

STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING AND BUILDING SERVICES DEPARTMENT

<u>APPLICANT</u>				<u>File No</u>			
City of Lake Oswego				LU 17-0063			
<u>ADDRESS</u>	<u>TAX MAP</u>	<u>TAX LOT</u>	<u>Ac.</u>	<u>ORDINANCES</u>	<u>PROPERTY OWNERS</u>		
17620 Pilkington	21E18AC	01100	.29	2764	Shawn Harrington		
16780 Bryant	1E08CC	04300	.37	2763	Westbay Real Estate		
4471 Lakeview	"	"	"	"	"	"	"
4473 Lakeview	"	"	"	"	"	"	"
4475 Lakeview	"	"	"	"	"	"	"
4477 Lakeview	"	"	"	"	"	"	"
17437 Boones Ferry	21E18BD	00600	1.54	2765	Saleh Holdings, LLC		
17449 Boones Ferry	21E18BD	00604	1.3	"	Grace Too, LLC		
17711 Jean Way	21E18BD	02402	2.47	"	Farm Fresh to Mkt.		
17704 Jean Way	21E18BD	02400	1.32	"	Harp Med. Plaza, LLC		
17720 Jean Way	21E18BD	02403	0.58	"	Mark Petroff, LLC		
5895 Jean Road	21E18BD	02401	0.63	"	Jean Building, LLC		
Vacant	21E18BD	02700	0.34	"	Jean Building, LLC		

NEIGHBORHOOD ASSOCIATION

Bryant

STAFF

Paul Espe, Associate Planner

COMPREHENSIVE PLAN DESIGNATION

17620 Pilkington: R-5
 16780 Bryant - 4477 Lakeview: NC/R-7.5
 17437 Boones Ferry - 5895 Jean Road: IP

ZONING DESIGNATION

17620 Pilkington: NC
 16780 Bryant - 4477 Lakeview: NC
 17437 Boones Ferry - 5895 Jean Road: GC

DATE OF REPORT

11/17/17

PLANNING COMMISSION HEARING DATE

11/27/17

I. APPLICANT'S REQUEST

The City of Lake Oswego is proposing Comprehensive Plan Map amendments for the above listed properties.

The Commission can conduct one combined public hearing on the 3 ordinances. Those testifying should identify the property and ordinance that are the subject of their comments. A table identifying the proposed amendments follows.

Address	Existing Zoning	Existing Comp. Plan Designation	Proposed Comp Plan Designation
17620 Pilkington	NC	R-5	NC
16780 Bryant & 4471-4477 Lakeview	NC	R-7.5	NC
SWEA Plan Properties 17437 Boones Ferry 17449 Boones Ferry 17711 Jean Way 17704 Jean Way 17720 Jean Way 5895 Jean Road Vacant	GC	IP	GC

These amendments are detailed in **Attachment 2** of the ordinances. The Planning Commission will make a recommendation to City Council after conducting a public hearing, using the quasi-judicial-Major Development land use review process.

II. APPLICABLE REGULATIONS

A. City of Lake Oswego Community Development Code-Procedure (LOC Chapter 50)

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

B. City of Lake Oswego Comprehensive Plan Policies

Land Use planning

Policies D-1 and D-5 Land Use Administration

Policy E-2(a)(b)(i)(ii D-G) Comprehensive Plan Amendments

Community Culture (Civic Engagement)

Policy 1, 2, 4 and 5 Citizen Involvement

Complete Neighborhoods and Housing

Goals 1-5

Policy A-1 (a&b) Housing Location and Quality High and medium density

Policy A-2 Density

Connected Community

Policy C-6 Efficiency

C. Metro Code

Urban Growth Management Functional Plan Title 1: Housing [MC 3.07.120.E]

Regional Transportation Functional Plan Title 5: Amendment of Comprehensive Plans [3.08.510.A]

D. Transportation Planning Rule (Chapter 660, Division 12)

OAR 660-12-0060(1)

III. BACKGROUND INFORMATION

One of the Planning Commission goals is to implement the recommendations of the 2015 Audit of the Comprehensive Plan (Plan) and Community Development Code (CDC), including revisions to the Comprehensive Plan Map and Zoning Map to remove conflicts between the two maps. At the Commission's joint meeting with the City Council on January 11, 2016, the Council directed the Commission and staff to proceed with this work. This goal was reaffirmed in 2017.

