

STAFF REPORT  
**CITY OF LAKE OSWEGO**  
PLANNING AND BUILDING SERVICES DEPARTMENT

APPLICANT

City of Lake Oswego

FILE NUMBER

LU 17-0028

LOCATION

LGVC Overlay District

STAFF

Johanna Hastay, AICP, Senior Planner

DATE OF REPORT

August 17, 2017

PLANNING COMMISSION HEARING DATE

August 28, 2017

**I. APPLICANT'S REQUEST**

The City of Lake Oswego is requesting text amendments to the Community Development Code (CDC) for the purpose of implementing the Boones Ferry Road public transportation project (BFR Project). The amendments implement the LGVC Plan and City Council 2017 Goal, "Take steps to minimize the impact on businesses and residents of the Boones Ferry Road project." As shown in Ordinance 2753 (Exhibit A-1, Attachment B), the proposed amendments:

- Modify the 50-foot Special Street Setback for a specific section of Boones Ferry Road to reflect the BFR Project (LOC 50.02.004);
- Allow project mitigation outside the public right-of-way when directly associated with public transportation projects (such as the BFR Project) as ministerial development (LOC 50.07.003.13);
- Exempt planned parking mitigation (on-site replacement parking associated with the BFR Project) from compliance with the LGVC Overlay District standards (LOC 50.05.007); and,
- Clarify and expand the current parking and landscape area exceptions in the LGVC Overlay for properties affected by the BFR Project (LOC 50.05.007.6).

The sections proposed for revision relate to several Code sections and are more fully described in Section III of this report.

**II. APPLICABLE REGULATIONS**

**A. City of Lake Oswego Comprehensive Plan**

**Land Use Planning Chapter:**                    **Land Use Administration**  
Policy A-1  
**Design Guidelines**  
Policy C-1  
**Land Use Administration**  
Policy D-1

**Community Culture Chapter:**                **Civic Engagement**  
Policies, 1, 2, 4, 5, and 9

**Inspiring Spaces and Places Chapter: Goal 1**  
Policy 7

**Connected Community Chapter:**            **Transportation Choices**  
Policy B-2  
**Livability**  
Policy F-6

**B. City of Lake Oswego Comprehensive Plan Volume II: Neighborhood and Special District Plans 2013. Lake Grove Village Center Plan**

**Chapter I. Transportation**                    **Goal 1: Transform BFR into a Great Street**  
Policies 1.2, 1.4, and 1.5  
**Goal 3: Enhance the Pedestrian Environment and Connectivity**  
Policy 3.2

**Chapter IV. Economic Dev't**                **Goal 9: Support Businesses in the Center**  
Policies 9.3, 9.4 and 9.6

**C. City of Lake Oswego Community Development Code**

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

### III. INTRODUCTION/BACKGROUND INFORMATION

When the City adopted the Lake Grove Village Center (LGVC) Plan in 2008, the primary transportation goal was to transform Boones Ferry Road (BFR) into a Great Street or “an attractive street that promotes a safe, welcoming and convenient environment for pedestrians, bicyclists and vehicles, accommodates auto traffic efficiently, provides adequate vehicle access to meet the needs of businesses, and manages stormwater within the ROW”.

Immediately after the LGVC Plan was adopted, work began on the BFR Refinement Plan, a 2-phase process to help guide subsequent engineering for the BFR Project. One of the issues addressed during that process was how the right-of-way (ROW) dedication would negatively impact private property. The result of the 2012 work was the adoption of a number of LGVC Overlay District amendments, including code exceptions to parking and landscaping minimums to help offset those potential impacts (see Ordinance 2580 for the full amendment analysis). The LGVC Parking Management Plan followed and was adopted in 2016.

Other goals and policies of the adopted LGVC Plan discuss ensuring “no net loss of parking” as a result of the access modifications due to the BFR Project. The LGVC Parking Management Plan also focuses on maintaining commercial parking capacity after completion of the BFR Project. The BFR Project design team and Project Advisory Committee (PAC) have determined that eight properties in BFR Project Phase I corridor will directly lose parking spaces due to the ROW dedication and frontage improvements. As a part of the property acquisition compensation packages for those eight sites with diminished parking, the City has developed proposals for on-site replacement parking (see preliminary site plans in Exhibit A-1, Attachment C). Five of the eight replacement parking plans predominantly, but cannot fully, comply with current CDC standards due to site constraints.

