

ORDINANCE NO. 2668

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF CLARIFYING, CORRECTING AND UPDATING VARIOUS PROVISIONS (2015), INCLUDING SCREENING OF PARKING AREAS, RESTORATION OF TEXT; AND LOT DEPTH DEFINITION; AND ADOPTING FINDINGS (LU 15-0011).

WHEREAS, through the application of the Community Development Code and related code provisions, the public and Planning Division staff have found that some sections of the Lake Oswego Code, Chapter 50 (Community Development Code) could be improved by removing ambiguous and conflicting language, correcting provisions, adding clarifying text that is consistent with past interpretations, and updating the Community Development Code;

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 15-0011), attached as Attachment 1.

Section 2. The Lake Oswego Code, Chapter 50 (Community Development Code) is hereby amended by deleting the text shown by ~~strikethrough~~ type and adding new text shown in double underlined type, in Attachment 2. (Sections or subsections within LOC Chapter 50 that are omitted in Attachment 2, and not marked for deletion or addition, are neither amended nor deleted by this Ordinance.)

Section 3. 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.

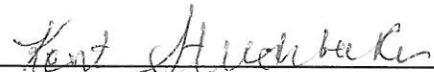
Enacted at the meeting of the City Council of the City of Lake Oswego held on the 1st day of December, 2015.

AYES: Mayor Studebaker, Buck, Gudman, O'Neill, Gustafson, Manz, Collins.

NOES: None.

ABSTAIN: None.

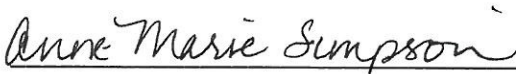
EXCUSED: None.



Kent Studebaker, Mayor

Dated: December 3, 2015

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

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BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE TO CLARIFY, CORRECT AND UPDATE VARIOUS PROVISIONS, INCLUDING SCREENING OF PARKING AREAS, RESTORATION OF TEXT AND LOT DEPTH DETERMINATION.

LU 15-0011
CITY OF LAKE OSWEGO
FINDINGS AND CONCLUSIONS

NATURE OF PROCEEDINGS

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission for legislative amendments to the Community Development Code (CDC), to update various sections in order to correct errors, eliminate text ambiguities and redundancies, and clarify code text. The proposed amendments are to:

- LOC 50.01 – General Provisions
- LOC 50.03 – Use Regulations
- LOC 50.04 – Dimensional Standards
- LOC 50.05 – Overlay and Design Districts
- LOC 50.06 – Development Standards
- LOC 50.07 – Review and Approval Procedures
- LOC 50.08 – Variances
- LOC 50.10 – Definitions and Rules of Measurement

Proposed amendments also address inadvertent changes by the Code re-organization and by previous ordinances, as well as amendments that were identified by staff through use and application of the Code.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of July 13, 2015. The City Council considered this matter at a study session on September 15, 2015. On November 17, 2015, the City Council held a public hearing on the proposed amendments and made a tentative decision.

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1 **CRITERIA AND STANDARDS**

2 A. City of Lake Oswego Comprehensive Plan:

3 Community Culture – Civic Engagement, Policies 1, 2, 4 and 5
4 Land Use Planning – Land Use Administration, Policy D-1
5 Historic Preservation – Policies 1 and 3

6 B. City of Lake Oswego Community Development Code:

7 LOC 50.07.003.16.a Legislative Decisions Defined
8 LOC 50.07.003.16.c Required Notice to DLCD
9 LOC 50.07.003.16.d Planning Commission Recommendation Required
10 LOC 50.07.003.16.e City Council Review and Decision

11 **FINDINGS AND REASONS**

12 The City Council incorporates the staff reports dated July 2, July 13, September 4, and
13 October 14, 2015 for LU 15-0011, with all exhibits attached thereto, and the Findings and
14 Reasons of the Planning Commission, as support for its decision, supplemented by the further
15 findings and conclusions below. In the event of any inconsistency between the supplemental
16 matter below and the incorporated materials, the supplemental matter controls.