The Lake Oswego Comprehensive Plan, most recently updated in 2014, guides land use and development in the city pursuant to State Planning laws and the community's vision. The Comprehensive Plan Map designates how land can be used and developed over time in accordance with the Comprehensive Plan goals and policies. It assigns land use categories and planned densities to all land within the city's urban services boundary, including land that is unincorporated and would join the city upon annexation.

The Zoning Map implements the Comprehensive Plan Map's land use designations, and when coupled with the Community Development Code identifies the permitted uses and development standards for each zone. The map corrections identified during the 2015 Audit were divided into two categories; map changes that could be made through the City's legislative process, and those that would be reviewed through the quasi-judicial land use process similar to a development application. This application is for quasi-judicial map amendments.

DISCUSSION

The following describes the Comprehensive Plan Map amendments proposed for the 13 properties listed above grouped into three distinct geographic areas.

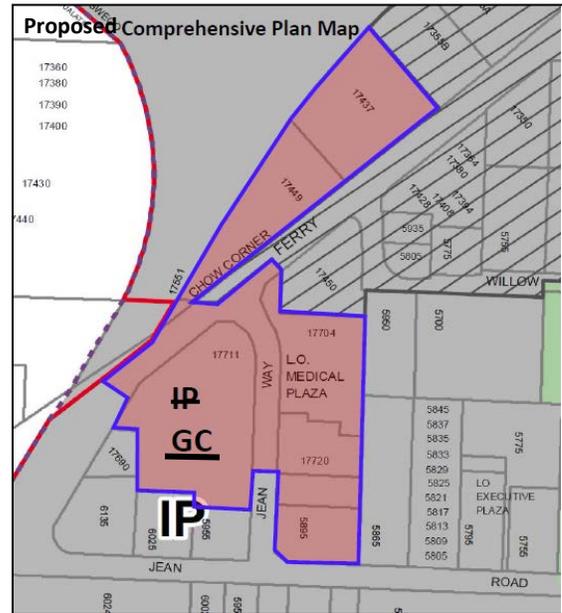
1. GC Zone Within the Southwest Employment Area Plan – proposed Comprehensive Plan Map Amendment from IP (Industrial Park) to GC

This subarea of the SW Employment Area Plan has a Comprehensive Plan map designation of IP (Industrial Park), but this area has a zoning map designation of GC (General Commercial). In this case, staff is recommending that the Comprehensive Plan map designation be changed to conform to the current zoning designation. (Graphic on the next page shows proposed change to the Comprehensive Plan map.)

Staff reviewed the land use history of these parcels and found that the Zoning Map *and* the Comprehensive Plan Map (and Community Development Code text) were changed from IP to GC through several actions: PA 1-92/ZC 1-92, PA 3-95, PA 2-95, and PA 1-98. When examining the files for these zoning map and Comprehensive Plan map changes, staff determined these to be

simple mapping errors where the Comprehensive Plan map should have reflected the base zone of GC. [The recently adopted Southwest Overlay District (SWO) will also continue to apply to these properties.] In the interest of transparency, the City is using the quasi-judicial procedure instead of a ministerial process to change the Comprehensive Plan Map designation from IP to GC, primarily because of the length of time the error has remained (since 1992).

Key Issue: The GC zoning designation is not consistent with the Comprehensive Plan designation of IP. Staff recommends amending the Comprehensive Plan map designation from IP to GC, to be consistent with the previous land use actions for these properties.

