

ORDINANCE 2872

AN ORDINANCE OF THE CITY OF LAKE OSWEGO AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP IN THE SOUTHWEST CORNER OF BOONES FERRY ROAD AND WEST SUNSET DRIVE TO REZONE APPROXIMATELY 0.10 ACRES FROM WLG-RMU TO WLG-OC, AND APPROXIMATELY 0.15 ACRES FROM WLG-R-2.5 TO WLG-OC; AND AMENDING THE COMMUNITY DEVELOPMENT CODE (LOC CHAPTER 50) TO ADD AFFORDABLE MULTI-FAMILY HOUSING AS A PERMITTED USE IN THAT PORTION OF THE WLG-OC ZONE; AND ADOPTING FINDINGS (LU 21-0019).

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 was held before the Planning Commission on June 14, 2021, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Planning Commission has recommended that LU 21-0019 be approved by the City Council; and

WHEREAS, a public hearing on LU 21-0019 was held before the City Council of the City of Lake Oswego on September 14, 2021, at which the staff report, testimony, and evidence were received and considered; and

WHEREAS, the Council finds that the proposed amendments to the Comprehensive Plan Map, Zoning Map, and Community Development Code are consistent with all applicable Comprehensive Plan policies, Metro Code requirements, and Statewide Planning Goals and Statutes; and

WHEREAS, the Council finds that the amendments provide an opportunity towards meeting the City's housing needs for multi-family housing consistent with the Comprehensive Plan Complete Neighborhoods and Housing Chapter.

The City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions (LU 21-0019), attached as Exhibit 1.

Section 2. The Lake Oswego Comprehensive Plan Map and Lake Oswego Zoning Map are hereby respectively amended to change the plan designations and zoning of the following referenced properties as follows, and as shown on Exhibit 2 (Comprehensive Plan Map) and Exhibit 3 (Zoning Map):

Location of Property:

Address	Tax Map/Lot	Acres	Current Comprehensive Plan Map/ Zone Map	Proposed Comprehensive Plan Map/ Zone Map
5126 West Sunset Dr	21E07DC07400	0.16	WLG-OC	No Change
		0.05	WLG-R-2.5	WLG-OC
5110 West Sunset Dr	21E07DC07300	0.11	WLG-OC	No Change
		0.10	WLG-R-2.5	WLG-OC
16719 Boones Ferry Rd	21E07DC07200	0.34	WLG-OC	No Change
16731 Boones Ferry Rd	21E07DC09200	0.18	WLG-OC	No Change
16745 Boones Ferry Rd	21E07DC09100	0.17	WLG-OC	No Change
16759 Boones Ferry Rd	21E07DC09000	0.17	WLG-OC	No Change
		0.10	WLG-RMU	WLG-OC

Section 3. Chapter 50 of the Lake Oswego Code is hereby amended by adding the new text shown in double underlined type and deleting text shown in ~~strikethrough~~ type in Exhibit 4.

Section 4. 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 5. Effective Date. As provided in 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 5th day of October, 2021.

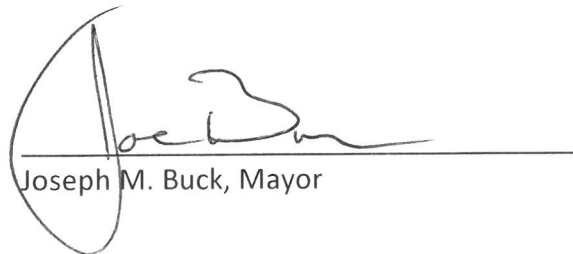
AYES: Mayor Buck, Verdick, Rapf, Mboup, Manz, Nguyen, Wendland

NOES: None

ABSENT: None

ABSTAIN: None

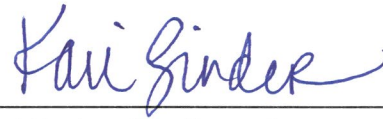
EXCUSED: None



Joseph M. Buck, Mayor

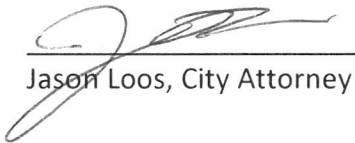
Dated: 10-7-2021

ATTEST:



