



TO: Planning Commission

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SUBJECT: Street Connectivity – Work Session #3 (PP 16-0004)

DATE: May 31, 2017 **MEETING DATE:** June 12, 2017

ACTION

Conduct a third work session to provide input to staff prior to preparation of a Public Review Draft on the Street Connectivity standard and a potential code amendment that would allow additional exceptions to the standard.

BACKGROUND

This report presents options under Metro Code (see page 5) for creating another exception to the Street Connectivity standard [[LOC 50.06.003.4](#)] in response to Planning Commission input. The Commission has held two work sessions on this topic, on January 23 and April 24, 2017, which included review of developments where the Connectivity Standard was applied, requiring a connection “plan”, and where exceptions were granted. Staff also presented a recent case where a pedestrian connection plan was required in lieu of a street connection.

DISCUSSION

As discussed in the prior work sessions, the purpose of the Street Connectivity standard is to plan for the orderly provision of streets, in conformance with the Comprehensive Plan and Transportation System Plan. This occurs when a development plan allows for future street connection(s), and it operates similar to the special street setback standard, which reserves land for planned future widening of streets. Off-site and on-site street improvements may or may not be required at the time of development, subject to the Conditioning Authority of the Community Development Code [[LOC 50.07.003.5](#)].

Any new exception to the Street Connectivity standard would have to comply with Metro Code, and the regulatory policies of Comprehensive Plan (Attachment 1). An amendment should also be consistent with purposes of the standard itself, as follows [[LOC 50.06.003.4.b](#)]:

“The purpose of the connectivity standard is to ensure that:

- i. The layout of the street system does not create excessive travel lengths or limit route choices. This will be accomplished through an interconnected street system to reduce travel distance, promote the use of alternative modes of travel, provide for efficient provision of utility and emergency services, provide for more even dispersal of traffic, and reduce air pollution and energy consumption;
- ii. Streets, alleys and residential accessways shall be designed to meet the needs of pedestrians and cyclists and encourage walking, bicycling and transit as transportation modes;
- iii. Street and pedestrian and bicycle accessway design is responsive to topography and other natural features and avoids or minimizes impacts to LOC [50.05.010](#), Sensitive Lands Overlay Districts; LOC [50.05.011](#), Flood Management Area; and steep slopes pursuant to LOC [50.06.006.2](#), Hillside Protection;
- iv. Circulation systems and land development patterns do not detract from the efficiency of the adjacent collector or arterial streets;
- v. The street and accessway circulation pattern contributes to connectivity to and from activity centers, such as schools, commercial areas, parks, employment centers and other major trip generators;
- vi. The Metro Urban Growth Management Functional Plan, Title 11, street connectivity requirements are met;
- vii. Proposed development will be designed in a manner which will not preclude properties within the vicinity that meet the definition of further developable, from meeting the requirements of this standard; and
- viii. Transportation connections improve access to schools, transit, shopping, and employment areas.”

In summary, the overarching purpose of this standard is to plan for the creation of an interconnected street system to reduce travel distance, promote the use of alternative modes of travel, provide for efficient provision of utility and emergency services, provide for more even dispersal of traffic, and reduce air pollution and energy consumption. **Consistency with neighborhood association recommendations and minimizing constraints on development opportunity are not purposes of the connectivity standard.** It is presumed that individual property owners who are encumbered by this requirement may not support it; and, likewise, a neighbor or neighborhood that is apt to receive more traffic as a result of a planned street connection would not be in favor of it being built.

Given the above policy context, this report explores potential options for amending the code in compliance with the City’s Comprehensive Plan and Metro requirements.