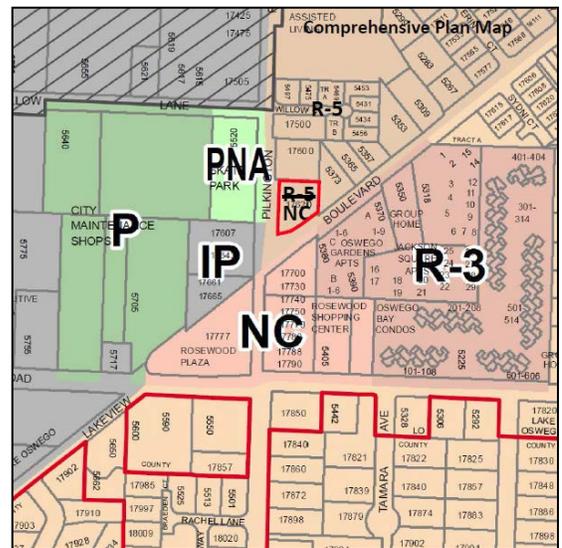


2. 17620 Pilkington, Medical Office Building – proposed Comprehensive Plan Map Amendment from R-5 (single-Family) to NC (Neighborhood Commercial)

17620 Pilkington Road has a Comprehensive Plan designation of R-5 (Medium Density Residential) and a zoning designation of NC (Neighborhood Commercial).

The 1978 Lake Oswego Comprehensive Plan and Land Use Map shows that the subject property was then designated “Neighborhood Commercial” (NC).

In 1980, the zoning in this area was changed from R-7.5 to NC (ZC 2-80, Ordinance 1782).



The City Council report for Ordinance 1782 indicates that the property was, “shown in the Comprehensive Plan as being available for that [NC] use.” It was not clear from the reading of the report that the Comprehensive Plan map designation was changed at that time.

The Council Report also states that “the Tax Lot to the north (which was going to be used for the development to gain additional property lost to street dedication) may, or may not be considered within the boundary of the Neighborhood Commercial area on the Comprehensive Plan Map, but the staff and the Planning Commission felt the Comprehensive Plan should be amended to assure that there would be no confusion on the matter at some future date.”

Sometime between the 1978 Comprehensive Plan Map designation of NC, the Comprehensive Plan map for the subject property was changed to the R-5 designation of the rest of the block, but staff has not been able to locate any approval for this change. Therefore staff believes that the R-5 designation on the subject site is the result of an administrative mapping error. Again, in

the interest of transparency, the City is using the quasi-judicial procedure instead of a ministerial process to change the Comprehensive Plan Map designation from R-5 to NC.

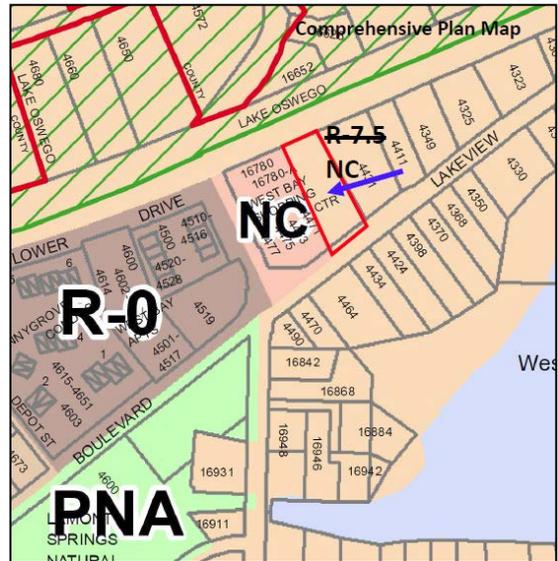
This change would change the allowed uses because there is no change in the NC zoning on the property.

The amended Plan map designation of NC (and existing NC zoning) would be compatible with the Rosewood Neighborhood Commercial Center across Lakeview Boulevard to the south, and would provide a transition in land use intensity from the more intensive commercial and light industrial uses allowed by the IP district to the west.

16780 Bryant; 4471, 4473, 4475 and 4477 Lakeview Blvd. Proposed Comprehensive Plan Amendment from R-7.5 to NC

The lot containing the West Bay Shopping Center at the northeast corner of Bryant and Lakeview Blvd. has a split Comprehensive Plan Designation of R-7.5 (east portion) and “Neighborhood Commercial” (west portion); the lot has a uniform zoning designation of “NC”.

