

BEFORE THE CHIEF OPERATING OFFICER

RELATING TO A REVISION TO THE EMPLOYMENT AND INDUSTRIAL AREAS MAP OF TITLE 4 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (INDUSTRIAL AND OTHER EMPLOYMENT AREAS) TO CONFORM THE MAP TO A ZONING CODE AMENDMENT BY THE CITY OF LAKE OSWEGO

Order No. 10-052

WHEREAS, subsection 3.07.450D authorizes local governments to amend their comprehensive plans to allow uses that are not allowed by Title 4 under the circumstances set forth in the subsection; and

WHEREAS, the City of Lake Oswego amended its zoning code by Ordinance No. 2552 on June 15, 2010, to change the plan and zone map designations on 26 acres from Industrial to Employment pursuant to Metro Code section 3.07.450D; and

WHEREAS, the subject property is designated Industrial Area on the Employment and Industrial Areas Map of Title 4 (Industrial and Other Employment Areas) of Metro's Urban Growth Management Functional Plan; and


WHEREAS, the time for filing an appeal of the city's plan amendment has passed and no appeal was filed; and

WHEREAS, subsection 3.07.450E requires the Chief Operating Officer to conform the Employment and Industrial Areas Map to the amendment by a local government pursuant to subsection 3.07.450D within 30 days following notification from the local government that no appeal to LUBA was filed within 21 days following the amendment; now, therefore,

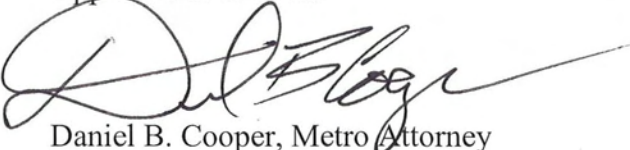
IT IS ORDERED THAT:

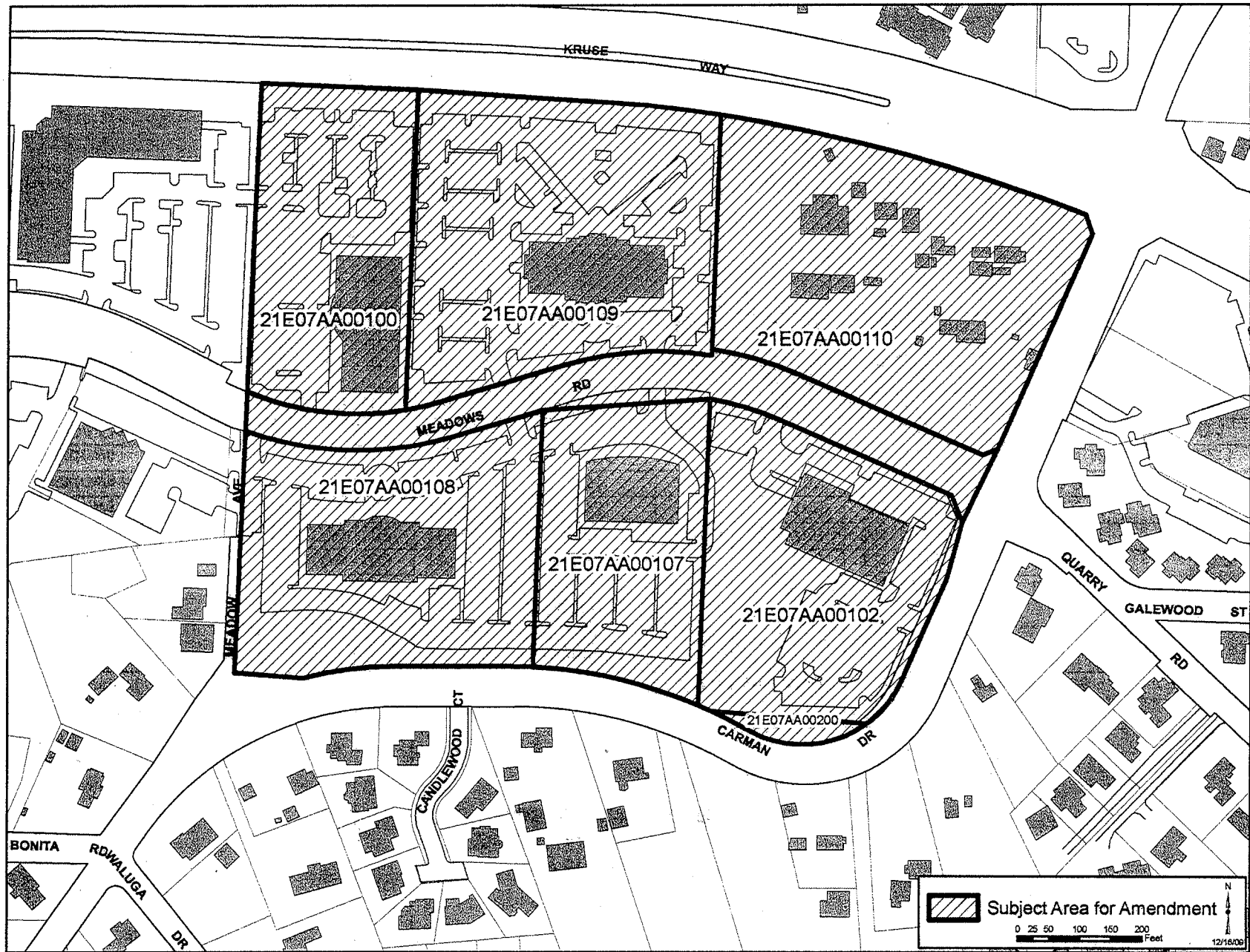
The Employment and Industrial Areas Map of Title 4 of Metro's Urban Growth Management Functional Plan is hereby revised for 26 acres as shown on Exhibit "A", attached to this order and incorporated herein.

