

STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING AND BUILDING SERVICES DEPARTMENT

APPLICANT

City of Lake Oswego

FILE NO.

LU 16-0025

LOCATION

Citywide

STAFF

Amanda Owings, Traffic Engineer
Debra Andreades, Senior Planner

DATE OF REPORT

September 15, 2016

PLANNING COMMISSION HEARING DATE

September 26, 2016

I. APPLICANT'S REQUEST

This is a request from the City of Lake Oswego to amend the Connected Community Chapter of the Comprehensive Plan (Plan) and the Community Development Code (CDC) to implement the recommendations of the 2014 update of the Transportation System Plan (TSP). Amendments to the TSP are also proposed to ensure consistency among the three documents.

II. APPLICABLE REGULATIONS

A. Oregon Statewide Planning Goals

Goal 1: Citizen Involvement
Goal 2: Land Use Planning
Goal 11: Public Facilities
Goal 12: Transportation

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

C. Regional Plans

Metro Urban Growth Management Functional Plan (UGMFP)
Regional Transportation Functional Plan (RTFP)

- D. City of Lake Oswego Comprehensive Plan
 Land Use Planning: Policy E-Comprehensive Plan Amendments
 Community Culture: Civic Engagement
 Connected Community: Goal C-Efficiency

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

LOC 50.01.003.3	Jurisdiction of Hearing Body
LOC 50.07.003.16.a	Legislative Decisions Defined
LOC 50.07.003.16.b	Criteria for Legislative Decision
LOC 50.07.003.16.c	Required Notice to DLCD
LOC 50.07.003.16.d.iii	Planning Commission Recommendation Required
LOC 50.07.003.16.e	City Council Review and Decision

III. INTRODUCTION/BACKGROUND INFORMATION

The City updated its Transportation System Plan (TSP) in 2014, pursuant to the State of Oregon Transportation Planning Rule and regional transportation goals and policies. In the Portland region these policies are found in Metro’s Regional Transportation Plan. The TSP contains recommendations for specific amendments to the Community Development Code (CDC) to implement the policies of the Connected Community Chapter of the City’s Plan. During 2015, staff conducted an audit of the Plan, the TSP and the CDC for consistency among the three documents (PP15-0002). This process resulted in the identification of updates needed to carry out the Plan policies, ensure consistency, and clarify the language. It also includes clear and objective requirements for traffic impact studies, in addition to other CDC amendments.

IV. MAJOR COMPONENTS OF PROPOSED AMENDMENTS

Comprehensive Plan Text Amendments

Amendments to the Plan do not include substantive modifications to any goals or polices. Only one policy, Connected Community, Policy C-1, is proposed to be amended: where the language states “planned level of service”, instead the Level of Service is specified to coincide with that specified in the TSP (see Attachment 3).

TSP Amendments

Amendments to the TSP will add projects from the recently adopted Southwest Employment Area Plan and update the format of the Street Classification Maps without modifying any street classifications except one: Kruse Way Place, where the change from ‘local street’ functional classification to ‘neighborhood collector’ functional classification was approved in 2014 with adoption of the TSP update, however the map was not updated at that time; the map is being updated now.

Community Development Code Amendments

The TSP update included a list of recommended amendments to the CDC to ensure that the code implements the plan. A summary of the proposed amendments to the CDC follows:

- Define “Traffic Impact Study (TIS)” and add criteria in the CDC for when a TIS is required, the level of analysis required, and the threshold for providing that analysis. The Traffic Impact Study Guidelines are meant to assist applicants for development in preparing Traffic Impact Studies, to ensure that information submitted with development proposals is complete and allows for an accurate assessment of future traffic conditions and mitigation measures, if any.
- Ensure there are requirements for notifying affected transportation agencies of pending development applications.
- Ensure street standards referenced in the CDC are consistent with those in the TSP and Plan.
- Review Circulation and Connectivity Standards (LOC 50.06.003) for consistency with current policies of the TSP and Plan (no policy change proposed).
- Add a specific requirement to post a sign indicating where temporary dead-end streets are planned for extension.
- Clarify requirements for access to the transportation system.

The reasons for the specific amendments are contained in text boxes embedded in the attachments to the Ordinance.

It should be noted that the TSP contains two recommendations that are not part of the proposed amendments: 1) Define Major Driveways in the Code for purposes of Metro code compliance; and 2) Add on-street loading provisions at “appropriate locations” for downtown.

1. Major Driveways: The Metro Regional Transportation Functional Plan (RTFP) uses the term “Major Driveways” to refer to a type of access that is similar to the term “Access Lane” in the CDC which refers to access that meets the following criteria:
 - intersects with a public street that is controlled or is to be controlled by a traffic signal in the future;
 - intersections with an existing or planned arterial or collector street; or
 - [an] extension of an existing or planned local street, or of another major driveway.