This split Comprehensive Plan map discrepancy between R-7.5 east and NC west portions of the lot, and the discrepancy for the east portion between the Comprehensive Plan map R-7.5 designation and the NC zoning is likely caused by an administrative mapping error. Due to the lack of legislative history about the split Comprehensive Plan map designation, staff is proposing a Comprehensive Plan map amendment through the quasi-judicial land use process to change the east portion of the lot to NC, to achieve consistency with both the west portion’s NC Comprehensive Plan map designation and the east portion’s NC zoning map designation.



At its July 11, 2016 work session, the Planning Commission agreed that staff should move forward with the proposed amendments to the Comprehensive Plan Map.

Staff Recommendation:

- Amend the Comprehensive Plan map for properties zoned GC in the Southwest Employment Area from IP (Industrial Park) C (Commercial) to match the zoning designation of C (Commercial).
- Amend the Comprehensive Plan Map for the property at 17620 Pilkington Road, from R-5 (Single Family) to NC (Neighborhood Commercial) to match the zoning designation of NC (Neighborhood Commercial).
- Amend the Comprehensive Plan Map for the property at 17680 Bryant Road, from R-7.5 (Single Family) to NC (Neighborhood Commercial) to match the zoning designation of Neighborhood Commercial.

IV. NOTICE OF APPLICATION

- A. Newspaper Notice
A public notice of the proposed Zoning Map and Comprehensive Plan Map amendments and Planning Commission public hearing was published in the *Lake Oswego Review*.
- B. Measure 56 Notice
A “Measure 56” Notice per ORS 227.186 was not required for this application. The proposed change in land use regulation will not limit the use of the property.
- C. Posted Notice. Posted Notice of the proposed Zoning Map and Comprehensive Plan Map amendment and Planning Commission public hearings was placed on the properties on November 3, 2017.
- D. Neighborhood Association Notice. Notice of the proposed Zoning Map and Comprehensive Plan Map amendments and Planning Commission public hearings was mailed to the Bryant Neighborhood Association (subject neighborhood association) and the Rosewood, Lake Grove and Blue Heron neighborhoods. (abutting neighborhood associations) on November 3, 2017.
- E. DLCD and Metro Notice
Pursuant to LOC 50.07.016, the City provided notice of the proposed Zoning Map and Comprehensive Plan Map Amendments to the Oregon Department of Land Conservation and Development (DLCD) and Metro.

V. COMPLIANCE WITH APPROVAL CRITERIA

A. CITY OF LAKE OSWEGO COMMUNITY DEVELOPMENT CODE – CRITERIA FOR APPROVAL

1. Classification of Amendment Procedure. The proposed amendment is a “quasi-judicial decision” under LOC 50.07.003.16; it is not a “legislative decision” under the same code section because the proposal applies to “a single lot”.¹ No development is proposed for the site in conjunction with the map changes. While the request is processed as a major development (LOC 50.07.003.16.a.ii), it is not itself a “development”.
2. Identification of Criteria (“Major Development” Standards Not Applicable). Although this request follows the review procedure of a major development under LOC 50.07.003.15, the “major development” criteria² are not applicable to the rezone. The applicable

¹ “A ‘Legislative Decision’ is an amendment to the policies, procedures, standards, criteria or Map designations of the Comprehensive Plan, and this Community Development Code, unless such amendment applies to a small number of identified properties only or is required to effect a particular development permit application.” (LOC 50.07.003.16.) “An amendment to the policies, procedures, standards, criteria or Map designations of the Comprehensive Plan, or this Community Development Code which is not a ‘legislative decision’ as defined in subsection (1) of this section shall be considered “quasi-judicial” and shall be processed as a major development.” (LOC 50.07.003.16.)

² **Section 50.07.003.15 Review Criteria for Major Developments.**

A major development shall comply with:

1. Any applicable regulatory policies of the Lake Oswego Comprehensive Plan;

criteria for a rezone are contained in the “Land Use Planning” chapter of the Comprehensive Plan.

3. Goals and Policies (Lake Oswego, METRO, and LCDC) Applicable. An amendment of the Comprehensive Plan Map and Zoning Map must comply with the rezone criteria set forth in the Lake Oswego Comprehensive Plan³, the Oregon Transportation Planning Rule, and Metro code.