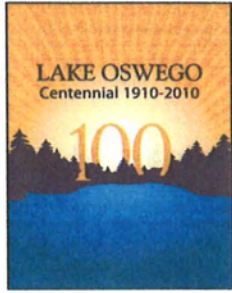
ENTERED this 20 day of Sept., 2010


Michael J. Jordan, Chief Operating Officer

Approved as to form:


Daniel B. Cooper, Metro Attorney





CITY OF LAKE OSWEGO
PLANNING AND BUILDING SERVICES

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Lake Oswego, OR 97034

503-635-0290
www.ci.oswego.or.us

August 3, 2010

Michael Jordan, Chief Operating Officer
Metro Regional Government
600 NE Grand Avenue
Portland, OR 97232

Dear Mr. Jordan:

The purpose of this letter is to request an amendment to the Employment and Industrial Areas Map (Urban Growth Management Functional Plan, Title 4) to designate the area illustrated in Attachment 1 as Employment Land and to remove the existing Industrial Land designation from the same area. This area is zoned by the City of Lake Oswego to allow intensive, non-industrial commercial development and most of these parcels are developed with multi-story office buildings. Upon approval of the proposed map amendment, the subject area would become a contiguous extension of the existing Employment Land area immediately to the west.

Title 4 Section 3.07.450(D) states:

A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. *The entire property is not buildable due to environmental constraints, or*
2. *The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and*
3. *The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4, exceeds the assessed value of the land by a ratio of 1.5 to 1.*

The City submits that the proposed map amendment may be approved because the criteria of D(2) and D(3), above, are met.

3.07.450(D)(2) is met because the subject area does not border land that is designated on the Industrial and Employment Land Map as Industrial Area or Regionally Significant Industrial Area.

3.07.450(D)(3) is also met. All of the buildings in the subject area were constructed prior to 2004 and are occupied by non-industrial uses at intensities not permitted under the Industrial Land provisions of Title 4. As illustrated in Attachment 2, the combined building values for the subject parcels were assessed at \$94,205,800 in 2009 (the most recent Clackamas County tax assessor's records available), while the combined land values were assessed at \$26,495,551. The ratio of assessed building values to assessed land values was approximately 3.6 to 1.

