

ORDINANCE 2783

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE) FOR THE PURPOSE OF CLARIFYING AND UPDATING VARIOUS PROVISIONS (2018), INCLUDING SETBACKS ON THROUGH LOTS, TREE TERMINOLOGY FOR THE LAKE GROVE VILLAGE CENTER OVERLAY, COURTYARD DIMENSIONS IN THE DOWNTOWN REDEVELOPMENT DESIGN DISTRICT, AND DETACHED DEFINITION; AND ADOPTING FINDINGS (LU 18-0007).

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

WHEREAS, public hearings before the Planning Commission were held on March 12 and April 23, 2018, at which the staff report, staff memo, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 18-0007 be approved by the City Council; and

WHEREAS, a public hearing on LU 18-0007 was held before the Lake Oswego City Council on June 5, 2018, at which the staff report, staff memo, testimony, and evidence were received and considered; and

WHEREAS, the Council finds that the Community Development Code should be amended update and clarify the identified standards; and

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 18-0007), attached as Attachment 1.

Section 2. The Lake Oswego Code, Chapter 50 (Community Development Code) is hereby amended by deleting the text shown by ~~striketrough~~ 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, that decision shall not affect the validity of the remaining portions of this ordinance.

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


Enacted at the meeting of the City Council of the City of Lake Oswego held on the 19th day of June, 2018.

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

NOES: None

ABSTAIN: None


EXCUSED: None



Kent Studebaker, Mayor


Dated: June 20, 2018

ATTEST:



Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

1 meetings on March 12 and April 23, 2018. The Commission adopted its Findings, Conclusion
2 and Order recommending approval of LU 18-0007 on May 14, 2018.

3 The City Council held a public hearing and considered the Planning Commission’s
4 recommendation on June 5, 2018.

5

6 **CRITERIA AND STANDARDS**

7 A. City of Lake Oswego Comprehensive Plan:

8 Community Culture – Civic Engagement, Policies 1, 2, 4 and 5
9 Land Use Planning – Land Use Administration, Policy D
Inspiring Spaces and Places: Goal 1, Policy 7

10 B. City of Lake Oswego Community Development Code:

11	LOC 50.07.003.3.c	Published Notice for Legislative Hearing
12	LOC 50.07.003.16.a	Legislative Decisions Defined
13	LOC 50.07.003.16.b	Criteria for Legislative Decision
14	LOC 50.07.003.16.c	Required Notice to DLCD
15	LOC 50.07.003.16.d	Planning Commission Recommendation Required
16	LOC 50.07.003.16.e	City Council Review and Decision

17 **FINDINGS**

18 The City Council incorporates the staff report dated March 2, 2018 and the staff memo
19 dated May 23, 2018 for LU 18-0007, with all exhibits, and the Findings and Reasons in the
20 Planning Commission’s May 14, 2018 Findings, Conclusions and Order, as support for the City
21 Council’s decision. The City Council finds that the recommended code amendments should be
22 clarified by changing the references to “regular mail” in in LOC 50.07.003.1.f.iv(1) and
23 50.07.003.3.a.iv to “first class mail.”

24 **CONCLUSION**

25 The City Council concludes that LU 18-0007 as recommended by the Planning
26 Commission, with the modifications specified in the above findings, complies with all applicable
criteria and should be approved. The Council also concludes that proposed Ordinance 2783,
which implements LU 18-0007, should be enacted.

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	
////////////////////	
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
<u>Southwest Overlay District</u>	<u>SWO</u>
Overlay Districts – Resource Specific	
Greenway Management Overlay District	GM
Sensitive Lands Overlay	
Resource Conservation (Tree Groves)	RC
Resource Protection (Streams and Wetlands)	RP
Habitat Benefit Area (Tree Groves)	HBA
Flood Management Area	FMA

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 zone, 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. Uses accessory to a permitted use are allowed regardless of whether they are listed separately in the use table.