The criteria are listed in Applicable Regulations, page two above, and are addressed in Sections B-D, below.

B. CITY OF LAKE OSWEGO COMPREHENSIVE PLAN

Staff has identified the following Comprehensive Plan Policies applicable to this proposal. Following each policy or group of policies is a response:

Land Use Planning - Land Use Administration

Land Use Administration Policies D-1 and D-5

Comprehensive Plan Amendments: Policy E-2(a)(b)(i)(ii D-G)

Policy D-1: Coordinate the development and amendment of City plans and actions related to land use with other affected agencies, including county, state, Metro, federal agency, and special districts.

Policy D-5: Review and update the Comprehensive Plan periodically to ensure it:

- a. Remains current and responsive to community needs***
- b. Contains reliable information and provides dependable policy direction; and,***
- c. Conforms to applicable state law, administrative rules and Metro requirements; and,***

Finding: As identified in Part IV of the staff report, required public hearing notification was provided to DLCD, and Metro consistent with this policy. Pursuant to Policy D-5, the proposed ordinances are based on a review of the Comprehensive Plan and Zoning Maps to correct Comprehensive Plan Map designation errors.

Conclusion: The proposal is consistent with Policies D-1 and D-5.

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2. The requirements of the zone in which it is located;
 3. The Development Standards applicable to major developments;
 4. Any additional statutory or Lake Oswego Code provisions which may be applicable to the specific Major development application, such as the variance provisions, the Streets and Sidewalks Ordinance (LOC Chapter 42), the Tree Cutting Ordinance (LOC Chapter 55), the Solar Access Ordinance (LOC Chapter 57), and the Historic Ordinance (LOC Chapter 58); and
 5. Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

³ Amendments of Comprehensive Plan and Zoning Maps for a single or small number of identified parcels are not “legislative decisions” per LOC 50.07.003.16. Therefore the “Legislative Decision Criteria” under LOC 50.07.003.16 are not applicable.

Policy E-2: Maintain residential neighborhoods at existing zone and plan density designations except where...

Finding: The proposed amendments do not increase allowable density as there is no change in the respective parcel's zoning. See below, for findings relating to maintaining existing density.

(D) A proposed plan/map density change shall address the effect of the change on overall land supply and shall comply with the Metro Housing Rule (OAR 666-07-000);

Finding: The purpose of the Metropolitan Housing Rule (MHR) is to ensure the opportunity for an adequate number of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary. The MHR requires that Lake Oswego provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing and for an overall density of ten or more dwelling units per net buildable acre [OAR 660-07-035(3)]. By zoning land to accommodate the required mix and density of housing, the City allows a range of needed housing types while providing certainty in the development process.

The Complete Neighborhoods and Housing section of the City's Comprehensive plan discusses Metro's twenty year population and employment forecast for the Portland Metro area in 2012 and is based on expected land supply and demand. The forecast was then distributed among the local jurisdictions in the region.

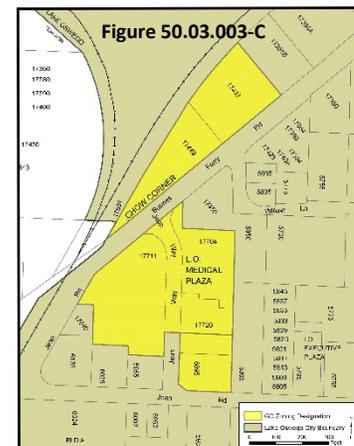
The 2035 forecast outlined in the Comprehensive Plan is within the range that the city used in the Housing Needs analysis for the Comprehensive plan update, which directs the location of future population and job growth within the Urban Services Boundary.

The current request is to:

- Amend the Comprehensive Plan map for GC zoned properties within the Southwest Employment Plan Area from IP (Industrial Park) to GC (General Commercial), to match the zoning designation of GC (General Commercial).
- Amend the Comprehensive Plan Map for the property at 17620 Pilkington Road from R-5 (Single Family) to NC (Neighborhood Commercial), to match the zoning designation of NC (Neighborhood Commercial).
- Amend the Comprehensive Plan Map for the east portion of the property at 16780 Bryant Road from R-7.5 (Single Family) to NC (Neighborhood Commercial), to match the zoning designation of Neighborhood Commercial.