The area proposed for the map amendment is zoned Campus Research and Development (CR&D) by the City of Lake Oswego. In anticipation of the proposed map amendment, and after discussions with Metro staff, City staff identified code changes that would be needed to bring the CR&D zone into full compliance with the Title 4 limitations for Employment Land. The Lake Oswego City Council adopted Ordinance 2552 (Attachment 3) on June 15, 2010, in order to bring the CR&D zone into Title 4 compliance. Ordinance 2552 became effective July 15, 2010. Miranda Bateschell, a Senior Land Use Planner with Metro, reviewed the Ordinance and found that Lake Oswego Code would be consistent with the Employment Land limitations in Title 4 upon its adoption.

If you have any questions, please feel free to call me at (503) 675-3732.

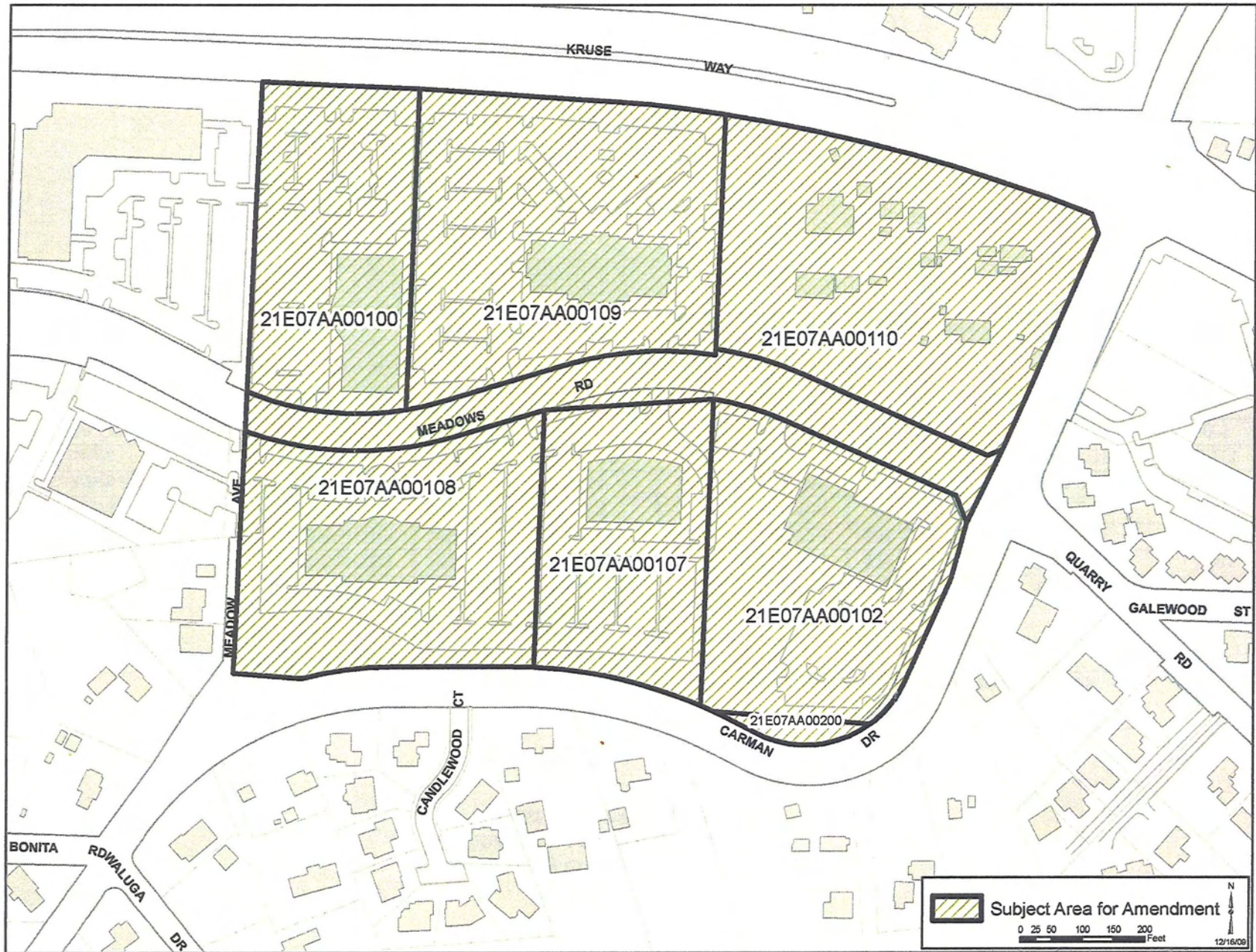
Sincerely,



Jack D. Hoffman
Mayor

cc: Miranda Bateschell, Senior Land Use Planner, Planning & Development Department, Metro
Alex McIntyre, City Manager, City of Lake Oswego
Denise Frisbee, Director of Planning and Building Services, City of Lake Oswego
Andy Gulizia, Associate Planner, City of Lake Oswego