Kari Linder, City Recorder

APPROVED AS TO FORM:



Jason Loos, City Attorney

BEFORE THE CITY COUNCIL

OF THE CITY OF LAKE OSWEGO

3 COMPREHENSIVE PLAN MAP AND ZONING MAP 4 AMENDMENTS TO REDESIGNATE 0.15 ACRE OF 5 WLG R-2.5 AND 0.10 ACRE WLG RMU TO WLG 6 OC, AND CDC AMENDMENTS TO ALLOW 7 MULTI-FAMILY RESIDENTIAL USE IN THE WLG 8 OC ZONE LIMITED TO THE SUNSET DR-BOONES 9 FERRY RD SUBAREA AND SUBJECT TO SPECIFIC 10 DEVELOPMENT STANDARDS; ORDINANCE 2872	LU 21-0019 FINDINGS & CONCLUSIONS
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NATURE OF PROCEEDINGS

This matter came before the Lake Oswego City Council on the recommendation of the Planning Commission for quasi-judicial amendments to the Community Development Code amending:

- Comprehensive Plan Map for portions of three lots, from WLG-R 2.5 (0.15 acre) and WLG-RMU (0.10 acre) to WLG-OC;
- Zoning Map for the same portions of the three lots, from WLG-R 2.5 (0.15 acre) and WLG-RMU (0.10 acre) to WLG-OC;
- Community Development Code (LOC Chapter 50) to establish an “Area of Residential Use Allowance in WLG OC Zone” and adopt the following use allowance and development standards for the Area:
 - Amend LOC 50.03.002 - Use Table to permit Multifamily Residential development subject to a use-specific standard requiring inclusion of affordable housing on properties in the Area of Residential Use Allowance in WLG OC Zone;
 - Amend LOC 50.04.001.4.b.iii - Dimensional Table for Commercial, Mixed Use, and Industrial Zones: West Lake Grove Zones to allow 5 feet additional height for multifamily development in the WLG-OC Zone when located at least 80 feet from all R-7.5 zoned properties; and

- 1 ○ Amend the purpose statement in LOC 50.05.005.6.a - Design Standards for the
- 2 Office Commercial (WLG-OC) Zone to include limited residential uses.

3 **HEARINGS**

4 The Planning Commission held public hearings and considered this application at its

5 meetings held on June 14, 2021, July 12, 2021, July 26, 2021, and August 9, 2021. The City

6 Council held a public hearing to consider the Planning Commission’s recommendation on

7 September 14, 2021.

8 **CRITERIA AND STANDARDS**

9 A. City of Lake Oswego Community Development Code [Chapter 50]:

- 10 LOC 50.07.003.1.b Burden of Proof
- 11 LOC 50.07.003.7 Appeals
- 12 LOC 50.07.003.15 Major Development (excluding subsection d.ii)
- 13 LOC 50.07.003.5 Conditions of Approval
- 14 LOC 50.07.003.3 Notice of Public Hearing
- 15 LOC 50.07.003.4 Hearings before a Hearings Body
- 16 LOC 50.07.003.16.a Legislative Decision Defined (Quasi-judicial Comp. Plan Map, Zone
- Map, and CDC Amendments to be processed via Major
- Developments Procedures)
- 17 LOC 50.07.003.16.c Required Notice to DLCD
- 18 LOC 50.07.003.16.d Planning Commission Recommendation Required
- 19 LOC 50.07.003.16.e City Council Review and Decision

20 B. City of Lake Oswego Comprehensive Plan Policies:

21 **Land Use Planning**

22 Policies A-1.b, A-1.c, A-1.d, A-1.e, A-1.f, A-1.g, A-1.h, A-2, A-3, A-5, A-6, B-10, B-11,

23 C-1, C-3, C-5, D-1, D-2, E-1, E-2, E-3.a-c

24 **Community Culture (Civic Engagement)**

25 Policies 1, 2, 4, 5, and 9

26 **Inspiring Places and Spaces**

 Goal 1: Policies 1.b, 2, 3, 7

 Goal 2: Policies 3, 4

Complete Neighborhoods and Housing [Buildable Lands and Housing Needs Analysis]

