



Boones Ferry Rd. Nonconformities Code Amendments (LU 17-0028)

Public Review Draft
May 22, 2017

The City is requesting public comments on this draft by **June 9, 2017 (12:00 p.m.)**. The comments will be reviewed by the Planning Commission at a work session on **Jun 26, 2017**, prior to finalizing the amendments for the public hearing. See inside cover for information on how to submit comments.

HOW TO SUBMIT COMMENTS

The Planning Department is accepting written comments on the Public Review Draft of proposed Community Development Code amendments that address nonconforming/non-compliant on-site issues resulting from the Boones Ferry Road transportation project. All written comments received by **12:00 p.m., Friday, June 9, 2017**, will be reviewed by the Planning Commission at a work session on June 26, 2017. There will be further opportunity for public comment at the public hearing before the Planning Commission tentatively scheduled for August 14, 2017.

For more information or to submit comments, please contact:

Johanna Hastay, AICP, Senior Planner
City of Lake Oswego Planning & Building Services Department
380 A Avenue
P.O. Box 369
Lake Oswego, OR 97034
Phone: 503-534-5740
Email: jhastay@lakeoswego.city

See, below, for links to:

The LGVC Plan

http://www.ci.oswego.or.us/sites/default/files/fileattachments/planning/webpage/11839/comp_plan_vol_ii_na-special_district_plans.pdf?t=1494011562284

The LGVC Parking Management Plan

http://www.ci.oswego.or.us/sites/default/files/fileattachments/citymanager/cityprojects/21269/lgvc_parking_management_plan_2016_final.pdf?t=1462226432735

The LGVC Urban Renewal Plan

http://www.ci.oswego.or.us/sites/default/files/fileattachments/ed/webpage/13506/lgur_plan_06112012_lora_and_pc.pdf?t=1494009058841

TABLE OF CONTENTS

I. Introduction	1
II. Background	1
III. Options and Recommended Approach.....	2
IV. Summary of Draft Code Amendments.....	4
V. Attachments.....	4

I. INTRODUCTION

Proposal Summary

This is a request from the City of Lake Oswego for text amendments to the Lake Oswego Community Development Code (CDC) for implementation of the Boones Ferry Road transportation project. The amendments approve minor code deviations to minimize complications for property owners and to facilitate replacement of commercial parking lost as a result of the transportation project.

Key Dates

- Public Comments due on this draft – **June 9, 2017**
- Planning Commission Work Session – **June 26, 2017**
- Planning Commission Public Hearing – **August 14, 2017**
- City Council Public Hearing – **TBD** (estimated September or October 2017)

II. BACKGROUND

The City of Lake Oswego adopted the [LGVC Plan](#) in 2008. Transportation Goal 1 in that plan is to transform Boones Ferry Road 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 right-of-way”. Another of the goals of the LGVC Plan is to ensure no net loss of parking as a result of this transportation project (Economic Development Goal 9, Policy 9.4). In 2014, the City funded Phase I of the Boones Ferry Road Improvements.

Parking and Landscape Area Modifications

While the City is working with each property owner to minimize the impacts of the transportation project on individual properties, lots with frontage on Boones Ferry Road (BFR) will lose area and/or parking spaces. The lost area and parking will push some properties out of conformance with the City’s Development Code, or further increase nonconformance with code requirements. Existing City code already allows a property owner to count the lost area as a “credit” towards meeting minimum requirements for landscaping and/or parking, but the credit is limited to building expansion projects and expires five years after right-of-way acquisition for the transportation project. The proposed code amendment provides greater future certainty

for impacted property owners by removing subjective language, removing the expiration date, and allowing it to be used for *new* building construction as well.

Replacement Parking

While 50 properties are affected by the transportation project, only a small number (eight) will also lose parking spaces. As a part of the property acquisition compensation packages for those lots with diminished parking, the City has developed proposals for on-site replacement parking. The proposed code amendment (**Attachment 1**) is needed because the replacement parking for five of those eight properties does not fully comply with current City code (please note that this was originally six properties, but further design refinements brought one site into compliance). Although the City has attempted to minimize deviations from those regulations (e.g., minimum landscape area, sidewalk buffering, required offsets, etc.), some conflicts are unavoidable due to the developed condition/configuration of these five properties. Property owners may choose whether or not to pursue the option of replacement as shown in these proposals (see **Attachment 2** for preliminary site plans and written summaries of each proposal).

