

**ORDINANCE 2726**

**AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING THE EVERGREEN R-7.5 OVERLAY DISTRICT (LOC 50.05.002) TO PROHIBIT ADDITIONAL BUILDING HEIGHT ALLOWANCES AND MAKE CORRECTIONS; AND ADOPTING FINDINGS (LU 16-0042).**

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

WHEREAS, a public hearing before the Planning Commission was held on October 10, 2016, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 16-0042 be approved by the City Council; and

WHEREAS, a public hearing on LU 16-0042 was held before the City Council of the City of Lake Oswego on January 3, 2017, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Council finds that the Evergreen R-7.5 Overlay District code should be amended to further implement the policy direction in the adopted Evergreen Neighborhood Plan; and

WHEREAS, the Council finds that the Evergreen Neighborhood Plan calls for working to ensure that residential development occurs in a way that is compatible with the unique character of the Evergreen neighborhood, consisting primarily of ranch, Cape Cod, and craftsman/bungalow style homes that rarely exceed 1 1/2 stories or between 20-26 feet in height; and

WHEREAS, the Council finds that prohibiting additional height allowances for new construction in the Evergreen R-7.5 Overlay District will help to make new development compatible with this unique character; and

WHEREAS, the Council finds that the local street side yard setback requirement in the Evergreen R-7.5 Overlay District code (LOC 50.05.002.4.b) was later adopted into the R-7.5 zone citywide and is no longer needed in the overlay code.

The City of Lake Oswego ordains as follows:

**Section 1.** The City Council hereby adopts the Findings and Conclusions (LU 16-0042), attached as Attachment 1.

**Section 2.** The Lake Oswego Code is hereby amended by adding the new text shown in underlined type and deleting text shown in ~~strikethrough~~ type in Attachment 2, dated November 14, 2016.

**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 Lake Oswego City Council of the City of Lake Oswego held on the 3<sup>rd</sup> day of January, 2017.


AYES: Mayor Studebaker, Manz, Gudman, LaMotte, Kohlhoff, Buck, O'Neill

NOES: None

ABSENT: None

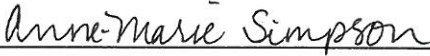
ABSTAIN: None

EXCUSED: None


  
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Kent Studebaker, Mayor

Dated: January 4, 2017

ATTEST:

  
\_\_\_\_\_  
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

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

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAKE OSWEGO

A REQUEST FOR LEGISLATIVE TEXT  
AMENDMENTS TO THE EVERGREEN R-7.5  
OVERLAY DISTRICT CODE, LOC 50.05.002

LU 16-0042  
CITY OF LAKE OSWEGO  
FINDINGS & 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 to the Evergreen R-7.5 Overlay District code (LOC 50.05.002) to disallow the additional building height allowances of LOC 50.04.001.1.g.ii in the overlay district. This code amendment was requested by the Evergreen Neighborhood Association and is intended to help implement the residential character objectives of the Evergreen Neighborhood Plan.

**HEARINGS**

The Planning Commission held a public hearing and considered this application on October 10, 2016. The Commission adopted its Findings, Conclusions and Oder recommending approval of LU 16-0042 on November 14, 2016.

The City Council held a public hearing and considered the Planning Commission's recommendation on January 3, 2017.

**CRITERIA AND STANDARDS**

A. Any Applicable State Law

Oregon Revised Statute 197.307: Approval Standards for Certain Housing in Urban Growth Areas

