

STAFF REPORT
CITY OF LAKE OSWEGO
PLANNING AND BUILDING SERVICES DEPARTMENT

APPLICANT / PROPERTY OWNERS:

Randy Reeve, Emerald Pacific Builders, INC.,
(Tax Lot 4300, Map 21E07DD)

RB Pamplin Corporation (TL's 4400 & 4500,
Map 21E07DD)

City of Lake Oswego, (TL 4600, 21E07DC,
Owned by Keith Chamberlain; TL 9300,
21E07DC, owned by Delia (Dee) Denton)

APPLICANTS' REPRESENTATIVES:

Planning Resources, Kenneth L. Sandblast,
AICP

Andrea Marek, RB Pamplin Corporation
Paul Espe, City Of Lake Oswego

TAX LOT REFERENCE:

Tax Lots 4300, 4400, 4500, and 4600
Map 21E07DD

Tax Lots 9300,
Map 21E07DC

LOCATION:

4855 and 4905 Upper Drive
16710 Boones Ferry Rd.

COMP. PLAN DESIGNATION:

4855 Upper Drive: R-7.5
4905 and 4925 Upper Drive: WLG OC / WLG
R-2.5
16710 Boones Ferry Rd. and 16722 Boones
Ferry Rd.: WLG OC / WLG R-2.5

ZONING DESIGNATION:

4855 Upper Drive: R-7.5
4905 Upper Drive: WLG OC
16710 Boones Ferry Rd.: WLG OC / WLG R2.5

FILE NOs:

LU 08-0059a (Pamplin/Reeves)
LU 12-0046 (City of Lake Oswego)

STAFF:

Paul Espe, Associate Planner

NEIGHBORHOOD ASSOCIATION:

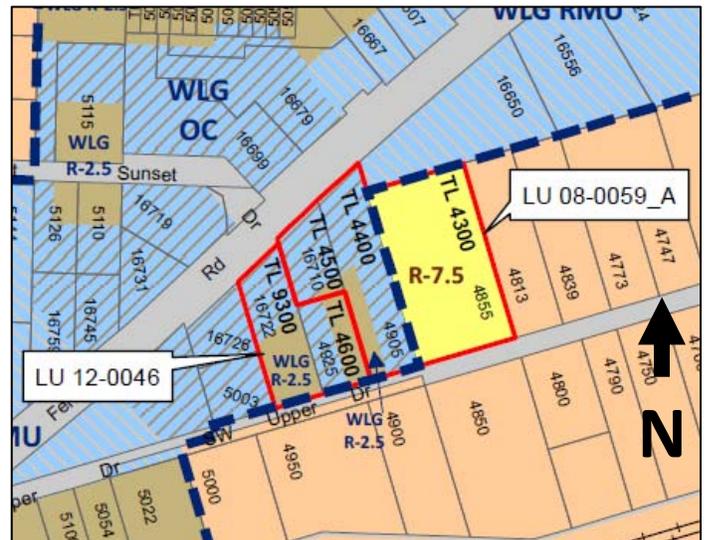
Lake Grove

DATE OF REPORT:

March 1, 2013

DATE OF HEARING:

March 11, 2013



4925 Upper Drive and 16722 Boones Ferry Rd.:
Clackamas County: R-8.5

I. APPLICANT'S REQUEST

Randy Reeve is the owner of Tax Lot 4300 (4855 Upper Drive) and is the principal applicant requesting that the West Lake Grove Design District (WLGDD) boundary be expanded to include his property (Exhibits E-3 through E-6). He is requesting that the northern portion of his property be designated WLG OC (Office Commercial) and that the southern portion be designated WLG R-2.5 (Townhome Residential). He intends to construct four townhomes that will have frontage on Upper Drive. In addition, the application includes a request by the adjoining westerly property owner, the Pamplin Corporation, to adjust the Comprehensive Plan map and figures in the community development code as they apply to Tax Lots 4400 (4905 Upper Drive) and 4500 (16710 Upper Drive), located immediately west of Tax Lot 4300. The proposed changes would redesignate small portions of Tax Lots 4400 and 4500 from WLG R-2.5 to WLG OC so that each tax lot is entirely zoned WLG OC. The request would also revise a figure in the code that depicts Tax Lot 4400 as a parking area with an access drive connecting Boones Ferry Road and Upper Dr.

The City of Lake Oswego has initiated proposed changes to redesignate Tax Lot 9300 (16722 Upper Drive) and Tax Lot 4600 (4925 Upper Drive) as WLG OC. These changes are considered a companion application to the Reeve and Pamplin proposal (LU08-0059a) and will serve to create a uniform zone designation of WLG OC for these properties. The primary reasons for the City's participation in this proposal are to reduce barriers to redevelopment in the district and thereby facilitate the extension of West Sunset Drive from Boones Ferry Road to Upper Drive. The current West Lake Grove plan depicts the road extension crossing parcels that are partially designated WLG R-2.5 and intended for townhome development. Because of the amount of land required for road right-of-way, the development of the properties is highly constrained and would require consolidation with adjoining parcels. The proposed changes are intended to provide greater flexibility in how the properties abutting the roadway develop.

In summary, the request includes the following components:

Applicant's request (LU08-0059a):

- Amendment of the West Lake Grove Design District boundary to include 4855 Upper Drive (21E07DD04300);
- Comprehensive Plan and Zoning map amendment from R-7.5 to WLG OC on northern two thirds of Tax Lots 4300 and WLG R-2.5 on the southern one third; Zoning Map amendment to remove the parking reserves and building areas on Tax Lots 4400 and 4500;
- Comprehensive Plan and Zoning map amendment to change the WLG R-2.5 designation on the southwest corner of Tax Lot 4400 and the south east corner of Tax Lot 4500 to a uniform designation of WLG OC;
- Text amendments for LOC Appendices 50.05.005 A through D and J through M for Tax Lots 4300, 4400 and 4500 (including the revision of Figure 50.50.05.005 c (Exhibit E-9) in the Community Development Code to remove the future access driveway on Tax Lot 4400 connecting Boones Ferry Road and Upper Drive.

City's request (LU 12-0046):

- Comprehensive Plan and Zoning Map amendment from WLG R-2.5 to a uniform designation WLG OC on the south side of Tax Lot 9300 and the east side of Tax Lot 4600. These

designations should extend into the proposed West Sunset Drive right of way, which currently carry no zoning designation on the map.

- Zoning Map amendment to remove parking reserve and building area designations on Tax Lots 9300 and 4600.

II. STAFF RECOMMENDATION

Staff recommends approval of LU 08-0059a and LU 08-00046

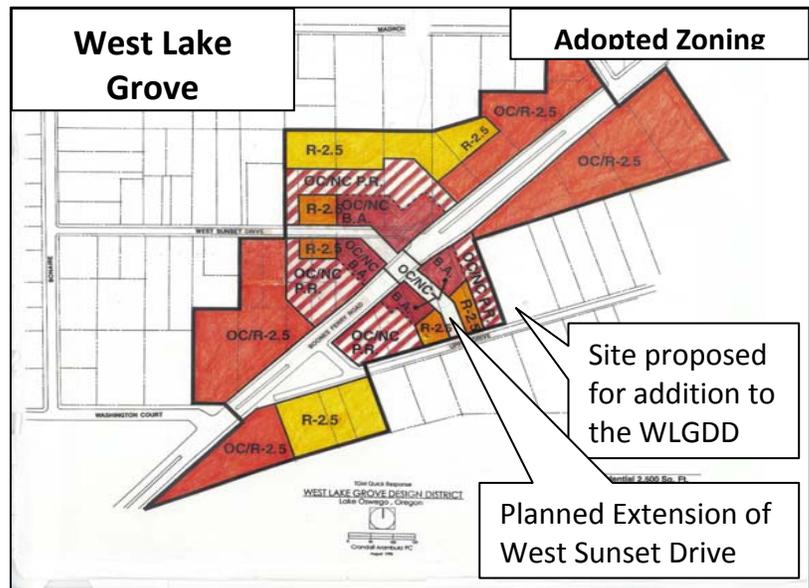
III. APPLICABLE REGULATIONS

- A. City of Lake Oswego Community Development Code
- | | |
|-------------------------|---|
| LOC 50.07.003-1 | Application for Development |
| LOC 50.07.003-15 and 16 | Major Development Decisions and Legislative Decisions |
| LOC 50.01.001-2 | Purpose |
| LOC 50.03.002 and 003 | Use Tables - West Lake Grove Zone Districts |
| LOC 50.05.005-1 | Purpose - West Lake Grove Design District Standards |
| LOC 50.05.005-4 (b) | Streets and Circulation - West Lake Grove Design District Standards |
- B. City of Lake Oswego Comprehensive Plan
- | | |
|---|--|
| Goal 1: Citizen Involvement | Policies 1 and 2 |
| Goal 2: Land Use Planning (Section 1 Land Use Policies and Regulations) | Policies 1, 5(a)(b) i,ii (A, B, C, D, E, F, G, H), |
| Goal 9: Economic Development | Policies 1, 2, 7, 11, 13 and 17 |
| Goal 10: Housing | Policies 1, 10, 11, and 14, |
| Goal 12: Transportation | Subgoal 1, Major Street System, Policies 1, 2,
Subgoal 3, Neighborhood Collectors and Local Residential Streets, Policy 5
Subgoal 4, Land Use and Transportation Relationships, Policy 4
Subgoal 11, Parking Policy 3 |
| Goal 13: Energy Conservation | Policy 4 |
- C. Lake Grove Neighborhood Plan
- | | |
|-------------------------------|----------------------|
| Goal 1 Citizen involvement, | Policies 2 and 3 |
| Goal 9, Economic Development, | Policies 1, 2, 6, 11 |
| Goal 10, Housing, | Policies 5(a-g) |
| Goal 12, Transportation | Policies 5, 6 and 8 |

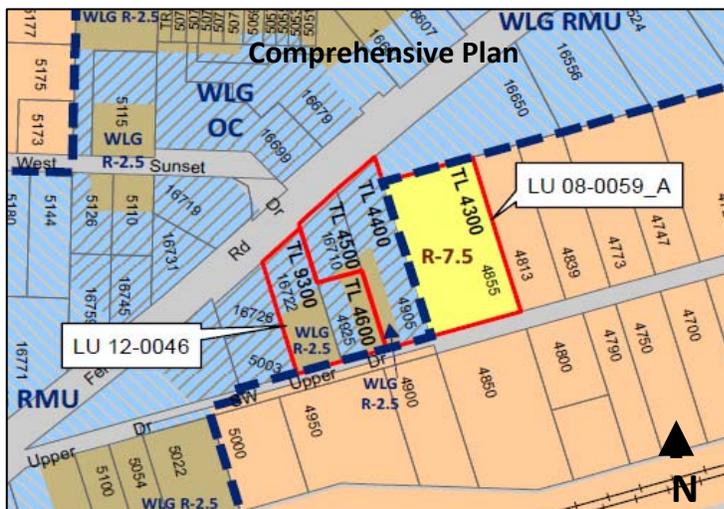
- D. Metro Urban Growth Management Functional Plan
- E. Transportation Planning Rule
OAR 660-12-060(1) and (2)
- F. Statewide Planning Goals
Goal 9 – Economic Development

IV. BACKGROUND AND PROJECT HISTORY

History of the West Lake Grove Design District. On March 11, 1999, the City Council adopted the West Lake Grove Design District including amendments to the Community Development Code text and the Comprehensive Plan and Zoning Maps. The changes applied to approximately 14.7 acres along both sides of Boones Ferry Road between Madrona Street and the railroad tracks. The zone changes were from Low Density Residential (R-7.5) to a mix of Office Commercial/ High Density Residential (OC/R-2.5), Office Commercial/ Neighborhood Residential (OC/NC), and Townhome Residential (R-2.5). The original WLGD map also specified areas that were intended as building areas (BA) and for parking (PR).



