined by the City Council, and may include such actions as the following:

- a. planning, designing, and approving location
 - b. administration of parking time limits on-street and in municipal facilities, in order to increase the availability of parking for shoppers
 - c. acquisition of land for such facilities
 - d. construction of some public facilities
 - e. arranging financing of such facilities by appropriate means, such as:
 - i. bonds payable out of revenue from said facilities
 - ii. business tax on all properties in the business district
 - iii. local improvement district with assessments on appropriate properties
 - iv. state or federal grants or aid
 - v. general property taxes
 - vi. parking fees or special charges derived from users or commercial enterprises benefited
8. Should Council determine that a Civic and Cultural Center will be located within the East End Community Business District, policies to guide its development will be made a part of this plan. Policies will outline criteria to guide development of the center as an integral part of downtown revitalization. Criteria should cover:
- a. location of components (e.g. City Hall, Police and Fire administration offices, meeting rooms, City Court, exhibition space, Library, public parking, etc.)
 - b. size, location and site design
 - c. traffic and pedestrian circulation
 - d. orientation to the Lake and to commercial activity

Public Facilities Element and Capital Improvements Program will outline components, acquisition and development priorities and schedule methods of financing.

9. Provide design standards which encourage revitalization of the business district, including:
- a. fire code standards which encourage commercial development in keeping with revitalization policies as well as safety
 - b. height and setback standards to facilitate pedestrian convenience and appropriate size design
 - c. business or floor area standards to encourage more intense use of land, within the limits of available parking. Floor Area Ratio may be increased and on-site parking decreased when provisions are made for customer parking in shared facilities.
 - d. procedures to allow for transfer of development rights between private owners (or other available means) to allow more intense use of certain lands in return for public view easements adjacent to the Lake or Lakewood Bay

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- e. standards which encourage:
 - i. combined landscaping projects to protect significant features
 - ii. substitution of significant trees for larger landscaped areas
 - iii. multi-story buildings where compatible
 - iv. mixed uses including handicrafts, housing and cottage businesses
 - v. signs which are adequate to inform potential customers and provide aesthetic appearance
 - vi. joint use and central parking facilities
 - f. implementation of these standards as a condition of zone change and/or Development Review approval
10. Develop design standards which will improve the social interaction and aesthetics of the commercial district, including requirements for the provision of:
- a. views of the lake, river, and Mt. Hood (could include open space, roof or other on-building public view points)
 - b. pedestrian orientation to distinctive features, particularly recognizing the aesthetic value of the Lake
 - c. street trees to provide shade and aesthetic relief from concrete and asphalt
 - d. pedestrian walkways (covered where possible) and bike paths in alleys and walkway easements
 - e. street furniture and landscaped areas situated to encourage people to rest awhile for conversation (could include publicly owned pocket parks)
 - f. lineal parks (could be developed in alleys like court yards, with potted trees and furniture)
 - g. implantation of these standards as a condition of Development Review approval
11. Attach specific conditions to new commercial use approval, where appropriate, to assure that development is in accord with Specific Commercial District Policies. Such commercial use approval include:
- a. zone change
 - b. conditional use and expansion of conditional use
 - c. conversion of a residential structure to commercial use
 - d. development review

IB. Riverfront Subarea

The Riverfront Subarea located south of Foothills Road and east of State Street along the Willamette River, as shown on the East End Commercial Business District Map, page 101, is well suited to a combination of high intensity uses, residential, commercial, office and retail, including river oriented public open space and major public facilities.

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

The subarea could accommodate a plaza or an esplanade adjacent to the river, providing views and a focal point. Such a facility, in combination with a variety of commercial/retail/office uses and a residential component, could create an attractive center that would benefit the entire East End Business District.

The residential use is intended to be at a high density (R-0) with mixed uses allowed either on the first floor or in separate buildings.

Physical constraints include access to and traffic capacity of State Street, the City's desire to retain views of Mt. Hood from the business and residential districts to the west, the railroad tracks running through the property, the Willamette River Greenway, steep slopes and the demolition required to clear the site.

The unique characteristics of the site include river access and Mt. Hood views, which should be developed in a manner that assures:

1. Public access to the river
2. Protection of Mt. Hood views from 'A' Avenue
3. Opportunities for views of Mt. Hood and the Willamette River from the site
4. Provision for a pathway allowing for a future connection to Tryon Creek and George Rogers parks
5. Public open spaces and major public use facilities

The City-owned Roehr Park and old sewage treatment plant are located within this subarea and may provide opportunities for land exchange to secure at least equivalent public river access within the subarea and to facilitate development. Residential development may be clustered to preserve open space while securing views for residents.

The on-site improvements will be planned as part of the Overall Development Plan and Schedule (ODPS) that must be approved for the entire 45+ acre site prior to the division of land, or the development of any structure. Any divisions of land related to the State Street Improvement project will be exempted from this provision.

GENERAL POLICIES

- I. The 45+ acre Riverfront Subarea is designated R-0/GC to allow for a mix of high density residential, commercial, retail and office uses.
- II. The opportunity for development of at least 500 dwelling units shall be included as the residential component of the Subarea.
- III. The Subarea shall be developed only pursuant to an Overall Development Plan and Schedule (ODPS) which will provide for:
 - A. Significant public access to the river;
 - B. Protection of Mt. Hood views from 'A' Avenue and the Bluff;