GC Zoned Properties in the vicinity of Jean Road (within the SWEA Plan).

Ordinarily, the GC General Commercial zone allows for high density residential housing (R-0). This criterion does not apply to the GC zoned area in the vicinity of Jean Way and Boones Ferry Road as depicted Figure 50.03.003-C because it does not permit residential, congregate



housing, community institution, residential care housing, community garden, hospitals, mortuaries, bars, drive through restaurants hotels, commercial recreational facilities theatres, auto and light vehicle rental and sales, auto service stations, carwash and parking facilities as a primary use. Table 50.03.002-2, tn 10.

17620 Pilkington; NC Neighborhood Commercial Office Building

The purpose of the NC (Neighborhood Commercial) zone is to provide land near residential areas for lower intensity commercial activities that primarily serve the surrounding neighborhood, smaller public facility uses and residential uses. The NC zone allows for uses at an R-5 density or greater along with live-work dwellings. This property is occupied by a medical office (chiropractic care).

It has a Comprehensive Plan Designation of R-5.

The amendment would change the Comprehensive Plan map designation from R-5 to NC; there is no change in the existing NC zone. Accordingly, the Comprehensive Plan map change would not result in the potential loss of any housing units.

16780 Bryant; 4471, 4473, 4475 and 4477 Lakeview Blvd, NC Neighborhood Commercial Retail

This property is occupied by a commercial retail center and is zoned NC (Neighborhood Commercial). On the Comprehensive Plan map, one third of the property on the east side is designated R-7.5 and the remaining westerly two thirds portion is designated NC.

Changing the Comprehensive Plan map designation on the east portion of the lot from R-7.5 to NC would not result in the loss of any housing units because there is no change in the NC zoning.

In regards to the MHR requirement of 10 DU/acre [OAR 660-07-035(3): “an overall density of ten or more dwelling units per net buildable acre”], the 2013 housing needs analysis found that the City met the 10 DU/acre requirement. See Exhibit F-1, pgs. 26 and 31. Since there is no change in the zoning on the property, there is no effect on the MHR calculations for the City. This criterion is not applicable.

(E) The applicant shall demonstrate a public need for the proposed plan/map density change and that the proposed change will best meet the need when compared to alternatives.

Finding: The City’s Housing Needs Analysis, June 26, 2012 (updated March 19, 2013), Table 20, categorizes the housing needs into three Land Use Classifications:

- Low Density (large lot single family dwelling in R-7.5, R-10, and R-15 zones)
- Medium Density (small lot single family dwelling in R-3*, R-5, and R-6 zones)
- High Density (multi-family dwellings in R-0, R-2, R-2.5, GC, NC/R-0, OC/R-3, EC, HC, CR&D, EC/R-0, and OC zones)

[*The Comprehensive Plan, Vol. 1, pg. 95 has different land use classifications for Medium and High Density residential zones:

- Low Density: R-15, R-10, R-7.5
- Medium Density: R-6, R-5, R-DD
- High Density: R-3, R-2, R-0, R-W

The Housing Needs Analysis is used to support the Housing Policies and Comprehensive Plan Map designations in the Comprehensive Plan.

Under Policy E, “public need” means the public’s need for housing within one of the above three Land Use Classification categories. The Housing Needs Analysis was used to support the Comprehensive Plan Map designations, showing that the designations complied with the needed housing requirements.

“This report provides an evaluation of Lake Oswego’s 20-year housing needs to inform the update of the City’s Comprehensive Plan. Specifically, it provides the technical background to assist the City and community in developing policies that will implement the community’s vision for 2035 while complying with state housing goals and requirements. This report was originally drafted during winter / spring 2011 and was updated in June 2012 primarily to reflect most recent Census information and 2012 median family income levels. The report was updated again in March 2013 to reflect consistency with the Metro adopted 2035 forecast. The Housing Needs Analysis will be adopted by reference when the Comprehensive Plan is adopted by ordinance in 2013, and serve as a factual basis for goals and policies.”