 Policies A-1.d, A-3, A-4, A-5, B-1, and C-1

Connected Community

 Policies B-1, B-2, B-3, C-1 (maintain LOS ‘E’ for arterial street intersections during peak

 hours), C-6, C-8, F-2, and G-3

1 **Economic Vitality**
Policies A-2, A-8.c, B-1

2
3 **Lake Forest Neighborhood Plan**
Goal 1 Land Use Planning: Policy 2; Policies 4.a, 4.b, 4c, 4d
Goal 6 Policy 1 Sound Quality
4 Goal 9 Economic Development and Commercial Lands, Policy 3
Goal 10 Housing/Residential Land Use, Policy 4

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6 C. Oregon Statewide Planning Goals

7 Goal 1: Citizen Involvement
Goal 2: Land Use Planning
8 Goal 5: Open Space, Scenic and Historic Areas
Goal 7: Areas Subject to Natural Hazards
9 Goal 9: Economic Development
Goal 10: Housing
10 Goal 12: Transportation
Goal 14: Urbanization

11 D. METRO Urban Growth Management Functional Plan

12 **Chapter 3.07**

Title 7: Housing Choice (Title 7, Sections 3.07.710 through 3.07.750)

13 E. Transportation Planning Rule (Chapter 660, Division 12)

14 OAR 660-12-060(1) and (2), Plan and Land Use Regulation Amendment

15 **FINDINGS AND REASONS**

16 As findings supporting its decision, the City Council incorporates the Planning
17 Commission Staff Report dated June 3, 2021 (with all exhibits attached thereto), the
18 Supplemental Staff Memos (with all exhibits attached thereto) dated June 10, 2021 and July 20,
19 2021, Applicant’s Rebuttal Evidence (with all exhibits attached thereto) dated June 14, 2021,
20 and Applicant’s Final Written Argument (with all exhibits attached thereto) dated July 21, 2021.

21 The issues and arguments raised by opponents (Exhibits G-268 through G-271 and G-272
22 through G-281) during the City Council hearing on September 14, 2021, were previously raised
23 before the Planning Commission and addressed in the Commission’s Findings, Conclusion and
24 Order dated August 23, 2021.

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26 /////
27

1 **CONCLUSION**

2 The City Council concludes that LU 21-0019 complies with all applicable criteria and
3 should be approved. The Council also concludes that proposed Ordinance 2872, which
4 implements LU 21-0019, should be enacted.