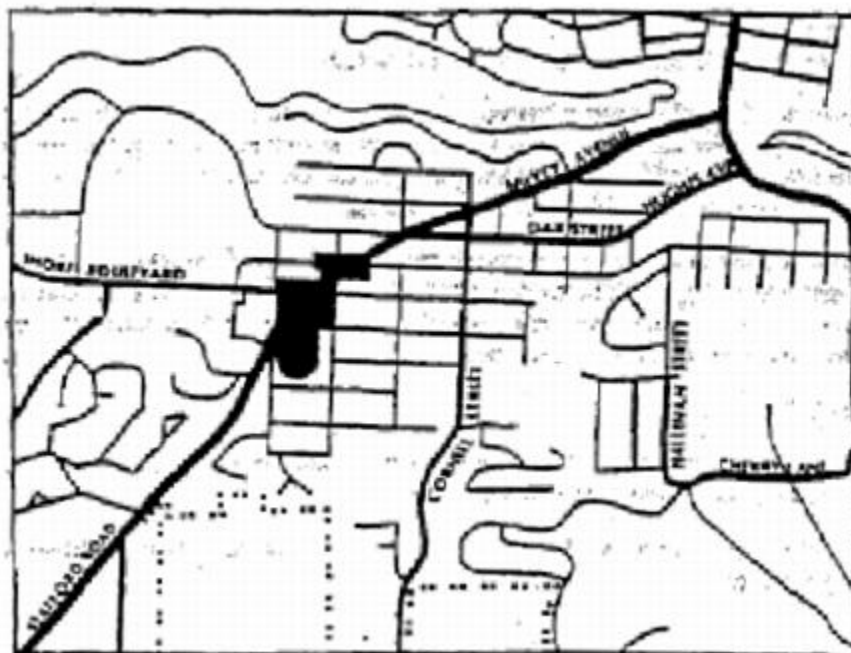
SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- C. Protection of the views of Mt. Hood and Willamette River from the Subarea;
 - D. A future pathway allowing access to public pathways connecting the Subarea to Tryon Creek and George Rogers Parks;
 - E. Major public use facilities such as an esplanade, amphitheater, public square or plaza which provides for connection to and views of the waterfront;
 - F. The reasonable opportunity for development of 500 dwelling units through the allocation of sufficient land for residential purposes to accommodate the units.
- IV. Roehr Park/old sewage treatment plant acreage may provide opportunities for some land exchange to facilitate private development: however, any such change of ownership will assure at least equivalent public access to the river and public facilities. (PA 06-86-02-383, 10/17/86)
- II. Grimm's Corner Neighborhood Commercial District

Grimm's Corner is a historic neighborhood commercial district located at the intersection of early market roads and a strategic center for the Palisades-South Town area which it serves with gas stations, a grocery, dry cleaners, appliance repair, etc. A variety of more intense uses have developed over the years, including lumber yard, bark dust storage, and bowling alley. Public facilities nearby include the National Guard Armory, Fire Station and tennis courts. Lakeridge High School to the south generates traffic through this area also. This volume of activity has created traffic congestion and conflicts between uses, which increase as development of the area continues.

Grimm's Corners Neighborhood Commercial



SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

In order to make possible development of commercial and residential property, while providing an intersection which can handle expected traffic, the following policies will direct further development of the commercial district

1. Commercial land use will be extended south into the floor of the quarry, but not south to include properties fronting on Pine Street (approximate 0.7 acre expansion)
2. When the McVey/South Shore intersection is re-designated, the following criteria will be considered:
 - a. adequate travel lanes in each direction on McVey, plus left turn lanes where necessary
 - b. adequate through travel lanes on South Shore, with left and right turns where necessary
 - c. adequate site distance and safe access (in some cases this may require transfer of property or development rights between public right-of-way and private property)
 - d. signalization of intersection
 - e. public transit stop
 - f. pedestrian and vehicle safety
 - g. adequate access to McVey from commercial land. For land southeast of McVey and south of Parrish Street, direct access can be developed.
 - i. at the vicinity of Parrish Street
 - ii. opposite South Shore, as part of a signalized intersection
 - iii. at least 200 feet south of South Shore intersection
 - h. needs for bikeways, sidewalk, utility, landscaping and access and traffic signals will dictate the design of the street, right-of-way needs and ultimate pavement width
3. New commercial development will provide goods and services to serve principally residents of the neighborhood area.
4. Access to McVey Street will be limited, to assure safety of the intersection and convenience for through traffic.
 - a. Land uses and their expected auto trip generation will not exceed the capacity of the intersection as designed.
 - b. Patton access should be realigned.
5. Floor Area Ratio of new development will not exceed .25 for the site, except in the southeast quadrant, because of unique topographic problems. In that case, more intense use will be limited within the design capacity of the intersection.
6. Bikeway and pedestrian paths should be provided to assure safe passage through the intersection. These should include:
 - a. sidewalk on both sides of McVey, one side of South Shore
 - b. bike lane on southeast side of McVey and south side of South Shore

SECTION 50.11.005. APPENDIX E – COMMERCIAL LAND USE POLICIES

SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

- c. alternate bike route via Conifer, City-owned open space at Patton, and Oak Street, to bypass the intersection
7. All development or redevelopment will be required to conform to these policies and to pay a pro-rata share of street improvements, commensurate with need created by the development and the benefit gained, and to dedicate adequate right-of-way to make these improvements possible. (The public will assume some responsibility for a pro-rata share. See Definitions and Transportation Element.)
8. City-owned Douglas fir grove north of Laurel, adjacent to the Parton Street right-of-way, should be maintained as a natural area, with benches and a bikeway-pedestrian trail along the streamway, as a focal point for neighborhood commercial district.
9. Adjacent residential neighborhood will be protected from the negative effects of commercial activity. Methods include:
 - a. Pedestrian/Bikeway only should connect commercial area at Hemlock, for neighborhood convenience.
 - b. Redesign of the intersection should discourage through traffic into neighborhood.
 - c. Conditioning redevelopment of quarry area to eliminate the truck traffic and bark dust operation, in favor of more compatible uses.
 - d. Encouraging both commercial and residential property owners to provide structural and landscape barriers to separate incompatible uses.

III. Rosewood Neighborhood Commercial District

The Rosewood Neighborhood Commercial District serves an approximately 1.3 square mile residential area and a portion of the adjacent industrial area, with convenience goods and services. Commercial activity includes drugs, groceries, florist, fast food and office space. Within five blocks of a junior high and an elementary school, Rosewood Center serves many bike and pedestrian shoppers. The site is significant as the location of a distinctive grove of fir trees, valued by residents, as well as a meeting place at the center of a largely developed single-family neighborhood. The surrounding 1.3 square mile area can be expected to grow approximately 6,000 people at full development.