17 Following are the supplemental findings and conclusions of this Council:

18 The Council finds that the proposed amendments correct errors, eliminate text
19 ambiguities and redundancies, or clarify code text, for the reasons set forth in the commentary
20 within the version of the proposed Code text presented to the City Council as Exhibit A-1.1 to
21 LU 15-0011. The amendments are consistent with the original scope and intent of the subject
22 code provisions when adopted, and accordingly the amendments do not have policy
23 implications different than originally intended. The Council finds that the recommended code
24 amendments comply with the adopted Comprehensive Plan, for the reasons set forth at the
25 time of adoption of the original code text.

26 /////
27 /////
28 //

1 **CONCLUSION**

2 The City Council concludes that LU 15-0011 complies with all applicable criteria and
3 should be approved. The Council also concludes that proposed Ordinance 2668, which
4 implements LU 15-0011, should be enacted.

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ATTACHMENT 2

50.01 GENERAL PROVISIONS

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	
///	
Commercial	
Neighborhood Commercial	NC
General Commercial	GC
Highway Commercial	HC
Office Campus	OC
East End General Commercial	EC
Campus Institutional	CI
Campus Research and Development	CR&D
Mixed Use	
///	
Special Purpose Districts	
Campus Institutional	CI
Public Functions	PF
Park and Natural Areas	PNA
///	

ATTACHMENT 2

50.03 USE REGULATIONS

50.03.002 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 [8]	R-2	R-0 [8] [9]	
RESIDENTIAL USES												
///												
PUBLIC, INSTITUTIONAL, AND CIVIC USES												
Day Care	Family day care facility	P	P	P	P	P			P	P	P	
Education/Recreation	Nonprofit 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	50.03.003.4
Utilities/Public Facilities	Major	C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.4
	Minor [3]	P	P	P	P	P	P	P	P	P	P	50.03.003.4 ₁
	Telecommunications facilities, new	C	C	C	C [1]	C	C		C	C [1]	C	50.03.003.4 ₂
///												
Notes:	[1] Conditional uses in R-2 and R-6 see LOC 50.03.003.2.d. /// [9] Site-specific use limitations see LOC 50.02.002.2.c.											

ATTACHMENT 2

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

TABLE 50.03.002-2: COMMERCIAL, MIXED USE, INDUSTRIAL AND 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	
		NC [47], [49]	GC [49]	HC [49]	OC [47]	EC [47]	CR& D	MC	WLG- [32]				FMU [32], [46]	I	IP	IPO [37]	CI	PF		PNA
									OC	RMU	R- 2.5	RLW								
RESIDENTIAL USES																				
///																				
Utilities/ Public Facilities	Major [35]	C	P	P	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	P	P	Including collocated telecom. facilities but not new facilities. 50.03.003.3
	Telecommunications facilities, new [35]									C	C	C	C					C	C	
	Temporary private uses of public properties [35]																	C		
COMMERCIAL USES																				
///																				
<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.</p> <p>///</p> <p>[49] Site-specific use limitations see LOC 50.02.002.2.c.</p>																				

ATTACHMENT 2

50.03.003 Use Specific Standards

1. RESIDENTIAL – PERMITTED USES

f. Telecommunications Facilities

- i. See LOC 50.03.003.4.e.iii, Approval Criteria for Collocated Facilities, for requirements relating to permitted telecommunications facilities.

2. RESIDENTIAL – CONDITIONAL USES

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.

///

- (9) Large expanses of paving, including surface off-street parking and loading areas but excluding underground parking and loading, 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.

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e. Telecommunications Facilities

- i. See LOC 50.03.003.4.e, Telecommunications Facilities, requirements relating to new telecommunication facilities.

3. COMMERCIAL – PERMITTED USES

d. Telecommunications Facilities

- i. See LOC 50.03.003.4.e.iii, Approval Criteria for Collocated Facilities, for requirements relating to permitted telecommunications facilities.

ATTACHMENT 2

50.04 DIMENSIONAL STANDARDS

50.04.001 Dimensional Table

2. RESIDENTIAL MEDIUM DENSITY ZONES

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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.