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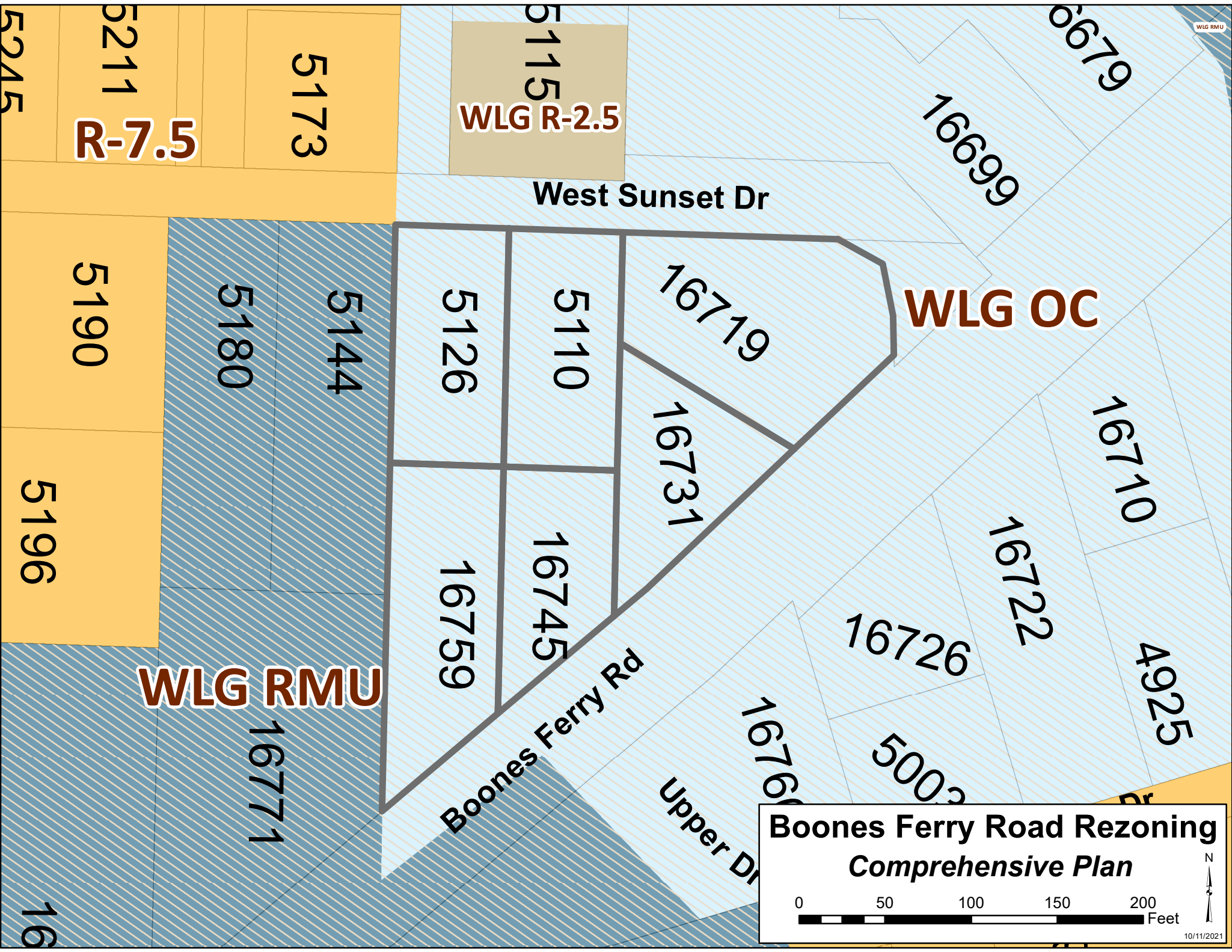
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WLG RMU