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Rosewood Neighborhood Commercial District



Commercial development in this area should be designed to assure the following:

1. Uncongested streets with safe intersections and adequate parking.
2. Total commercial use in the area to be within the traffic carrying capacity of adjacent streets.
3. Shared access away from intersections, and redesign and straightening of some intersections.
4. Safe access by bike riders and pedestrians.
5. Protection of the Douglas fir grove and significant trees in parking lots.
6. A neighborhood commercial area, providing goods and services for residents of the immediate area, and scaled as a part of that neighborhood with a FAR not to exceed .25.
7. A minimum amount of impermeable surface, and adequate storm drainage management.

IV-A. West End Business District

Specific Commercial District Policies will guide development in the Lake Grove area to support businesses and new investment, to satisfy community needs, to encourage social interaction, to provide for proper vehicle access and to protect neighborhood living environment. The City will:

1. Limit the amount of new commercial land area in the Lake Grove area to an appropriate portion of Planning Area need. The City will plan for local needs, not for regional draw retail facilities.

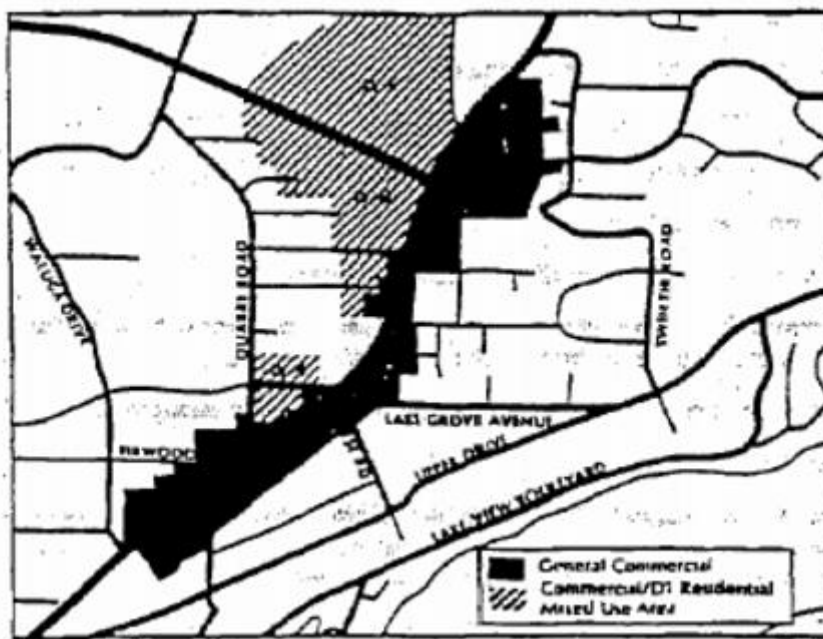
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2. Provide for pedestrian, bike, and auto traffic to connect new mixed use and commercial areas to the existing commercial district. This circulation should:
 - a. prevent isolation and/or deterioration of the existing commercial areas
 - b. encourage private development of a "village shopping center" in Lake Grove
3. Provide Specific Commercial District Policies for sub-areas of the West End Commercial District, to guide Zone Change, Development Review, and Building Permit approval.
4. Plan for a rear access and parking configuration on both sides of the current strip commercial development, to promote:
 - a. more intense use of deep lots fronting Boones Ferry
 - b. viability of the existing commercial center, so it can be redeveloped to remain competitive
 - c. modification of the negative effects of existing strip development
 - d. vehicle access constructed in a manner which protects adjacent neighborhood living environment
 - e. preservation of neighborhood residential property values
 - f. foot traffic within the commercial and neighborhood area
5. Encourage private development of:
 - a. joint-use parking facilities
 - b. land uses with size, floor area, and traffic generation compatible with the district's access and adjacent uses
 - c. buildings with height and setback standards compatible with the district
 - d. aesthetically pleasing entry into Lake Grove at Kruse Way and Boones Ferry Road
 - e. street trees to provide shade and aesthetic relief from concrete and asphalt
 - f. preservation of significant trees as a substitute for larger landscaped areas

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West Commercial District



- g. combined landscaping projects of significant size
 - h. buffer system which separates adjacent residential uses from noise, traffic and congestion
 - i. bike racks
 - j. pedestrian walkways and bike paths in alleys and walkway easements
 - k. alternate surfacing materials for parking areas which encourage on-site water retention, softened visual impact, noise absorption, etc.
 - l. each property's share of connecting pathways to parks, recreation, shopping, work, parking
 - m. street furniture and landscaped areas situated to encourage people to rest awhile for conversation in pleasant surroundings
6. Plan for adequate protection for residentially developed neighborhoods to enhance neighborhood living environment, and neighborhood stability. This protection will include:
- a. specific land use designations and district boundaries, with allowed uses and densities specified, and adopted as part of the Comprehensive Plan. Structural boundaries will be planned and developed as conditions of development approval (i.e. street endings, structural buffers, tree planting, hedges, walkways, or other means to develop a permanent separation of incompatible uses)
 - b. buffering of residential properties from the noise, glare, and traffic congestion of the adjacent commercial area

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- c. encouraging residential property owners to provide trees and significant vegetation on their property, and other means to buffer their property from commercial areas
7. Provide incentives for private investments in compatible mixed uses, which will bring residents to the West End Business District during days and evenings for social or recreational purposes as well as to shop. Such incentives could include:
 - a. revision of zoning code to allow additional approved uses in commercial areas, such as residential care facilities, apartments, handicraft industry, and recreation facilities
 - b. construction of safe bike and pedestrian routes
8. Encourage development of adequate access and parking facilities.
 - a. On-street parking will be prohibited from collectors, arterials, and local streets which are not wide enough to safely afford parking, vehicle travel, and turning refuge. Adequacy of a street to handle on-street parking will be determined by the Planning Commission, with analysis by Public Works and Planning Departments.
 - b. All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated on the premises entirely off-street or in shared parking facilities.
 - c. Required parking spaces for each business may be reduced, if:
 - i. business shares a parking lot with a use which has peak use at a different time of day
 - ii. public parking is provided within walking distance adequate to meet the parking need thus created
 - iii. business shares construction costs of bikeway serving the property
 - d. Encourage provision of access and/or parking facilities which aid in decreasing the number of direct access points on arterials. The City's role in provision of such access or facilities will be determined by the City Council in accord with Oregon Law (including ORS [223.105](#); 223,805-880; 281.510) and may include the following:
 - i. grant permission for private construction and provision of such facilities
 - ii. plan, design, and locate parking facilities
 - iii. construct, alter or maintain such facilities
 - iv. contract with any person, firm, or corporation for such services
 - v. acquisition of such facilities by lease, purchase, condemnation, exchange or other lawful manner
 - vi. make possible financing of such facilities:
 - by bonds payable out of revenue from said facilities
 - by local improvement district with assessments on appropriate properties
 - by state or federal grants or aid
 - by general property taxes