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ATTACHMENT 2

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 [6]	Comments/Additional Standards
DENSITY					50.04.001.3.b
Minimum	80% of max. [1]	80% of max. [1]	12 lots or units/acre [2]	20 lots or units/acre [2]	
Maximum (units/acre)	[3]	[3]	—	—	
///					
<p>[1] When subdivisions are proposed in the R-W and R-3 zones or multi-family development is proposed in the R-3 zone, the number of lots or dwelling units required shall be determined by dividing the net developable acre by the minimum lot size or units 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, Exceptions, Projections, and Encroachments.</p> <p>///</p> <p>[6] Site-specific dimensional standards see LOC 50.02.002.2.c.</p>					

ATTACHMENT 2

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 [20]	GC [20]	HC [20]	OC	EC	FMU	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											
Maximum	0.25:1 [2]	—	—	0.30:1	3.0:1	4.0:1 [16], [17]			—	1.0:1	<u>1.0:1</u> [19]—
Minimum	—	—	—	—	—	1.0:1 [15], [17]			—	—	—
LOT COVERAGE (%)											
///											
<p>[1] Standards in this table may be modified by the Lake Grove Village Center Overlay District.</p> <p>///</p> <p>[18] FMU State Street Height. For any area of a site that is located within 100 ft. of the centerline of State Street, the maximum height is 45 ft.</p> <p>[19] In the IPO, the minimum FAR for commercial self-storage is 1.5:1.</p> <p>[20] Site-specific dimensional standards see LOC 50.02.002.2.c.</p>											

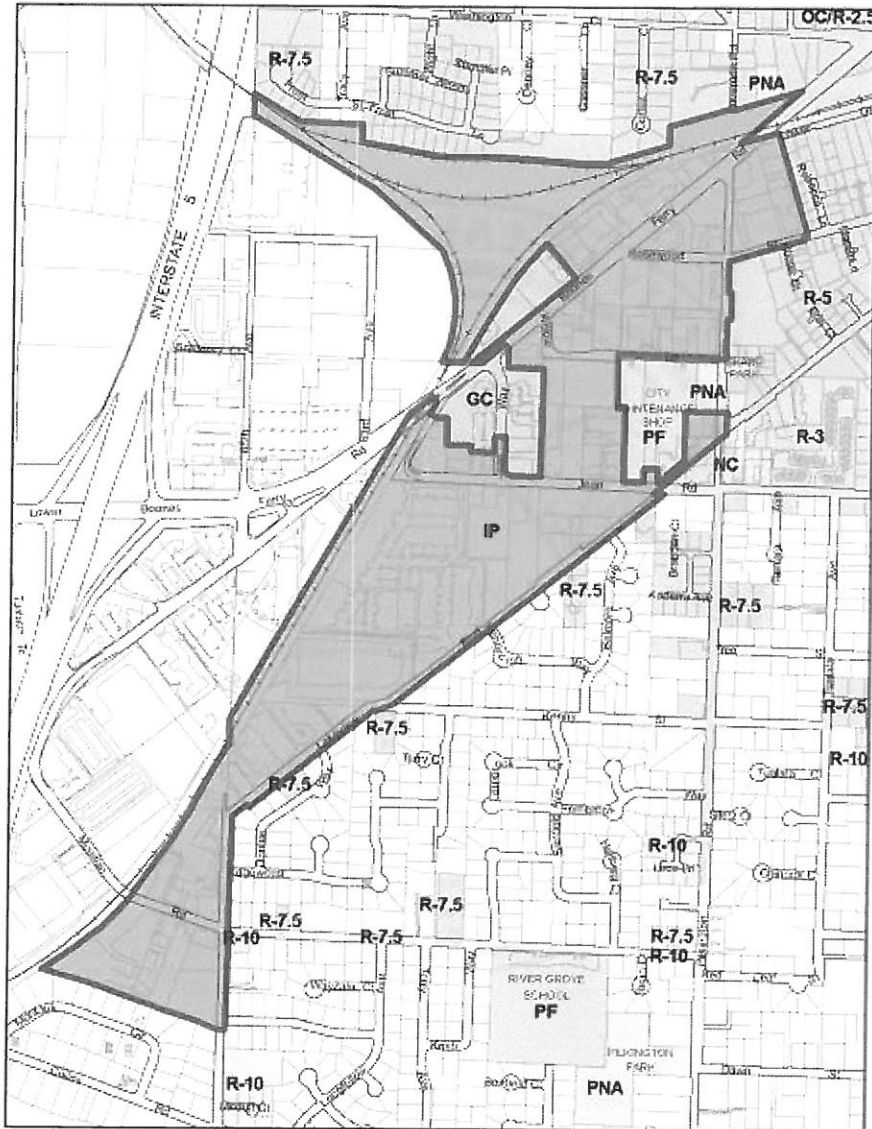
ATTACHMENT 2

c. Additional Standards and Exceptions

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



ATTACHMENT 2

50.05 OVERLAY AND DESIGN DISTRICTS

50.05.004 Downtown Redevelopment Design District

1. PURPOSE

The purpose of this section, the Downtown Redevelopment Design 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. 2579, Repealed and Replaced, 03/20/2012)