Response to Planning Commission Comments

At the Commission's work session on April 24th, the discussion centered on proposing an additional exception in the Street Connectivity standard (planning of future streets). Some commissioners stated that the standard should continue to require planning for pedestrian connections where connectivity is required and pedestrian connections can be made but street connections cannot otherwise be made. The commissioners also discussed the following:

- Look at Atherton Heights/Palisades and Amber Place as test cases for trip generation and out-of-direction travel.
- Consider what weight should be given to a neighborhood association's recommendation about connections in an existing neighborhood.
- Using measurable criteria, is there a way to assess whether documented benefits of connectivity outweigh documented benefit of not providing the street connection or providing only a pedestrian connection?
- Consider whether traffic counting could form the basis for a new exception to providing the street connection.
- Consider what happens with a reduction in pathways.
- Look at how construction could potentially constrain development opportunity.
- Find additional way to allow exceptions.

As noted above, consistency with neighborhood association recommendations and minimizing constraints on development opportunity are not purposes of the Connectivity Standard. Additionally, while the above approach (measuring out-of-direction travel) is appealing for its objectivity, agreeing on the thresholds for out-of-direction travel is a subjective matter. How much out-of-direction travel or delay is acceptable? How large a geographic area must be considered? Over what period of time is it measured? What assumptions can we make about other developments in the vicinity or some distance away also receiving exceptions to standard, further diminishing future connectivity and adding vehicle delay?

After researching the Planning Commission's request and consulting with Engineering staff, including the City's Traffic Engineer, and the City Attorney's Office, staff believes that the above approach is problematic for several reasons. First, modeling the cumulative traffic impact (or increased out-of-direction travel) that may result over time from one "omitted" street connection is difficult at best, because it is a moving target. The City typically does this level of modeling when it updates the Transportation System Plan every ten years or so, not for each development application. Development applications may be analyzed for traffic impacts, but only insofar as the development complies with city standards, including requirements to construct streets. The requirement to "plan" streets is not something that is typically modelled. The City requires traffic impact studies for developments meeting prescribed thresholds in the code, but these studies look at safety and operational concerns arising from the development itself, based on existing and funded (Capital Improvement Program) transportation improvements, not prospective/future "planned improvements."

Second, an area-wide traffic study for an exception to the Street Connectivity standard is problematic from a technical standpoint, because the omission of a planned "link" in the transportation network can affect more than the subject development or residents in the

immediate area. Third, it would also be an expensive undertaking for the applicant, particularly when the request is only for a two- or three-lot partition. Finally, as explained below, local traffic dispersal is only one purpose of the Connectivity Standard. Other factors include multimodal connectivity and accommodating state and regional transportation needs. Metro does not allow cities to pick and choose the factors they wish to apply in granting exceptions to the Connectivity standard beyond those that are expressly provided by Metro Code.

Streets versus Pathways

There is also the issue of how any new code exception would address streets versus pathways. Under current code, a developer may find that planning for a future street connection was unnecessary but a pathway was required. A future street was not required in the recent example presented, located at 13590 Goodall Road (LU 16-0047), but a residential accessway (pathway) dedication was required to connect through the Belcourt Subdivision on Leslie Lane to the east. In this case, the Street Connectivity standard did not require that development of the site be planned for a future street because the “pattern of development” exception for connection to the east applied. A future connectivity plan was required to plan for a pathway to the east because no exception to the pathway planning requirement applied.

It was also noted in LU 16-0047 that a pathway connection would connect to a pathway already required through the Belcourt Subdivision. At the time the Belcourt Subdivision was approved in 2001, the Street Connectivity standard was not then codified. However, planning for the pathway was required in order to address then regulatory Comprehensive Plan policies that required pedestrian connection to certain destinations, e.g., schools. The Development Review Commission noted the benefit of mitigating the impact of the subdivision: Once the connection is completed, “there will be a significant reduction in ‘out of direction’ travel between the residents of the neighborhood and the school grounds.” In fact, completion of a pathway connecting Leslie Lane to Goodall Road would provide a direct connection for students walking or cycling from the east side of Forest Highlands Neighborhood to Lake Oswego High School. Under the Conditioning Authority it was also determined for the Belcourt Subdivision application that dedication and construction¹ of the pathway was necessary to mitigate for the vehicle and pedestrian impacts of the subdivision.