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- by parking fees or special charges from users or commercial enterprise benefited
9. Protect the function and service level of Boones Ferry Road as an arterial street.
 - a. Use of off-street parking spots for businesses located on the arterial shall not require backing into the public way.
 - b. There shall be no more than one point of access to the arterial per 155 feet of street frontage. If necessary to meet this requirement, users shall arrange for shared access. (Existing uses will be encouraged to meet this standard)
 - c. Businesses providing for rear access to another street may be granted the right to more intense lot coverage, waiver of height restriction, variance from appropriate setbacks, or decrease in landscaping requirement, if compatible with adjacent properties and necessary to the public welfare.
 10. Protect the function and service level of Kruse Way as an arterial:
 - a. All access to Kruse Way will be planned to serve the adjacent properties while minimizing the frequency and severity of traffic conflicts.
 - b. Aesthetic natural entry into Lake Grove from Kruse Way will be preserved.
 - c. Access points already designated by Clackamas County may be the basis for the street planning which may provide shared access at these points. Land owners will be required to plan for frontage roads or unified site and street plans which implement the City's Transportation Plan.
 - d. Should comprehensive traffic analysis and site planning indicate a need to alter Kruse Way ingress or egress patterns, the City will plan such access, and the City Council will seek County implementation of adopted plan.
 - e. Property owners will pay for street improvements, traffic controls, and public facilities necessary to their development (including intersections).

IV-B. Oakridge Mixed Use Sub Area

The Oakridge area is a planned commercial and residential area served by Quarry, Oakridge, and Boones Ferry. It is an expansion of the existing commercial district, and as such should be developed in a manner which assures:

- a. revitalization of the adjacent businesses on Boones Ferry by improving traffic circulation, parking access, and pedestrian circulation
- b. proper vehicle access and street design
- c. pedestrian paths and bikeways which connect, Waluga Park, Lake Grove School, and the commercial district to the residential areas to the west
- d. shared parking and street access where possible, to relieve traffic congestion

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- e. protection of adjacent residential areas from the noise and bright lights of commercial activity
- f. proper vehicle, pedestrian and bike access to the Post Office at Oakridge and Boones Ferry
- g. equitable sharing of the costs of necessary streets and public facilities
- h. preservation of major trees in the area

The commercial area bounded by Bryant, Boones Ferry, Reese, and the pedestrian easement north of Sunset will share a rear access connecting parking lots to Bryant and Reese Roads, to provide relief of traffic congestion on Boones Ferry.

IV-C. Bryant to Reese, North of Sunset

Commercial properties in this area will be developed in a manner which assures:

- a. access of each property to an internal access route from Bryant to Reese Roads. This route should not be developed as a straight through high speed road but should meander through connected parking areas.
- b. access to Bryant at a point opposite the Lake Grove Shopping Center, between 300-330 feet south of Boones Ferry.
- c. access to Reese at a point opposite Lake Grove Street.
- d. more intense use of deep lots between the six-foot pedestrian easement and lots fronting Boones Ferry Road.
- e. careful building location, structural buffers, trees and shrubs to minimize the negative impacts on adjacent residential area.
- f. separation of commercial and residential uses along the line of the pedestrian easement.
- g. protection of Sunset from through traffic.
- h. convenient pedestrian and bikeway access from residential areas at Bryant and Reese.
- i. a decrease in the number of direct access points to Boones Ferry.
- j. effective site development, with appropriate variances granted to assure the access, parking, circulation and site features outlined in these policies.
- k. preservation of the major trees, by such means as setbacks, clustering of structures, protection of root systems.

IV-D. Southwest Quadrant of Kruse Way/Boones Ferry Intersection

The Southwest Quadrant at Kruse Way/Boones Ferry is an area planned for residential and commercial uses to meet a variety of community needs in an area with good access to arterials, mass transportation and diverse public facilities, including wooded open space, school, park post

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office and the Lake Grove Swim Park. The commercial uses are intended to serve local, as opposed to regional shoppers. This area is an expansion of the existing Lake Grove Commercial District, and as such should be developed in a manner which assures:

1. Designation of approximately 20 acres of commercial use south of Kruse Way and north of Collins Way, and approximately three acres of commercial land use between Lake Grove School and Collins Way. Residential development is appropriate within the commercial area, particularly in the westerly portion of Tax Lots 1300 and 2200 of Tax Map 21E8BC, Supplemental and Tax Lots 2000-2200 of Tax Map 21E8BB. Any building over 20,000 sq. ft. shall occur north and east of Mercantile Drive.
2. Preservation of the capacity of Kruse Way and Boones Ferry to carry projected through traffic and to provide adequate access for all planned land uses in the vicinity of the intersection.
3. Proper location of access points and an internal circulation system which provides for vehicular, pedestrian and bicycle movement.
 - a. The City will determine the location of access points and prepare a circulation plan to meet the needs of all development within the quadrant, prior to zone changes.
 - b. The City will vacate the necessary street segments to provide for internal circulation and site plans.
 - c. The preferred internal circulation route design should be integrated with parking areas rather than as a separate street.
4. Limited access to Kruse Way and Boones Ferry.
5. Principal access to residential development from Galewood.
6. Connection by pedestrian and bicycle paths with the residential areas, and to the rest of the Lake Grove Commercial District, with safe passage across Kruse Way to the office campus development to the north.
7. Appropriate dedication of necessary rights-of-way to provide for traffic projected for Boones Ferry, Kruse Way, Douglas, Gresham, Galewood and Quarry.
8. Payment of a pro-rated share of costs of streets, traffic control improvement (i.e., intersections and signals) and necessary rights-of-way, parking, bikeways and pedestrian ways, by property developments creating the need for those facilities.
9. Preservation of the quality of life in the single-family residential area to the west, particularly by the landscaping and placement of buildings and parking areas.
10. Building area or Floor Area Ratios may be designated as necessary to limit vehicle trip generations within the capacity of adjacent streets.
11. Preservation of major trees, sufficient to preserve woodland character.