III. OPTIONS AND RECOMMENDED APPROACH

The extent to which replacement parking can be constructed on private properties will depend on the interest of property owners to make changes to their parking and landscaped areas, and the City's ability to grant exceptions to various code regulations. (The City is also pursuing opportunities for development of public parking facilities within the District, described as a key priority in the [LGVC Urban Renewal Plan](#), as well as in the [LGVC Parking Management Plan](#).)

The City has explored two alternatives to facilitate on-site replacement of private parking, and is proposing Option 2:

Option 1: Series of Variances. The City could process a land use application (or series of applications) for design variances, individually granting property owners approval to deviate from code regulations to construct on-site replacement parking. This approach would be inherently complex to manage. It would be unpredictable for property owners, who are seeking the City's assurance that the replacement parking that is offered can, in fact, be permitted. This option would also create uncertainty for neighbors, who would not know what the final on-site fixes would be until proposed as part of a land use application. If there are concerns raised, the transportation project could be delayed indefinitely.

Option 2: Code Amendments. The proposed code amendment, as summarized below, would approve or “vest” what would otherwise be resulting nonconformities and non-compliant development as property owners and the City work to replace parking on each lot. The code amendment package will include final plans for BFR frontage improvements (clearly identifying lost area and parking) and site plans for replacement parking (clearly identifying necessary code deviations).

Option 2 is proposed for several reasons. It is a logical solution when private property is impacted by capital improvement projects, and it is consistent with the Comprehensive Plan (policies relating to “adequate parking”, and others), the LGVC Plan, the LGVC Urban Renewal Plan, and the LGVC Parking Management Plan. It streamlines the permit process for replacement parking (through a ministerial development review procedure), after the public has had an opportunity to review and comment on the policy and plans that will guide development of that parking. Property owners would have three years after property acquisition to take advantage of the code deviations approved for on-site replacement parking, which generally coincides with the timeframe for the transportation project.

Signs

The City is also working with commercial property owners on options for relocation or replacement of signs. Presently, no change to the Sign Code (LOC Chapter 47) is proposed, as the project design team has determined that most impacted signs can be relocated in a conforming manner. For those 5-6 properties where relocation may be more challenging, the Sign Code has a variance process that helps businesses with unique constraints obtain signage equal to similar businesses (see LOC 47.12.500.2 for the sign variance criteria). As the loss of property to a public transportation project creates a unique constraint, the City will assist businesses with processing sign variances and permitting new signs, as needed.

Trees

In the design of the BFR improvements and associated replacement parking, the City has endeavored to minimize the removal of trees. However, the constrained nature of most of the affected properties (due to existing development) makes tree removal necessary; on-site tree mitigation will not be possible in all instances. Fortunately, the transportation project itself includes extensive landscaping, both in the portions of the street that will have a planted median, and along street frontages. The permitting for tree removal associated with the transportation project must follow the Tree Code (LOC Chapter 55); however, the permit process will be streamlined. The City is also exploring the option of a grant program using existing resources (from the Tree Citation Fund) to encourage voluntary landscape enhancement for properties within or directly abutting the LGVC Overlay District.

IV. SUMMARY OF DRAFT CODE AMENDMENTS

The amendments include changes to the following sections of the LGVC Overlay District and Review Procedures in the Community Development Code:

- **LGVC Applicability by Type of Development** [LOC 50.05.007.3.ii]: Adds in a new “Type of Development” for specific site improvements related to the BFR public transportation project.
- **LGVC Site Planning Standards** [LOC 50.05.007.6.c.vi and e.i]: Modifies existing code language to expand the scope of current exceptions for parking and landscaping when land area is lost to the BFR right-of-way dedication and frontage improvements.
- **Review Procedures** [LOC 50.07.003.13(8)]: Amends the existing ministerial development review classification for public transportation or utility facilities to include associated development abutting the public right-of-way when designed to address impacts of the public project.

Attachment 1 of this document contains the above proposed Draft Code Amendments with commentary boxes provided for explanation purposes. **Attachment 2** contains Preliminary On-Site Parking Replacement Plans with attached summaries of the on-site modifications and possible code deviations.

V. DRAFT CODE AMENDMENTS

Attachment 1 – Draft Code Amendments (LOC 50.05.007 and LOC 50.07.003)

Attachment 2 – Preliminary On-Site Parking Replacement Plans with Written Summaries