The City initially considered processing multiple design variance applications for individual sites or groups of properties where, if owners wanted to replace parking on-site, they would be able to do so even if the parking spaces were noncompliant with certain standards. In consultation with the PAC, and pursuant to Planning Commission direction, staff is instead recommending amending the code to outright permit the parking, a process which provides greater certainty for property owners, avoids complications with the BFR Project schedule, and removes regulatory barriers on private property owners consistent with City Council policy direction. As this amendment process progressed, staff also took the opportunity to include an update to the BFR Special Street Setback now that the final ROW design is known and to expand/clarify the existing LGVC Overlay District parking and landscape exceptions adopted in 2012.

## Public Involvement

On April 10, 2017, the Planning Commission received public comment and provided initial direction on the preliminary concept to amend the code rather than process a series of design variances. A public review draft (PRD) of the code amendments was published on May 22, 2017, with a 3-week comment period. The PRD was publicized through the City's Planning e-News Subscription lists; to the Lake Oswego Chamber and Lake Grove Business Association; neighborhood association chairs; through a direct mailing (along with a follow-up e-mail) to businesses and property owners impacted by Phase I of the BFR Project, and a direct mailing to residential property owners within 300 ft. of the properties which would lose parking. Three letters were received during the PRD comment period; staff has taken these public comments into consideration in preparing the public hearing draft of the proposed code amendments.

The Planning Commission then held a work session on June 26, 2017. The purpose of the work session was to review the proposed amendments, discuss the comments received on the public review draft, and recommend to staff any revisions that should be included in the public hearing draft version of the proposal. A letter was received from Mike Robinson, representing the Cain Petroleum Property, after the end of the PRD comment period, but prior to the Planning Commission work session (Exhibit G-1). Mr. Robinson was not contesting the proposed code amendments but instead recommending modifications to improve the draft. The Deputy City Attorney concluded that the letter is considered "public testimony" for the purposes of this public hearing, and has provided a response to the issues raised, which is included as Exhibit F-1.

## IV. MAJOR COMPONENTS OF PROPOSED AMENDMENTS

Ordinance 2753, through Exhibit A-1, Attachment B, consists of text amendments to five code sections, all of which are briefly summarized, below. Page numbers refer to pages in Exhibit A-1, Attachment B, which contains commentary and analysis on each amendment.

### Item 1: Special Street Setbacks (pages 1-2)

The CDC contains Special Street Setbacks (SSS) for certain streets throughout the City which are intended to preserve an obstruction-free zone for future right of way improvements [LOC Table 50.02.004-1]. Each SSS may be *exceeded* when identified by a traffic impact study, corridor study, or transportation system plan, but there is no corresponding authority to *reduce* the SSS using those same studies or plans. This code amendment would revise the BFR SSS, which is currently 50 feet, for properties with frontage on BFR extending from Madrona Street north to Mercantile Drive, to reflect Phase 1 of the BFR Project.

***Amends: LOC Table 50.02.004-1***

Item 2: Review Procedures for Ministerial Development (page 7)

The Ministerial development review process is reserved for projects that are subject to clear and objective standards or are otherwise consistent with an adopted public facility master plan. This code amendment would include mitigation on private property that is associated with a public transportation project in the ministerial permit classification.

***Amends: LOC 50.07.003.13.a.ii(8)***

Item 3: Applicability of LGVC Overlay District (pages 3-4)

LOC 50.05.007.3.c currently describes the applicability of the LGVC Overlay District depending on whether a project is “new construction/redevelopment” or one that is narrower in scope. The proposed code amendment implements the conceptual replacement parking plans (Exhibit A-1, Attachment C). It allows property owners to apply for a ministerial permit to construct planned replacement parking without have to comply with three specific LGVC Overlay District standards. This code waiver, which eliminates the need for variances to the subject standards, would be valid for three years (with one additional year possible) from the date of ROW purchase/condemnation. A longer period is not recommended because the replacement parking plans are intended to implement the LGVC Plan’s “no net loss of parking due to the BFR Project” policies.

