

ORDINANCE 2766

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING LOC 50.03.004.2 OF CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF STANDARDIZING SETBACKS FOR NOISE-PRODUCING ACCESSORY STRUCTURES IN RESIDENTIAL ZONES; AND ADOPTING FINDINGS (LU 17-0066).

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 November 27, 2017, and January 8, 2018, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 17-0066 be approved by the City Council; and

WHEREAS, a public hearing on LU 17-0066 was held before the Lake Oswego City Council on February 6, 2018, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Council finds that the Community Development Code should be amended to standardize setbacks for noise-producing accessory structures in residential zones; and

The City of Lake Oswego ordains as follows:

Section 1. The City Council adopts the Findings and Conclusions (LU 17-0066), attached as Attachment 1.

Section 2. The Lake Oswego Code is amended by adding the new text shown in double underlined type and deleting text shown in ~~striketrough~~ type as shown 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 by Section 35.C. of the Lake Oswego Charter, this ordinance shall take effect on the 30th day following enactment.

Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 6th day of February, 2018.


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

NOES: None

ABSENT: None

ABSTAIN: None

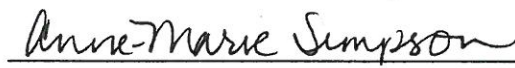
EXCUSED: None



Kent Studebaker, Mayor


Dated: February 9, 2018

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney

1 BEFORE THE CITY COUNCIL
2 OF THE CITY OF LAKE OSWEGO

3 A REQUEST FOR AMENDMENTS TO THE LU 17-0066
4 COMMUNITY DEVELOPMENT CODE FOR THE CITY OF LAKE OSWEGO
5 PURPOSE OF STANDARDIZING SETBACKS FOR FINDINGS AND CONCLUSIONS
6 NOISE-PRODUCING ACCESSORY STRUCTURES.

6 **NATURE OF PROCEEDINGS**

7 This matter came before the Lake Oswego City Council on the recommendation of the
8 Planning Commission for legislative amendments to the Community Development Code (CDC)
9 to standardize setbacks for noise-producing accessory structures. The proposed amendments
10 are to LOC 50.03.004.2 – Accessory Structures

11 **HEARINGS**

12 The Planning Commission held a public hearing and considered this application at its
13 meeting on January 8, 2018. The Commission adopted its Findings, Conclusion and Order
14 recommending approval of LU 17-0066 on January 22, 2018.

15 The City Council held a public hearing and considered the Planning Commission’s
16 recommendation on February 6, 2018.

18 **CRITERIA AND STANDARDS**

19 A. City of Lake Oswego Comprehensive Plan:

- 20 Community Culture – Civic Engagement, Policies 1 and 2
- 21 Land Use Planning – Development (Community Development Code), Policies A-3 and A-
- 22 1(b)
- 23 Land Use Planning - Land Use Administration, Policy D-1
- 24 Inspiring Spaces and Places – Goal 1, Policy 1.a

24 B. City of Lake Oswego Community Development Code:

- | | |
|------------------------------|--|
| 25 LOC 50.07.003.3.c | Published Notice for Legislative Hearing |
| 26 LOC 50.07.003.16.a | Legislative Decisions Defined |
| LOC 50.07.003.16.b | Criteria for Legislative Decision |
| LOC 50.07.003.16.c | Required Notice to DLCD |

1 LOC 50.07.003.16.d
2 LOC 50.07.003.16.e

 Planning Commission Recommendation Required
 City Council Review and Decision

3 **FINDINGS AND REASONS**

4 The City Council incorporates the staff reports dated December 27, 2017 and January
5 25, 2018 for LU 17-0066, with all exhibits, and the Findings and Reasons in the Planning
6 Commission’s January 22, 2018 Findings, Conclusions and Order, as support for the City
7 Council’s decision.

8 **CONCLUSION**

9 The City Council concludes that LU 17-0066, as recommended by the Planning
10 Commission, complies with all applicable criteria and should be approved. The Council also
11 concludes that proposed Ordinance 2766, which implements LU 17-0066, should be enacted.

50.03.004 Accessory Structures and Uses

2. ACCESSORY STRUCTURES

a. Structure Specific Regulations

i. Pool Covers and Equipment:

(1) Pool covers shall not exceed 15 ft. in height.

(2) Pool equipment shall be located within an enclosed structure.

ii. "Parabolic antennas" that have a diameter greater than 40 in. 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 Districts, boathouses and docks along Oswego Lake and its canals may be placed on a property line.

iv. Residential hHeat pumps, air conditioners or similar noise-producing mechanical equipment shall meet the required front setbacks of the zone. Notwithstanding the side and rear setbacks of the zone, the equipment shall be set back from the side, street side and rear property lines as follows:

Interior Side Yard: _____ 5 ft.

Street Side Yard, Local Street: _____ 10 ft.

Street Side Yard, All Other: _____ 15 ft.

Rear: _____ 10 ft.

b. Reduction of Side or Rear Yard Setbacks for Accessory Structures

i. **Regular Lot.** On a nonflag lot, a rear yard setback may be reduced to three ft. and a side yard setback may be reduced to five ft. for an accessory structure in a residential zone if the structure complies with the following criteria:

(1) The accessory structure is erected more than 40 ft. from any street. For the purposes of this subsection, 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) For an accessory structure greater than four ft. in height, the accessory structure is detached from other buildings by three ft. or more.
 - (3) The accessory structure does not exceed a height of ten ft. nor an area of 600 sq. ft. footprint.
- ii. **Flag Lots.** A side or rear yard setback may be reduced to six ft. on a flag lot when the criteria in subsections 2.b.i(1) through (3) of this section are met.
- iii. The setback exception authorized by subsection 2.b.i or 2.b.ii of this section does not apply to:
 - (1) Setbacks required by LOC [50.04.002](#), Special Street Setbacks;
 - (2) Noise-producing accessory structures such as heat pumps, air conditioners, swimming pool motors, etc.;
 - (3) Lot is zoned R-6;
 - (4) Accessory structures used as secondary dwelling units.

[**Cross-Reference:** LOC [50.04.001.2.e.ii](#) – R-6 Yard Setback Standards.]