Because the term “access lane” is used throughout the CDC and corresponds to the definition of Major Driveway used in the RTP, the CDC’s Access Lane meets Metro’s Major Driveway requirement and there is no need to add redundant terminology for “Major Driveway”.

2. On-Street Loading: The Metro Regional Transportation Functional Plan (RTFP) Title 4, Parking Management Section 3.08.410, states that “cities shall require on-street freight loading and unloading areas at appropriate locations in centers.” The Community Development Code contains a loading standard under LOC 50.06.002.2 Standards for Approval, Vehicle Parking:

vii. Loading. *Loading berths in sufficient numbers and size to adequately handle the needs of the development shall be required.*

Exception – FMU Zone: Loading berths are not required.

The off-street parking areas to fulfill the requirements of this standard shall not be used for loading and unloading or the storage of vehicles or materials or parking of trucks used in conducting business or use.

The authority to designate on-street loading zones (and other traffic or parking controls) on City streets is vested in the City Engineer under Chapter 42 of Lake Oswego Code (LOC Ch. 42) Streets and Sidewalks. Where on-street loading zones are approved, they may or may not alleviate the need for off-street loading berths. While the above standard does not specify quantities or locations of loading berths (the determination is use- and site-specific) the current City code does not conflict with the Metro RTFP and there is no need to amend it.

At the August 8th work session, the Commission discussed certain modifications to some of the CDC amendments to provide better clarification. The Commission also suggested modifications to the TIS Guidelines, a non-land use document that Engineering Staff will use in administering the TIS code requirements. These changes are reflected in the current version of the Code amendments and in the revised TIS Guidelines, respectively Exhibit F-1.

V. PUBLIC NOTICE OF APPLICATION

This application is being processed as a legislative land use proposal [LOC 50.07.003.16.a]. A legislative decision is an amendment to the Policies, Procedures and Standards criteria applicable to a large number of parcels. It is generally a policy decision which is up the discretion of the City Council (with the recommendation from the Planning Commission), but shall:

- Comply with any applicable State law;
- Comply with any applicable Statewide Planning Goal or administrative rule adopted pursuant to ORS chapter 197; and,
- In the case of a legislative amendment to the CDC, comply with any applicable provision of the Lake Oswego Comprehensive Plan.

The Planning Commission will conduct a public hearing on the proposed legislative text amendments and make a recommendation to the City Council.

A. Newspaper Notice

Public notice of the proposed amendments and Planning Commission public hearing were published in the *Lake Oswego Review on September 15, 2016.*

B. Public Notice to Surrounding Area

The City has provided public notice to neighborhood associations, and to government agencies. Adequate opportunity to comment on this application has been provided consistent with the requirements of LOC 50.07.003.3.a. As of the date of this report, no written comments were received.

C. DLCD Notice

Pursuant to LOC 07.003.16.c, staff has provided notice of the proposed amendments to the Oregon Department of Land Conservation and Development (DLCD).

D. Metro Notice

Pursuant to the Metro Functional Plan, staff provided notice of the proposed amendments to Metro on August 22, 2016.

VI. COMPLIANCE WITH APPROVAL CRITERIA – PRELIMINARY FINDINGS

A. Oregon Statewide Planning Goals

Amendments to the Lake Oswego Comprehensive Plan must comply with Oregon's Statewide Planning Goals and the existing Comprehensive Plan policies, which parallel the State guidelines in Oregon Administrative Rules (OAR 660 Chapter 15). Accompanying most Statewide goals are planning guidelines, which are non-mandatory recommendations for how the goal can be implemented.

Staff finds four Oregon Statewide Planning Goals applicable to this proposal, as follows:

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Findings

The Community Development Code contains requirements for citizen involvement. A work session was held with the Planning Commission after which a public review draft of the proposed amendments was issued. The Planning Commission held another work session after the comment period closed, where the general public could provide comments to the Planning Commission to assist the Commission in identifying issues in preparation for the public hearing.

Conclusion: The proposal is consistent with this state wide planning Goal 1.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Findings

The proposed amendments to the “Connected Community” chapter of the Plan, the CDC and TSP are intended to maintain consistency among the three documents. The Land Use Planning chapter contains policies for maintenance of the Community Development Code, Development Review, Design Standards and Guidelines, Land Administration, and amendments to the Comprehensive Plan and Zoning Map. Policy E of the Land Use Planning chapter of the Plan implements Statewide Goal 2 and applies to the proposed amendments to the Plan, the CDC and the TSP: *Ensure that the Comprehensive Plan and its implementing ordinances are updated periodically and updates include adequate opportunity for citizen review and comment.*

The amendments are not intended to change any policy but to maintain consistency among the three documents and respond to changing conditions in the Transportation System. As outlined above, a process was put into place to ensure adequate opportunity for citizen review and comment.