***Amends: LOC 50.05.007.3.c.ii***

Item 4: LGVC Overlay District Site Planning Standards: Parking Exception (page 5)

The Code currently provides a parking credit for spaces lost due to the BFR Project. The proposed code amendment would: enumerate the number of parking spaces lost for each property; remove the 5-year expiration date; and, allow the exception to apply to new building construction, not just building expansions (Exhibit A-1, Attachments D.1 and D.2).

***Amends: LOC 50.05.007.6.c.vi.***

Item 5: LGVC Overlay District Site Planning Standards: Landscaping Exception (page 6)

Similar to the parking exception, above, the Code currently provides a landscaping credit for land area lost to ROW dedication specific to the BFR Project. The proposed code amendment would: remove subjective language; enumerate the land area lost; remove the 5-year expiration date; and, allow the exception to apply to new building construction, not just building expansions (Exhibit A-1, Attachments D.1 and D.2). The landscape reduction is set at a maximum 5%, regardless if the area lost to dedication is greater.

***Amends: LOC 50.05.007.6.e.i.***

## V. NOTICE OF APPLICATION

### A. Newspaper Notice

On August 3, 2017, public notice of the proposed CDC text amendments and Planning Commission public hearing was published in the *Lake Oswego Review*.

### B. DLCD Notice

Pursuant to LOC 50.07.003.16.c and ORS 197.610, staff provided notice of the proposed CDC text amendments to the Oregon Department of Land Conservation and Development (DLCD).

### C. Metro Notice

Pursuant to Metro Code 3.07.810 and .820, staff provided notice of the proposed CDC text amendments to Metro not less than 35 days prior to the hearing date.

## V. COMPLIANCE WITH APPROVAL CRITERIA

Legislative amendments to the CDC shall comply with the following criteria:

### A. Any Applicable State Law

Staff finds that there are no applicable State Laws.

### B. Applicable Provisions of the City of Lake Oswego Comprehensive Plan: Volume 1

Staff finds that the following Comprehensive Plan Policies are applicable to this proposal:

#### ***Land Use Planning Chapter Policies***

##### ***A-1. Maintain land use regulations and standards to:***

***\*\*\****

***b. Promote compatibility between development and existing and desired neighborhood character;***

***c. Minimize and/or mitigate adverse traffic impacts generated by new development on adjacent neighborhoods;***

***\*\*\****

C-1. *Enact and maintain regulations and standards which require:*

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- b. *Landscaping;*
- c. *Buffering and screening between differing land uses;*
- d. *Measures to foster a safe and interesting transit and pedestrian environment;*
- e. *Minimize and/or mitigate adverse traffic impacts generated by new development on adjacent neighborhoods.*

**Response:** Since adoption of the LGVC Plan over ten years ago, there has been ongoing community discussion regarding how to best balance the goals and policies of the Plan, particularly as it calls for widening BFR to more safely accommodate all modes of travel (automobiles, bicyclists, pedestrians, and bus transit) while minimizing impacts to adjacent neighborhoods, for example by providing adequate parking in the commercial district and using landscape buffers to screen abutting residential neighbors.

The existing tree canopy is one of the unique characteristics of the LGVC. The LGVC Overlay District standards include landscaping requirements that help ensure stands of native trees are incorporated into site layout where practical. On the other hand, maintaining adequate parking for commercial businesses has also been a key policy, as the BFR corridor will continue to draw a high volume of automobile traffic. For this reason, many of the code amendments for the 2016 LGVC Parking Management Plan focused on ensuring surface parking efficiency. Staff is now proposing to clarify and expand the existing LGVC landscaping exception that allows land area lost to ROW dedication to count towards meeting the minimum landscaping requirements (Exhibit A-1, Attachments D.1 and D.2). This could result in less on-site landscaping for the commercial properties that are losing land area to the BFR Project. Again, the two policy directions must be balanced; by accepting reductions in the amount of landscaping, adequate parking can be provided/maintained.

This issue is directly illustrated with the replacement parking plans, most of which would require some tree removal and would result in a reduced amount of on-site landscaping. In its June 26, 2017, work session, the Planning Commission received public comments regarding the negative impacts that tree removal and landscape reduction would have on neighborhood character. Staff notes that while replacement parking plans for five of the eight properties are noncompliant with certain LGVC standards, all comply with existing code requirements to screen and buffer the abutting dissimilar low density residential uses. In addition, the proposed amendments to the LGVC landscape exception cap the allowed reduction at 5%, so every commercial property would have to provide at least 10% landscaping.

