

STAFF REPORT

# CITY OF LAKE OSWEGO

## PLANNING AND BUILDING SERVICES DEPARTMENT

APPLICANT

City of Lake Oswego

FILE NO.

LU 16-0035, Ordinance 2733

LOCATION

Citywide

STAFF

Paul Espe

DATE OF REPORT

November 17, 2016

PLANNING COMMISSION HEARING DATE

November 28, 2016

### I. APPLICANT'S REQUEST

The City of Lake Oswego is proposing to amend the Comprehensive Plan and Zoning Maps (and Comprehensive Plan Text) for the purpose of correcting the two maps, to correct Comprehensive Plan Map designation errors, and to correctly align a parcel's zoning with the Comprehensive Plan Map designations.

These corrections, as detailed in **Attachment 2 - Comprehensive Plan Map and Zoning Map Evaluation**, are legislative in nature. They effect more than a small number of properties and have citywide application. Changes are proposed to certain Comprehensive Plan designations (Public "P", Semi-Public "SP", Open Space "OS", and Park "PK"), which will provide clearer direction for zoning. Definitions for these Comprehensive Plan Map designations will be added to the Comprehensive Plan text (Glossary), as well.

### II. APPLICABLE REGULATIONS

A. City of Lake Oswego Comprehensive Plan

Land Use Planning - Land Use Administration, Policies D-1 and D-5  
Community Culture – Civic Engagement, Policies 1, 2, 4 and 5  
Inspiring Spaces and Places – Goal 1, Policy 7; Goal 2 Policy 4

B. City of Lake Oswego Community Development Code

LOC 50.07.003.16.a	Legislative Decisions Defined
LOC 50.07.003.16.c	Required Notice to DLCD
LOC 50.07.003.16.d	Planning Commission Recommendation Required
LOC 50.07.003.16.e	City Council Review and Decision

### III. INTRODUCTION / BACKGROUND INFORMATION

One of the Planning Commission goals for 2016 is to implement the recommendations of the 2015 Audit of the Comprehensive Plan (Plan) and Community Development Code (CDC), including revisions to the Comprehensive Plan Map and Zoning Map to remove conflicts between the two maps. At the Commission's joint meeting with the City Council on January 11, 2016, the Council directed the Commission and staff to proceed with this work. At their work session on July 11, the Planning Commission received public comment and provided direction to staff on the approach for this project.

The Lake Oswego Comprehensive Plan, most recently updated in 2014, guides land use and development in the city pursuant to State Planning laws and the community's vision. The Comprehensive Plan Map designates how land can be used and developed over time in accordance with the Comprehensive Plan goals and policies. It assigns land use categories and planned densities to all land within the city's urban services boundary, including land that is unincorporated and would join the city upon annexation.

The Zoning Map implements the Comprehensive Plan Map's land use designations, and when coupled with the Community Development Code identifies the permitted uses and development standards for each zone. Although some cities use a very general Comprehensive Plan Map with broad land use categories such as 'commercial', 'industrial', 'low-density residential' and 'high-density residential', Lake Oswego's Plan Map is much more specific; i.e., instead of 'Low-Density Residential', it assigns land as R-15, R-10 and R-7.5, representing a range of low density designations. In this manner, the Zoning and Plan Map designations are intended to match.

At its July 11 work session, the Planning Commission provided input on an initial draft of the proposed map changes. Staff incorporated the Commission's directions into the Public Review Draft that was published on September 8, 2016. The draft included a deadline of October 10, 2016 for submitting comments to the Planning Department, which were distributed to the Planning Commission prior to the work session on October 24, 2016. At the October 24 work session, the Commission provided further input to staff in the preparation of the PC Public Hearing Version. (The Commission accepted public comments at each work session, to assist the Commission in identifying issues for staff.) Public testimony will be accepted at the Public Hearing of November 28.