The 2012 code streamlining and reorganization project changed the names of two of these districts as follows: OC/R-2.5 is WLGRMU (residential mixed use); OC/NC is WLGO (office commercial). These designations are shown in the revised map (Left, and Exhibit E-3).



Concurrent with the Comprehensive Plan and Zoning Map amendments, the City adopted a set of design standards to guide the development of the district. The standards require development of an attractive pedestrian friendly, mixed use neighborhood district. The planned commercial focus of the district is at the intersection of West Sunset Drive and Boones Ferry.

Approximately ten years ago, the first major project in the district was approved

and constructed. The project included a commercial building at the northeast corner of West Sunset and Boones Ferry with higher density attached housing behind. In order to carry out the approved plan, the developer was required to realign the intersection and install the traffic signal. None of the other three corners of the intersection have been developed.

Previous Traffic Impact Findings for the WLGDD. In conjunction with adoption of the West Lake Grove Design District, the Transportation Element of the Public Facility Plan was amended, through the inclusion of public street improvements and a circulation plan. LOC 50.05 and LOC Appendices 50.005; B, C, and D, depict the signalized intersection and the extension of West Sunset Drive to Upper Drive. The extension is also identified in the WLGDD zone map (Exhibit E-15). The original traffic impact analysis prepared by DKS and Associates at the time the West Lake Grove Design District was adopted (PA 4-98/ZC 6-98/DA 1-98,) identifies hazards with the west intersection of Upper Drive and Boones Ferry Road. The study suggested that this intersection be restricted to right-in / right-out only or eliminated entirely, once the West Sunset Drive Extension to Upper Drive is completed.

The City Council found that traffic generated at full build-out of the district would not cause the local roadways or intersections to drop below minimum performance standards. The study indicated that the intersection of Boones Ferry and Bryant Roads was expected to exceed LOS "E" by 2030. The traffic impact analysis prepared in 2008 by DKS Associates (Exhibit F-3) concludes that development of Tax Lots 4300, 4400, and 4500 with a mixture of office and commercial uses (WLG OC) and residential townhouse development (WLG R-2.5) would not result in significant traffic impacts to nearby intersections. The report notes that the additional traffic from development of the property would not cause current service levels to exceed the level "E" during peak hours. The report notes that due to background traffic, the Bryant Road/Boones Ferry intersection is projected to be at "F" levels of service in the PM peak traffic hour in the year 2030. The Boones Ferry Road Refinement Plan Report prepared in September 2009 by DKS Associates found that with planned improvements to the Boones Ferry Road/Bryant Road intersection, the intersection would function at a level of service "D" in the year 2035.

The 1998 study maintained that the traffic signals at the new intersection of Boones Ferry Road and West Sunset Drive would be resolve the safety problems associated with the Boones Ferry/Upper Drive intersection. As part of their adoption of the West Lake Grove plan, the City Council found that the level of service and capacity of intervening street segments was adequate, based on the planned uses/density, and concluded that the projected traffic would meet the Goal 12 requirements.

Applicant's Original Request. The original application was made by the Pamplin Corporation and was scheduled for a public hearing on February 23, 2009. The Staff Report recommended denial because the proposed amendments were not in compliance with identified key Lake Grove Neighborhood Plan policies regarding the West Lake Grove Design District. The report cited the following issues:

- a. The future plan did not follow the circulation requirements proscribed under the Internal Parking and Circulation requirement, LOC Figure 50.05.005-C, and;
- b. The applicant did not demonstrate how the site would result in the development of Tax Lot 4600 or the southern extension of West Sunset Drive in a manner that is consistent with the West Lake Grove Design District standards.

The applicants requested a continuance which was granted by the Planning Commission to allow the applicant additional time to address these issues. The owner of Tax Lots 4400 and 4500 (the Pamplin Corporation), withdrew its interest in developing the site, because they did not wish to have reciprocal access between their property and other properties in the West Lake Grove Design District. However, the Pamplin Corporation remains a co-applicant with Randy Reeve for the zone change request and is still interested in developing the site.

Updated Application. In 2012, Randy Reeve submitted a revised application that modified the original proposal for the portion of the site that fronts directly on Upper Drive. Mr. Reeve is proposing an R-2.5 designation in this location and the construction of four townhomes.

Recent Work Session. On September 24, 2012, a Planning Commission held a work session to discuss the proposed WLGD boundary amendment, Comprehensive Plan amendment and zone change. The work session was held to consider a proposal to eliminate the R-2.5 zoning on Tax Lots 9300 and 4600 to better facilitate redevelopment and the extension of West Sunset Drive. The Planning Commission directed staff to expand the application to include these properties.

Since the work session, the ownership of Tax Lot 4600 transferred to a new owner, Keith Chamberlin. The City contacted Mr. Chamberlain regarding the proposed amendments and he stated that he has no interest in the zone change and wanted to continue to maintain and rent out the existing single-family dwelling on the property. The City also contacted the owner of Tax Lot 9300. The owner was interested in changing the zoning on the site and expressed support for the change.

Correspondence/Letters. Staff received one letter of support from the Lake Grove Neighborhood Association (Exhibit G 100) and letters from three residents from Upper Drive opposing the project. The main concerns are related to increased traffic, construction of the West Sunset Drive extension, and compatibility of the proposed project with the existing neighborhood. The neighborhood association acknowledged that there are several neighbors that oppose this zone change and they agreed that it was a departure from a long held norm that the residential/commercial boundary was considered firm. The neighborhood association letter also acknowledged the concern regarding the future extension of West Sunset Drive to Upper Drive.

The Lake Grove Neighborhood Association (LGNA) letter states an understanding that the boundary amendment and zone change are necessary to conform to the purpose of the plan given the small and odd sized lots that would need to be consolidated to create a cohesive development. The additional parcel would allow for consistency with the West Lake Grove design standards.

The LGNA would like to maintain the residential character of Upper Drive. While they support the proposed commercial development on the northerly part of the parcel, they would like to have the south portion remain R-7.5. With regards to the West Sunset Drive extension, the LGNA supports the construction of this roadway in order to ensure the connectivity originally envisioned with the adoption of the plan. However, they would like the City to consider implementing appropriate traffic calming and controlling devices to minimize trips to Upper Drive.

V. KEY ISSUES

Sunset Drive Extension. The plan for West Lake Grove depicts the extension of Sunset Drive crossing three different properties between Boones Ferry Road and Upper Drive. When the West Lake Grove Plan was created, it was assumed that a developer would buy multiple properties to assemble larger parcels for development. However, the three properties remain under separate ownerships and no single developer has come forward to assemble the properties. Because the properties are small and the proposed road extension carries significant expense, it has not been economically feasible for any one of the properties to build the road connection.

An additional issue is that when the property on the north side of Boones Ferry was developed, the intersection was constructed about 60 feet to the northeast of where it was depicted on the West Lake Grove plan diagram. This changes how the road is aligned to the south and how much of Tax Lots 4500 and 4600 are impacted.

A key question before the Commission is whether changes to the plan and zoning maps the City is proposing will make it easier to implement the WLGD plan and make it more likely the road extension will occur.



Plan and Zoning Designations. Because the road was realigned to the northeast, the plan designations and zoning for Tax Lot 4600 and the lot immediately to its west, Tax Lot 9300 (16722 Boones Ferry Road), no longer match the location of the proposed West Sunset Drive extension. If the WLGR-2.5 zoning is removed and the properties are redesignated WLGO, it should be easier to redevelop these properties and complete the road extension.

The purpose of the City initiated application is to consolidate WLGO and WLGR 2.5 into large enough areas so they can be developed in a manner that is consistent with the original intent of the plan. These proposed changes consist of redesignating small portions of these lots from WLGR-2.5 to WLGO so that each tax lot is entirely zoned WLGO. These designations would also extend into the proposed right-of-way of the West Sunset Drive. This designation was inadvertently omitted from the original WLGD zoning approval (Exhibit E-15). The request would also revise Figure 50.50.05.005c (Exhibit E-9) in the Community Development Code to realign the future access driveway on Tax Lot 4400 so that it connects from Boones Ferry Road to West Sunset Drive.

In the past, development in the WLGD has been constrained by the relatively small parcel sizes and zoning that historically restricted redevelopment opportunities in this area. The boundary expansion will provide the needed land area for commercial development while also assisting in the development of the two adjacent WLGO zoned parcels currently owned by the RB Pamplin Corporation. This expansion is also expected to facilitate the future development of properties west of the development and the future construction of West Sunset Drive.

The applicants' requests are intended to allow for a more cohesive development that will meet the purpose of West Lake Grove Design District (LOC 50.05.005). Development that follows the change, will contribute to intersection and street improvements to connect West Sunset Drive with Boones Ferry Road and Upper Drive.

VI. BASIC FACTS

- A. The site (Tax Lots 4300, 4400, 4500 and 4600 of map 21E07DD and 9300 of map 21E07DC) is located on the north side of Upper Drive, south of Boones Ferry Road. Tax Lot 4300 is owned by Randy Reeve. Tax Lots 4400 and 4500 are owned by the Pamplin Corporation. All three tax lots are located east of the future alignment of West Sunset Drive. Tax Lots 4600, owned by Keith Chamberlain, and Tax Lot 9300, owned by Delia (Dee) Denton, are located west of the West Sunset Drive alignment.
- B. The overall site has a southeasterly facing slope and is slightly below the elevation of the Boones Ferry right-of-way. Tax Lots 4300, 4400, and 4500 are vacant. Tax lot 4600 is occupied by a single-family residence and Tax Lot 9300 is occupied by a commercial retail use. A stand of mature fir trees is located at the northerly portion of Tax Lots 4300 and 4400 and there are scattered deciduous trees throughout the remainder of the site.
- C. Tax Lot 4300 was annexed in 2007 (AN 07-0002) and the City's Low Density Residential R-7.5 zone was applied to the property.
 - Tax lot 4400 has Comprehensive Plan designation of WLG OC and WLG R-2.5. This parcel was annexed in 2007 (AN 07-008) and the zoning designation of WLG OC was applied to this lot.
 - Tax Lot 4500 has a Comprehensive Plan Designation of WLG OC and a small portion of this lot is designated WLG R-2.5. (It was originally zoned R-7.5 when it was annexed in 1989 but the zone was later changed to WLG OC when the West Lake Grove Design District was adopted in March, 1999).
 - Tax Lots 4600 and 9300 also have Comprehensive Plan Designations of WLG OC and WLG R-2.5, but have not been annexed to the City.

VII. CRITERIA FOR APPROVAL

A. City of Lake Oswego Community Development Code - Criteria for Approval

1. Classification. The applicants and the City are requesting an amendment of the Comprehensive Plan Map and Zoning Map, expansion of the West Lake Grove Design District, and amendments to the West Lake Grove Design District Appendices. These amendments are not "legislative decisions" under LOC 50.07.003-16¹ because the map changes, boundary expansion, and the appendix only apply to "a small number of identified properties". Zone change applications are only considered major developments by the code if they are coupled with a development

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.

application². Therefore, while the request is being processed as a major development, it is not considered a “major development.” Procedures of a major development would be followed for this application, e.g., notice, hearing procedure because code does not provide specific procedures for a quasi-judicial zone change.

