



August 8, 2017

Martha Bennett
Metro Chief Operating Officer
600 NE Grand Ave.
Portland, OR 97232

Dear Ms. Bennett,

The Lake Oswego Planning Commission is considering whether to add an exception to the City's development code for situations where compliance with the Street Connectivity Standard (adopted in compliance with Metro Code Section 3.08.110) is not practical due to the physical characteristics and mostly built-out nature of the city. This letter is a formal request for an exception to Metro Code allowing the city to adopt a new exception criterion into its code.

On July 19th, City staff met with Metro staff, Tom Kloster and Daniel Kaempf, to discuss challenges the City has had in planning for local street connections. Your staff acknowledged the topographic constraints that result in minimal connections to neighboring communities via the city's transportation network, and in concept supported the City's purposed alternative exception criteria, provided the intent of the connectivity standard is met. Please accept this letter as the City of Lake Oswego's formal request for an exception, outlining, below, how the exception criteria of Metro Code Section 3.08.630 are met.

3.08.630 Exception from Compliance

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;

City response: These constraints are already provided for in the City's code, [LOC 50.06.003.4](#), as follows:

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.
2. This exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;

City response: The unique characteristics of Lake Oswego are topography and sensitive lands. The hilly nature of the community minimizes connections to neighboring communities. Many streets developed fifty or more years ago would not be built today based on slope and environmental standards. Natural resource protection requirements constrain many lots in addition to those that are adjacent to Oswego Lake, which serves as a drainage basin for adjacent sloped properties. Other challenges are presented by the fact that the city is wedged between the Willamette River on the east, Tryon Creek Nature Area on the northeast, the steep slopes of the Mountain Park neighborhood on the northwest, the Tualatin River basin on the south and I-5 on the west. Other jurisdictions, with perhaps the exception of West Linn, do not have this unique combination of factors that would warrant a similar exception, setting a precedent that would render the objective of the standard unachievable region-wide; and in the limited area where Lake Oswego and West Linn abut one another, there is no opportunity for local street connectivity between the two due to slope and existing development patterns.

3. The exception will not reduce the ability of another city or county to comply with the requirement; and

City response: As noted above, the City's location bounded by hills and natural resources is unique and would not reduce the ability of another city or county to comply with the requirement.

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 Response:

The City could focus on completeness of the street system to varying degrees by approving connections that are less than a full street. For example, a pedestrian access way which also provides for emergency vehicle access could be planned in lieu of a full public street in some circumstances. A connection of this character might be constructed of a durable surface that serves pedestrians and public safety vehicles, but not other traffic. The "limited access" connection could be less than the standard 50 foot right-ofway. Should Metro grant the exception, allowing the City to adopt a standard for a limited access connections, the design of this type of connection would be subject to review and approval by the City Engineer under [LOC Chapter 42](#) Streets and Sidewalks. This allows for a 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.

We believe that based on compliance with the criteria above, the City of Lake Oswego can qualify for an exception. As the City is scheduled to publish a **public review draft of the proposal on August 18, with a hearing notice for the proposal to follow** in September, we would appreciate your feedback within ten days. We look forward to your response.

If you or your staff have technical questions about the City's code, please contact Debra Andreades, Senior Planner, at 503-635-0292, dandreades@lakeoswego.city.

Sincerely,



Scot Siegel, Director
Planning and Building Services

Cc: Daniel Kaempf, Metro
Tom Kloster, Metro
Scott Lazenby, Lake Oswego City Manager
Debra Andreades, Lake Oswego Planning
Erica Rooney, Lake Oswego Engineering