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12. Site planning for each development which assures that the development's access circulation, parking, landscaping, build design and drainage are properly related to adjacent developments.
13. Consideration of general design objectives.

The overall objective is to create a village-like shopping and service center, with a variety of local goods and services provided in an attractive setting. The basic elements will include:

- a. the size and scale of buildings, which should be in keeping with other development in Lake Grove, particularly in height and bulk. No single building may have greater than 20,000 sq. ft. floor area on one level except in the shopping center area bounded by Kruse Way, Boones Ferry Road, Mercantile Drive and the stream corridor.
- b. relationship of buildings, which should be clustered to create usable open areas such as plazas, courtyards and entryways.
- c. scale of parking areas, which should be designed to avoid larger, unbroken areas of paving through smaller lot areas; landscaped areas, and lot configurations.
- d. provision of pedestrian environment that encourages walking between stores, office and other uses by providing safety, easy visual orientation, and by careful location of attractions to walking shoppers.
- e. separation of loading and service areas from pedestrian areas.
- f. as feasible, use of visually identifying elements such as building shapes, displays (sculpture, colors, kiosks, flagpoles, outdoor furniture, signs) landscaping, parking and other details.

IV-E. Office Campus - Northwest Quadrant of Kruse Way and Boones Ferry

The northwest quadrant of the Kruse Way and Boones Ferry intersections has been designated for Office Campus land use. This 53-acre land area bounded by Carman, Davis Lane, Kruse Way and the westerly edge of properties fronting Carman on the west, may be approved for a mix of regional offices and residential use if standards are established to assure:

- a. 35% to 60% office use 35% to 60% residential use a maximum of three acres of commercial to service adjacent offices and residences
- b. a land use intensity compatible with adjacent residential neighborhoods
- c. preservation of the capacity of Carman, Boones Ferry and Kruse Way to carry through traffic
- d. limited access to Kruse Way, Carman Drive and Boones Ferry
- e. connection by pedestrian and bicycle paths with residential areas and with safe passage across Kruse Way to the commercial area to the south
- f. access to residential property east of Davis Lane to Davis and/or Carman Drive
- g. appropriate dedication of necessary right-of-way to provide for traffic projected for Boones Ferry, Kruse Way, Carmen Drive and Davis Lane

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- h. payment of a pro-rated share of costs of streets, traffic control improvements (i.e. intersections) and necessary rights-of-way, parking, bikeways and pedestrian ways, by property developments creating the need for those facilities
- i. preservation of major trees, with an effort to maintain wooded character
- j. FAR not to exceed .38 for 8 acre site bounded by Kruse Way, Kruse Way Place and Boones Ferry Road. Maximum FAR to be reduced, based on resulting traffic impacts, if any retail uses placed on 8 acre site. [rev. 8/20/85]

IV-F. Officer Residential Mixed Use Area - East Side of Boones Ferry at Kruse Way

The area on the east side of Boones Ferry Road between the existing commercial district zone boundary and Spring Lane is designated as a mixed use Office Campus and R-3 density residential area.

Low intensity. (Deleted 12/28/82)

This designation permits Office Campus uses or residential structures in portions of this district which lie between Springbrook Creek and Boones Ferry Road. Land in this district which lies east of the Creek is to be used solely for residential uses in accord with the residential policies and Land Use Map of the Comprehensive Plan. (Rev. 12/28/82)

Development in this district will be required to:

- a. utilize a rear access route on Red Cedar Way, Division Street, Boones Way and Spring Lane with no driveway access allowed on Boones Ferry Road.
- b. dedicate the necessary right-of-way to connect Division Street to Boones Way and dedicate needed right-of-way on Boones Ferry Road.
- c. develop each parcel with mixed use potential under unified site plans to assure adequate access, circulation, parking and screening
- d. protect the Springbrook Creek stream corridor and its deep ravine from development encroachment
- e. take access only onto the rear access route described in a. above and not onto Twin Fir Road
- f. preserve major trees, with an effort to maintain wooded character
- g. allow mixed uses within buildings on the west side of Springbrook Creek
- h. dedication or acquisition of right-of-way east of Boones Ferry and Kruse Way intersection will be arranged prior to development. Land is necessary for a future additional left turn lane from Kruse Way north onto Boones Ferry.

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I-5/NE Kruse Commercial District



V-A. Highway Commercial District - I-5 and Kruse Way Northeast Quadrant

The northeast quadrant of the I-5 and Kruse Way intersection has been designated for highway oriented commercial land uses. This area is separated by slope and major trees from residential lands to the east, thereby protecting residential areas from the traffic congestion of such a commercial district.

The site of this Commercial District includes two stream way ravines and associated wet areas, one on the north edge and one across the lower third of the site. For this reason, the 35-acre site has been designated for 20 gross acres of commercial activity, which will allow landscaping, protection of streamways and major trees to occur in the remaining 15 acres.

Commercial activity at this location should be designated in a manner which assures:

- a. a highway oriented commercial district, with minimal disruption of adjacent residential areas
- b. a limit on the intensity of commercial activity on this site, to an amount which preserves the capacity of Kruse Way and I-5 intersection for other public and private uses outlined in the Lake Oswego Comprehensive Plan
- c. one access point to Kruse Way, preferably east of a point 1500 feet from the Bangy Road intersection
- d. payment of costs of streets, street improvements, intersections, necessary rights-of-way, parking, bikeways and pedestrian ways by property development creating the need for those facilities
- e. Planning and Development Review procedures which assure:
 - i. adequate vehicle access and street design

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- ii. protection of adjacent residential areas from the noise, bright lights and air pollution of commercial activity
- iii. protection of the stream corridors, as major functioning parts of basin wide storm drainage system and as aesthetic features at the entry way into the Lake Oswego area.