In LU 16-0047, development of a three lot partition was found to have impacts upon the street and sidewalk system that could be mitigated, pursuant to the Conditioning Authority of LOC 50.07.003.5.a.iii:

- iii. The condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. As used in this section, “public services or facilities” includes sewer, water, surface water management, parks, open space, streets, sidewalks, and **pathways**.

The street and sidewalk impacts were mitigated, in part, by imposition of a condition requiring the dedication, but not construction², of a residential accessway (pathway) to the east of the

¹ Actual construction of the pathway was deferred until connection to the west could be made.

²The dedication of a specific location for a future residential accessway (pathway) fulfilled the street connectivity

site, which would connect with the Belcourt pathway previously dedicated. Staff recommends maintaining the existing connectivity standard and exceptions criteria for pathways, because they serve the code's purpose and are sufficiently flexible.

Metro Code

The City must comply with the Metro Regional Transportation Functional Plan, which requires local governments to maintain street connectivity standards (Metro Code 3.08.110.D, E; see also [Staff Memo for Work Session #1, page 4; Attachment 1](#)). **The Metro Code makes no mention of an “out-of-direction travel/dispersal” exception; and, “consistency with neighborhood association recommendations” and “minimizing constraints on development opportunity” are not factors that local governments may consider** in granting exceptions to connectivity standards. Therefore, with regard to the Commission's prior discussion on adopting measurable “dispersal” criteria (and criteria that weigh the community benefits of connectivity), we must first look to the provisions for exceptions/exemptions in Metro Code.

Metro “Exceptions”

Metro Code provides criteria for “exceptions” to its standards [Metro Code 3.08.630]. In this scenario, the City would add an exception to the connectivity standard pertaining to dispersal of traffic based on a traffic study. The exception criteria follow:

3.08.630 Exception from Compliance

A. . . .The COO [Metro Chief Operating Officer] may grant an exception if:

1. It is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;
2. This exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;
3. The exception will not reduce the ability of another city or county to comply with the requirement; and
4. The city or county has **adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.**

City code already contains exception criteria that are consistent with the above provisions relating to topography, sensitive lands, and existing development patterns. Staff believes it would be difficult to add an exception relating to dispersal of traffic under 3.08.630, because these Metro criteria do not address the public benefit of planned/waived street connections where topographic or other physical constraints do not exist. The City would have to argue that no practical opportunity remains for new street connections because for purposes of the Metro requirement the City is built out. “Other measures more appropriate” that come to mind, and which do not seem to be applicable to Lake Oswego, might be tramway (connects Portland's

plan, by assuring that development on the site would not preclude the siting of a future pathway. Construction of the pathway was not required under the Conditioning Authority in LU 16-0047 because it was determined that the additional mitigations to alleviate the impact of the three lot partition upon the street and sidewalk systems, with the dedication of the pathway, was to Dolan v. City of Tigard's maximum “rough proportionality” of mitigating measures.

South Waterfront to Oregon Health Sciences University), and an elevator (connects Oregon City's downtown to its neighborhoods).

Metro "Exemptions"

3.08.640 Exemptions

Metro Code also provides criteria for "exemptions" to its standards [Metro Code 3.08.640]. In this scenario, the City could seek an overall exemption to the street connectivity standard (citywide or for subareas). However, this approach would leave the City without the code authority to require a future street plan when one is needed. Staff does not recommend this approach.

Another approach might be to adopt (or adapt) Metro's exemption criteria for use in evaluating requests for exceptions to the street connectivity standard on a case-by-case basis. Consistent with the City Council's and Planning Commission's intent, the criteria would apply to street connectivity plans only, not pathway plans. Metro criteria for exceptions [Metro Code 3.08.640] follow:

- B. . . The COO may grant an exemption from some or all requirements if:
1. **The city or county's transportation system is generally adequate to meet transportation needs;**
 2. Little population or employment growth is expected over the period of the exemption;
 3. The exemption would not make it more difficult to accommodate regional or state transportation needs; and
 4. **The exemption would not make it more difficult to achieve the performance objectives set forth in section 3.08.010A.**