2. Identification of Criteria (“Major Development” Standards Not Applicable). Although this request is processed as a major development under LOC Article 50.07.003-15, the “major development” criteria³ are not applicable to this rezone, expansion of the District boundary, and LOC Article 50.05.005 appendix amendment request.
3. “Legislative Decision” Criteria Not Applicable. As discussed above, amendments of Comprehensive Plan and Zoning Maps and expansion of the District boundary for a single parcel, and amendment of the appendix relating to a small number of parcels, are not “legislative decisions” 50.07.003-16. Therefore the “Legislative Decision Criteria” under LOC 50.07.003-16 are not directly applicable.
4. Goals and Policies (Lake Oswego, METRO, and LCDC) Applicable. Any amendment of the Comprehensive Plan Map and Zoning Maps, expansion of the District boundary, and amendment of portions of LOC 50.05.007 must comply with the goals and policies in the Lake Oswego Comprehensive Plan, and applicable METRO and statewide planning goals. ORS 197.015(5), (11); ORS 197.175(2); ORS 197.835(6), (7)⁴; Sunnyside Neighborhood v. Clackamas Co. Comm., 280 Or. 3, 569 P.2d 1063 (1977); Colwell v. Washington County, 79 Or. App. 82, 718 P.2d 747 (1986).

²“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.

³ **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;
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.

⁴ **197.835 [LUBA] Scope of review; rules.**

....

(6) The board shall reverse or remand an amendment to a comprehensive plan if the amendment is not in compliance with the goals.

(7) The board shall reverse or remand an amendment to a land use regulation or the adoption of a new land use regulation if:

- (a) The regulation is not in compliance with the comprehensive plan; or
- (b) The comprehensive plan does not contain specific policies or other provisions which provide the basis for the regulation, and the regulation is not in compliance with the statewide planning goals.

The submittals address the City’s Comprehensive Plan policies, Lake Grove Neighborhood Plan policies, Metro Urban Growth Functional Plan, and LCDC Goals and Transportation Planning Rule. The submittal includes a description of the proposal as it relates to the WLGDD Concept Plan.

5. Council Discretion Applicable. Even if the proposed changes are found to meet the goals and policies of the Lake Oswego Comprehensive Plan, METRO, and the LCDC, the City Council is not *required* to make the requested amendments. Whether to amend the Comprehensive Plan and Zoning Maps, expand the District boundaries, and make amendments to the LOC 50.05.005. Appendices are policy decisions up to the discretion of the City Council. For example, the City Council may exercise its policymaking discretion in determining whether this is an appropriate time to entertain expansion of the District. See *Rutigliano v. Jackson County*, 42 Or LUBA 565 (2004)(an application to change a unified Comprehensive Plan and zoning map does not in itself require a “discretionary approval of a proposed development of land” and is therefore not an application for a “permit” within the meaning of ORS 215.402(4)[or similar, ORS 227.160 et seq.]).

B. Summary of Applicable Criteria

For purposes of determining whether the requested amendments and expansion of the District boundary would meet the applicable criteria, staff will consolidate the review of the proposal by the applicants, (Tax Lots 4300, 4400 and 4500) and those changes proposed by the City (Tax Lots 4600 and 9300).

The applicable criteria include relevant sections of the West Lake Grove Zone and the West Lake Grove Design District standards, applicable Comprehensive Plan and Neighborhood Plan goals and policies, relevant Titles from the Metro Urban Growth Management Functional Plan, and relevant LCDC goals, policies, and administrative rules.

VIII. FINDINGS

A. CITY OF LAKE OSWEGO COMMUNITY DEVELOPMENT CODE

1. LOC 50.07.003-1 Application for Development

Finding: Required application materials are in the record as Exhibits F-1 and F-2. City files include all required notices.

Conclusion: The code requirements are satisfied.

2. LOC 50.07.003-15 and 16 Major Development Decisions and Legislative Decisions

Finding: Section VII of this report outlines the criteria and procedures for making a decision on this application. Section VIII of this report addresses each of the required criteria and plans.

Conclusion: The code requirements are satisfied.

3. LOC 50.01.001-2 Purpose

Finding: LOC 50.01.001-2 lists the purpose statements for the City's zoning districts. No purposes are listed in this section for the West Lake Grove zones. Rather a broader purpose statement is provided under the West Lake Grove Design District Standards (LOC 50.05.005-1). This purpose statement is addressed below. The purpose Section VII of this report outlines the criteria and procedures for making a decision on this application. Section VIII of this report addresses each of the required criteria and plans.

Conclusion: The code requirement is satisfied.

3. LOC 50.03.002 and 003 Use Tables - West Lake Grove Zone Districts

Finding: LOC 50.03.002 and 003 list the uses permitted in the West Lake Grove zone districts. No uses are being proposed that do not fit under the list of permitted uses in the code.

Conclusion: The code requirements are satisfied.

4. LOC 50.05.005-1 Purpose - West Lake Grove Design District Standards

The purpose statement of the West Lake Grove Design District states:

These provisions are intended to implement the Lake Oswego Comprehensive Plan and the West Lake Grove Design District, identified in Figure 50.05.005-A: West Lake Grove Design District Boundaries, by specifying allowed land uses and providing design and development standards to ensure:

- a. The characteristics of allowed land uses are appropriate for this location in terms of function, transportation characteristics, and compatibility with nearby residential uses.*
- b. Development of specific transportation improvements necessary to:*
 - i. Minimize impacts on adjacent local streets through measures such as site planning, building design, and building orientation;*
 - ii. Allow for efficient and safe shared access to Boones Ferry Road to minimize traffic conflicts;*
 - iii. Ensure cohesive internal circulation and cross easements between all properties at full development; and*
 - iv. Provide for pedestrian, bike and public transit facilities.*
- c. Effective buffering and screening occurs between land uses allowed within the West Lake Grove Design District and existing single-family residential neighborhoods.*
- d. The creation of a built environment complementary to the existing character of Lake Grove which includes:*
 - i. The creation of an aesthetic entry to the City;*
 - ii. Architecturally designed structures of high design quality sited to orient towards the public streets; and*

- iii. *Conservation of existing mature Douglas fir trees and other significant trees to retain the landmark status imparted by these resources.*
- e. *High quality site planning and designed landscapes.*

Finding: The proposed expansion of the WLGD and the related plan and zone changes are not intended to change the character of the district or result in significant changes to the land uses that were originally approved. The proposed changes are intended to allow for more efficient redevelopment of properties within the district and to facilitate the extension of West Sunset Drive from Boones Ferry Road to Upper Drive.

The proposed amendments specifically assist in implementing LOC 50.05.005-1 (b) (iii) given that the inclusion of Tax Lot 4300 provides the opportunity to construct building and parking facilities to allow more options for circulation with the parcels to the north and northeast within the district. Under the current district boundary configuration, Tax Lot 2200, the triangular parcel north of Tax Lot 4300, is unable to have reciprocal access to Tax Lot 4400 because the common property line is very close to the Boones Ferry right-of-way. Buffering and other design requirements would further encumber access in this location. In addition, the future location of West Sunset Drive constrains development on the west side of the site. The proposal to include TL 4300 provides for better vehicular circulation to other parcels and opportunities for shared parking with other development sites. See further discussion regarding LOC 50.05.005-1 below.

Conclusion: With the inclusion of Tax Lot 4300 and the proposed zoning amendments, the development densities and plan elements envisioned in the original design district can be achieved.

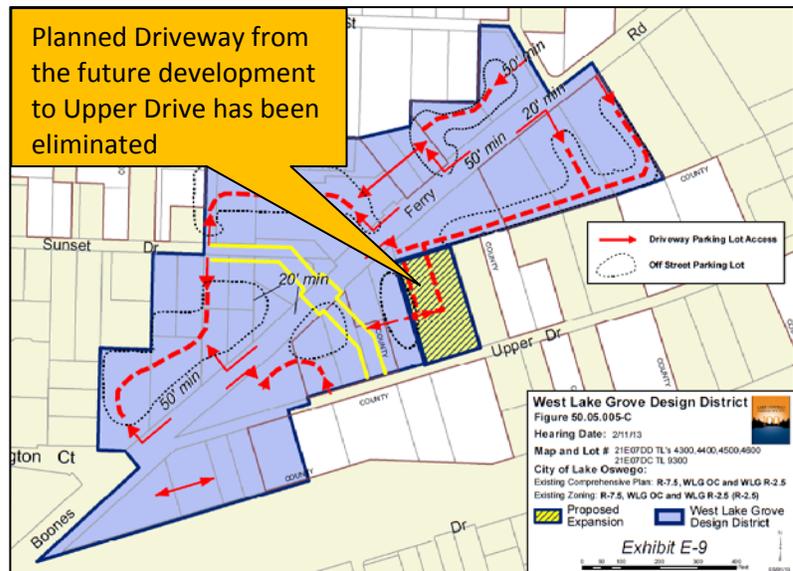
5. LOC 50.05.005-4 (b) Streets and Circulation - West Lake Grove Design District Standards

LOC 50.05.005-4 (b) states:

Access to Boones Ferry Road, new streets, internal vehicular driveways, parking, pedestrian and bike facilities shall be provided and developed in accordance with the Streets and Circulation Element of the West Lake Grove Design District [appendix 50.05.005-B and C,(a), "Auto Transportation and Circulation", (b), "Internal Parking and Circulation" and 2(c), "Street Pedestrian Facilities and Pathways"]."

The Internal Parking and Circulation diagram (Appendix 50.05.005-C) is shown below.

Finding: The proposed change to Figure 50.05.005-C eliminates the driveway from Boones Ferry to Upper on Tax Lot 4400. It instead, depicts a connection from Boones Ferry and Tax Lot 2200 to the West Sunset extension. The diagram will require that development be coordinated to ensure that shared access is secured through reciprocal access easements.



The Design District’s requirement for internal circulation is to minimize access points to Boones Ferry Road. The proposed boundary amendment and zone changes enable future development to more easily comply with this standard. The changes also provide more contiguous space for buffering to the adjoining residentially zoned property.

Conclusion: These proposed changes will facilitate access for the triangular shaped parcel (north of Tax Lot 4300, Tax Lot 2200) to other parcels, thus minimizing access points from this parcel to Boones Ferry Road. The proposed boundary amendment planning and zoning amendments will allow for better internal circulation connecting these parcels with the rest of the Design District. This standard has been met.

B. COMPLIANCE WITH COMPREHENSIVE PLAN POLICIES

In order for the City to approve a quasi-judicial Comprehensive Plan Map amendment and Zoning Map amendment, it must be shown to be consistent with all applicable Comprehensive Plan policies. Direct citations from the Comprehensive Plan are shown in italics. In some cases, the proposed finding relative to a Plan policy refers to the response to another similar applicable policy.

GOAL 1: CITIZEN INVOLVEMENT POLICIES

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

Finding:

LU 08-0059a (Reeve / Pamplin)

The applicants participated in the following required meetings:

- On May 22, 2008, a preapplication conference was held with the City of Lake Oswego Planning Department. Neighborhood representatives attended.
- On July 22, 2008, a neighborhood meeting was held per LOC 50.77.025 at the City of Lake Oswego's West End Building to discuss the proposed Plan Map amendment and Zoning Map amendment. Advance notice of this meeting was provided as required by LOC 50.77.025-3, including posting the site with a notice of the upcoming meeting and mailing notice of the meeting to the officers of the Lake Grove Neighborhood Association and other neighboring associations and to residents and owners of the 50 plus properties closest to the site. The minutes of the meeting can be found in Exhibit F-6.