Conclusion: The proposal is consistent with this state wide planning Goal 2.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development

Findings

The TSP is a component of the City’s Public Facilities Plan which ensures consistency between the City’s land use policies and its infrastructure planning and capital improvement program, pursuant to Goal 11. The TSP implements the following Goals of the Connected Community chapter of the Plan:

- Goal C-Efficiency: *Optimize the performance of the transportation system for the efficient movement of people and goods*
- Goal D-Accessibility: *Provide a multimodal transportation system that is suitable for community member of all ages, income levels and physical abilities to access daily needs and services.*

The proposed amendments ensure consistency among all three documents so that the transportation system (a public facility) is constructed for planned capacity and the impacts of development are mitigated by requiring improvements to the transportation system.

Conclusion: The proposal is consistent with state wide planning Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system

Findings

The proposed TSP implements the “Connected Community” chapter of the Comprehensive Plan. The goals of the TSP directly reflect the goals contained in the “Connected Community” chapter, which implements Goal 12. As discussed above, the TSP includes the Functional Street Classifications Map which is being updated to be consistent with the Plan and the CDC.

Conclusion: The proposal is consistent with state wide planning Goal 12.

The proposed amendments are consistent with all applicable Oregon Statewide Planning Goals.

B. Transportation Planning Rule (OAR 660.012)

The City of Lake Oswego is required to comply with the State’s Transportation Planning Rule (TPR)(OAR 660-012).

Findings

The purpose of the Transportation Planning Rule is to provide and encourage a safe, convenient and economic transportation system; to coordinate a land use and transportation system that supports a pattern of travel and land use in urban areas that will avoid air pollution, and traffic and livability problems; ensure a mix of transportation facilities and services to ensure economic, sustainable and environmentally sound and accessibility for all Oregonians; and to ensure coordination among levels of government and transit providers.

The City’s TSP, updated in 2014, complies with the Transportation Planning Rule. The TSP contains recommendations for specific amendments to the CDC to implement the policies of the Connected Community Chapter of the City’s Plan. The proposed amendments accomplish this and, along with the amendments to the Plan and TSP, ensure consistency so that the transportation system is coordinated with land use.

Conclusion: The amendments are consistent with the Transportation Planning Rule.

C. Metro Functional Plan and Regional Transportation Plan

1. Urban Growth Management Functional Plan

Title 6: Centers, Corridors, Station Communities and Main Streets

- 3.07.610
- 3.07.620
- 3.07.640
- 3.07.650

Findings

The City's TSP supports the "Connected Community" chapter of the Plan, that in turn implements Metro Design Types based on Metro's Population and Employment forecasts, consistent with the Metro Functional Plan, Title 6, which requires the City to plan for infill and redevelopment in its town centers and main streets. The TSP is also consistent with Title 1, as the TSP recommends transportation improvements to serve population growth and housing as anticipated in the Complete Neighborhoods and Housing chapter of the Comprehensive Plan. The proposed amendments ensure that the TSP, the Plan and the CDC are consistent, integrating land use and transportation planning. Title 6 of the Functional Plan is met.

2. Regional Transportation Plan (RTP) and Regional Transportation Functional Plan (RTFP)

Title 1: Transportation System Design

- 3.08.110 Street System Design
- 3.08.120 Transit System Design
- 3.08.130 Pedestrian System Design
- 3.08.140 Bicycle System Design
- 3.08.150 Freight System Design
- 3.08.160 Transportation System Management and Operations

Title 2: Development and Update of Transportation System Plans

- 3.08.210 Transportation Needs
- 3.08.220 Transportation Solutions
- 3.08.230 Performance Targets and Standards

Title 3: Transportation Project Development

- 3.08.310 Defining Projects in Transportation System Plans

Title 5: Amendment of Comprehensive Plans

Findings

The 2035 Regional Transportation Plan (RTP), adopted by Metro in June 2010, identifies the transportation policies, projects, and strategies needed to implement the 2040 Growth Concept. The RTP also contains criteria for monitoring transportation system performance for all modes of travel. The "Connected Community" chapter of the Plan implements the RTP and by extension, the TSP and CDC implement the Plan. The amendments ensure consistency among the three documents.

Conclusion: The proposed amendments are consistent with applicable Metro Functional Plan and Regional Transportation Plan requirements.

D. City of Lake Oswego Comprehensive Plan

Land Use Planning-Policy E

Policy E - Ensure that amendments to the Comprehensive Plan and Zoning Map are subject to specific locational criteria, and other standards, including: capacity of public facilities and services.