Attachment 1



Attachment 2

**City of Lake Oswego
Metro Title 4 - Map Amendment
Building / Land Value Ratio**

Site Address	Map & Lot	Year Built	Leasable Office Space (SF)	Total Land Area		2009 Assessed Values		Building/Land Value Ratio
				Acres	SF	Building	Land	
1) 5005 Meadows Rd	21E07AA 100	1997	90,644	3.07	133,529	\$21,322,580	\$2,817,741	7.6:1
2) 4800 Meadows Rd	21E07AA 102	1999	74,426	3.83	166,728	\$16,902,640	\$4,302,201	3.9:1
3) 4900 Meadows Rd	21E07AA 107	1988	58,413	2.89	124,146	\$9,421,110	\$2,862,015	3.3:1
4) 5000 Meadows Rd	21E07AA 108	1990	86,431	4.15	180,899	\$16,100,150	\$4,790,292	3.4:1
5) 4949 Meadows	21E07AA 109	1997	124,871	4.98	217,039	\$30,456,600	\$5,806,104	5.2:1
6) 4585 & 4591 Carman Dr	21E07AA 110	unknown	n/a	5.15	224,206	\$2,720	\$5,909,510	0:1
7) No Situs	21E07AA 200	n/a	n/a	0.16	7,009	\$0	\$7,688	n/a
8) Meadows Rd right-of-way	n/a	n/a	n/a	2.05	89,387	n/a	n/a	n/a
Grand Total			434,785	26.28	1,142,943	\$94,205,800	\$26,495,551	3.6:1

Attachment 3

ORDINANCE No. 2552

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING LOC CHAPTER 50 (COMMUNITY DEVELOPMENT CODE), SECTION 50.11.010 TO LIMIT THE SQUARE FOOTAGE OF DELICATESSENS, BAKERIES, AND RESTAURANTS IN THE CAMPUS RESEARCH AND DEVELOPMENT (CR&D) ZONE, AND ADOPTING FINDINGS (LU 09-0034-1732).

Whereas, the City of Lake Oswego is required by Metro to demonstrate compliance with Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan; and

Whereas, Title 4 requires the City to impose limits on the square footage of retail uses in designated areas; and

Whereas, the Community Development Code does not currently limit the square footage of certain retail uses in areas regulated by Title 4;

NOW THEREFORE, the City of Lake Oswego ordains as follows:

Section 1. The City Council hereby adopts the Findings and Conclusions, LU 09-0034-1732 attached as Exhibit 1.

Section 2. Section 50.11.010 (2)(C), (E) and 4 (A) of the Lake Oswego Code is hereby amended by adding the text shown in double underlined type as follows:

50.11.010 Uses.

Uses:	P	C	X
	Permitted uses.	Uses permitted upon the grant of approval of a conditional use permit.	Uses specifically prohibited.

2. Retail Sales - Food:

C. Delicatessen, no table service.

Uses:	P	<u>Special District Limitations for Permitted Use</u>
	NC, GC, HC, OC, EC, CR&D and MC	<u>(Not to exceed 20,000 sq. ft. floor area in CR&D zone)</u>

E. Bakery - where baked foods manufactured elsewhere are sold on the premises.

Uses:	P	<u>Special District Limitations for Permitted Use</u>
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D zone)

* * * * *

4. Retail Sales - Restaurants, Drinking Places:

A. Restaurants, with or without associated lounge.

Uses:	P	<u>Special District Limitations for Permitted Use</u>
	NC, GC, HC, OC, EC, CR&D and MC	(Not to exceed 20,000 sq. ft. floor area in CR&D zone)

* * * * *

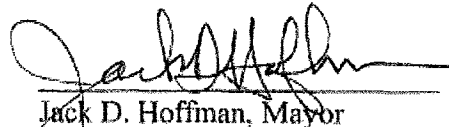
Enacted at the meeting of the Lake Oswego City Council of the City of Lake Oswego held on the 15 day of June, 2010.