In addition, the applicants held several meetings with surrounding neighbors, the Lake Grove, Lake Forest, and Waluga neighborhood associations and the Lake Grove Business Association as conceptual plans were being developed. In addition to the Lake Grove NA Board meeting in July 2008, neighbors attended three separate small group meetings in the summer / fall of 2009 at the office of Planning Resources.

After these meetings, the applicant proposed that the southern portion of Tax Lot 4300 be developed with townhomes. This would provide single-family development along Upper Drive while providing a buffer from the office development and associated parking. Townhomes will provide the necessary transition and compatibility with the neighborhood. The minutes to the meeting in July, 2008 are found in Exhibit F-6.

In addition, Planning Resources Inc., presented this application as an agenda item at the monthly Lake Grove Neighborhood Association meetings in both August and September 2012. The representative also attended the Neighborhood Meeting held on November 1, 2012.

LU 12-0046 (City Application)

City staff held a neighborhood meeting on November 1, 2012 at the Lake Grove Presbyterian Church where they provided background information about the adoption of the West Lake Grove Design District plan designations the WLGDD standards. Staff explained the nature of the application and the rationale for coupling this application together with the Reeve / Pamplin application (LU 08-0059a). The southern extension of West Sunset Drive and the reasons this roadway was incorporated into the plan were also discussed. The minutes to the November 1, 2012 meeting are found in F-7.

Additional Noticing

Updated notices of the hearings being continued to February 11, 2013, for both LU 08-0059A and LU 12-0046, were published in the Lake Oswego Review on January 31, 2013. On February 7, 2013, staff posted updated signs of the hearings being continued to March 11, 2013, at 4925 Upper Drive and 4855 Upper Drive. The City's web pages were updated and emails were sent to Listserv subscribers with information regarding the new hearing date. In addition, staff contacted individuals who submitted written testimony or expressed interest by phone and/or email informing them of the request to continue the hearings to March 11th.

Conclusion: The applicant and the City have followed the neighborhood noticing requirements proscribed by LOC 50.07.003-2. Staff finds that opportunities for citizen participation have been provided and the project was duly noticed per 50.07.003-8 for the proposed changes to the WLGGD. The Citizen Involvement Goal has been met.

GOAL 2: LAND USE PLANNING

Section 1, Land Use Policies

- 1. Require development to be adequately served by the full range of public facilities and services including: water, sanitary sewer, transportation facilities, fire and police protection, parks, open space, and recreation facilities, surface water management and storm drainage facilities, and schools. Services shall be available or committed prior to approval of development.*

Finding: To satisfy this policy, the City must find that future development on these properties can be provided with the full range of services provided by the City. The site is currently served by public sanitary sewer, storm sewer, and water supply facilities including fire hydrants. Adequate public service capacities to serve future development of the site at the requested increased intensity are currently available to the site. Minor extensions of these services onto the site will need to occur as the site develops.

The traffic impact analysis prepared in 2008 by DKS Associates (Exhibit F-3) concludes that development of Tax Lots 4300, 4400, and 4500 with a mixture of office and commercial uses (WLG OC) and residential townhouse development (WLG R-2.5) would not result in significant traffic impacts to nearby intersections. The report notes that the additional traffic from development of the property would not cause current service levels to exceed the level “E” during peak hours. The report notes that due to background traffic, the Bryant Road/Boones Ferry intersection is projected to be at “F” levels of service in the PM peak traffic hour in the year 2030. The Boones Ferry Road Refinement Plan Report prepared in September 2009 by DKS Associates found that with planned improvements to the Boones Ferry Road Bryant Road intersection that it would function at a level of service “D” in the year 2035.

While background traffic levels are expected to cause failure of the Upper Drive/Boones Ferry Road intersection and the Bryant Road/Boones Ferry Road intersection, the Traffic Impact Analysis (2008) states that the additional traffic expected from the reasonable worst case scenario for the proposed development would cause minor degradation of intersection operations under current conditions. Engineering Staff reviewed the 2008 Traffic Impact Analysis prepared by DKS and found that the traffic counts are actually expected to be lower than when they were measured in 2008 due to lower office and commercial occupancy from the economic downturn. This has also been addressed in Goal 12 Subgoal 4.

Portland’s Tri-Met transit system provides service between Tualatin and the Lake Oswego Transit Center via bus route number 37. This route runs along Boones Ferry Road. The bus only operates during week days and is not in service on weekends. During regular weekday

operations schedules vary from 30 minutes to one hour. Bus stops with shelters and benches are located on the northwest and southeast corners of the Boones Ferry Road / West Sunset Drive Intersection and would be close enough to serve this site.

Upon development, the applicants for LU 08-0059a will be responsible for their share of the construction of West Sunset Drive (a half street improvement extending from Boones Ferry Road to Upper Drive will be required).

Conclusion: There are no known public utility service deficiencies which would affect the abilities of these service providers to serve the site. In light of the traffic analysis and other supporting evidence, the intersections, roadways and other transportation systems are adequate to serve the future boundary amendment, plan and zone change.

5. Maintain residential neighborhoods at existing zone and plan density designations, except where:

a. Changes to higher residential density designations are necessary to be consistent with development on the subject property at the time of this policy's adoption; or ...

Finding: The proposed changes under both applications will provide more land area and will consolidate the Townhome WLG R-2.5 and Office WLG OC zoning designations into more buildable sites, thus allowing these lots to be developed at the densities originally intended for the plan. Expansion of the district will also provide the necessary space for the future office and Townhome development while continuing to meet the necessary parking, landscaping, buffers and other plan design requirements.

Conclusion: The policy has been satisfied.

b. An applicant demonstrates that the proposed zone/plan density change complies with the following criteria:

i. If the subject property is subject to an adopted neighborhood plan, the applicant shall comply with any special zone/plan density change criteria that may be required by the neighborhood plan;

Finding: The provisions of the Lake Grove Neighborhood Plan, including any policies related to any special zone change criteria, are addressed later in this report in response to that segment of the City of Lake Oswego Comprehensive Plan.

Conclusion: The policy has been satisfied.

ii. The applicant shall comply with all Comprehensive Plan Policies and Goals applicable to zone/plan density changes. Such applicable Goals and Policies include, but are not limited to, the following:

- A. *A proposed plan/map density change shall not allow development that would exceed the capacity of planned public facilities and services [Goal 2, Section 1, Policy 11; Goal 2 Section 1 Policy 14 (b)] and shall be appropriately related to the capacity of such public facilities, especially residential streets [Goal 10, Policy 6].*

Finding: The proposed plan map change would provide an opportunity for development of a variety of office and commercial uses on the site. Development potential for the site would be limited in scale by the West Lake Grove Design District Standards of Article 50.05 of the Community Development Code, and by the standards of the WLG OC zoning district. The change to allow office and commercial uses is anticipated to have minimal impacts upon the ability of public service providers and roads to provide adequate levels of service to the site. This is discussed in more detail in Policy 1 above.

Conclusion: The policy has been satisfied.

- B. *A proposed plan/map density change shall be appropriately located in relation to the functional classification of the access streets [Goal 2, Section 1, Policy 14(a)]*

Finding: This goal ensures that an adequate street network is available to serve the proposed boundary expansion, plan and zone changes proposed by the City and the applicant. Upper Drive is classified as a local street by the Functional Street Classification Plan of the City of Lake Oswego Transportation System Plan. Boones Ferry Road to the north of the site is classified as an arterial by the Functional Street Classification Plan. The West Sunset Drive extension west of the development site would also be a local street. The revised plan will develop a common driveway access to West Sunset Drive.

Access to Tax Lots 4300, 4400, and 4500 will be provided via a right-in/right-out driveway off of Boones Ferry Road (a local major arterial street) and via a shared access drive off the future west Sunset Drive extension. The shared access drive will create an internal driveway system paralleling Boones Ferry Road and will connect all of the subject parcels with parcels zoned WLG-RMU along Boones Ferry Road to the east. The shared access drive will help to control and consolidate site traffic at the signalized Boones Ferry/West Sunset intersection.

The 2008 Transportation Impact Analysis notes that measures to limit traffic impacts to Upper Drive can be applied with development of the properties such as no left turn signage or a traffic diverter at the site driveway onto West Sunset Drive. These measures will prohibit site related commercial traffic from entering/exiting directly onto Upper Drive and will restrict any exiting site-related traffic from using Upper Drive. (The 1998 Traffic impact analysis called for similar mitigation measures for the West Sunset Drive Intersection with Upper Drive or at the future driveway that would access Upper Drive identified on TL 4400).

Conclusion: Staff finds that the site is appropriately located to access a major arterial; Boones Ferry Road and the proposed amendments are consistent with this policy.

- C. *Density changes shall be consistent with adjacent land uses or can be made compatible through the ability to buffer, screen and blend dissimilar land uses [Goal 2, Section 1, Policy 14(b)].*

Finding: Changes in development density need to provide adequate buffering and screening to be compatible with the adjacent neighborhood. The future development plan would need to demonstrate how the subject site and surrounding tax lots could be developed in satisfaction with numerous WLGDG goals and standards applicable in the WLG OC and WLG R-2.5 zone. These changes would also need to be compatible with the existing residential uses along Upper Drive and the office uses along Boones Ferry Road.

The site is adjacent to a variety of commercial uses and undeveloped properties with WLG OC and WLG RMU zoning, as well as residential uses to the east and south. Office development exists to the north of the site in the Sunset Crossing development across Boones Ferry Road, and within several other buildings to the west of West Sunset Drive on the opposite side of Boones Ferry Road. Neighboring parcels along the south side of Boones Ferry Road are zoned WLG OC or WLG R-2.5 for future development of office and neighborhood commercial uses.

Compatibility with the adjacent neighborhood is the key factor when considering this policy. The final development plan will result in commercial office uses that would be adjacent to Boones Ferry Road as proscribed by the WLGDG and the parking for these uses would be located to the rear. The future single-family townhomes ensure neighborhood compatibility and would provide a transitional use for this development. Future development of buildings and parking spaces in the WLGDG will rely on architectural design standards for the building setbacks and massing, required landscape buffers, and retention of existing large trees along the common boundaries between the future development and the neighborhood. Effective transitional zoning, building, parking lot design and site requirements are important design elements to ensure compatibility and were incorporated when designing the Westlake Grove Design District. These include:

- Parking lot buffering (a minimum of 15 feet) from adjacent residential uses.
- Use of numerous landscaped bays with ample shade trees in between parking spaces.
- Retention of mature vegetation
- Use of large trees and shrubs for the landscape plan with dense minimum planting standards
- 20 percent landscape coverage.
- Street trees
- Noise mitigation
- Strict signage and building design standards with unifying design elements and a pedestrian-friendly scale. These standards also include:
 - Complex massing
 - Asymmetrical composition
 - Use of masonry and wood
 - Richly textured facades

Conclusion: The proposed boundary amendment, plan amendments and zone change will result in WLG R-2.5 (Townhome) development on Upper Drive along the frontage of Tax Lot 4300. This will allow the OC R-2.5 designation on Tax Lot 4300 to be consolidated with single-family townhomes providing neighborhood compatibility through transitional zoning. Staff finds that the proposed amendments can allow for compatible development.

D. A proposed plan/map density change shall address the effect of the overall land supply and shall comply with the Metropolitan Housing Rule (OAR 660-07-000) [Goal 2, Section 1, Policy 14 (d)].