Needed Housing Analysis, pg. 5

http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/web_page/11839/housing_needs_analysis_updated_march_19_2013.pdf?t=1497400284023

Amending the Comprehensive Plan Map for these properties to be consistent with the zoning map better meets the public need to ensure that the Comprehensive Plan map designations are implemented and therefore complies with the needed housing requirements.

As stated above, amending the Comprehensive Plan map for 17620 Pilkington and 16780 Bryant would not affect the potential for residential units because the NC zoning is not being changed. [The number of properties in the vicinity of Jean Way and Boones Ferry Road discussed in Section 1 GC Zone Within the Southwest Employment Area above are not addressed here because single family housing is not permitted in the GC zone.]

High Density housing (R-3, R-2, R-0, and RW) is counted and considered “needed housing.” The City has met the High Density housing needs per the Needed Housing Analysis and the 2013 Comprehensive Plan map’s high density designations. Changing the Comprehensive Plan designation on these parcels to be consistent with their zoning will have no effect on the public.

(F) The applicant shall demonstrate that the proposed density is appropriate for the location given public facilities, natural resources and hazards, road or transit access and proximity to commercial areas and employment concentrations; and,...

Finding: The proposed Comprehensive Plan map amendments for the GC (General Commercial) zoned area in the vicinity of Jean Way and Boones Ferry Road, the chiropractic clinic at 17620 Pilkington (zoned NC, Neighborhood Commercial), and the retail shopping center at 16780 Bryant Road (also zoned NC, Neighborhood Commercial) will have no effect on the proposed density for the locations because there is no change in the zoning of the properties.

(G) The applicant shall demonstrate that development allowed by the proposed zone/map residential density change will be compatible with the surrounding neighborhood, or can be made compatible pursuant to development review of an individual application pursuant to the criteria contained in the Community Development Code.

Finding: The proposed Comprehensive Plan Map changes will match the existing base zone of GC (General Commercial) and NC (Neighborhood Commercial) on these properties. No development is proposed on any of these parcels.

As there will be no change in the zoning on the properties, there is no change in the potential residential density for any property.

This standard is met.

<u>Community Culture – Civic Engagement</u>
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Policies 1, 2, 4 and 5.

Policy 1: Provide opportunities for citizen participation in preparing and revising local land use plans and ordinances.

Policy 2: Provide citizen involvement opportunities that are appropriate to the scale of a given planning effort. Large area plans, affecting a large portion of community residents and groups require citizen involvement opportunities of a broader scope than that required for more limited land use decisions.

Policy 4: Encourage citizens to participate through their neighborhood without excluding participation as individuals or through other groups.

Policy 5: Seek citizen input through service organizations, interest groups and individuals, as well as through neighborhood organizations.

Findings: The CDC, which implements the Comprehensive Plan, contains requirements for a citizen involvement program that clearly defines the procedures by which the general public will be notified in the on-going land use planning process and enables citizens to comprehend the issues and become involved in decision making. All required notifications for input as specified in the Code for quasi-judicial Comprehensive Plan map amendments were provided during this process, including

noticing to all property owners, recognized neighborhood associations and business organizations, and public hearings that will be held before the Planning Commission and City Council. Through this outreach, the City hosted a meeting with and received input from members of the Bryant Neighborhood Association and members of the surrounding neighborhoods (Rosewood, Lake Grove and Blue Heron). Therefore, the process followed for these amendments is in compliance with the above cited Comprehensive Plan policies. This criterion is met.

Complete Neighborhoods and Housing

Goals 1-5 Policy A-2

- 1. Policy A-2: Develop and maintain regulations and standards that ensure residential densities are appropriately related to site conditions including slopes, potential hazards, natural features, and the capacity of public services.***

Finding: There is no change in the zoning, and thus there is no change in the potential for residential density on the properties. This criterion is met.