1 B. City of Lake Oswego Comprehensive Plan

2 Land Use Planning Goal:

3 Development (Community Development Code)

4 Policy A-1.b

5 Policy A-1.d

6 Design Standards and Guidelines

7 Policy C-1.a

8 Policy C-3

9 Policy C-5

10 Land Use Administration

11 Policy D-1

12 Policy D-3

13 Policy D-4

14 Community Culture Goal:

15 Civic Engagement

16 Policy 1

17 Policy 2

18 Inspiring Spaces and Places Goal:

19 Goal 1

20 Policy 1.a

21 Policy 7

22 C. City of Lake Oswego Community Development Code

23 LOC 50.07.003.3.c. Published Notice for Legislative Hearing

24 LOC 50.07.003.16a Legislative Decisions Defined

25 LOC 50.07.003.16b Criteria for Legislative Decision

26 LOC 50.07.003.16c Required Notice to DLCD

LOC 50.07.003.16.d.iii Planning Commission Recommendation Required

LOC 50.07.003.16.e City Council Review and Decision

1 **FINDINGS AND REASONS**

2 The City Council incorporates the staff report dated September 29, 2016, and the  
3 Council Report dated December 20, 2016, with all exhibits, together with the Findings,  
4 Conclusions & Order of the Planning Commission, as support for its decision.

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6 **CONCLUSION**

7 The City Council concludes that LU 16-0042, as recommended by the Planning  
8 Commission, complies with all applicable criteria and should be approved. The Council also  
9 concludes that proposed Ordinance 2726, which implements LU 16-0042, should be enacted.

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**Code Amendments  
November 14, 2016**