Finding: Tax Lot 4300 is 1.23 acres or 53,579 square feet in size. Applying a typical 20 percent area reduction factor for development of roads and utility tracts, the site has an estimated net buildable area of 42,863 square feet. This area would provide the opportunity for development of five dwelling units under the existing R-7.5 zoning district.

The West Lake Grove Concept Plan (Exhibit E-16) depicts the potential development of seven townhomes on property designated WLG R-2.5 abutting the proposed extension of West Sunset Drive (four townhomes on the east side and three on the west side). In addition, under the current R-7.5 zoning, Tax Lot 4300 could produce five single family home sites (this assumes 20% of the land area is needed for access and utility easements). In total, the properties as currently planned could accommodate up to 12 dwelling units.

The proposed amendments would eliminate the R-7.5 zoning and replace a portion of it with WLG R-2.5 land that could accommodate four townhomes. Overall, these changes would potentially result in a loss of eight dwelling units from the area since housing is not currently an allowed use in the WLG OC zone. This potential loss of capacity can be mitigated during the code streamlining project later this year. As part of that project, the WLG OC zone and the WLG-RMU zone are proposed to be merged into a single zone. Assuming this change occurs, the lost housing capacity within the WLG OC area will be restored.

The City of Lake Oswego demonstrated in its 1992 Comprehensive Plan that the Comprehensive Plan Map at that time complied with the Metro Housing Rule goal of 10 dwelling units per acre. The 1992 Plan estimated the “housing opportunity” city-wide to be 10.2 dwelling units/acre. The City has kept a tabulation of the effect of subsequent Plan Map amendments upon the Comprehensive Plan’s compliance with the Metro Housing Rule, with the most recent approved application affecting housing opportunity being the case file LU 06-0037. Approval of that request determined that there was a total housing opportunity of 10,735 dwelling units on 1,031 acres of buildable land, for a current housing opportunity throughout the City’s Urban Services Boundary of 10.4 dwelling units per acre.

The current proposal would reduce the housing opportunity by eight dwelling units to a total housing opportunity of 10,727. The current proposal would also reduce the amount of residential buildable lands within the City’s Urban Service Boundary by 0.8 acres to a total of

1030.2 acres. This yields a housing opportunity throughout the City's Urban Services Boundary of 10.4 dwelling units per acre.

Conclusion: The loss of eight potential housing units due to the WLGOC rezoning would have minimal impact on the City's compliance with the Metro Housing Rule. The proposal would not take the City out of compliance with the 10 units per buildable acre target of the Housing Rule.

E. The applicant shall demonstrate a public need for the proposed plan/map density change and that the proposed change will best meet that need when compared to alternatives [Goal 2, Section 1, Policy 14 (e)].

Finding: The applicant for LU 08-0059a has included a narrative that provides a history of the approval process for the West Lake Grove Design District. The narrative describes the problems within the district and the absence of development activity on the south side of Boones Ferry Road.

As part of the original plan preparation for the district in 1999, a market analysis report was prepared by economic consulting firm ED Hovee and Company. The report found that there was a high demand for lower cost and smaller office space, particularly for local independent firms. The report also concluded that the relatively small building sizes provided for in the Design District are especially suited to accommodating local area business services and professional offices serving the Lake Oswego/Lake Grove market.

The public need in this case is that the proposed amendments are required to consolidate the zoning designations and tie together portions of the previously approved West Lake Grove Design District in order to facilitate the previously established need for development of these properties.

The smaller and more fragmented WLG R-2.5 zoning designations need to be consolidated to allow for the townhome development and to allow sufficient space for the construction of the roadway system (West Sunset Drive) intended for the district. The WLG OC zoning and parking lot overlay on Tax Lot 4400 requires 15 foot buffers on the east and west sides of that property where it abuts currently developed and/or zoned residential land. This leaves only 45 feet of usable width for the parking necessary to serve commercial development on the northern portion of that site and/or on tax lot 4500.

The West Lake Grove Design District Internal Parking and Circulation Plan (Development Code Figure 50.05.005 C) (Exhibit E-9) and the West Lake Grove Zoning Map (Exhibit E-15) designated Tax Lot 4400 for off-street parking only. The plan did not consider that the limited width of the parcel after subtracting required buffers would leave only enough area for one 18-foot deep row of parking spaces and a 24-foot wide parking lot aisle. The addition of tax lot 4300 to the WLG OC zoned area would, at a minimum, move the eastern buffer responsibility onto tax lot 4300 and could provide sufficient area for a more practical parking lot design. In addition, LOC Figure 50.005.005-C illustrates an access to the parking lot on tax lot 4400 from Upper Drive.

Adding Tax lot 4300 along with the proposed plan and zone changes will eliminate the need for this access and direct the circulation to the West Sunset Drive extension and ultimately to Boones Ferry Road.

The rezoning of TL 4600 and the elimination of the parking overlay will allow for additional flexibility in site design and facilitate parking and development design for the WLGD. This parcel would need to be consolidated and developed with Tax Lots 4400 and 4500 to allow more flexibility in parking design.

The applicant and the City have contacted the owner of tax lot 4600 and they were not interested in selling their property for the redevelopment of this site. It is likely that the future West Sunset Drive Extension will occupy some (or all) of this property, further reducing the development potential of Tax Lots 4400 and 4500. It is clear, therefore, that the proposed WLGD district expansion and redesignation of Tax Lot 4300 to WLG OC and WLG R-2.5 is the best alternative for the development of this district. This will provide the necessary fine tuning for the West Lake Grove Design District plans in order to facilitate development of the already zoned Tax Lots 4400 and 4500 in the near term in order to eliminate the inefficient use of tax lot 4400 as described above.

Similarly, Tax Lot 9300 on the west side of the proposed West Sunset Drive extension includes code restrictions that essentially require it to be redeveloped in conjunction with the property to its west. Rezoning the WLG R-2.5 portion of this site to WLG will provide greater development flexibility that will facilitate its redevelopment.

Conclusion: The change is needed to facilitate redevelopment of the properties consistent with the intent of the original West Lake Grove Plan.

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 [Goal 7, Policy 2; Goal 10 Policies 1 and 3].

Finding: The area is well served with appropriate levels and capacities of existing and planned public facilities and road and transit access to serve the proposed use of the site as is described in greater detail in the responses to other policies. The site would be no better served for residential use or office commercial uses because of its situation with regard to existing and planned public facilities and services, natural resources and hazards, access, or proximity to commercial areas and other employment concentrations.

Discussions with the City Engineering Department, staff and the Lake Grove Water District indicate that existing sanitary sewer, storm sewer, and water facilities in the area of the site are adequately sized to serve the potential development which would be allowed by the proposed amendment. The City of Lake Oswego has an eight-inch diameter sanitary sewer and a storm sewer in Upper Drive in the vicinity of the site. The lines are sized to serve potential

development in the area. Three water lines are available to serve the area from the adjacent public rights-of-way.

The area is served by TriMet's Route 37 on Boones Ferry Road. Bus stops are located on either side of Boones Ferry Road at that road's intersection with West Sunset Drive. The properties are very conveniently located with respect to transit service.

The subject site is located approximately 700 feet west of the Lake Grove shopping center, the Albertson's grocery store, and various banks and restaurants to the east within the Lake Grove business district. These nearby commercial uses would be convenient to use for the employees of the future uses on the subject site. The existing public sidewalk along Boones Ferry Road would make it easy for the employees to walk to these nearby commercial uses, thereby strengthening businesses in the Lake Grove Village Center.

It is noted that the area of the Lake Grove Village Center Plan is zoned primarily General Commercial and thus provides opportunities for a much greater range of commercial uses than the WLG OC zoning district requested for the subject properties. The General Commercial zone does allow for some of the same uses as the WLG OC district but the character of the Lake Grove Village Center and the West Lake Grove Design District are quite different and there would be little significant competition for uses between these areas.

Development of the site for office and commercial uses is not constrained due to hazardous conditions or because of the existence of significant natural resources on the site. The most significant trees on the site and the adjacent Tax Lots 4400 and 4500 are the Douglas fir trees located in the northwestern corner of tax lot 4300 and northeastern corner of tax lot 4400, and a group of large fir trees along the western edge of tax lot 4500. A more precise estimate of tree retention/tree removal cannot be made until such time as actual development plans are prepared for these properties. A detailed tree survey and arborist report will be prepared for any development application for the site and the adjacent parcels.

Conclusion: The proposal is consistent with this policy.

- G. A plan/map residential density change to high density (R-O, R-2, and R-3) shall be located within walking distance to bus lines or transit centers [Goal 10, Policy 8] and where feasible, shall be located within close proximity to employment opportunities, shopping, parks and transit [Goal 10, Policy 11].*

Finding: This section is not applicable. There are no high density residential designations proposed.

- H. 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 Zoning and Development Codes and Development Standards.*

Finding: The proposed amendments will allow for development that is compatible with the surrounding neighborhood. A discussion related to compatibility can be found under Goal 2, Policy 5 C of this report.

Conclusion: The policy is satisfied.

GOAL 9: ECONOMIC DEVELOPMENT

1. *Designate adequate commercial and industrial land to:*
 - a. *Supply goods and services to the population within Lake Oswego's Urban Services Boundary;*
 - b. *Provide close-to-home employment opportunities; and,*
 - c. *Maintain and improve the health of the local economy.*

Finding: The proposed plan and zoning amendments will allow for development of this part of the WLGD similar to the way it was envisioned in the original West Lake Grove plan. The office commercial development contemplated for this area will provide services to Lake Oswego, employment opportunities and will improve the health of the local economy which is consistent with this policy.

Conclusion: The amendments satisfy this policy.

2. *Applications for a Zoning Map/Comprehensive Plan Map amendment to change the designation of an area from residential to commercial or industrial shall be governed by the following procedures and criteria: [PA 5-97/ZC 4-97-1259; 5/5/98]*
 - a. *No application shall be accepted during the neighborhood planning process for the affected neighborhood or neighborhoods or for two years after the date of the City Council's approval of a Neighborhood Association's application to begin the planning process, whichever is less.*
 - i. *For the purposes of this policy, "affected neighborhood" means the recognized Neighborhood Association or Community Planning organization in which the property proposed to be rezoned is located. If the subject property is located in two or more neighborhoods, all neighborhoods in which a portion of the subject property is located shall be considered affected neighborhoods. If the subject property is located in one neighborhood but the rezone is requested to expand an existing commercial or industrial use located in another neighborhood, both neighborhoods shall be considered affected neighborhoods.*
 - ii. *For the purposes of this policy, "neighborhood planning process" means the period of time from the City Council's decision to approve a Neighborhood Association's application to begin the planning process until the Neighborhood Plan is adopted and in effect. If there is more than one affected neighborhood, and both neighborhoods are in the neighborhood planning process, the two-year deadline period shall run from the latest application approval date.*

Finding: The Lake Grove Neighborhood Plan is not being revised at this time. This Policy does not apply

- b. In order to obtain approval, the applicant shall demonstrate compliance with the policies and standards of an adopted Neighborhood Plan of an affected neighborhood. If more than one neighborhood plan is applicable and the policies conflict, the conflicting policies shall be balanced as provided in the Introduction to the Comprehensive Plan.*

Finding: The policies and standards of the Lake Grove Neighborhood Plan are addressed in Section VIII C of this report.