V-B. Highway Commercial District Bangy Road and I-5

Highway oriented commercial activities and gas stations have located over the years along Interstate-5, with access via Bangy Road to Kruse Way and I-5. As the lands to the north and east of Bangy Road develop, an increasing number of vehicles will use the Bangy Road/Kruse Way intersection, including industrial traffic from Tigard and Lake Oswego industrial areas, north and southbound to I-5.

These specific policies apply to the area south of Kruse Way, west of Bangy and south of Kruse Way and east of Bangy for approximately 1700 feet. The area includes the 'Liberty Park' project approved by Clackamas County and additional area south of that project. (12/18/85-PA 4,5,6-85)

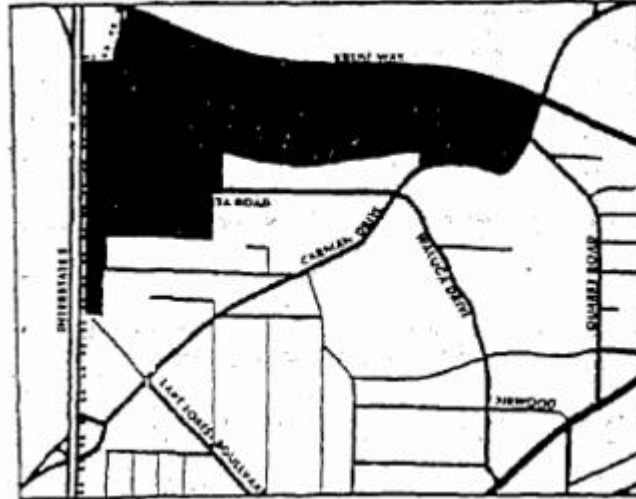
Commercial development in this area should be planned to assure:

- a. minimum congestion on Bangy Road which must serve through traffic
- b. minimum number of vehicles accesses from commercial development
- c. no on-street parking on Bangy Road, Kruse Way, Meadows Road or Bonita Road (12/18/85-PA-4,5,6-85)
- d. adequate off-street parking for commercial uses
- e. adequate varying setbacks, landscaping and signage and major tree preservation to provide safe sight distance and attractive boulevard like setting (12/18/85-PA-4,5,6-85)
- f. appropriate dedication of right-of-way along Bangy and Bonita Roads, to accommodate road widening necessary for full development of the area.
- g. Require parking areas to be screened from view from Kruse Way.
- h. Encourage employers to provide employee incentives for the use of public transit such as:
 - i. providing bus shelters
 - ii. mass transit far reimbursement programs
 - iii. providing preferred reserved spaces for car pool parking
 - iv. posting transit route and scheduling information
- i. Traffic generation will be limited so as not to exceed the planned capacity of the surrounding public street system
- j. Encourage major employers on the site to schedule shifts so as to reduce peak hour traffic congestion when feasible.

(12/18/85-PA 4,5,6-85)

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I-5/Bangay Commercial District



V-C. Kruse Way Campus Research and Development District

These specific district policies will assure the Kruse Way Campus Research and Development District develops in a manner consistent with the City's General Commercial Land Use Policies as well as other Comprehensive Plan elements. The policies are categorized under General Site Development and Design, and Traffic and Circulation.

General Site Development & Design Policies

- a. Development intensity will be limited to that allowed under the Buttke Kruse Way Corridor Transportation Program (1983).
- b. Development of the district will occur through the use of a unified general site plan. The unified general site plan will be required and will include:
 1. A general internal circulation plan for the overall site.
 2. A general plan for adequate drainage and all utilities needed to serve the site.
 3. Consideration of the site development and design policies in the Comprehensive Plan.
 4. Development intensities.

The unified general site plan could be approved as part of a zone change, subdivision or planned development for the site. If desired, property owners or developers could submit a unified general site plan for approval apart from these three specific types of applications.

- c. Benefited property owners will be required to pay costs for installation of all public utilities, with City financial participation in oversizing.
- d. Major allowed uses in the Kruse Way Campus Research and Development District will include:

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1. light manufacturing, assembly uses
 2. research, experimental and testing laboratories
 3. general office
 4. retail commercial (PA 6-88-615, 11-16-88)
 5. recreation facilities
- e. Require landscaping and preservation of existing vegetation to assure a park-like setting will be maintained.

Traffic and Circulation Policies

- f. Limit the number of access points to the minimum necessary, consistent with efficient traffic circulation, and assure access points are coordinated with the City's Major Streets Plan and Transportation Policies.
- g. Require a complete and efficient internal circulation system with adequate access to all development portions of the site.
- h. Require parking areas to be screened from view from Kruse Way.
- i. Provide adequate parking, loading and maneuvering space for employees, visitors, and trucks.
- j. Encourage employers to provide employee incentives for the use of public transit such as:
- providing bus shelters and turnouts
 - mass transit fare reimbursement programs
 - providing preferred reserved spaces for carpool parking
 - posting transit route and scheduling information
- k. Streets should be designed to accommodate large trucks.
- l. Traffic generation will be limited so as not to exceed the planned capacity of the surrounding public street system.
- m. Encourage major employers on the site to schedule shifts so as to reduce peak hour traffic congestion when feasible.

VI. Kruse-North Neighborhood Commercial District

A residential area is planned for the 230-acre area north of Kruse Way, bounded by Melrose Street and properties fronting Fosberg Road and Carmen Drive. A neighborhood commercial center of three acres or less is planned to serve this residential area, located centrally within the residential area, not on Kruse Way.