**NOTE:** New text is shown in double underline, and deleted text is shown in ~~strikethrough~~.

**50.05.002 EVERGREEN R-7.5 OVERLAY DISTRICT**

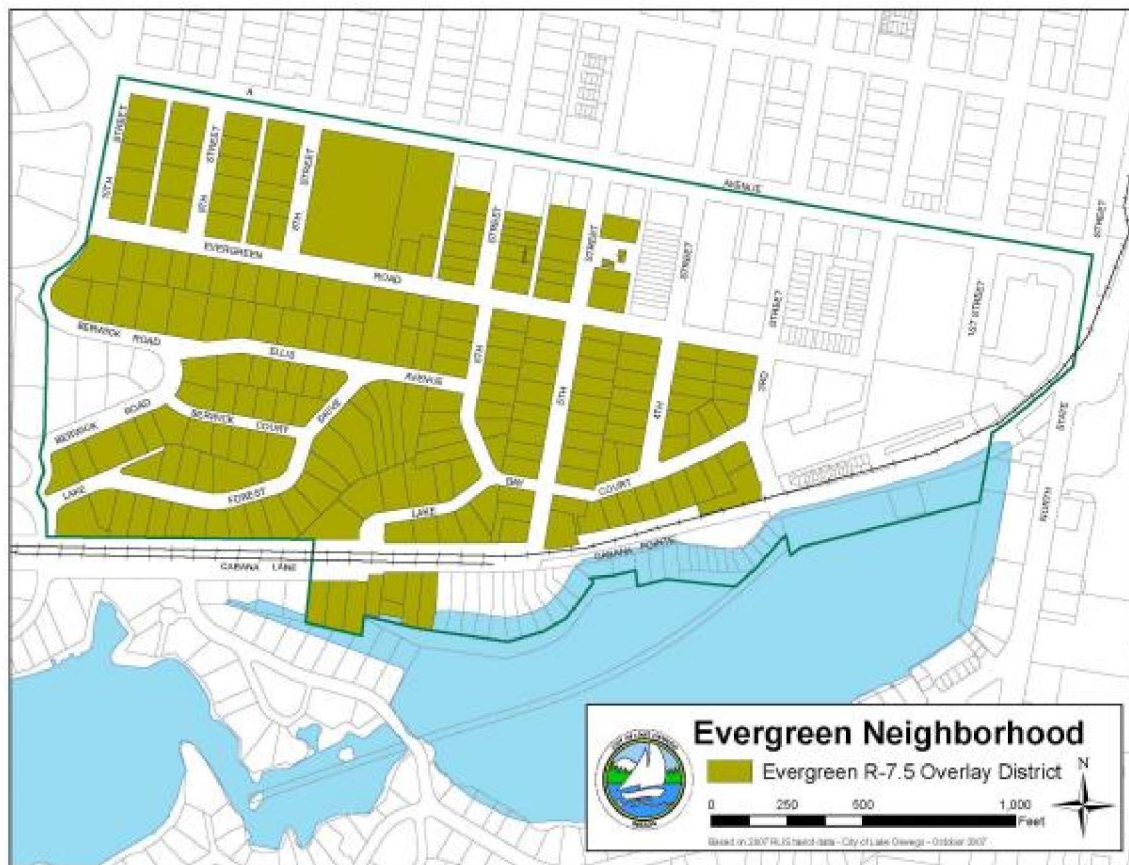
**1. PURPOSE**

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.

**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.

**Figure 50.05.002-A: Evergreen R-7.5 Overlay Boundaries**



### 3. RELATIONSHIP TO OTHER DEVELOPMENT STANDARDS

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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.

### 4. DIMENSIONS AND DEVELOPMENT STANDARDS

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#### 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. Boathouses are exempt from this requirement.

#### b. Yard Setbacks

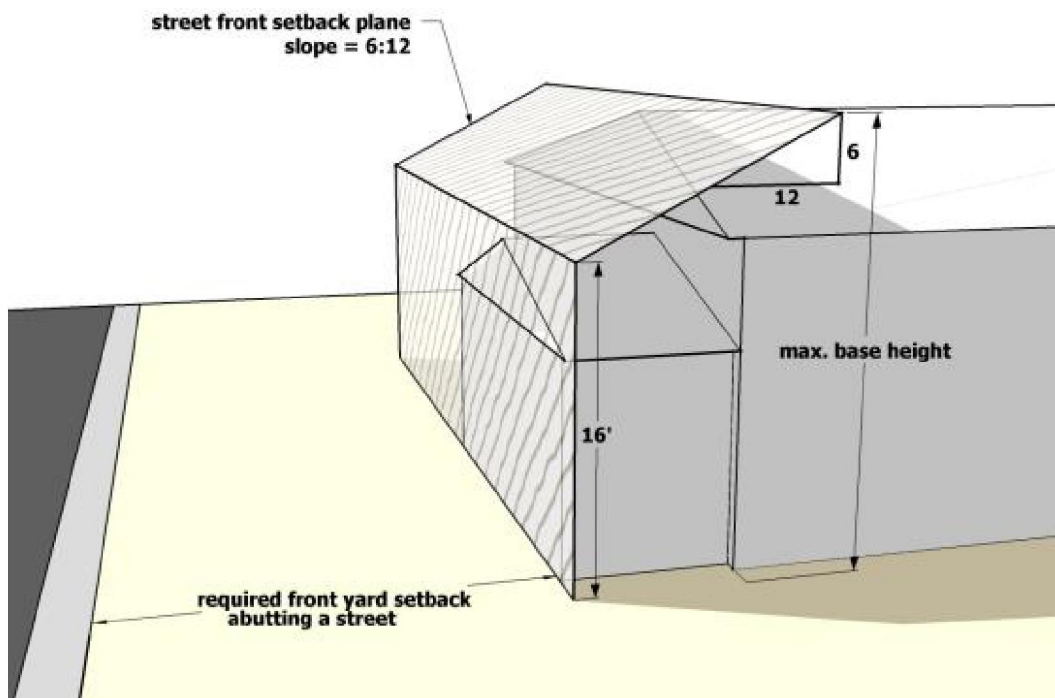
The side yard setback adjacent to a street for portions of any structure that exceed 16 ft. in height shall be 25 ft. on arterial and collectors ~~and 15 ft. on local streets.~~

#### 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.

**d. Height – Additional Standards**

**The additional height allowed in the R-7.5 zone pursuant to LOC 50.04.001.1.g.ii is not permitted in the Evergreen R-7.5 Overlay District.**