The Planning Department distributed the Public Review Draft and the PC Public Hearing Version to the city's recognized neighborhood associations, the Chamber of Commerce, city e-mail subscribers for Planning Boards and Commissions announcements, and other community stakeholder groups. The City also mailed personalized letters to all potentially affected property owners informing them of the proposal and providing contact information. Staff received two phone calls requesting further clarification on these proposed changes. Staff also received one E-mail on October 8, 2016 from the executive director from the Mountain Park Homeowners Association.

## DISCUSSION

The overall purpose of this proposal is to provide accurate and complete Comprehensive Plan and Zoning designations. Where the corresponding designations between the two maps are not consistent, the Plan Map or Zoning Map is proposed to be amended. Definitions are proposed to be added to the Plan's text, as needed. This will result in the following amendments:

1. Replace the "P" designation on the Comprehensive Plan Map, which has no corresponding Zoning designation, with the Comprehensive Plan designation of PF, or R-7.5 or R-10, as applicable. See Attachment 2, Page 1.
2. Redesignate the "SP" Comprehensive Plan Map designation from Semi-Public to Special Purpose-Open Space. Amend the Glossary section of the Comprehensive Plan by adding the definition of Special Purpose-Open Space in Attachment 3.

Comprehensive Plan Map areas with an "SP" designation that would be affected by this change from Semi-Public to Special Purpose-Open Space are: Oswego Lake Country Club, Oswego Lake, Lake Oswego Hunt Club, and Oswego Pioneer Cemetery. The base zone for each of these properties remains the same. See Attachment 2, Page 6.

3. Eliminating the the "OS" (Open Space) Comprehensive Plan Map designation, and on some properties that are currently designated OS, they will be designated with "SP" (Special Purpose-Open Space) and on other currently designated OS properties, they will be designated with "PNA" (Parks and Natural Areas). The designation of SP or PNA will correspond with the actual long-term use of the property. See Attachment 2, Page 7.

"Open Space" (OS) is defined by the Comprehensive Plan and Community Development Code (CDC) as: "Parks and Natural Areas". The designation does not correspond to the use of a property. Thus, the PNA designation would be an appropriate substitute for "OS". The "PNA" designation is present on the Comprehensive Plan and Zoning Maps, and the Plan and CDC defines both "Parks" and "Natural Areas."

The definitions of "OS" and "PNA" are virtually identical: the only difference is that the OS definition includes "property that has been dedicated to the public through a conservation easement or public open space tract." Staff has not found any unique or distinguishable characteristics between the properties that have these two designations.

Oswego Lake is a private use area. The Comprehensive Plan designation of SP (Special Purpose-Open Space) would be consistent with the use of the property.

4. Replace the "PK" (Park) Comprehensive Plan Map designation with "PNA" (Park and Natural Area) and replace the base zone from R-7.5 (Aspen Park) and R-10 (Fox Hills) to PNA. As identified in Attachment 2, this change affects two properties: Aspen Park, located in the Hallinan Heights Neighborhood and a small property used as open space south of Boca Ratan (Fox Hills Development) (Attachment 2, Page 8).

5. Replace the “PK-OS” (Park-Open Space) Comprehensive Plan Map designation with “PNA” (Protected Natural Area). Only one area, the portion of Oswego Canal within the Canal Acres Natural Area, is designated on the Comprehensive Plan Map as PK-OS. The PNA designation will provide the same protection as the PK-Open Space Designation (Attachment 2, Page 8). The base zone for the southern portion of the canal is R-10 and the northern portion is zoned R-7.5. (The Comprehensive Plan Map designation issue was recently discovered and was not a part of the discussion in the two work sessions on July 11 and October 24.)
6. Amend the Glossary Section of the Comprehensive Plan to include definitions for Park and Natural Area (PNA) and Special Purpose-Open Space (SP) designations (Attachment 3).