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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 A = Accessory Use																		
[x] Table notes located at the end of the table																		
Use Category	Use Type	Commercial, Mixed Use, Industrial												Special Purpose			Use-Specific Standards	
		NC [8] [9]	GC	HC [9]	O C [8] [1]	EC [8]	CR& D	M C	WLG [4] O C RM R- C U 2.5			FM U [4], [7]	I	IP [5]	C I	PF [3] [1]		PN A
RESIDENTIAL USES																		
////////////////////																		
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facility	Cemetery															C		
	Community garden	P/C [10]	P/C [10]															
	Community institutions		P [10]	P	P	P	P	P					P		[5]	P		
Day Care	Day care centers	P	P	P	P	P	P	P	P				P					
	<u>Certified or registered</u> family child care home	P	P	P	P	P	P	P	P	P	P	P	P	P				

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

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

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

Use Category	Use Type	Commercial, Mixed Use, Industrial												Special Purpose			Use-Specific Standards	
		NC [8] [9]	GC	HC [9]	OC [8] [1]	EC [8]	CR& D	MC	WLG [4]			FM U [4], [7]	I	IP [5]	C I	PF [3] [1]		PN A
									OC	RM U	R- 2. 5							
Education	Educational institutions, private	C	P			P						P			P			50.03.003.5.f
Health Care Facilities	Ambulance services	P	P			P								P	P			
	Hospitals		P [10]]			P												
	Medical and dental clinic or laboratory	P	P	P	P	P	P	P	P	P		P	P	P				50.03.003.6.n
Public Facilities/Utilities	Major	C	P	P	P	P	P	P	C	C	C	P	P	P	C	C	P/C	50.03.003.5.c. 50.03.003.5.d
	Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50.03.003.5.b. 50.03.003.5.d
	Telecommunication facilities, new								C	C	C					C	C	50.03.003.5.g
	Telecommunication facilities, collocated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50.03.003.5.g
COMMERCIAL USES												[6]						50.03.003.6

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- [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] Attached townhomes only.
- [3] Wholly conducted within an enclosed structure.
- [4] No drive-through businesses are allowed in the West Lake Grove Design District or FMU zone.
- [5] In the portion of the IP zone depicted on Figure 50.03.003-B, additional permitted uses are: community institution, personal services, commercial recreational facility < 5,000 sq. ft. gross floor area, and retail ≤ 35,000 sq. ft. gross floor area subject to use-specific limitations in LOC 50.03.003.6. Additional conditional uses are: Pet day care partially conducted outside during daytime hours.

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

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

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

Use Category	Use Type	Commercial, Mixed Use, Industrial											Special Purpose			Use-Specific Standards		
		NC [8] [9]	GC	HC [9]	O C [8] 1	EC [8]	CR& D	M C	WLG [4]			FM U [4], [7]	I	IP [5]	C I		PF [3] 1	PN A
									O C	RM U	R- 2. 5							
		<p>[6] Outright permitted use if the gross floor area and exterior display area is 5,000 sq. ft. or less; conditional use if the gross floor area and exterior display is more than 5,000 sq. ft.</p> <p>[7] FMU uses allowed only if the primary building on site was constructed after January 17, 2013.</p> <p>[8] If lot has multiple zones, e.g., R-0/EC, see LOC 50.02.002.2.e.</p> <p>[9] Site-specific use limitations, see LOC 50.02.002.2.c.</p> <p>[10] In the GC-zoned area in the vicinity of Jean Way and Boones Ferry Road, as depicted on Figure 50.03.003-C, the following uses are not permitted: residential, congregate housing, community institution, residential care housing, community garden, hospitals, mortuaries, bars, drive-through restaurants, hotels, commercial recreational facilities, theaters, auto and light vehicle rental and sales, auto service station, car wash, and parking facilities (primary use).</p> <p>Editor's note: Italicized text is added for reader's convenience. It will be proposed for adoption in a future code update.</p>																

50.03.003 USE-SPECIFIC STANDARDS

1. RESIDENTIAL

5. STANDARDS FOR PUBLIC, INSTITUTIONAL AND CIVIC USES

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c. 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.

d. Park, Public

- i. Parks are a permitted use in the PNA zone, except activities defined as ‘major park improvements’ shall be allowed by conditional use only.
- ii. [Uses authorized under a Parks Master Plan are permitted uses.](#)

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50.03.005 TEMPORARY STRUCTURES AND USES

Temporary structures and uses are permitted only as follows:

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.