AYES: Mayor Hoffman, Johnson, Jordan, Hennagin, Olson, MOncrieff, Tierney

NOES: none

ABSENT: none

ABSTAIN: none



Jack D. Hoffman, Mayor

Dated: 6/15/2010

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell, City Attorney

BEFORE THE CITY COUNCIL
OF THE CITY OF LAKE OSWEGO

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A REQUEST TO AMEND THE TEXT) LU 09-0034-1732
OF THE LAKE OSWEGO COMMUNITY) (City of Lake Oswego)
DEVELOPMENT CODE, CHAPTER 50)
RELATED TO CAMPUS RESEARCH) FINDINGS AND CONCLUSIONS
AND DEVELOPMENT (CR&D) ZONE)
[ORDINANCE No. 2552])

NATURE OF PROCEEDING

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This matter came before the City Council pursuant to a recommendation by the Lake Oswego Planning Commission to amend the text of the Lake Oswego Community Development Code, Chapter 50, Section 50.11.010 to limit the following uses in the Campus Research and Development (CR&D) Zone to 20,000 square feet:

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- 1. Delicatessen – with no table service.
- 2. Bakery – where baked foods manufactured elsewhere are sold on the premises; and
- 3. Restaurants – with or without associated lounges.

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The text amendments will bring the CR&D Zone into compliance with Metro Title 4.

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HEARINGS

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The Planning Commission held public hearings and considered this application at its meetings of February 22, 2010 and March 8, 2010. The City Council held a public hearing to consider the Planning Commission’s recommendation on May 18, 2010.

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CRITERIA AND STANDARDS

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- A. City of Lake Oswego Comprehensive Plan:
 - Goal 2: Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 23
 - Goal 11: Economic Development, Policies 20 and 21
- B. Metro Urban Growth Management Functional Plan

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C. City of Lake Oswego Community Development Code:

- LOC 50.75.005 Legislative Decision Defined.
- LOC 50.75.015 Required Notice to DLCD
- LOC 50.76.020 Jurisdiction of Hearing Body
- LOC 50.77 Application Requirements
- LOC 50.79.030 Major Development Classification
- LOC 50.83 Hearings Before a Hearing Body

10 **FINDINGS AND REASONS**

11 The City Council incorporates the staff Council Report, dated April 27, 2010 for LU 09-
12 0034 (with all exhibits), the February 10, 2010 Staff Report to the Planning Commission (with
13 all exhibits), together with all supplemental reports, and the Findings and Conclusions of the
14 Planning Commission in this matter as support for its decision. To the extent they are consistent
15 with the approval granted herein, the City Council also adopts by reference its oral deliberations
16 in this matter as further findings in support of this decision.

17 The proposed CR&D Zone amendments, which limit delicatessens, bakeries, and
18 restaurants in the Campus Research and Development (CR&D) Zone to 20,000 square feet of
19 floor area, will bring the zone into compliance with the Employment Land requirements of
20 Metro's Urban Growth Management Functional Plan, Title 4 (Industrial and Other Employment
21 Areas), which requires that retail uses be limited to 60,000 square feet or less. Currently,
22 delicatessens, bakeries and restaurants have no size limitations in the CR&D Zone. The proposed
23 amendments provide the opportunity for an administrative amendment to the Metro Title 4 map
24 to address an inconsistency with the City zoning map. Metro's map currently designates a
25 portion of the zone as Industrial Land. The proposed Code change will support the City's

1 request to amend the Title 4 map to apply the Employment Land designation to these properties,
2 so that non-industrial office commercial development may continue to be allowed.

3 CONCLUSION

4 The City Council concludes that LU 09-0034-1732 complies with all applicable criteria
5 and is consistent with applicable Lake Oswego Comprehensive Plan Policies and with Metro
6 Title 4.