To address the issue of tree removal, the Commission requested that the City's Consulting Arborist visit those sites where tree removal may be significant in order to complete a more detailed tree inventory and evaluation. After consulting with the BFR PAC co-chairs, four sites were chosen for field visits: Naomi's Lampshades, Gubanc's, Riccardo's, and the Jenike Property. The arborist report is attached (Exhibit F-2). As detailed in the report, all four sites would require the removal of significant trees if those property owners chose to move forward with the replacement parking plans. The report also explains that there are no reasonable alternatives to the removal due to the constrained nature of the sites and the proximity of the trees to construction, both for the replacement parking and for the street frontage improvements. In the case of the Jenike Property, the significant grove of Douglas firs is already heavily impacted by the BFR Project. Even if the replacement parking is *not* constructed on this site, the City's Consulting Arborist does not recommend preservation of the trees remaining in the grove after the BFR Project is complete due to their increased vulnerability to wind throw (Exhibit F-2).

If the prevailing community goal is to maintain the current private parking capacity after completion of the BFR Project, property owners should be allowed to construct some or all of the replacement parking with the associated tree removal. Staff notes that tree removal will be partially offset by the enhanced street tree and median landscaping, both of which are a part of the "Great Street" design. Staff also notes that although the LGVC Parking Management Plan includes an action item for providing public parking in the general vicinity of the commercial properties where trees would be removed, the City has not yet earmarked funding, and, as of the date of this report, the City Council has not authorized the use of eminent domain for the acquisition of a site or construction of a public parking facility.

Staff finds that the proposed code amendments implement the above Comprehensive Plan policies, as well as the policies and recommended action items from the 2008 LGVC Plan and the 2016 LGVC PMP. The amendments will help the City implement the BFR "Great Street" street design with all of the enhanced connectivity and ROW landscaping, while also ensuring adequate commercial parking can be provided so that spillover traffic does not adversely impact the nearby neighborhoods.

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

**Response:** Metro and the DLCD were notified of the proposed text amendment at least 35 days prior to the first Planning Commission hearing, as required by Metro Code and State law.

**Conclusion:** The proposal is consistent with policies of the Land Use Planning Chapter.

### **Community Culture Chapter Policies**

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

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

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

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

*Policy 9: Utilize broadly representative, special citizen advisory bodies to provide input on implementation of the Comprehensive Plan and other related land use planning matters.*

**Response:** The CDC, which implements the Comprehensive Plan, contains requirements for a citizen involvement program which clearly defines the procedures by which the general public will be notified in the on-going land use planning process and enables citizens to comprehend the issues and become involved in decision making. Development of the proposed amendments responded to: input from the BFR Project Advisory Committee, which includes members from LGVC business community, affected neighborhood associations, and both commercial and residential property owners; public comments received on a Public Review Draft; and, a Planning Commission work session with public comment. All required notification measures and opportunities for input as specified in the Code were provided during this process, including noticing to all affected neighborhood associations, as well the Lake Grove Business Association. The City has also provided a courtesy public hearing notice to all residential property owners within 300 feet of the five private commercial-zoned properties where code changes have been proposed specifically to allow development of replacement parking. Public hearings with the opportunity for public comment will be held before the Planning Commission and the City Council.

**Conclusion:** The process followed for these amendments is in compliance with the goals and policies of the Community Culture Chapter. The Commission can find that through the public process described, above, the City has appropriately balanced the interests of commercial and residential property owners.

### ***Inspiring Spaces and Places Chapter Policies***

7. *Enhance the unique character of Lake Oswego's neighborhoods and commercial districts as the City grows and changes by adopted plans, codes, guidelines, and other implementation measures.*

**Response:** The proposed amendments will help implement the "Great Street" design for BFR as identified by the LGVC Plan, taking into consideration the unique characteristics of one of the City's commercial districts. The amendments will have multiple effects. By providing certainty to property owners on the impact of ROW acquisition, the process may continue and the BFR Project can be constructed according to the LGVC Plan and its vision for the commercial district. By providing the opportunity for "no net loss of parking" on commercial properties (through code changes that respond to the BFR Project), the impact of traffic and spillover parking in residential areas is minimized, protecting the character of the neighborhoods.