- a. "Saturday Market" type sales of produce from temporary sales shelters (including vehicles) subject to the following standards:
 - (i) Weekends: From 8:00 a.m. to 4:00 p.m. on Saturdays and 1:00 p.m. to 5:00 p.m. on Sundays.
 - (ii) Weekdays: On one designated weekday from 8:00 am to 4:00 pm.
 - (iii) Special Event Permit: Subject to obtaining a special event permit pursuant to LOC 20.06.500.
 - (iv) Products:- The type of products sold may include additional products, such as art, crafts, and food for consumption at the market, so long as such nonproduce sales are secondary to the market's sale of produce.
 - (v) Location: ~~Such market sales "Saturday Market" uses are allowed only in non-residential zones within the following districts and overlays and may occur one at the same time in each district or overlay: Downtown Redevelopment Design District (see Figure 50.05.004-A), Lake Grove Village Center Overlay (see Figure 50.05.007-A) or Southwest Overlay District (see Figure 50.05.008-A).~~ 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 IP zone
 - (vi) Parking: ~~Markets 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.
 - (vii) Clean-Up: All produce and debris will be removed at the end of the business day.

Figure 50.03.005-A: East End Commercial District

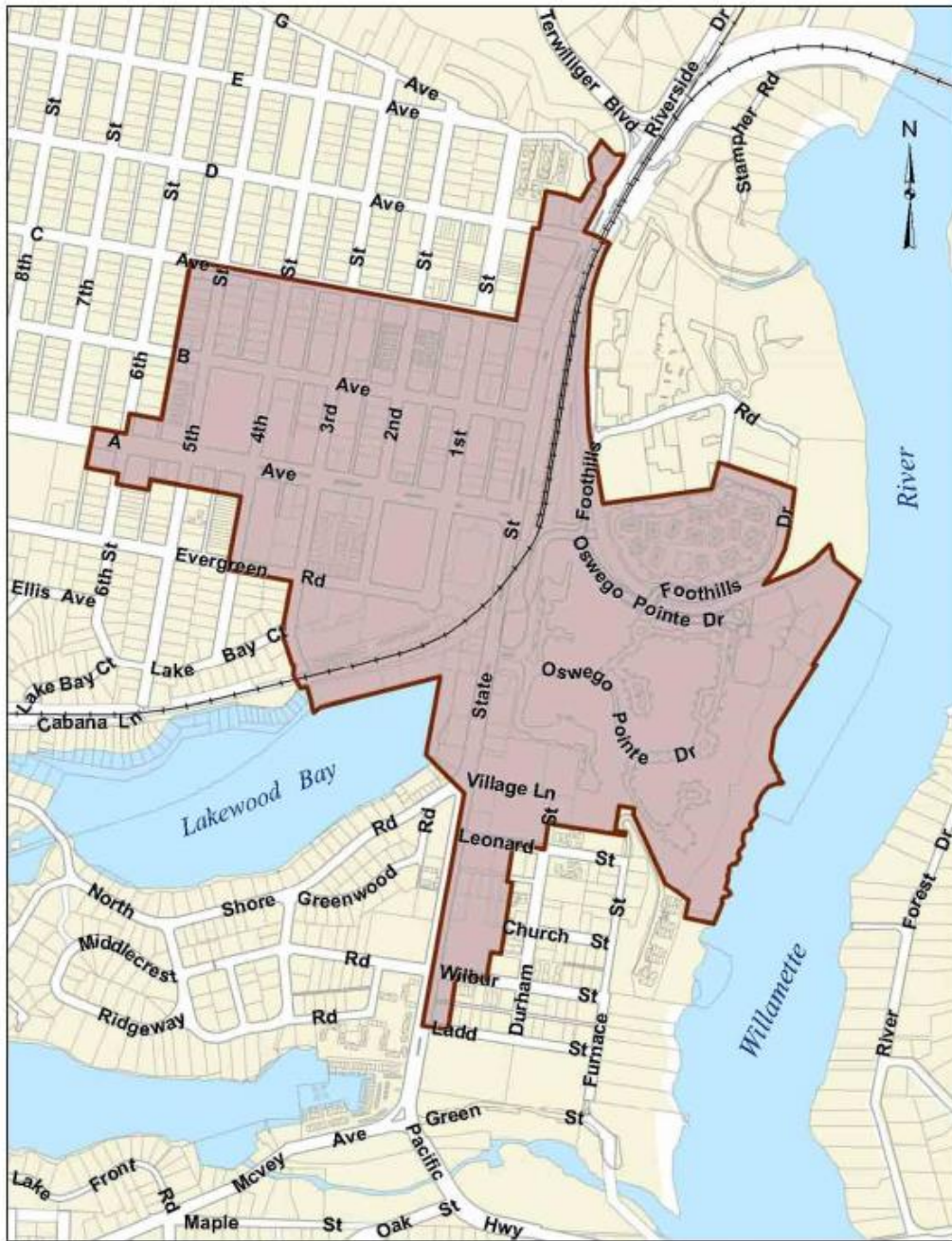


Figure 50.03.005-B: West End Commercial District Lake Grove Village Center Overlay



- b. Fairs, carnivals, and other similar major public gatherings, and nonsubstantial structures* for uses related thereto, not to exceed 30 days in any 12-month period, and subject to [the “Saturday Market” criteria above regarding Special Event Permit, location, and clean-up](#). Major public gatherings shall have sufficient parking on site or shall arrange to utilize the parking areas of an adjacent business and/or provide a shuttle service from remote parking lots 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 nonsubstantial 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.