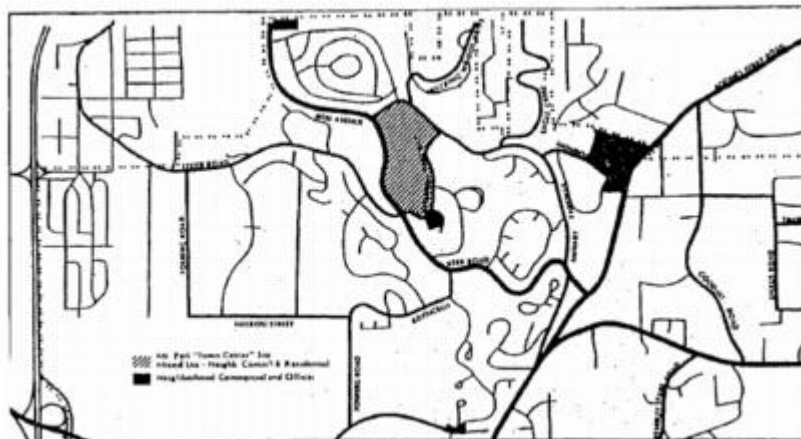
This neighborhood commercial center should be designed to assure:

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- a. location of not more than 35,000 square feet of retail commercial activity, to serve the shopping needs of the adjacent residential areas
- b. shared access points on collector streets and a unified site plan for the three acre site, to assure internal circulation and to prevent traffic congestion on residential streets
- c. development standards which encourage private development in accord with:
 - height and setback compatible with the district and adjacent residential areas
 - structural and vegetation buffers to separate adjacent residential areas from
 - noise, traffic and congestion
 - pedestrian walkways, bikeways and safe bike storage, providing a
 - convenient safe alternative to auto travel
 - street furniture and landscaped areas situated to encourage social interaction
 - shared parking facilities and walkways to encourage pedestrian circulation throughout the site. Parking lots should be designed with adequate trees and landscaping, in accord with Air Quality and Quiet Environment Elements of this Plan.
 - public transit service.

Mt. Park Commercial District



VII. Mountain Park Commercial Areas

The areas designated as "General Commercial" in the development ordinance for Mountain Park Planned Unit Development (Ordinance No. 1411) are redesignated as Neighborhood Commercial, to ensure that retail commercial uses principally serve the residents of Mountain Park. The City will assure that, in accordance with the policies in VII-A, VII-B and VII-C, below specifically defined maximum building area limits for commercial land uses are established.

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Neighborhood Commercial in Mountain Park may provide for a range of retail, personal services, restaurant and cultural uses. Offices may provide for professional business services, financial, institutional and other uses.

VII-A. Town Center Site (PA 1-89-713; 10-04-89)

1. The 32-acre Town Center site is designated for a mix of high-density (D), residential and retail commercial uses. The following maximum intensities will apply:
 - a. Up to 492 residential dwelling units.
 - b. Up to a total of 40,000 sq. ft. of retail space.
2. Pedestrian access to the site should be provided for to encourage walking from adjacent residential areas.
3. Development will pay a pro-rated share of the costs of improving Kerr Parkway and providing traffic signalization which shall be required because of Town Center generated traffic.

VII-B. Monroe/Boones Ferry Site (PA 3-92; 10-08-92)

1. The 13 acre site is designated for retail and office commercial uses. The overall building area on the site shall not exceed 131,535 sq. ft.

The site development plan approved as part of the PUD should be revised to permit commercial uses which would be appropriate for present needs for types of commercial uses.
2. Pedestrian access should be provided.
3. Development will pay a pro-rated share of the cost of improvement to Boones Ferry Road, and providing traffic signalization which may be required because of traffic generated from the site.
4. On-site drainage retention may be required, as feasible, to protect Springbrook Creek.

VII-C. Other Mt. Park Commercial Sites

1. The following sites are designated neighborhood commercial:
 - i. Two parcels on Touchstone (\pm 1 acre each)
 - ii. Parcel on Kerry Road across from Portland Community College (\pm 2.5 acres)
 - iii. Parcel on Jefferson Parkway at its intersection with the proposed Kingsgate Street (\pm 1 acre)
 - iv. Parcel on Jefferson Parkway adjacent to Mt. Park recreation Center (\pm 2 acres)

(Rev. 07-02-93; ba)

SECTION 50.11.006. APPENDIX F – MARYLHURST CAMPUS INSTITUTIONAL AREA
SUBSECTION 2: SPECIFIC COMMERCIAL DISTRICT POLICIES

50.11.006. APPENDIX F – MARYLHURST CAMPUS INSTITUTIONAL AREA

Campus Institutional: Definition

Land uses allowed in Campus Institutional areas are all Office Campus uses, including those for educational, religious, social services, governmental agencies, related residential uses and facilities for care of the handicapped or other special care needs, located in a campus setting which preserves a substantial amount of landscaping and open space and the character of existing institutions.

GENERAL POLICIES

1. A mix of uses within the Marylhurst campus will be allowed, including educational, cultural, social, governmental and residential activities.
2. The campus-like character of the area will be maintained as much as possible.
3. Traffic and access will be controlled to preserve the capacity of Pacific Highway and the intersections at Marylhurst. Proper internal circulation will be provided.
4. The Willamette River Greenway will be preserved for scenic and recreational uses.

SPECIFIC POLICIES

FOR GENERAL POLICY I: Provide for a Mix of Uses.

1. Designate the Marylhurst Campus for a variety of land uses and establish the specific uses, conditions and design criteria for sub-areas within the campus, to assure proper development.
2. Require each sub-area to have a plan for circulation, parking, utilities, and general building placement as a condition of approval for all development other than single-family subdivisions.
3. Establish permissible uses, intensities, development criteria and conditions for specific sub-areas within the campus, in addition to other policies.

a. SUB-AREA I: CAMPUS INSTITUTIONAL

1. Allowed uses will include educational, religious, social service, governmental, institutional housing, and their supporting services.
2. The appearance and character of the present Marylhurst Education Center campus, especially the scale of buildings, parking areas, building locations, materials, open areas and landscaping, will be continued in new development.

