

ORDINANCE 2754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) TO CLARIFY AND UPDATE THE CRITERIA FOR DESIGN VARIANCES IN THE DOWNTOWN REDEVELOPMENT DESIGN (DRD) DISTRICT (LU 17-0039).

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 July 24, 2017, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that this Ordinance, based on the record of LU 17-0039, be approved by the City Council; and

WHEREAS, the amendment implements City Council direction to facilitate downtown redevelopment consistent with adopted plans, and to reduce unnecessary costs and delays in the development review process; and

WHEREAS, the amendment to the Community Development Code is consistent with the Lake Oswego Comprehensive Plan, and complies with the other criteria stated in the staff report; and

WHEREAS, a public hearing on LU 17-0039 was held before the City Council of the City of Lake Oswego on September 5, 2017, at which the staff report, testimony, and evidence were received and considered.

The City of Lake Oswego ordains as follows:

Section 1. The City Council adopts the Findings and Conclusions (LU 17-0039), attached as Attachment 1.

Section 2. The Lake Oswego Code is amended by adding the new text shown in **underlined** type and deleting text shown in ~~striketrough~~ type in Attachment 2.

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.

Section 4. Effective Date. As provided in Section 35C of the Lake Oswego Charter, this ordinance shall take effect on the thirtieth (30th) day following enactment.


Enacted at the regular meeting of the City Council of the City of Lake Oswego held on the 5th day of September 2017.

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

NOES: None

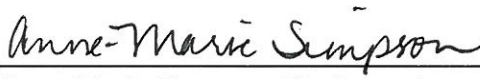
ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

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

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6 A REQUEST FOR A LEGISLATIVE TEXT) LU 17-0039 - 1921
7 AMENDMENT TO THE COMMUNITY) (*CITY OF LAKE OSWEGO*)
8 DEVELOPMENT CODE, CLARIFYING) FINDINGS AND CONCLUSIONS
9 AND UPDATING THE DESIGN VARIANCE)
10 CRITERIA FOR DEVELOPMENTS IN THE)
11 DOWNTOWN REDEVELOPMENT DESIGN (DRD))
12 DISTRICT

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14 NATURE OF APPLICATION

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16 This is a legislative amendment to the Community Development Code to clarify and update the
17 design variance criteria for developments in the Downtown Redevelopment Design (DRD)
18 District. The proposal amends LOC 50.08.003.3 and 50.08.003.4.

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20 HEARINGS; COMMISSION RECOMMENDATION

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22 The Planning Commission held a public hearing and considered this application on July 24,
23 2017. On August 14, 2017, the Commission adopted Findings Conclusions and an Order
24 recommending that the City Council approve the application. On September 5, 2017, the City
25 Council held a public hearing and considered the application and the Planning Commission's
26 recommendation.

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28 CRITERIA AND STANDARDS

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30 A. City of Lake Oswego Comprehensive Plan

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32 **Land Use Planning Goal:**

33 **Development (Community Development Code)**

34 Policies A-1.b, A-1.g, A-1.i, and A-3

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36 **Design Standards and Guidelines**

37 Policies C-1.a and C-3

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39 **Community Culture Goal:**

40 **Civic Engagement**

41 Policies 1

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43 **Inspiring Places and Spaces, Goal 1:**

1 Policies 1.b, 2, and 7-9

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4 B. Metro Urban Growth Management Functional Plan

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6 Title 6: Centers, Corridors, Station Communities and Main Streets, Metro Code Section
7 3.07.620

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9 C. State Transportation Planning Rule

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11 OAR 660-012-0060 Plan and Land Use Regulation Amendments

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13 D. City of Lake Oswego Community Development Code

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15 LOC 50.07.003.3.c. Published Notice for Legislative Hearing
16 LOC 50.07.003.16a Legislative Decisions Defined
17 LOC 50.07.003.16b Criteria for Legislative Decision
18 LOC 50.07.003.16c Required Notice to DLCD
19 LOC 50.07.003.16.d.iii Planning Commission Recommendation Required
20 LOC 50.07.003.16.e City Council Review and Decision

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22 E. Metro Urban Growth Management Functional Plan

23 Title 4: Protection of Employment Areas, Metro Code Section 3.07.440

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25 F. Transportation Planning Rule

26 OAR 660-012-0060 Plan and Land Use Regulation Amendments

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29 FINDINGS AND REASONS

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31 As findings supporting its decision, the City Council incorporates the staff report, dated July 13,
32 2017, for LU 17-0039 (with all exhibits) the Planning Commission's Findings, Conclusions and
33 Order dated August 14, 2017, and the staff Council Report dated August 22, 2017 (with all
34 exhibits). To the extent they are consistent with the approval granted herein, the Council
35 adopts by reference its oral deliberations on this matter.

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37 CONCLUSION

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39 The City Council concludes that LU 17-0039 complies with all applicable criteria and should be
40 approved, and that Ordinance 2754, which implements LU17-0039, should be enacted.

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50.08.003 DESIGN VARIANCES

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3. GENERAL DESIGN VARIANCE CRITERIA

The reviewing authority shall only approve a design variance if it determines that the following criteria have been met.

- a. The applicant demonstrates that:
 - i. Compliance with the applicable standard is not practicable due to the physical characteristics of the site or existing structure; or
 - ii. An alternative design will better accomplish the purposes, goals, or objectives of the base district and any adopted plan or overlay district applicable to the property.
- b. The applicant demonstrates that the proposed variance will:
 - i. Result in a project that is exceptional in the quality of detailing, appearance and materials; or
 - ii. Create a positive unique relationship to other nearby structures, views or open space; ~~or~~
 - iii. If in the DRD (within R-2 only), the variance is necessary to create a complementary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego style.

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4. DOWNTOWN REDEVELOPMENT DESIGN DISTRICT VARIANCE CRITERIA, EXCEPT WITHIN R-2

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:

- a. At least one of the criteria in subsections i. through v.:
 - i. The variance is necessary to create a complementary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego style;
 - ii. Compliance with the applicable standard is not practicable due to the physical characteristics of the site or existing structure;
 - iii. The variance is necessary to allow a unique building function of a permitted use in the zone;
 - iv. The variance is necessary to allow one or more of the following features where the feature exceeds the minimum requirements of LOC Ch. 50 and other city regulations:

- (1) renewable energy production (solar, geothermal, or wind);
- (2) enhanced indoor air quality;
- (3) use of daylight for interior lighting;
- (4) protection of views of Lakewood Bay or Mount Hood;
- (5) acoustic building performance;
- (6) water efficiency, such as rainwater harvesting;
- (7) increased seismic resiliency; or

v. The alternative design better accomplishes the objectives of East End Redevelopment Plan or the objectives and principles of the Urban Design Plan.

b. And the variance:

- i. Results in a project that is exceptional in the quality of detailing, appearance and materials; and
- ii. Creates a positive unique relationship to other nearby structures, views or open space, and streetscapes.

a. ~~The general design variance criteria in LOC 50.08.003.3.a and LOC 50.08.003.3.b; or~~

b. ~~The applicant demonstrates that the variance is necessary to create a complementary relationship with a viable existing structure on an abutting lot that is not designed in the Lake Oswego style.~~

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