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

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

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b. Through Lots

Unless the prevailing front yard pattern on [abutting lots on the same block face 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.

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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.

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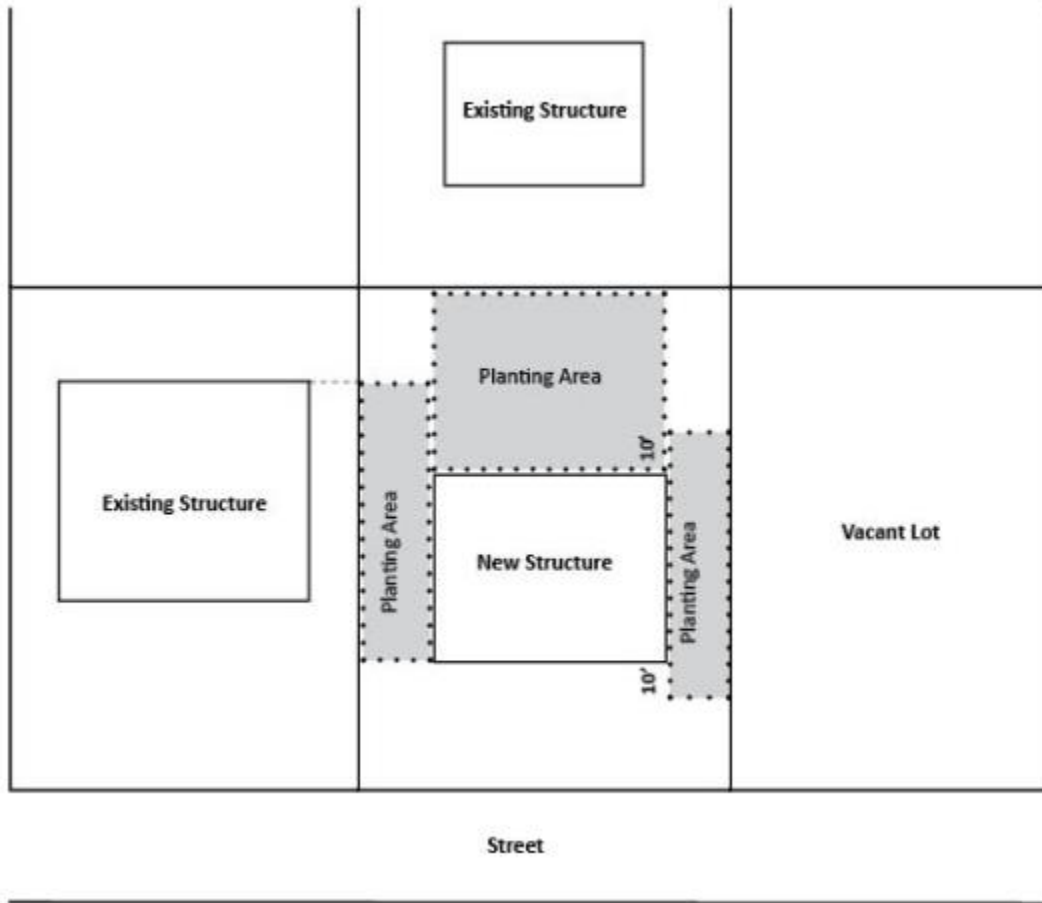
5. PLANTINGS AND BUFFERING

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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 subsection 5.b.iii of this section.~~
- 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;
 - (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.~~

50.05.004 DOWNTOWN REDEVELOPMENT DESIGN DISTRICT

1. PURPOSE

The purpose of this section, the Downtown Redevelopment Design District, 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.

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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 50.08.005003.

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8. LANDSCAPING AND SITE DESIGN REQUIREMENTS

a. Purpose. Landscaping shall be designed to enhance building design, enhance public views and spaces, define the street, provide buffers (screening) and transitions, and provide for a balance between shade and solar access.