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b. SUB-AREA I-A: CAMPUS INSTITUTIONAL

1. Uses should be located in a major building and no more than two buildings.
2. Design of access to the eastern portion of the site must provide for emergency vehicles.
3. Development may not occur beyond the top of the banks of the drainage ways. Removal of trees will be minimized as much as possible.
4. Access into the site must be designed to be compatible with the existing Education Building, and should be located on the north side.
5. Vehicle access or parking in the eastern portion of the site will be discouraged.
6. Drainage management must be designed to prevent erosion of the banks of the drainage ways which have a severe potential landslide hazard.

c. SUB-AREA II: CAMPUS INSTITUTIONAL

1. Commercial uses allowed (including Office Campus) must be buffered from Pacific Highway.
2. Structures will be located to maintain open areas which preserve a campus-like setting. The view of St. Anne's Chapel from the southern access drive will be preserved.
3. Site design will orient buildings towards views and preserve highway and access road views as much as possible.

d. SUB-AREA III: CAMPUS INSTITUTIONAL

e. SUB-AREA III-A: RESIDENTIAL (R-10)

1. Access to Old River Road must be designed to provide a safe intersection, and to minimize disturbance to the wooded slope along the road. If these conditions cannot be met, the area must be provided access from the campus.
2. Residential development will be required to provide street trees. Development must be visually screened from the school and convent.
3. Emergency vehicle access from the campus side must be provided.
4. Change to topography will be the minimum necessary to develop the property.

f. SUB-AREA IV: CAMPUS INSTITUTIONAL

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1. Allowed uses will be Campus Institutional, including social service institutions and residential care facilities for the physically or mentally handicapped. Agricultural uses may be continued as long as they are compatible with new development.
 2. A pedestrian access to Pacific Highway may be located at the north end of the site.
- g. SUB-AREAS V AND V-A: RESIDENTIAL (R-10 and R-15, respectively)
1. Allowed uses will be residential (R-10 and R-15), with clustering encouraged.
 2. Site design should assure that view to the east are preserved and utilized.
 3. A unified site plan for each sub-area, required prior to development, shall include provision for buffering the adjacent residential areas.
 4. Interior streets rights-of-way will be dedicated. Street trees will be required.

FOR GENERAL POLICY II: Maintain Campus-Like Character.

The City will:

1. Assist Marylhurst in preparing architectural and site design criteria to be utilized as supplements to the Development Review standards for all future development at Marylhurst. The criteria will assure that development is harmonious with the existing campus buildings and landscaping. Criteria at minimum will assure:
 - a. maintenance of the architectural character of the existing buildings and landscaping.
 - b. scale, height, bulk, lot placement and building materials in new development which will maintain the open character and be properly related to the existing structures.
 - c. preservation of scenic vistas to the east.
 - d. new landscaping will complement existing, especially types and placement of trees.
2. Ensure that the natural drainage courses are designated as open space. No development will be permitted, except for utilities, drainage management improvements or low-intensity recreational improvements, such as trails.
3. Ensure maintenance of a setback along Pacific Highway, which will include a minimum of fifty feet from the right-of-way line, to provide for the planting of trees. The City will assist with providing and planting of the trees, subject to the budgetary process.

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4. Require buffers between non-residential campus uses and adjacent residential neighborhoods, including protection of views.
5. Require minimum changes in topography. Grading will be limited to that required for foundations, drainage management, parking areas and berms.
6. Assure that parking areas are scaled proportionately to the campus buildings and are landscaped to avoid the appearance of large, unbroken paved area.
7. Strongly encourage residential site design which is clustered and preserves open areas.
8. Assure that commercial uses are of a type and size to serve the residents and users of the campus, without drawing a larger market, and are located away from Pacific Highway to avoid any strip development.
9. Assure that utility construction will be coordinated with development and will prevent or minimize disruption of the existing buildings, streets, and drainage ways.

FOR GENERAL POLICY III: Preserve Highway Capacity and Internal Circulation.

The City will (subject to the approval of the Oregon Department of Transportation, whenever applicable):

1. Limit access from the campus to Pacific Highway to the two existing access points.
2. Limit land uses to the degree necessary to ensure that total vehicle trips generated by campus land uses maintain the capacity of Pacific Highway and intersections.
 - a. Prior to new development, a traffic study will be prepared which will determine the projected volumes on Pacific Highway, the capacity available to future development at Marylhurst and improvements necessary to maintain the highway or intersections within Service Level "D".
3. Require that Marylhurst pay an equitable share of the cost of improvements to Pacific Highway for additional capacity and signalization required for additional development.
4. Actively seek transit improvements and increases in the levels of transit use in the Highway 43 corridor, to reduce vehicle trips entering the State Street Corridor.
5. Ensure that internal streets on the east side of Pacific Highway will remain private streets, except for the Residential area (sub-area III-A).

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6. Require that internal access and circulation plans for each sub-area of the campus will be prepared and approved as part of the Development Review for the first new development proposed for the sub-area.
7. Require dedication of an additional ten feet of right-of-way on each side of Pacific Highway to widen the total to eighty feet.
8. Ensure that a minimum setback will be maintained along Pacific Highway at fifty feet from the right-of-way line to preserve the scenic corridor.
9. Allow no vehicular access from Old River Road, except to sub-area III-A.
10. Assure safe pedestrian and bicycle circulation within the campus and each sub-area.
 - a. Whenever possible, walkways will be separated from vehicular ways.

FOR GENERAL POLICY IV: Preserve Willamette River Greenway as a Recreational and Scenic Resource.

The City will:

1. Assure that the area designed as Willamette River Greenway along Old River Road (generally from the river to the top of the steep bank above River Road) is maintained in a natural aesthetic condition.
 - a. Structures will not be permitted in the Greenway, except for recreational purposes or utilities.
 - b. Recreational improvements will be in scale with the environment. Parking areas, if any, will be minimal.
 - c. Trees in the Greenway will be preserved.
 - d. No boat ramps will be permitted.
2. Designate the area between River Road and the river as Public Open Space, and the banks above the road and the drainage ways as Protection Open Space.
 - a. The City will attempt to negotiate an agreement with Marylhurst which will provide for public access and recreational use of the land between River Road and the river. The agreement may be for purchase outright, easement use or other method mutually agreeable to Marylhurst and the City.
3. Ensure that storm water runoff from campus development will be controlled to avoid erosion, sedimentation or damage to the drainage ways.

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(L.O. Comprehensive Plan/114z)

MARYLHURST CAMPUS