- c. In addition to compliance with any applicable neighborhood planning policies as provided in subsection (b), the applicant shall demonstrate compliance with all Comprehensive Plan Goals and Policies applicable to industrial and/or commercial plan/zone map amendments. Such applicable Goals and Policies include, but are not limited to, the following:*
 - i. Location in relation to arterial or collector streets; consistency with adjacent land use patterns or ability to buffer, screen and blend dissimilar land uses. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 14];*
 - ii. Capacity of public facilities and services. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 14];*
 - iii. Encourage land use patterns which reduce dependency on the automobile but which are also compatible with existing neighborhoods. [Goal 6, Air, Water and Land Resources Quality, Section 1, Air Resources Quality];*
 - iv. Separate noise sensitive and noise-producing land uses; minimize noise impacts on surrounding properties and protect and maintain the quiet character of those areas of the community unaffected by major noise sources, and locate, design and buffer noise producing land uses to protect noise sensitive land uses. [Goal 6, Air, Water and Land Resources Quality, Section 4, Sound Quality, Policies 1, 4, and 5];*

Finding: The policies found under this goal are addressed earlier in this report or are directly related to the future site development and do not apply.

- v. Regulate the type and intensity of land uses within areas subject to natural disasters and hazards. [Goal 7, Areas Subject to Natural Disasters and Hazards, Section 1, Flooding; Section 2, Earthquake Hazards; and Section 3, Landslides, Erosion and Unstable Soils, Policy 2];*

Finding: The subject site is a flat-lying area in an area far from steep slopes. The site is also located far from any regulated flood areas. The City of Lake Oswego's Flood Management Area Map does not show any flood hazard areas closer to the site than the West Bay area approximately 1,000 feet away. The City of Lake Oswego's Sensitive Areas Map does not show any potential wetland or resource areas closer to the site than some areas south of the Portland and Western Railroad tracks more than 400 feet from the site.

The Oregon Department of Geology and Mineral Industries Statewide Landslide Inventory Data for Oregon map also does not show any mapped areas of landslides within 1,000 feet of the site.

Conclusion: Based upon the maps cited above, the site is not subject to any known natural disasters or hazards which would appear to require special regulation of land uses on the site. The proposal is consistent with this policy.

- vi. Prevent expansion of "strip commercial development"* [Goal 9, Economic Development, Policy 8];*
- vii. Ensure neighborhood commercial * areas are conveniently located and minimize the need for automobile travel. [Goal 9, Economic Development, Policy 9(a.)];*
- viii. Designate the Downtown and Lake Grove Commercial Districts as the primary centers of general commercial activity in Lake Oswego. [Goal 9, Economic Development, Policy 10];*
- ix. Limit commercial development in the Lake Grove Business District to that which is intended to accommodate neighborhood and community needs* for goods and services. [Goal 9, Economic Development, Policy 16];*
- x. Regional draw* businesses other than those providing specialized services and unique goods* shall not be located in the Downtown and Lake Grove Business Districts. [Goal 9, Economic Development, Policy 17];*

Finding: Responses to each of these individual policies related to Goal 9 are provided under xiv below.

- xi. Limit commercial development in the Grimm's Corner and Rosewood Business Districts to that which is intended to accommodate the frequently recurring needs* of the surrounding neighborhoods. [Goal 9, Economic Development, Policy 18];*
- xii. Limit development within the commercial districts associated with the Mountain Park Planned Unit Development to that which serves the frequently recurring needs of Mountain Park residents, except; in those locations where site conditions, such as parcel size and direct access to the major street system, allow*

businesses to provide for community needs and to offer specialized goods and unique services. [Goal 9, Economic Development, Policy 19];

xiii. Allow commercial and residential uses within the Centerpointe and Kruse Way Business District at densities, which support mass transit and which, take advantage of the regional transportation system. These activities may include...:

xiv. Do not allow regional, or larger, shopping centers within the Centerpointe and Kruse Way Business District. [Goal 9, Economic Development, Policy 21].*

Finding: The above sections of this policy refer to specific areas within the City of Lake Oswego. The subject site is not located within any of those areas, nor would redesignation of the site have any effect upon those areas. These policies do not apply.

xv. The full range of public facilities and services shall be available to serve development allowed by a Plan/Zone Map amendment. [Goal 2, Land Use Planning, Section 1, Land Use Policies and Regulations, Policy 1];

Finding: This policy has been addressed under Goal 2, Section 1, Policy 1 earlier in this report.

xvi. Proposed Plan/Zone Map amendments shall be evaluated to determine their effect on the overall land supply and compliance with the Metro Housing Rule (OAR 660-07- 000). [Goal 2, Land Use Planning, Policy 5(d)];

Finding: This policy has been addressed under the responses to Goal 2, Policy 5(d) earlier in this report.

xvii. Demonstration of public need for the change and that the proposed amendment will best meet identified public need versus other available alternatives. [Goal 2, Land Use Planning, Policy 5(f)];

Finding: This policy has been addressed under the response to Goal 2, Policy 5(E) earlier in this report.

xviii. A proposed increase in land use intensity shall be accompanied by a detailed traffic analysis which finds that existing streets and intersections both on and off-site will accommodate the projected traffic increases, or; necessary improvements can be constructed which are in conformance with the Comprehensive Plan Transportation Map. [Goal 12: Transportation, Sub-Goal 4: Land Use and Transportation Relationships, Policy 4];

Finding: This policy is addressed under the responses to Goal 12, Subgoal 4 of this report.

xix. Commercial and industrial parking shall not intrude into adjacent residential neighborhoods. [Goal 10: Transportation, Sub-Goal 4: Land Use and Transportation Relationships, Policy 4];

Finding: The proposed redesignation will create more efficient parcel sizes and dimensions, thereby allowing the flexibility needed to ensure parking does not intrude into the adjacent neighborhood. Parking and circulation can be adequately buffered from the residences along Upper Drive. Locating the residential units along Upper Drive on the south side of TL 4300, the commercial driveway originally envisioned in the plan will be redirected to allow direct commercial access to Boones Ferry Road (via the future West Sunset Drive Extension). The expansion of the WLGD by adding TL 4300 taken together with the consolidation of the OC R-2.5 zone will allow more development flexibility to locate the parking further away from existing residential development and allow for the required landscape buffers.

Conclusion: The proposal is consistent with this policy.

xx. The applicant shall demonstrate that development allowed by the proposed Plan/Zone map amendment will: be compatible with surrounding residential neighborhoods; preserve natural resources; protect water quality; provide for protection from natural hazards; and provide for efficient transportation and land use relationships including the accommodation of alternative transportation modes or that these criteria can be accomplished pursuant to the criteria contained in the Zoning and Development Code;

Finding: The applicant has provided sufficient evidence (Exhibits F-1 and F-2) to achieve consistency with this Policy. This is also addressed under Goal 9 Policy 2(C)(v).

Conclusion: The policy is satisfied by the proposal.

xxi. The applicant shall demonstrate consistency with Metro's Urban Growth Functional Plan and compliance with the Oregon Transportation Planning Rule (Chapter 660, Division 12).

Finding: Consistency of the proposed amendments with the applicable standards of the Metro Urban Growth Functional Plan and the Oregon Transportation Rule are addressed under Goal 12 later in Sub Goal 4 Policy 4 and Section 5 "Transportation Planning Rule" of this report.

7. Ensure access to commercial and industrial development is taken from the major collector or arterial street system except when public safety requires access to be provided from other streets.

Finding: West Sunset Drive is classified as a local street by the City of Lake Oswego's Transportation Plan's functional classification map. Access to West Sunset Drive is intended to be taken approximately 100 feet south of the signalized intersection of West Sunset Drive with

Boones Ferry Road. Boones Ferry Road is classified as a major arterial street by the City of Lake Oswego's Transportation Plan's functional classification map.

Tax Lot 4400, 4500, and 9300 have frontage on Boones Ferry Road. If approved, the future townhomes on the southern half of TL 4300 would take access via the shared driveway off of West Sunset Drive. Access for commercial development would be limited to Boones Ferry Road through a temporary driveway located within the West Sunset Drive extension, until the full street was completed. An amendment to the internal parking and circulation plan (Figure 50.05.005C) is proposed that would limit access from the commercial development site to Boones Ferry Road.

Conclusion: The proposal is consistent with this policy.

11. Require new commercial development, where possible, to develop joint street access, parking facilities, and pedestrian connections with other businesses to reduce land area requirements, traffic congestion, parking and safety problems.

Finding: The applicant has provided sufficient evidence (Exhibits F-1 and F-2) to achieve consistency with this Policy. This is also addressed under Goal 12, Subgoal 1, Policy 2 and Subgoal 3.

Conclusion: The policy is satisfied by the proposal.

13. Direct commercial and through traffic, other than that generated from adjacent neighborhoods, away from local residential streets.

Finding: The applicant has provided sufficient evidence (Exhibits F-1 and F-2) to achieve consistency with this Policy. This is also addressed under Goal 12 Subgoal 1 Policy 1.

Conclusion: The policy is satisfied by the proposal.

17. Allow mixed use development within the Downtown and the Lake Grove Business Districts to provide opportunities for commercial, entertainment, professional, cultural, public, and residential activities. Regional draw business other than those providing specialized services and unique goods,* shall not be located in these districts.*

Finding: The Lake Grove Commercial District and the West Lake Grove Design District already are mixed-use districts. The proposed redesignation would expand the West Lake Grove Design District by 1.23 acres. Because of the shape and limited depth of the West Lake Grove Design District properties on the south side of Boones Ferry Road along with the building size restrictions within the WLG OC zoning district, it is not anticipated that this area will attract regional draw businesses.

Conclusion: The amendments will increase the ability for this district to provide local commercial opportunities consistent with this policy.

GOAL 10: HOUSING

1. *Maintain the following residential land use designations and location criteria which support the above goal:*

a. *Low Density Residential*

<u>Density Classification</u>	<u>Minimum Square Feet of Area per Unit</u>
R-15	15,000 sq. ft.
R-10	10,000 sq. ft.
R-7.5	7,500 sq. ft.

Low Density is intended for areas:

- i. Which are currently developed at low density;*
- ii. Where transportation routes are primarily limited to collectors and local streets;*
- iii. Where public services are adequate but development constraints may exist; and*
- iv. Where sensitivity to the natural environment or the existence of natural hazards indicates a reduced density.*

Finding: Tax Lot 4300 has a low density land use designation. Its location, adjacent to Boones Ferry Road where public facilities are available, provides an ideal location for the proposed office commercial development. Development of this parcel in conjunction with Tax Lots 4400 and 4500 will provide connectivity and access to Boones Ferry Road. In addition, the four townhomes proposed for the southern half of this parcel will recover a portion of the single family density originally intended for this part of the WLGDD. There are no natural hazards that would necessitate lower densities for this parcel.

Conclusion: The proposal is consistent with this policy.

10. *Provide for an interconnected street system to encourage pedestrian, bicycle and transit travel to reduce vehicles to local destinations, thus reducing energy use, pollution and congestion.*

Finding: The original West Lake Grove concept plan satisfies this policy through the proposed West Sunset Drive extension. West Sunset connects Upper Drive with Boones Ferry Road at a signalized intersection providing better vehicular and pedestrian access between the Lake Grove and Lake Forest neighborhoods. Additional interconnectivity and better pedestrian access creates the opportunity for expanded use of alternative transportation modes and reduced energy use, pollution, and congestion. The proposal to expand the district and redesignate properties within the district is intended to make redevelopment more viable. As the properties redevelop, the West Sunset extension can be completed.