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c. Style and Design.

i. Landscaping shall be coordinated with the building design so that landscaping complements the building design. Landscape design shall incorporate elements such as iron/steel plant balconies, metal fences, railing and gates, masonry walls, window boxes, hanging plant brackets and other similar features that complement the character of the building design.

- ii. Landscaping may be placed in pots, raised planters, or flower boxes.
- iii. Courtyards visible from the public street shall be provided on new commercial, multi-family and residential mixed use structures along any facade greater than 200 ft. Courtyards Required courtyards shall be at least 225 sq. ft. in area with no single dimension less than 15 ft. and shall contain landscaping or features that complement the design of the building and the surrounding structures and landscaping. Courtyard amenities, including art or fountains, may be required as part of the design by the reviewing authority.
- iv. Landscaping design shall be compatible with abutting or adjacent properties and shall consider the relationship of plantings, site furnishings and materials on those properties and the proposed site.

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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:

- ~~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 0.75 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 0.9 of the total spaces required after all other adjustments are made pursuant this section.~~
- ~~ii. 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.

iiiv. 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.

iiivi. Existing on-street parking along the property frontage shall be used to calculate parking requirements.

iiivii. 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:

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13. CLEAR AND OBJECTIVE HOUSING STANDARDS FOR APPROVAL

a. Purpose

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g. Landscaping and Site Design Requirements

i. Purpose

The following standards are intended to ensure that landscaping and site design elements help create a "village character" by providing high-quality landscape elements. Landscaping should be designed to enhance building design, enhance public views and spaces, define the street, provide buffers (screening) and transitions, break up scale and proportion, and provide for a balance between shade and solar access.

ii. Amount of Landscaping Required

(1) Landscaping on the site, visible from the ground, shall comply with the following amounts:

- (a) Residential and live/work: 15% of the lot.
- (b) Nonresidential development: 10% of the lot.

(2) Vines on espaliers shall be placed along at least one building wall.

(3) In addition to the landscaping required in subsection 8.b.i of this section, landscaping for screening and buffering shall be required:

- (a) To screen public or private utility and storage areas and parking lots.
- (b) As a separation between dissimilar uses.

iii. Style and Design

- (1) Landscaping and courtyards shall be coordinated with the building design so that landscaping and courtyard features complement the building design. This shall be accomplished by incorporating the same materials and/or colors into landscape and courtyard elements as used within the building, or by incorporating accent materials and/or colors from the building. This requirement applies to landscape and courtyard elements such as iron/steel plant balconies, metal fences, railing and gates, masonry walls, paving, window boxes, hanging plant brackets.
- (2) Landscaping may be placed in pots, raised planters, or flower boxes.
- (3) Courtyards visible from the public street shall be provided on new multi-family and residential mixed use development along any facade longer than 200 ft. Courtyards shall be at least 225 sq. ft. in area with no single dimension less than 15 ft. and shall include one or more of the following elements: seating, art, or fountains/water features.

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h. 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:

i. 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:

- ~~(1) Because of the layout of downtown Lake Oswego and the ready availability of on-street parking and transit, the minimum parking requirement shall be 0.75 of the total required for each use pursuant to Table 50.06.002-1, Minimum Off-Street Parking Space Requirements.~~
- ~~(2) Retail uses within 1,000 ft. of 100 or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required after all other adjustments are made pursuant to this section.~~
- ~~(3) 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.~~
- (14) 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:

- (a) 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.
- (b) 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.
- (c) The location of the adjacent property complies with LOC [50.05.004.9.b](#).
- (25) 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.
- (36) Existing on-street parking along the property frontage shall be used to calculate parking requirements.
- (47) In the portion of the downtown shopping and business district shown on Figure [50.05.004-Z: Downtown – No Required Parking](#), below, no parking shall be required for existing or proposed uses when:

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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:

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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.

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e. Streetfront Environment

Purpose: Ensure that buildings create a sense of enclosure along public streets.

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i. Build-To Line

Buildings shall be located to comply with the build-to line per Table 50.05.007-4 below, as illustrated in Figure 50.05.007-M: Build-To Line.

(1) 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.

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(4) 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 ~~six inches DBH~~ 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.ii, 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.i, 50.05.007.6.b.ii(1)(c) through (e), and 50.05.007.6.b.ii(2)(a) through (f), Site Planning Standards.