C. METRO CODE

Metro Regional Transportation Functional Plan

Title 5: Amendment of Comprehensive Plans [MC 3.08.510.A]

- A. When a city or county proposes to amend its comprehensive plan or its components, it shall consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060.***

Finding: This standard outlines Transportation System Management strategies and access management improvements, transit, bicycle and pedestrian system improvements, traffic calming and other land use strategies outlined in OAR 660-012-0035(2). This would include connectivity improvements to provide parallel arterials, collectors and local streets that include pedestrian and bicycle facilities. This standard is applicable when there is an amendment of “the Comprehensive Plan or its components.” The proposed Comprehensive Plan map designations of “C” General Commercial and NC neighborhood commercial are intended to match the existing zoning designation and development uses on these properties. These changes will allow these parcels’ Comprehensive Plan map designation of GC (General Commercial) or NC (Neighborhood Commercial) to be consistent with their existing zoning and current uses. Accordingly, these changes do not implement any changes to the development potential of the properties. Staff notes that the purpose of the proposed Comprehensive Plan Map amendments are to correct administrative errors where the Comprehensive Plan map designation was originally intended to match the existing zoning designation of these parcels. This action brings the Comprehensive Plan and Zoning maps into conformance. The proposed changes to the Comprehensive Plan map designations result in no net increase or decrease of residential units, resulting in no impact to these transportation systems.

D. TRANSPORTATION PLANNING RULE-OAR 660 12-0060)

The Transportation Planning Rule implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient and economic transportation system. If an amendment to a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the City must [either find that the land uses will be consistent with the planned function, capacity and performance of the transportation facility] or put in place measures [to improve the transportation facility], unless the amendment is allowed under section (3)[inadequate facilities but amendment does no additional harm], (9) [rezoning consistent with comprehensive plan and Transportation System Plan (TSP)], or (10)[map amendment affecting only land entirely within a multimodal mixed-use area (MMA), and other requirements] of this rule.

Finding: These amendments do not change the zoning of the properties, and thus to not change the development potential of the properties. Accordingly, there is no effect on the maximum planned function, capacity and performance of any transportation facility.

Other Considerations

The proposed Comprehensive Plan map amendments do not result in any existing land use or development becoming non-conforming because there is no change in the underlying zoning. The subject properties are currently occupied by commercial or office uses, which are permitted in the underlying GC and NC zones.

VI. RECOMMENDATION

Based on the information presented in this report, staff recommends approval of the proposed Comprehensive Plan map changes.

EXHIBITS

This staff report and all exhibits referenced below are part of the record and can be found by visiting the land use webpage for the case file. A link is provided at the end of this report.

A. Draft Ordinances

- A-1 Draft Ordinance 2763 (dated 10/19/17)
 - Attachment 1: City Council Findings and Conclusions [Not yet available]
 - Attachment 2: Proposed Zoning Map Amendments (dated 10/19/17)
- A-2 Draft Ordinance 2764 (dated 10/19/17)
 - Attachment 1: City Council Findings and Conclusions [Not yet available]
 - Attachment 2: Proposed Zoning and Comprehensive Plan Map Amendments (dated 10/19/17)
- A-3 Draft Ordinance 2765 (dated 10/19/17)
 - Attachment 1: City Council Findings and Conclusions [Not yet available]
 - Attachment 2: Proposed Zoning and Comprehensive Plan Map Amendments (dated 10/19/17)

B. Findings, Conclusions and Order [No current exhibits; reserved for hearing use]

- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Reports [No current exhibits; reserved for hearing use]
- E. Graphics/Plans
 - E-1 Comprehensive Plan Map, 06/19/17
 - E-2 Zoning Map, 06/19/17
- F. Written Materials
 - F-1 2013 Comprehensive Plan, Housing Needs Analysis, Table 20 (June 26, 2012; updated March 19, 2013)
- G. Letters [No current exhibits; reserved for hearing use]

Staff reports, exhibits and notices can be found by visiting the land use case webpages for LU 17-0063.

Use the link below to visit the City's "Project" page. In the "Search" box enter the land use case number, LU 17-0063, and then press "Submit":

<http://www.ci.oswego.or.us/projects>