2. APPLICABILITY

Except as otherwise expressly provided below, the following developments within the Downtown Redevelopment Design District (shown in Figure 50.05.004-A) are subject to the requirements of this section:

Figure 50.05.004-A: Downtown Redevelopment Design District



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ATTACHMENT 2

9. PARKING REQUIREMENTS

Parking shall be designed to provide adequate space while preserving and enhancing the village character of Lake Oswego, through compliance with the following criteria:

a. Number of Spaces

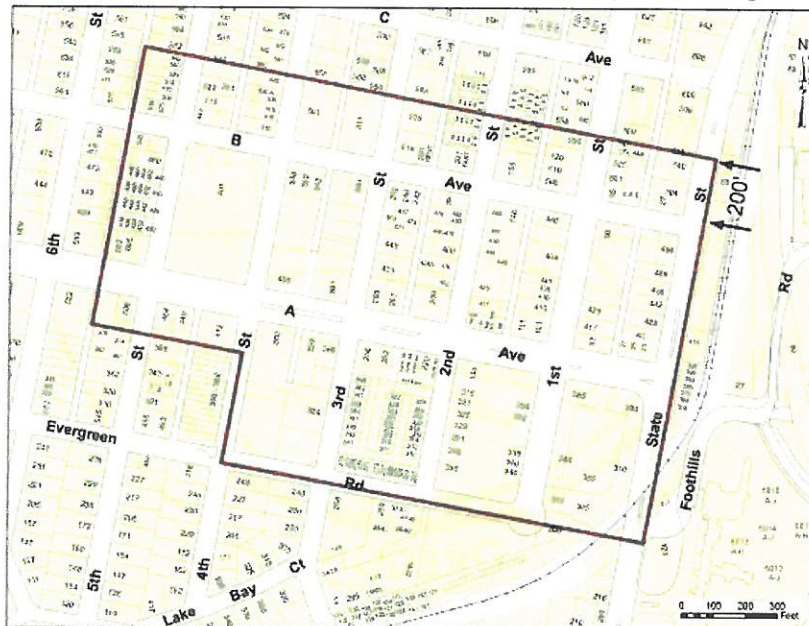
New uses shall provide the number of parking spaces required under the City of Lake Oswego Parking Standards (LOC 50.06.002), modified as follows:

///

vii. In the portion of the downtown shopping and business district shown on Figure 50.05.004-L: Downtown – No Additional Required Parking, below, no additional 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, and no parking is removed.

Figure 50.05.004-L: Downtown – No Additional Required Parking



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ATTACHMENT 2

50.05.005 West Lake Grove Design District

7. DESIGN STANDARDS FOR THE RESIDENTIAL TOWNHOME (WLG R 2.5) ZONE

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b. Design Elements

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- 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 sense of mass 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.

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ATTACHMENT 2

50.06 DEVELOPMENT STANDARDS

50.06.002 Parking

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.

///

v. Reduction for Parking Space Requirements

- (1) Parking space requirements shall 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 50.06.002-4 for reduction options.

TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS		
Types of Modification		Modification Requirements and Modifiers
///		
Downtown Redevelopment <u>Design District</u>		See below
Pedestrian and Bicycle Access (PA)		Commercial, Public and Industrial Uses
		100 or more residential units within 0.90 x 1,000 feet requirement
Downtown Redevelopment <u>Design District</u>		See below
Downtown Redevelopment <u>Design District</u>		0.75% x requirement
///		

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ATTACHMENT 2

50.06.004 Site Design

2. FENCES

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b. Location and Height

FMU Standards Note: If the below provisions address the same subject as provided in the Foothills Building and Site Design Standards, LOC 50.11.007, Appendix G, those standards shall supersede the below provisions.

///

- iv. Fences, walls, and retaining walls in nonresidential 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. in 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~~ seven ft. in height requires a building permit.

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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 a land division or lot~~ line adjustment 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.