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6. SITE PLANNING STANDARDS

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e. Landscape Requirements

Purpose: 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.

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iv. On-Site Tree Requirements

One tree with a minimum of two in. ~~diameter at 54 in. above grade~~caliper 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.

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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 subsection 6.e.vii(1)(a) of this section, street trees shall be provided as set forth in LOC 50.05.007.6.b.ii, Design Standards.

(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.

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viii. Parking Areas

Landscape standards for parking areas are as follows:

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(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~~ substantial 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.

(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 which 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 section may be allowed for circumstances that limit placement of trees such as overhead lines, underground utilities and confined spaces.

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ix. Tree Preservation

Purpose: Tree preservation shall preserve and promote a wooded character.

The following standards shall apply in addition to LOC Chapter 55 (Tree Code). In case of a conflict, the more restrictive standard applies.

(1) Development plans shall preserve existing mature Douglas fir evergreen trees and other significant substantial trees except where unavoidable due to compliance with the requirements of this Code. Significant Substantial trees for purposes of this section are trees measuring 18 in. ~~diameter or greater at a height of 54 in. above mean ground level at the base of the trunk~~ DBH, or of unique horticultural quality or historic importance ~~to the greatest extent practicable~~. Significant Substantial trees do not include invasive, dead or hazardous trees.

(2) 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-six caliper~~ in. DBH or greater which are removed be replaced with trees of the same or approved variety with a ~~diameter-caliper~~ no less than three ~~caliper~~ in. each, to equal or exceed the ~~caliper-cumulative diameter~~ inches of trees removed.

Exception: Invasive trees do not require mitigation.

(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.

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, except that a public garage per Figure 50.05.007-U: Parking Facilities and Access Coordination Map, or driveway serving the garage, shall be separated by a 15-ft. landscape buffer area; and
- (2) A six-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, accessways or parking areas shall be allowed in a buffer area except to allow direct ingress or egress to a site.

i. Landscape Requirements

The buffer area shall be landscaped as follows:

- (1) One row of two- to three-in. 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.

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. 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 five-ft. buffer shall be required measured from the southern commercial property line abutting the existing six-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 lots abutting the existing six-ft. right-of-way shall be screened from adjacent commercial uses by a single six-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 lot lines abutting the right-of-way is prohibited.

7. SPECIAL REQUIREMENTS AND STANDARDS

a. Applicability

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e. Park Streetfront Environment

Purpose: 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.

These standards apply to lots with street frontage designated Park Lane, Crossroads Gateway, or Campus Woods.

i. Tree Retention

No tree with a trunk ~~diameter of at of at~~ least eight in. ~~at 54 in. above grade~~DBH located within 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, Trees, or located within area required to provide the separated pathway and retaining wall set forth in subsection 7.e.iii of this section, Crossroads Gateway Special Requirements.

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50.05.010 SENSITIVE LANDS OVERLAY DISTRICTS

5. STANDARDS APPLICABLE TO RESOURCE CONSERVATION (RC) AND HABITAT BENEFIT AREA (HBA) OVERLAY DISTRICTS

c. RC District and HBA District Area Development Standards

i. Except as provided in subsection 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 RC protection area has been established. Within an HBA the criterion applies where an HBA protection area is established pursuant to LOC 50.05.010.7.

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i. Development Standards

If the proposed types of development are permitted within the RC district or HBA protection area, 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:

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(7) Resource Enhancement Projects

Resource enhancement projects shall remove only invasive, diseased, and hazardous vegetation, as determined by a qualified natural resource professional; non-native or native vegetation (native or non-native) may be removed only if recommended for removal by a natural resource professional in order to enhance and restore natural resources. Resource enhancement projects ~~and~~ shall plant only native vegetation within the RC district or HBA 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, unless otherwise recommended for removal by a natural resource professional in order to enhance and restore natural resources.

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(9) Tree Removal

Tree removal on property within the RC district or HBA protection area shall be subject to the following criteria:

- (a)** Tree removal in an RC district that has no established RC protection area shall be subject to a Dead Tree Removal Permit (LOC 55.02.042.3), ~~a~~ Hazard Tree Removal Permit (LOC 55.02.042.4), or a Verification Tree Removal Permit associated with a Resource Enhancement Project (LOC 55.02.042.7). 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 or HBA protection area shall be subject to a Dead Tree Removal Permit (LOC 55.02.042(3)), ~~a~~ Hazard Tree Removal Permit (LOC 55.02.042(4)), or a Verification Tree Removal Permit associated with a Resource Enhancement Project (LOC 55.02.042.7). Tree removal for development permitted pursuant to this section, excepting subsection 5.c.iii(8) of this section, 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.