Conclusion: The proposal is consistent with this policy.

11. *Place Higher Density Residential employment and shopping opportunities and public facilities such as transit and parks within close proximity where feasible.*

Finding: The original West Lake Grove district plan is consistent with this policy by mixing higher density housing and commercial uses in close proximity to transit. The proposed expansion of the district and the proposed amendments further enhance the viability of the district by enhancing the feasibility of redevelopment.

Conclusion: The proposal is consistent with this policy.

14. *Provide a wide range of housing types to meet the needs of various lifestyles and family types.*

Finding: The West Lake Grove plan satisfies this policy by providing opportunities for townhome and mixed use residential development. The proposed amendments provide opportunities for the construction of four townhome units. Code amendments being considered as part of the Code Streamlining project may expand opportunities for additional mixed use housing in the WLG OC zone consistent with this policy.

Conclusion: The amendments are consistent with this policy.

GOAL 12: TRANSPORTATION

Subgoal 1, Major Streets System

1. *The arterial and major collector street network shall be designed and maintained to service level "E" during peak hours. The design of the roadway system shall also take into consideration:*
 - a. *Balancing roadway size and scale with the need to provide efficient and safe transportation for all modes of travel, including bike, pedestrian and transit,*
 - b. *Giving preference to transportation projects that increase the efficiency, safety, design capacity or level of service of a transportation facility, without increasing corridor width; and*
 - c. *Preserving community aesthetics by considering existing topography and vegetation.*

Finding: The traffic impact analysis prepared in 2008 by DKS Associates (Exhibit F-3) concludes that development of Tax Lots 4300 4400, and 4500 with a mixture of office and commercial uses (WLG OC) and residential townhouse development (WLG R-2.5) would not result in significant traffic impacts to nearby intersections. The report notes that the additional traffic from development of the property would not cause current service levels to exceed the level "E" during peak hours. The report notes that due to background traffic, the Bryant

Road/Boones Ferry intersection is projected to be at “F” levels of service in the PM peak traffic hour in the year 2030. The Boones Ferry Road Refinement Plan Report prepared in September 2009 by DKS Associates found that with planned improvements to the Boones Ferry Road Bryant Road intersection that it would function at a level of service “D” in the year 2035.

Conclusion: The proposal satisfies the policy.

2. *Direct access onto major streets shall be controlled and consolidated over time through the development review process and the implementation of major street projects. In particular, access to state highways shall be reviewed subject to the regulations of the Oregon Department of Transportation and the City of Lake Oswego. Where regulations conflict, the more restrictive requirements shall apply.*

Finding: Access to Tax Lots 4300, 4400, and 4500 will be provided via a right-in/right-out driveway off of Boones Ferry Road (a local major arterial street) and via a shared access drive off the future west Sunset Drive extension. The shared access drive will create an internal driveway system paralleling Boones Ferry Road and will connect all of the subject parcels with parcels zoned WLG RMU along Boones Ferry Road to the east. The shared access drive will help to control and consolidate site traffic at the signalized Boones Ferry/West Sunset intersection.

Conclusion: The proposed boundary amendment and proposed zone changes will facilitate consolidated access to Boones Ferry Road consistent with the policy.

Subgoal 3: Neighborhood Collectors and Local Residential Streets

5. *The City shall ensure that new development which will use new and existing neighborhood collectors and local residential streets is compatible with these streets function and character. Development approval of new land uses shall ensure that:*
 - a. *The quiet residential quality of neighborhood streets is fostered and maintained;*
and,
 - b. *Street improvements required to serve new land uses are designated in accordance with the adopted neighborhood plan and to the minimum necessary scale.*

Finding: This policy is not an approval standard for a Plan Map and Zoning map amendment but, instead is intended to regulate site development. The standards of the West Lake Grove Design District are intended to ensure that the future office commercial development will be of a character that is compatible with surrounding development and with the character of the adjacent streets. Access to future commercial development on Tax Lots 4300, 4400, 4500 will be provided via the West Sunset Drive extension, rather than from Upper Drive which serves the adjoining residential neighborhood. Future street improvements along the site’s Upper Drive frontage will be done in a manner that is compatible with the overall streetscape and will include a sidewalk or pathway along the site’s frontage.

In neighborhood meetings, concerns were raised that the future construction of West Sunset Drive will bring more traffic to Upper Drive. This concern was also raised when the original plan was adopted in 1999. As previously discussed, the Transportation Impact Study prepared by DKS in 1998 (Exhibit F-3), states that potential traffic impacts on Upper Drive could be mitigated by preventing West Sunset Drive traffic from accessing Upper Drive. Restricting Upper Drive access may help maintain the character of the street but it would also greatly limit the benefits of increased connectivity. As an alternative mitigation strategy, traffic exiting Tax Lots 4300, 4400, and 4500 could be required to turn right onto West Sunset Drive and access Boones Ferry Road at the signalized intersection.

Conclusion: With the amendments, the projected traffic impacts would be similar to those anticipated with the original approval of the WLGDD. The impacts are not expected to increase with the proposed amendments and the residential quality of Upper Drive will not change with this proposal.

Subgoal 4, Land Use and Transportation Relationships

4. *The City shall require that a proposed increase in land use intensity be accompanied by a detailed traffic analysis, using current information, which finds that existing streets and intersections both on- and off-site will accommodate the projected traffic increases; or, necessary improvements can be constructed which are in conformance with the Comprehensive Plan Transportation Map. Mitigation of negative impacts (noise, aesthetics, safety, bicycle and pedestrian mobility) shall be paid for by the benefitting property owner.*

Finding: The applicant for LU 08-0059a submitted a Traffic Impact Analysis (Exhibit F-3) that provides a detailed analysis of the existing street system in the vicinity of the site as well as projections of impacts of full development. This study concludes that the proposed development of the properties would not result in significant traffic impacts to nearby intersections. This has also been addressed under Goal 2 Policy 1.

Conclusion: The Traffic Impact Analysis submitted by the applicant adequately evaluated future traffic impacts related to this proposal and is consistent with this policy.

Subgoal 11, Parking

3. *Commercial and industrial parking shall not intrude into adjacent residential neighborhoods. The impacts on adjacent residential areas of new commercial and industrial parking facilities or increases in the size of existing lots shall be reduced through buffering and screening.*

Finding: The Internal Parking and Circulation Plan for the West Lake Grove Design District, (Figure 50.5.005 C, Exhibit E-9) and the West Lake Grove Zoning Map (Exhibit E-15), illustrate the current Lake Grove Design District Plan for this area. They depict all of Tax Lot 4400

designated as a parking area. That plan shows the parking area for Tax Lots 4400 and 4500 as having driveway access from both Boones Ferry Road *and* Upper Drive. The adopted plan clearly shows commercially-related parking accessing the Upper Drive neighborhood.

The proposed redesignation of Tax Lot 4300 will allow development in conjunction with Tax Lots 4400 and 4500 so that access for all three parcels can be taken from the West Sunset Drive extension, rather than having commercial development take direct access to Upper Drive. Traffic generated from Tax Lots 4300, 4400 and 4500 can access the West Sunset Drive extension through an interconnected driveway system.

In regard to Tax Lots 4600 and 9300, most of Tax Lot 4600 will be needed for the West Sunset Drive right-of-way. Tax Lot 9300 will likely be developed with property to its west. That site is planned as parking for Tax Lot 9300 and will have direct right-in/right-out access onto Boones Ferry Road. The WLGD standards require parking areas to be buffered from existing single family development. Development of Tax Lot 4300 will include landscape buffers to the east and the townhome development fronting on Upper Drive will serve as an additional buffer to the south.

Conclusion: The proposed redesignation of tax lot 4300 can lead to a development whose parking facilities will not intrude into the adjacent residential neighborhood, and will likely reduce access to Upper Drive. The proposed boundary amendment and zone changes will not cause any more intrusion to the residential neighborhood than was originally anticipated when the plan was adopted. The proposal is consistent with this policy.

GOAL 13: ENERGY CONSERVATION

4. *Require energy-efficient land use and circulation patterns through mixed use development, promoting high density developments near transit and major employment and shopping opportunities, and design of developments to encourage alternative transportation.*

Finding: Transit service is currently available within 200 feet of the site. The subject site is also immediately adjacent to a commercial area on both sides of Boones Ferry Road and West Sunset Drive and is in close proximity to the major employment centers along Boones Ferry. Therefore, redesignation of the site to the WLG OC plan and zone designations would be very supportive of developing an energy efficient land use and circulation pattern in the area of the site.

Conclusion: The proposal is consistent with this policy.

C. LAKE GROVE NEIGHBORHOOD PLAN GOALS AND POLICIES

Several of the Lake Grove Neighborhood Plan Policies are similar to the City's Comprehensive Plan Goals and have been addressed in Section VIII B of this report under their appropriate

heading. Those Neighborhood Plan Policies not found in the Comprehensive Plan are addressed in the applicant's narrative (Exhibit F-2).

GOAL 1: CITIZEN INVOLVEMENT

- 2. Provide timely information *and notice so that both neighborhood residents and business owners have the opportunity to participate in land use and public facility planning decisions and other issues of significance to the neighborhood and City.*

Finding: The notice of the July 22, 2008 neighborhood meeting for LU 08-0059a was mailed to the required neighborhood associations, business organizations, and nearby neighbors of the site in accordance with City requirements and the site was posted with a sign informing people of the upcoming meeting. These measures were done in a timely manner so as to provide interested people and organizations adequate opportunity to participate in the development of this application.

The City held a neighborhood meeting regarding LU 12-0046 on November 1, 2012. Notice for the meeting was mailed to the required neighborhood associations, business organizations, and nearby neighbors of the site in accordance with City requirements and the site was posted with a sign informing people of the upcoming meeting on October 17, 2012.

The City of Lake Oswego has established a public hearing process for land use applications, which requires specific notice requirements for advertising a land use change in a general circulation newspaper and mailing notices to owners of nearby properties. City planning files include certification statements that all required public notices were properly issued.

Conclusion: The proposal is consistent with this policy.

- 3. When minor or major developments are proposed require that the closest fifty property owners be notified when less than fifty properties are contained in the 300 foot notification boundary.*

Finding: Staff has provided notification to more than 50 property owners per LOC 50.07.003-1 Application for Development - noticing.

Conclusion: This standard has been met

GOAL 9: ECONOMIC DEVELOPMENT

- 1. Ensure that future improvements to Boones Ferry Road maintain or improve safe access to area businesses for the automobile, transit, pedestrians and bicyclists while maintaining the function and character of the adjacent neighborhood collectors and local residential streets.*

Finding: This policy has been addressed under Goal 9 Policy 7 in Section VIII B of this report.

Conclusion: The proposal is consistent with this policy.

2. *Minimize the number of driveway access points to Boones Ferry Road through the use of wide consolidated driveways of sufficient width to allow simultaneous ingress and egress.*

Finding: This policy has been addressed under Goal 9 Policy 11 in Section VIII B of this report.

Conclusion: The proposal is consistent with this policy.

6. *New Commercial Development shall protect existing natural resources including significant vegetation to the extent possible through implementation of approved protection plans. Significant vegetation which is removed including trees and especially mature Douglass firs shall be replaced consistent with approved landscape plans. New trees shall be installed whenever possible along streets pedestrian ways, building setbacks, and within public places.*

Finding: This policy has been addressed under Goal 9 Policy 2(C)(v) in Section VIII B of this report.

Conclusion: The proposal is consistent with this policy.