Conclusion: The proposal is consistent with the Inspiring Spaces and Places Chapter policies.

### ***Connected Communities Chapter Policies***

#### *Transportation Choices*

- B-2. *Provide street and frontage improvements such as dedicated facilities, landscaping, and street lighting and permit amenities such as benches and shelters to encourage walking and biking as viable travel modes, particularly along corridors that serve the primary transit network and employment centers, town centers and neighborhood villages.*

**Response:** This policy is not directly applicable to the proposed amendment, but the BFR Project, a multi-modal public transportation project, is consistent with the above policy, and the proposed amendments support implementation of the BFR Project.

#### *Livability*

- F-6. *Maintain parking regulations that require off-street employee and customer parking and loading facilities to be provided on-site and commensurate with the size and relative needs of each new development.*

**Response:** The existing Code implements this policy, and ensures appropriate parking levels and design taking into consideration site conditions, zoning, proximity to residential neighborhoods, street classification, and intensity of use. The Parking standards include minimum and maximum parking ratios for various commercial

uses (LOC Table 50.06.002-1). The Parking standards also include LGVC-specific parking regulations that reflect the unique characteristics of the District: the Access to Transit parking modifier cannot be used (Subsection 2.a.v) and compact parking spaces are not allowed (Subsection 2.a.vi). The LGVC Overlay District standards also include parking lot standards that require landscape islands to break up asphalt, and that parking facilities be screened/buffered from public sidewalks, buildings, and abutting residential properties (LOC 50.05.007.6.e.viii). The proposed amendments do not change these standards. Instead, they offer some flexibility to private property owners who choose to construct replacement parking and for future redevelopment in light of the permanent loss of land area to ROW dedication.

Conclusion: The proposal is consistent with the Connected Communities Chapter policies.

C. City of Lake Oswego Comprehensive Plan Volume II: Neighborhoods and Special District Plans 2013

**Lake Grove Village Center Plan**

***Section I. Transportation***

*Goal 1: Transform Boones Ferry into a Great Street*

*Policy 1.2 Provide landscaped center medians along BFR to organize access, enhance safety, manage stormwater, and to beautify the corridor.*

*Policy 1.4 Provide continuous sidewalks and bike lands to enhance the safety along BFR.*

*Policy 1.5 Provide pedestrian crossings at regular intervals. Consider signalization of pedestrian crossing in design refinement studies.*

*Goal 3: Enhance the Pedestrian Environment and Connectivity*

*Policy 3.2 Provide continuous sidewalks, pedestrian refuges, landscaped medians, consolidated driveways, crosswalks, signals at crosswalks, public restrooms, and attractive transit shelters. Replace overhead utilities with underground utilities.*

**Response:** The ROW elements listed above, along with appropriately-sized vehicle travel lanes, center turn lanes, stormwater facilities, and U-turn capacity at intersections are necessary for a multi-modal “Great Street” design and the level of connectivity necessary to establish a vibrant town center. To ensure an

unobstructed area for these improvements, the City imposed a 50-foot Special Street Setback on BFR from Mercantile Drive to West Sunset Drive. As Phase I of the BFR design has been refined, the project team found that only 41-46 feet of ROW width would be necessary along that stretch of BFR; this will still entail ROW dedication from many properties. The 50 properties are impacted by the BFR Project as follows:

<b>Properties w/ ROW Impacts per Phase I of the BFR Project</b>		
	<b># of Properties w/ ROW Dedication</b>	<b># of Properties w/ No ROW Dedication</b>
Sites in LGVC Overlay District	35	10 (easements only)
Sites in WLG Overlay District	5	0

Please note that the five West Lake Grove Design District properties that lose land area to ROW dedication will not be able to utilize use the existing LGVC Overlay landscaping exemption. While the Property Index Map (Exhibit A-1, Attachment D.2) shows all properties in the BFR Project Phase 1 Corridor, the corresponding Project Impact Table (Exhibit A-1, Attachment D.1) only includes the 35 properties which lose land area to ROW dedication and are also within the LGVC Overlay District.