50.06.002 PARKING

1. APPLICABILITY

The provisions of this section 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

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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, ~~and subsections (2)(a)(v)(1)(a) and (b) of this section for zone or overlay district provisions.~~

<u>TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS</u>	
<u>(For zone- and overlay-specific parking modifiers, refer to LOC 50.06.002.1(v)(1) (a-c) below)</u>	
<u>TYPES OF MODIFICATIONS</u>	<u>MODIFIERS</u>
<u>Development Size on a Single Site (Commercial, Public and Industrial Use)</u>	
<u>Gross Floor Area</u>	<u>Multiplier</u>
<u>> 20,000 sq. ft.</u>	<u>0.85 x requirement</u>
<u>Access to Transit Facilities</u>	
<u>Transit shelter, on fronting street, within 50 ft. of building</u>	<u>0.85 x requirement</u>
<u>Transit shelter within 500 ft. of building</u>	<u>0.90 x requirement</u>
<u>Transit facilities, on fronting street, within 500 ft. of building</u>	<u>0.90 x requirement</u>
<u>Pedestrian and Bicycle Access (Commercial, Public and Industrial Uses)</u>	
<u>Access Proximity</u>	<u>Multiplier</u>

100 or more residential units within 1,000 ft. of site	0.90 x requirement
Parking Study	
Parking Study Provisions	The parking study shall demonstrate sufficient number of parking spaces for the use per LOC 50.06.002.2(a)(ii)(2).

TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS					
Types of Modification	Modification Requirements and Modifiers				
Development Site Size (DS)	Commercial, Public, and Industrial Uses (Based on Development Size on a Single Site (DS))				
	Gross Floor Area	Multiplier			
	1—20,000 sq. ft.	No reduction			
	> 20,000 sq. ft.	0.85 x requirement			
Access to Transit Facilities (TA)	Transit Shelter	On Fronting Street	Within 50 ft. of building	0.85 x requirement	
	Transit Shelter	-	Within 500 ft. of building	0.90 x requirement	
	Transit Facilities	On Fronting Street	Within 500 ft. of building	0.90 x requirement	
-	-				
Downtown Redevelopment Design District	See below				
Pedestrian and Bicycle Access (PA)	Commercial, Public and Industrial Uses				
	100 or more residential units within 1,000 ft.	0.90 x requirement			
Downtown Redevelopment Design District	See below				

TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS		
Downtown Redevelopment Design District	- 0.75% x requirement	
FMU Ground Floor Exemption	- Mixed-use development in FMU zone	Exclude up to 15,000 sq. ft. ground floor nonresidential G.F.A. per building or site (in case of multiple buildings on the site).
Parking Study	- The parking study shall demonstrate sufficient number of parking spaces for shared parking with other multiple users per LOC 50.06.002.2.a.iv(2).	

- (a) **Allowed FMU Modifiers:** The only allowed modifiers to the minimum numerical parking requirements are: Within the FMU zone;
- (i) Mixed Use Development: Exclude up to 15,000 sq. ft. ground floor non-residential gross floor area per building or site (in case of multiple buildings on the site). The FMU Ground Floor Exemption Modifier; and
 - (ii) Commercial Residential Uses: The Transit Facilities and Pedestrian and Bicycle Access Modifiers ~~for Commercial Residential Uses;~~
- are the only permitted modifiers that allow reduction of the minimum numerical parking requirements in Table 50.06.002-3.
- (b) **Allowed LGVCO Modifiers:** The only allowed modifiers to the minimum numerical parking requirements are: All properties within the district;
- (i) The Development Site Size (DS) Modifier; and
 - (ii) The Pedestrian and Bicycle Access (PA) Modifier;
- are the only permitted modifiers that allow reduction of the minimum numerical parking requirements in Table 50.06.002-3.
- (c) **Allowed DRD District Modifiers:**
- (i) All Properties: Because of the layout of downtown Lake Oswego and the ready availability of on-street parking and transit, the minimum parking requirement shall be 0.75 of the total required for each use pursuant to Table 50.06.002-3.

(ii) Retail Uses: Retail uses within 1,000 ft. of 100 or more residential units may further reduce their total parking requirements to 0.9 of the total spaces required after all other applicable modifiers are applied.