11. *Do not expand the eastern/southeastern Boundary of the Lake Grove Commercial district as shown by Figure 3 and generally described as running from the City Limits existing at the time of this policy's adoption, beginning at the southeast corner of 16840 Lower Boones Ferry Road (TL 2600-21E07DD) and ending at the southerly right-of-way boundary of Spring Lane, which corresponds to the northern boundary of TL 300-21E08BA.*

Finding: The proposed redesignation of the subject site would not expand the Lake Grove Commercial District because the site is not immediately adjacent to that district. Tax Lot 2600, Map 21E7DD, a portion of the Lake Grove shopping center, is located approximately 600 feet east of the subject site. The Lake Grove Commercial District extends eastward from Tax Lot 2600.

Conclusion: The proposal is consistent with this policy.

GOAL 10: HOUSING

5. *Allow development of an appropriate mix of high-density housing and office commercial uses on lands within the West Lake Grove Design District subject to an adopted land use plan for the area, which ensures that:*

- a. *The area proposed for rezoning is comprised of assemblages of property that are large enough to be developed under unified development plans*; allow efficient transportation access and internal circulation and provide for buffering and screening from adjacent residential neighborhoods;*

Finding: Staff finds that if Tax Lot 4300 is rezoned to WLG OC, it can be developed under a unified site plan along with Tax Lots 4400, 4500, and 4600 to provide an attractive small office commercial development with combined access from Boones Ferry Road and West Sunset Drive. The rezoning of the subject Tax Lot 4300 will enhance opportunities for coordinating the development plans of Tax Lots 4400, 4500, and 4600. The conceptual site plan provides for substantial planting areas on the site's eastern and southern sides to provide a buffer from the adjacent low-density residential neighborhood along Upper Drive.

Conclusion: The proposal is consistent with this policy.

- b. *The size and configuration of the area to be rezoned not compromise the cohesiveness* of adjacent residential neighborhoods;*

Finding: This policy has been addressed under Goal 2 Section 1 Policy 5 C in Section VIII B of this report.

Conclusion: The proposal is consistent with this policy.

- c. *Driveway access to Boones Ferry Road be minimized through use of wide consolidated driveways sufficiently wide to allow simultaneous ingress and egress;*

Finding: This policy has been addressed under Goal 12 Policies 1 and 2 in Section VIII B of this report.

Conclusion: The proposal is consistent with this policy.

- d. *Future development is designed to discourage cut-through traffic* in surrounding residential neighborhoods;*
- e. *Traffic generated by future development is directed immediately to Boones Ferry Road by traffic management devices* and street and driveway design;*

Finding: Tax lot 4300 can be developed under a unified site plan along with tax lots 4400 and 4500 to take access to Boones Ferry Road at its signalized intersection with West Sunset Drive via a driveway to West Sunset Drive. During the review of any development proposal for the site, it can be determined whether a traffic management device such as signage or a traffic diverter will be warranted to prohibit left turns out of the site leading to Upper Drive.

Conclusion: The proposal is consistent with this policy.

- f. *New development in the area creates an aesthetic entry* to the Lake Grove Neighborhood which includes site and building design elements, such as:*
- i. *A variety of architecturally designed structures of high design quality; in scale with the site; in proportion to similar buildings in the Lake Grove Commercial District and which utilize a pleasing variety of materials, colors, finishes and textures;*
 - ii. *Conservation of mature Douglas Fir trees* and other significant trees to retain the “landmark” status* imparted by these resources;*
 - iii. *Orientation of building entrances to the street and screening and buffering of the subject properties from adjacent residential neighborhoods;*
 - iv. *High quality, designed landscapes involving plant materials which will grow to significant size and impart seasonal color and interest;*

Finding: This proposal includes a request to include tax lot 4300 within the West Lake Grove Design District and thereby subject the property to the design standards of the district. The West Lake Grove district includes standards that give special attention to creating an aesthetic entry to Lake Grove through site and building design elements such as are described in this policy. The West Lake Grove design standards will be applied to the review of any development proposal for the subject properties.

Conclusion: The proposal is consistent with this policy.

- g. *Existing canopy trees are protected to the extent possible.*

Finding: This policy is implemented by the City of Lake Oswego Tree Code and by various provisions of the Community Development Code which will be applied to any future development proposal for the site. As such, this policy does not directly apply to the review of a request for a plan and zone amendment proposal.

Conclusion: The proposal is consistent with this policy.

GOAL 12: TRANSPORTATION

- 5. *Ensure the ability to walk and bike safely throughout the neighborhood by providing where practicable bicycle and pedestrian facilities*
 - a. *On one side of all neighborhood collectors (minimum) and other selected local streets, and*
 - b. *On both sides of major streets (arterials and major collectors)*
- 6. *Provide neighborhood residents, business owners, employees and customers access to public transit service.*

8. *Where practicable, require that new development develop shared access to Boones Ferry Road through the use of wide consolidated driveways of sufficient width to allow simultaneous ingress and egress and shared parking facilities.*

Finding: Policies 5, 6 and 8, are addressed in Section VIII B of this report under Goal 12, Subgoal 3, Policy 5; Goal 2, Policy 5(b)(ii)(F); and Goal 12, Subgoal 1, Policy 2 respectively.

Conclusion: The proposal is consistent with these policies.

D. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

The Metro Urban Growth Management Functional Plan was originally approved November 21, 1996 by the Metro Council, and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. The following responses address compliance with relevant Titles of the Functional Plan.

Title 1 - Housing Capacity

Finding: The overall intent of Title 1 is to maintain residential capacity within the urban growth boundary in order to accommodate residential growth over the next 20 years. Title 1 essentially requires that plan amendments have the effect of no net less in housing capacity. Section D allows the City to change the designation on individual lots provided the effect is “negligible” when considering the overall capacity of the City. The proposed amendments result in a loss of eight potential housing units. The draft Housing Needs Analysis prepared for the Comprehensive Plan estimates that the City has a housing capacity of over 5,000 dwelling units. An eight-unit loss out of a capacity of 5,000 units is considered negligible.

Conclusion: The proposal complies with Title 1 given that the loss of housing capacity is negligible.

Title 7 - Housing Choice

Finding: This section of the functional plan encourages that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels. There are no mandatory land use requirements under Title 7

E. TRANSPORTATION PLANNING RULE

OAR 660 Division 12 implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient and economic transportation system.

Finding: When amending a Comprehensive Plan the state Transportation Planning Rule defines criteria for meeting the future needs of the transportation system in compliance with existing policies and plans including the City’s Transportation System Plan. The two most critical elements involve impacts to the functional class of the street system and on the ability of the transportation facility to operate within a minimum performance standards in future conditions.

The 2008 traffic study concludes that the proposed zone change would not alter the projected levels of travel or access enough to require functional class changes to the street system. The future operation conditions for the worst reasonable case scenario for the proposed rezone would not worsen the performance of transportation facilities below the acceptable performance standards. As such, the proposed rezone would comply with the State Transportation Planning Rule.

Upper Drive is classified as a local street. West Sunset Drive to the west is classified as a neighborhood collector. Boones Ferry Road is an arterial. This application does not propose to change either the functional classification of these streets or the standards implementing the functional classifications of these streets.

Conclusion: The proposal complies with the Transportation Planning Rule.

F. STATEWIDE PLANNING GOALS

Goal 9 – Economy of the State

Statewide Planning Goal 9 calls for diversification and improvement of the economy. This Goal asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Finding: The proposed amendment is intended to better facilitate development that contributes to the state and local economy by providing for employment, retail, and service opportunities for residents of the City and nearby areas. The proposed amendment would add approximately 0.82 acres of readily developable land to the commercial land base along a major arterial and will facilitate the development of adjacent parcels which are already designated for commercial development.

Conclusion: The proposed amendment is supportive of this Goal.

VI. CONCLUSION

The materials submitted by the applicant for LU 08-0059a and this staff report have demonstrated that the proposed amendments comply with all required criteria.

VII. RECOMMENDATION

Staff recommends that the request for amendment of the Comprehensive Plan Map, Zoning Map, expansion of the West Lake Grove Design District boundary, and amendment of LOC Article 50.05.005 "Appendices" be approved.

VIII. EXHIBITS

- A. Ordinances
A-1 Draft Ordinance 2592, dated 02/28/13 (LU 08-0059A & LU 12-0046)
- B. Findings, Conclusions and Order (No current exhibits)
- C. Minutes (No current exhibits)
- D. Staff Reports (No current exhibits)
- E. Graphics/Plans
E-1 Vicinity Map, 02/2013
E-2 Aerial Photograph, 01/15/13
E-3 Existing Comprehensive Plan Map, 01/22/13
E-4 Proposed Comprehensive Plan Map Changes, 03/01/13
E-5 Existing Zoning Map, 01/22/13
E-6 Proposed Zoning Map Changes, 01/22/13
E-7 WLGD Boundary (Figure 50.05.005 A), 01/22/13
E-8 Auto Transportation and Circulation Plan (Figure 50.05.005 B), 01/22/13
E-9 Internal Parking and Circulation (Figure 50.05.005 C), 01/22/13
E-10 Street Pedestrian Facilities and Pathways (Figure 50.05.005 D), 01/22/13
E-11 Building Orientation (Figure 50.05.005 J), 01/22/13
E-12 Ground Floor Window Openings (Figure 50.05.005 K), 01/22/13
E-13 Required Awnings and Canopies (Figure 50.05.005 L), 01/22/13
E-14 Lighting (Figure 50.05.005 A), 01/22/13
E-15 Westlake Grove Zoning Map, 08/1998
E-16 Westlake Grove Concept Plan, 08/1998
- F. Written Materials
F-1 Applicant's original submittal from OTAK, 10/28/08
Please note that this exhibit is not included, it has been superseded by Exhibit F-2. A copy is available on the City's website:
<http://www.ci.oswego.or.us/projects>
(UNDER "SEARCH", ENTER LU 08-0059A OR LU 12-0046, THEN PRESS "SUBMIT")
F-2 Applicant's revised proposal submitted by Planning Resources, 10/2012
F-3 Traffic Impact Analysis prepared by DKS Associates, 08/2008

F-4 Traffic Impact Analysis prepared by DKS Associates, 10/1998
Please note that this exhibit is not included. A copy is available on the City's website:

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

(UNDER "SEARCH", ENTER LU 08-0059A OR LU 12-0046, THEN PRESS "SUBMIT")

F-5 Boones Ferry Refinement Plan (Traffic Impact Analysis Prepared by DKS Associates), 09/2009

Please note that this exhibit is not included. A copy is available on the City's website:

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

(UNDER "SEARCH", ENTER LU 08-0059A OR LU 12-0046, THEN PRESS "SUBMIT")

F-6 Neighborhood Meeting Minutes LU 08-0059A, 07/30/08

F-7 Neighborhood Meeting Minutes LU 12-0046, 11/01/12

G. Testimony

Nether for Nor Against

G-1

G-2

G-3

In Favor

G-100 Letter from the Lake Grove Neighborhood Association; Dated 01/23/13

G-101

G-102

In Opposition

G-200 Letter from Miguel and Sandra Perez 4725 Upper Drive, 02/17/09

G-201 Letter from Don and Mich Conklin 4575 Upper Drive, 09/21/12

G-202 Letter from Ed and Janice Gehrig 4850 Upper Drive, 11/08/12

G-203 Letter from Ed and Janice Gehrig 4850 Upper Drive, 11/19/12

G-204 Letter from Miguel and Sandra Perez 4725 Upper Drive, 10/31/12