



**TO:** Planning Commission

**FROM:** Scot Siegel, Director of Planning and Building Services  
Debra Andreades, Senior Planner

**SUBJECT:** Street Connectivity – Work Session #4 (PP 16-0004)

**DATE:** July 20, 2017 **MEETING DATE:** July 24, 2017

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### **ACTION**

Conduct a fourth work session to provide input to staff prior to the City requesting an exception to Metro Code and publishing a Public Review Draft of a code amendment that would allow an additional exception to the Street Connectivity standard [LOC 50.06.003.4].

### **BACKGROUND**

The Commission has held three work sessions on this topic, on January 23, April 24, and June 12, 2017, which included review of developments where the Connectivity Standard was applied and a connection was required, and where exceptions were granted. 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, consistent with regional standards in Metro's code. This is to promote public safety and support efficient multimodal transportation. It occurs when a development plan allows for future street connection(s). 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].

At the second work session on April 24<sup>th</sup>, in response to Planning Commission input, the discussion centered around a potential exception that could be based on minimal effect on the street system by measuring out-of-direction travel. At the third work session on June 12<sup>th</sup>, the discussion continued however staff advised the Commission that although this approach is appealing for its objectivity, agreeing on the thresholds for out-of-direction travel is a subjective matter and this kind of modeling was not generally done for a small area of the city. It was noted that consistency with neighborhood association recommendations and minimizing constraints on development opportunity are not purposes of the Connectivity Standard; and any new exception to the standard would have to comply with Metro's code. Therefore, staff presented an option consistent with Metro Code for creating an exemption to the Street Connectivity standard.

### **DISCUSSION**

The staff proposal presented on June 12<sup>th</sup> would have added an exemption to the City's street connectivity standard based on Metro's own exemption criteria; this approach it was thought would allow for city staff or the Development Review Commission, as applicable, to review exception requests on a case-by-case basis. The Commission discussed this approach, stating that compliance with

Subsection 2 of the “Exemption” Criteria (“Little population or employment growth is expected ....”) could be problematic since the City was expected to grow.

On July 19, 2017, city staff met with senior Metro staff to discuss this option and determine Metro’s position on the City’s proposal. Metro staff acknowledged that the physical nature of Lake Oswego (i.e. topography and natural resource constraints) can present challenges. Metro staff also acknowledged the mostly built-out nature of Lake Oswego, and the fact that the city’s transportation system does not have many connections to neighboring communities due to topographic constraints. Finally, Metro staff recognize that the City has inherited streets built many decades ago, some which could not be built under today’s engineering and environmental standards, and this can complicate local street connectivity.

Metro staff suggested one approach would be to allow opportunity for completing the street system in varying degrees (e.g., a pedestrian access way which also provides for emergency vehicle access could be planned in lieu of a full public street, in some circumstances). Metro staff is supportive of the City proposing alternative standards or exceptions criteria to address the above constraints, provided the intent of the connectivity standard (public safety, multimodal transportation) is met. The request would come in the form of a letter to Metro’s Chief Operating Officer applying the exception criteria of Metro Code, Section 3.08.630. This step should be completed prior to the City beginning the public hearing process on any code change.

As the Commission has stated, pedestrian connections as well as emergency access are beneficial. Although the right of way dedication may be required, in certain situations connectivity may be met through a limited access street. The City could determine what character the access takes per the Exception criteria of Metro’s code section 3.08.630, which is reproduced below [emphasis added]:

### **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.

The first criterion is already provided for in the City’s code. In evaluating compliance with the second criterion, Metro considers the precedent setting potential of the change. Due to the unique characteristics of Lake Oswego outlined above, which we would elaborate on for an exception request to Metro, the second criterion can be met. Due to the City’s location surrounded by hills and natural resources, the third criterion can be met. The key would be the fourth criterion wherein the City could approve permits with less than a full street connection planned; for example, this might be a durable surface path or trail serving pedestrians and public safety vehicles, but not other traffic. The “limited access” connection could be less than the standard 50 foot right-of-way, subject to review and approval by the City Engineer under LOC Chapter 42. The City would have to be specific as to the design of this type of connection. The advantage of this approach is that it allows for case-by-case review of exceptions based on the intended function of the street/access way while complying with the requirement to plan for street connectivity.

**CONCLUSION**

Staff requests the Commission's input on adding the proposed exception in Attachment 1, based on Metro Code 3.08.630, prior to preparing a public review draft.

**ATTACHMENT**

1. Proposed Code Amendment to LOC 50.06.003, draft 07/20/17

DRAFT 07/20/17

ATTACHMENT 1

## 50.06.003 CIRCULATION AND CONNECTIVITY

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## 4. STREET CONNECTIVITY

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## c. Standards for Approval of Development Which Requires the Construction of a Street

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vi. The reviewing authority may allow an exception to the review standards of subsections 4.c.i through 4.c.v of this section based on findings that the modification is the minimum necessary to address the constraint and the application of the standards is impracticable due to the following:

(1) Extreme topography (over 15% slope) in the longitudinal direction of a projected automobile route;

(2) The presence of Sensitive Lands as described in LOC 50.05.010, or LOC 50.05.011, Flood Management Area, or other lands protected by City ordinances, where regulations discourage construction of or prescribe different standards for street facilities, unless the nearest through street pairs (see Figure 50.06.003-A: Street Connectivity) surrounding the subject site are more than one-quarter mile apart. The reviewing authority may determine that connectivity is not required under this circumstance, if a benefit/cost analysis shows that the traffic impacts from development are low and do not provide reasonable justification for the estimated costs of a full street connection;

(3) The presence of freeways, existing development patterns on abutting property which preclude the logical connection of streets or arterial access restrictions;

(4) Where requiring a particular location of a road would result in violation of other City standards, or state or county laws or standards, or a traffic safety issue that cannot be resolved; or

(5) Where requiring streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude required street or accessway connections.

**(6) Where the traffic impacts from proposed and potential future development are low and do not provide reasonable justification for a full street connection, a reduced width street or access way (in lieu of street) may be approved provided it is consistent with the purpose and intent in LOC 50.06.003.4.b. Access ways shall conform to the standards in LOC 50.06.003.4.c.vii; where emergency vehicle access is required, the access way shall contain a driving surface that accommodates emergency vehicle apparatus.**