The proposed code amendments were written with the understanding that even this reduced amount of ROW dedication will directly impact a thriving business community. As noted, above, the amendments ensure that the “Great Street” design (continuous sidewalks, pedestrian refuges, landscaped medians, consolidated driveways, crosswalks, signals at crosswalks, attractive transit shelters, and undergrounding of utilities) can be constructed with minimal impacts on the business community and nearby neighborhoods.

***Section IV. Economic Development***

***Goal 9: Support Businesses in the Village Center***

*Policy 9.3. Provide adequate parking opportunities to serve businesses in the Village Center.*

*Policy 9.4 Ensure no net loss of parking facilities within the Lake Grove Village Center when making access modifications to Boones Ferry Road.*

*Policy 9.6 Improve vehicular access between businesses and Boones Ferry Road by requiring connectivity between parking lots and shared access driveways where practical.*

**Response:** The purpose of Goal 9 is to “create an economically viable business core where neighborhood-serving, independent businesses may flourish” and three of the six policies under this goal directly relate to private parking capacity and access coordination. As described, above, the “Great Street” modifications to BFR are extensive and go beyond changing the multiple access points onto the travel way. Thirty five properties in the LGVC Overlay are losing land area to ROW dedication and, for eight of those properties, that land includes valuable surface parking. Since the beginning of the LGVC planning process, the community has stated that, in addition to implementing a Great Street, it is essential to maintain surface parking for both the continued viability of the businesses and the protection of the residential character of abutting neighborhoods.

The code amendments are proposed so that these policies can be enacted as a part of the BFR Project. The BFR Special Street Setback modification will allow the City Engineer to take into consideration the final BFR design and narrower ROW width when reviewing applications for redevelopment projects; less ROW dedication means more flexibility for high quality site planning in accordance to the LGVC Overlay District standards. The eight replacement parking plans offer a streamlined option to recapture lost parking and have been designed to have minimal impacts on abutting residential neighbors while ensuring future connectivity between parking lots. The expansion of the existing parking and landscaping exceptions help mitigate any potential negative impacts the permanent loss of land area may have on the impacted businesses.

Conclusion: The proposal is consistent with the applicable LGVC Plan goals, policies, and action measures.

D. 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, the Library, and Palisades building on July 27, 2017. The hearing notice was published in the Lake Oswego Review newspaper on August 3, 2017. Legislative notice was mailed per LOC requirements on July 25, 2017.

The criteria for a legislative decision are addressed in Sections A and B, above. The City notified DLCD and Metro of the proposed action 35 days before the initial evidentiary hearings.

Conclusion:

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

## VI. CONCLUSION / RECOMMENDATION

The proposed amendments are in compliance with applicable City Comprehensive Plan policies, the LGVC Plan, state laws, and statewide planning goals. The amendments respond to public input and incorporate additional information as requested by the Planning Commission during its public work session on the proposal.

Based on the information presented in this report, staff requests that the Commission recommend adoption of Ordinance 2753 (including all 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 17-0028. A link is provided at the end of this report.

#### A. Draft Ordinances

- A-1 Draft Ordinance 2753, August 17, 2017
  - Attachment A – Reserved for City Council Findings (not included)
  - Attachment B – Proposed Draft Code Amendments, August 16, 2017
  - Attachment C – Replacement Plans and Written Summaries, August 17, 2017
  - Attachment D.1 – Property Impact Table, August 17, 2017
  - Attachment D.2 – Property Index Map, August 17, 2017

B. Findings, Conclusion and Order (no current exhibits)

C. Minutes (no current exhibits)

D. Staff Reports (no current exhibits)

E. Graphics/Plans (no current exhibits)

F. Written Materials

F-1 Memo from Deputy City Attorney regarding Exhibit G-1 (Robinson Letter),  
August 2, 2017

F-2 Arborist Report, prepared by Morgan Holen & Associates, July 27, 2017

G. Letters (no current exhibits)

G-1 Letter from Mike Robinson, dated June 19, 2017

#### BACKGROUND MATERIAL AND REFERENCES

Use the link below to visit the City's "Project" page. In the "Search" box enter LU 17-0028, then press "Submit":

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