Findings

There is no zoning map amendment proposed. The amendment to the Comprehensive Plan only ensures consistency among the Plan, the CDC and the TSP, all documents that implement the planned capacity of public facilities, integrating transportation and land use. The CDC ensures mitigation for the impacts of development with regard to the Transportation system to guarantee the planned capacity of the system.

Conclusion: The proposal is consistent with the Land Use Planning chapter of the Plan.

Community Culture – Civic Engagement Policy 1

Policy 1 - Provide citizen involvement opportunities appropriate to the scale of a given planning effort, and ensure those affected by a Plan have opportunities to participate in the planning process

Findings

The Planning Commission held two work sessions on June 13th and August 8, 2016. A public review draft was available for public review prior to the August 8th work session when the Commission took public comment. Staff also received technical input from two traffic engineers, one of which is a member of the Development Review Commission. Public testimony will be received at the September 26th Planning Commission hearing before the City Council holds a work session and public hearing. The City has provided adequate opportunities for public participation.

Conclusion: The proposal is consistent with the Community Culture chapter of the Plan.

Connected Community -Efficiency-Policy C-6; Livability Policies F-2 and F-3

Policy C-6- Require applicants for zone change requests and conditional use permits to determine the resulting extent of impacts to the transportation system and provide mitigation deemed appropriate by the City to maintain transportation system efficiency.

Policy F-2 –Mitigate the impacts of traffic on neighborhood collector and higher classifications that bisect residential neighborhoods.

Policy F-3- Minimize the impacts of traffic generated through new commercial development on adjoining neighborhoods

Findings

As discussed above, the amendments to the CDC and TSP implement the Plan and will ensure consistency of implementation. Specifically, with regard to each of the policies above, the addition of criteria to the CDC for when traffic studies will be required, and the level of analysis required, will provide for consistency in the evaluation of development impacts on the transportation system, supporting the CDC's ability to impose appropriate mitigation on applicants for development.

Conclusion: The proposal is consistent with the Connected Community chapter of the Plan.

E. Lake Oswego Community Development Code Procedural Requirements

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

Findings

The Community Development Code 50.07.003.16.a defines "legislative decisions" to include amendments to the CDC and to Comprehensive Plan policies. Public hearings by the Planning Commission for recommendations to the City Council for "legislative decisions" are required to have at least 10 days prior published notice, per LOC 50.07.003.16.d.iii and 50.07.003.3.c. Notice is defined as being published in a newspaper of general circulation in the City of Lake Oswego at least ten days in advance of the hearing, and mailed at least ten days in advance to the Commission for Citizen Involvement and to all recognized neighborhood associations. The notice shall include:

- i. The time, date, and place of the public hearing;
- ii. A brief description of the proposed legislative amendment; and
- iii. A phone number for obtaining additional information.

Notice of the public hearing was posted at City Hall, the Adult Community Center, and the Library, on September 8, 2016. The hearing notice was published in the Lake Oswego Review newspaper on September 15, 2016. Legislative notice was mailed per LOC requirements on September 2, 2016.

The City notified DLCD and Metro of the proposed action 35 days before the initial evidentiary hearings on the proposed amendments (LU 16-0025).

Conclusion: The CDC procedural requirements for the proposed amendments, including public notice requirements for the public hearing, are met per the applicable CDC criteria.

VII. CONCLUSION / RECOMMENDATION

Based on the information presented in this report, staff recommends that the Commission recommend adoption of Ordinance 2725, Exhibit A-1 (including attachments), to the City Council.

EXHIBITS

This staff report and all exhibits referenced below are part of the record and can be found by visiting the land use webpage for case file LU 16-0025. A link is provided at the end of this page.

A. **Draft Ordinances**

- A-1: Draft Ordinance 2725, dated 09/14/16
 - Attachment 1-Reserved for City Council Findings (not included)
 - Attachment 2-Draft Amendments to Comprehensive Plan, 06/30/16
 - Attachment 3-Draft Amendments to TSP, 06/30/16
 - Attachment 4-Amendments to the CDC, 09/13/16

B. **Findings, Conclusions and Order** (no current exhibit)

C. **Minutes** (no current exhibits)

D. **Staff Reports** (no current exhibits)

E. **Graphics/Plans** (no current exhibits)

F. **Written Materials**

- F-1: City Engineer's Proposed-Traffic Impact Study Guidelines, 08/30/16 [to be issued by City Engineer following adoption of Ordinance 2725].

G. **Letters** (no current exhibits)

Use the link below to visit the City's "Project" page. In the "Search" box enter LU 16-0025 then press "Submit":

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

THIS PAGE INTENTIONALLY LEFT BLANK