R-7.5

WLG R-2.5

WLG OC

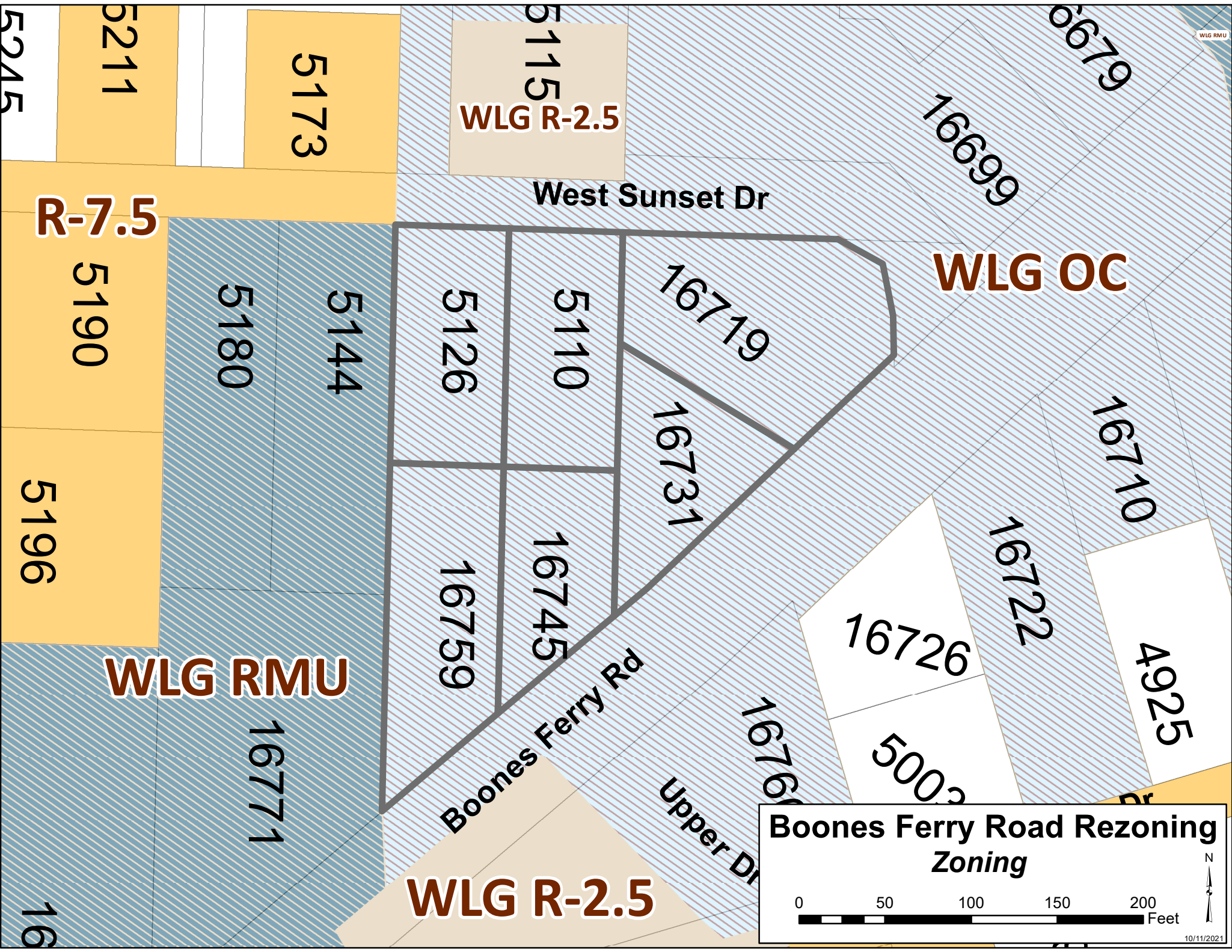
WLG RMU

**Boones Ferry Road Rezoning
Comprehensive Plan**

0 50 100 150 200 Feet

N

10/11/2021



**Boones Ferry Road Rezoning
Zoning**

0 50 100 150 200 Feet

N

10/11/2021

50.03.002 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]	OC [8]	EC [8]	CR&D	MC	WLG [4]			FMU [4], [7]	IP [5]	CI	PF [3]		PNA	
									OC	RMU	R-2.5							
RESIDENTIAL USES																		
Household Living	Residential use at R-5 density or greater	P	P [10]	P	P	P	P			<u>P[11]</u>	P [1]	P [2]	P		P			WLG zones: 50.03.003.1.a; NC, GC, EC and CI zones: 50.03.003.2
	///																	
	//																	
		<u>[11] Limited to multifamily residences in the vicinity of Boones Ferry Road and West Sunset Drive, as depicted on Figure 50.03.003.A.1.</u>																
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50.03.003 USE-SPECIFIC STANDARDS

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2. RESIDENTIAL USES IN COMMERCIAL AND SPECIAL PURPOSE ZONES

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d. WLG OC Zone

Residential uses are limited to multifamily residences in the vicinity of Boones Ferry Road and West Sunset Drive, as depicted on Figure 50.03.003-A.1, and shall consist of 20 or more units where at least 10% of the units are continuously rented, leased or made available for an amount of rent plus expenses associated with occupancy, such as utilities and fees, totaling not more than 30% of the income level that is 80% of area median income according to the Clackamas County Housing Authority's income limits for affordable housing, adjusted for household size.

Figure 50.03.003-A.1: Area of Residential Use Allowance in WLG OC Zone



50.04.001 DIMENSIONAL TABLE

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4. COMMERCIAL, MIXED USE, AND INDUSTRIAL ZONES

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b. West Lake Grove Zones

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iii. WLG Office Commercial (WLG OC)

(1) Site Development Limitations

(a) Setbacks

Buildings shall be set back at least six ft. from the sidewalk along Boones Ferry Road (see Figure 50.05.005-D, WLG Street Pedestrian Facilities and Pathways). The provisions of LOC 50.04.003.1, Additional Dimensional Exceptions, shall not be applied in this zone.

(b) Height of Structures

(i) Primary Structures. The maximum height of any primary structure shall not exceed 35 ft., except an additional 5 ft. of height is permitted for multifamily development when located in the Area of Residential Use Allowance, as depicted in Figure 50.03.003-A.1, and at least 80 feet from all R-7.5 zoned properties. The maximum height of the wall plane shall be no greater than 30 ft. measured from grade at the exterior wall of the building to the gutter line.

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