Subsection 3.08.010A states:

"The Regional Transportation Plan establishes an outcomes-based framework that is performance-driven and includes policies, objectives and actions that direct future planning and investment decisions to consider economic, equity and environmental objectives. The principal performance objectives of the RTP are improved public health, safety and security for all; attraction of jobs and housing to downtowns, main streets, corridors and employment areas; **creating vibrant, livable communities**, sustaining the region's economic competitiveness and prosperity; efficient management to maximize use of the existing transportation system; **completion of the transportation system for all modes of travel to expand transportation choices; increasing use of the transit, pedestrian and bicycle systems**; ensuring equity and affordable transportation choices; improving freight reliability; reducing vehicle miles traveled and resulting emissions; and promoting environmental and fiscal stewardship and accountability. Metro and its regional partners will continue to develop a regional data collection and performance monitoring system to better understand the benefits and impacts of actions required by this functional plan relative to the RTP performance objectives. Local plan updates and amendments should rely on Metro data and tools or other locally-developed data and

tools, when practical. Through performance evaluation and monitoring the region can be a responsible steward of public funds and be more accountable and transparent about local and regional planning and investment choices.”

Under 3.08.640, the City would argue that granting an exemption for a particular development is a “no harm” exemption to the transportation system, and therefore subsection 4 is met. The advantage of this approach is it maintains the future street planning requirement for when it is needed, and allows for case-by-case review of exceptions. The downside is that the procedure is not clear and objective. However, because it would not be a new standard (rather, it would allow for code exceptions similar to variances), it would not be subject to State requirements for clear and objective housing standards (ORS 197.303 Needed Housing). City staff has not vetted this approach with Metro.

CONCLUSION

Staff requests the Commission’s input on the following exception approach incorporating exemption criteria from Metro Code 3.08.640, prior to presenting a code amendment for public review and a public hearing:

- The city’s transportation system is generally adequate to meet transportation needs;
- Little population or employment growth is expected over the period of the exemption;
- The exemption would not make it more difficult to accommodate regional or state transportation needs; and
- The exemption would not make it more difficult to achieve Metro’s performance objectives, as set forth in Metro Code 3.08.010A.

If the Planning Commission would like to pursue this option, **staff will need to coordinate with Metro** before issuing a public review draft of the proposal, which is tentatively scheduled to publish this summer, ahead of a Planning Commission public hearing on August 28, 2017.

ATTACHMENTS

1. Comprehensive Plan Policies Applicable to Connectivity Standard, 05/31/17

Comprehensive Plan Policies Applicable to Street Connectivity

Any amendment to the Community Development Code changing the requirements or exceptions for street connectivity plans must be found to comply with the applicable Lake Oswego Comprehensive Plan policies in the Connected Community Chapter:

- (Safety) A-1. Designate, implement, and maintain routes for walking and biking that support safe movements from residential areas to, through and along schools, parks, transit, employment centers, town centers, neighborhood villages, and commercial corners and neighborhood commons.
- (Transportation Choices) B-3. Require development, redevelopment, and public transportation improvement projects to provide facilities that accommodate pedestrian, bicycle, and transit use, particularly in areas with identified gaps in the transportation system and in all employment centers, town centers, neighborhood villages, commercial corners, and neighborhood commons.
- (Efficiency) C-7. Require development applicants to provide facilities for the movement of people to and from the site by walking, bicycling, automobiles and transit.
- (Accessibility) D-4. Provide accessibility for walking and biking, transit and vehicle connections within and among the employment centers, town centers, neighborhood villages, schools, parks, commercial corners and neighborhood commons so residents can access their daily needs.
- (Connectivity) E-2. Expand neighborhood and local connections to provide convenient circulation between neighborhoods.
- (Connectivity) E-4. Require development applicants, where appropriate, to connect local trail and bicycle facilities directly to regional trails and bicycle networks, and transit routes.