///

8. OTHER DEVELOPMENT

///

- b. ~~Criteria for Approval for Subdivision, Partition Land Division 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 land division 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)~~ land division or lot line adjustment does not result in a landmark to be split into separate lots.
 - ii. The ~~subdivision, partition (minor or major)~~ land division, 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.

ATTACHMENT 2

- iii. Yard and landscaped areas including large trees and shrubs associated with the landmark shall be retained with the structure whenever possible.

50.07 REVIEW AND APPROVAL PROCEDURES

50.07.003 Review Procedures

3. PUBLIC NOTICE/OPPORTUNITY FOR PUBLIC COMMENT

a. Written and Posted Notice for Minor Development

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:

///

v. 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) If the application concerns a specific location, include a map identifying the subject site in relation to the nearby neighborhood and streets;
- (67) State that copies of all evidence relied on by the applicant are available for review, and that copies can be obtained at cost; and
- (78) 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.

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c. Notice for Initial Public Hearing for Minor and Major Development

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ATTACHMENT 2

iii. Except as otherwise provided in subsection 3.c.iv of this section, 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) If the application concerns a specific location, include a map identifying the subject site in relation to the nearby neighborhood and streets;
- (45) State the date, time and location of the hearing;
- (56) 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 hearing 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;
- (67) Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- (78) 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;
- (89) 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
- (910) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

///

13. MINISTERIAL DEVELOPMENT DECISIONS

a. Ministerial Development Classification

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ii. Ministerial Development Types

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(4) Lot line adjustments ~~which that: do not increase the allowable density on a site.~~

(a) Do not increase the allowable density on a site, and

(b) Do not involve a historic landmark site and are not located in an historic district.

ATTACHMENT 2

14. MINOR DEVELOPMENT DECISIONS

a. Minor Development Classification

///

ii. Minor development" under subsection a.i.(1) of this section includes:

///

(7) Lot line adjustments ~~which that would increase allowable density on the site.~~

(a) Increase allowable density on the site, or;

(b) Involve a historic landmark site or are located in an historic district.

16. LEGISLATIVE DECISIONS

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c. Required Notice to DLCDC

- i. Except as provided by subsections 16.c.ii and iii of this section, 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 (DLCDC) as required by OAR 660-018-0020 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 DLCDC 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' the required notice by OAR 660-018-0020~~ where the City determines an emergency exists requiring expedited review.
- iv. Not later than ~~five working days~~ 20 days following a final decision pursuant to subsections 16.c.i through iii of this section, the City shall ~~mail~~ provide a copy of the adopted text and the findings to the Director of DLCDC. If the text of the amendment as adopted differs substantially from that sent to the Director of DLCDC pursuant to subsection 16.c.i of this section, the City Manager shall note the changes that have been made in the notice to the Director of DLCDC. 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.

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ATTACHMENT 2

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.d, Notice for Legislative Hearing. Notice shall also be mailed at least ten days in advance to the Committee for Citizen Involvement, to all recognized Neighborhood Associations and to all persons who appeared either orally or in writing at the Planning Commission hearing. The notice shall include:

- (1) The time, date and place of the public hearing;
- (2) A brief description of the proposed legislative amendment; and
- (3) A phone number for obtaining additional information.

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~~ LOC 50.07.003.16.d.iv, Conduct of the Hearing, when conducting a legislative decision hearing.

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ATTACHMENT 2

50.08 VARIANCES

50.08.003 Design Variances

4. Downtown Redevelopment Design District ~~Design~~ Variance Criteria

The reviewing authority shall approve a variance to the design requirements in LOC 50.05.004.5 through 50.05.004.7 if it determines that the application meets criteria 3.a and 3.b above and the applicant demonstrates that the variance is necessary to create a complimentary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego Style.

ATTACHMENT 2

50.10 DEFINITIONS AND RULES OF MEASUREMENT

50.10.003 Definitions

Height, Fence

The height of a fence is determined by measuring the vertical distance from the down slope side of ~~finished~~ grade below the fence at any point along the fence to the highest horizontal surface, except vertical 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. For the purpose of measuring fence height, the reference point for grade shall be pre-existing grade, where the grade is raised before the fence is constructed; existing grade, where grade is unchanged; or lowered grade, where the grade at the fence is lowered. .

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 midpoint at the front lot line of the flag area.