(iii) Within the East End Commercial Zone Only: Properties within this zone may only use the Development Size modifier, the modifiers in (c)(i) and (c)(ii), above, or the Parking Study provision under LOC 50.06.002.2.a(6).

50.06.003 CIRCULATION AND CONNECTIVITY

3. ON-SITE CIRCULATION – BIKEWAYS, WALKWAY, AND ACCESSWAYS

a. Applicability

This section is applicable to all subdivisions and 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 10%. For the purposes of this section, an "existing building" is a building as it exists on February 19, 1998.

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50.07.003 REVIEW PROCEDURES

1. APPLICATION

a. Application for Development

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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.

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iv. Manner of Providing Letter Notice of Neighborhood Meeting

(1) Mailed Notice

The letters required by subsection 1.f.iii(1) of this section shall be sent as follows:

(a) For recognized neighborhood associations:

(i) ~~By certified mail, return receipt requested,~~ By first class mail, and electronic mail if provided, to the chairs of the neighborhood associations, County CPO, or homeowners association; ~~and~~

(ii) By ~~regular~~ first class mail to the other officers of the recognized neighborhood associations; and

(b) For property owners, by ~~regular~~ first class mail. The names and mailing addresses of the property owners shall be as shown by the most recent property tax assessment roll.

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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 chairs of 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 subsection 1.f.iv of this section, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;
- (3)** A copy of the required posted notice, along with an affidavit of posting;
- (4)** A copy of the minutes of the meetings, and copies of any written comments from property owners, residents, and neighborhood association members; and
- (5)** A copy of the materials that were presented at the neighborhood association meeting.

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h. Extensions or Continuances

- i.** Extension to File Completed Application. In accordance with ORS 227.178(3), no extensions are allowed to the 180-day time period. ~~The applicant for a major or minor development may request one additional 180-day extension for filing a complete application.~~

~~[Editor's Note: ORS 227.178(3), the statute that this subsection is based on, declares the application void if the information or a request to proceed based upon the application as previously submitted is not submitted by the 180th day. The City Attorney's Office concludes that this subsection is therefore superseded by ORS 227.178(3), and no extensions to the 180-day "additional information" period are permissible.]~~

- 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-day 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

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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:

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iv. 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 first class mail (or electronic mail if consented to)~~ 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.

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.

a. Duration of Exemption from Subsequently Adopted Land Use Laws

Pursuant to ORS 92.040(2) and (3), for lots created by subdivision after [effective month and day of ordinance], 2018, construction within an approved subdivision shall be subject to the Lake Oswego land use laws in effect on the date of subdivision application and shall not be subject to subsequently adopted Lake Oswego land use laws unless the applicant elects otherwise, in which case all current laws apply. This exemption shall terminate three years from the date the tentative subdivision became final. [Additional Transition Exemption Expiration: For such lots created before [effective month and date of ordinance], 2018, the exemption shall expire on [effective month and date of ordinance], 2019.]

3. PLATTING

a. Preparation and Submittal of Final Plan or Plat

i. The final plan or plat shall be ~~submitted~~ recorded within ~~one~~three years of the date of the order setting forth the final decision. Upon written application, prior to expiration of the ~~three~~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.

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LOC 50.10 DEFINITIONS AND RULES OF MEASUREMENT

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:

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Detached

A horizontal separation of three ft. or more, between the subject structure and nearby structures. The separation shall be from eave to eave, or where there are no eaves, the separation shall be measured between the closest elements (excluding breezeways no more than 8 ft. in width measured from eave to eave, air conditioning units, heat pumps, and similar attached or connected fixtures to the structure) of the two structures. (If the distance of separation is less than three ft. between two structures, they shall be deemed to be "attached.")

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~~Public Facilities and Utilities~~

~~Any and all on-site and off-site improvements to be accepted for ownership, maintenance and operation by the City, including but not limited to public parks, sanitary sewers, pump stations, water lines and hydrants, storm drain systems, streets, alleys, street lights, street name signs, traffic control signs and devices, and telecommunications facilities.~~

Public Facility or Utility, Major

Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility. This use includes but is not limited to utility substations; treatment plants, reservoirs and above-ground trunk lines for sewer, water or storm drainage systems; public schools; parks; libraries; fire stations; community centers; police stations; City administrative or other City office buildings; and; City motor pools or maintenance buildings.

Public Facility or Utility, 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, collocated 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, and 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.