**Special Purpose-Open Space (SP).** The following definition is modeled after the existing Comprehensive Plan definition of “Private Open Space”, as shown below with modifications:

*Special Purpose-Open Space: Open space that is privately owned, and ~~may~~ includes open space tracts and common areas within subdivisions, planned developments, and private recreational facilities, including but not limited to golf courses, cemeteries, Oswego Lake, and equestrian facilities. ~~Private Open Space is intended to be used by members or residents only within a private development or subdivision.~~*

Staff is proposing to use the above modified text for the definition of “Special Purpose Open Space (SP)” because the designation may be located outside, or independent of, a private development or subdivision.

**PNA (Park and Natural Area):** An appropriate definition for the “Park and Natural Area” (PNA) designation can be based upon the “Special Purpose District” Code section LOC 50.02.003(3), under “Purpose”:

*The purpose of the Park and Natural Area (PNA) zone is to:*

- i. Protect, preserve, conserve and enhance natural areas, greenways and parks [may be public or private];*
- ii. Permit a wide range of passive and active recreational uses, and accessory uses, on property for the future use and enjoyment of the City and its residents;*
- iii. Implement Statewide Planning Goal 8, Recreational Needs; and*
- iv. Establish a master plan process for park planning and development.*

The proposed definition is:

**Park and Natural Area (PNA):** Public or private lands that are natural areas, greenways and parks, and may include a wide range of passive and active recreational uses, and accessory uses, for the future use and enjoyment of the City and its residents.

#### IV. NOTICE OF APPLICATION

- A. Newspaper Notice  
On November 17, 2016, public notice of the proposed CDC text amendments and Planning Commission public hearing was published in the *Lake Oswego Review*.
- B. Measure 56 Notice  
Since the proposed text amendments do not change the base zoning classification of property or limit or prohibit land uses previously allowed in the affected zone, notice of the proposal was not required by ORS 227.186 (Measure 56).
- C. DLCD Notice  
Pursuant to LOC 50.07.016, staff has provided notice of the proposed Comprehensive Plan and Zoning Map Amendments to the Oregon Department of Land Conservation and Development (DLCD).

#### V. COMPLIANCE WITH APPROVAL CRITERIA

A. City of Lake Oswego Comprehensive Plan

Staff has identified six Comprehensive Plan Policies applicable to this proposal:

**Land Use Planning - Land Use Administration**

Policies D-1 and D-5.

Policy 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 agency, and special districts.*

Policy D-5: *Review and update the Comprehensive Plan periodically to ensure it:*

- a. Remains current and responsive to community needs
- b. Contains reliable information and provides dependable policy direction; and,
- c. Conforms to applicable state law, administrative rules and Metro requirements; and,

Findings: Staff has provided the required notification to the County, State, and Metro consistent with this policy. The proposed ordinance is based on a review of the Comprehensive Plan and Zoning Maps to correct Comprehensive Plan Map designation errors, and to correctly align a parcel's zoning with the Comprehensive Plan Map designations.

Conclusion: The proposal is consistent with policies D-1 and D-5.

## **Community Culture – Civic Engagement**

Policies 1, 2, 4 and 5.

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.*

Findings: The CDC, which implements the Comprehensive Plan, contains requirements for a citizen involvement program that 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. All required notifications for input as specified in the Code were provided during this process, including noticing to all recognized neighborhood associations and business organizations. A Public Review Draft was circulated between September 8 and September 26, 2016, and public hearings will be held before the Planning Commission and City Council. Therefore, the process followed for these amendments is in compliance with Statewide Planning Goal 1. Through this outreach the City received input from individual citizens and the Mountain Park Homeowners Association. Therefore, the process followed for these amendments is in compliance with the above cited Comprehensive Plan policies.

Conclusion: The City has provided adequate opportunities for public participation consistent with the cited Comprehensive Plan policies.

## VI. RECOMMENDATION

Based on the information presented in this report, staff recommends approval of the proposed amendments to the Comprehensive Plan Map and text. Zoning Map errors would also be corrected to achieve consistency with the Comprehensive Plan Map. Map boundaries would be corrected as appropriate to align a parcels zoning with the Comprehensive Plan Map designation.

### EXHIBITS

#### A. Draft Ordinances

A-1 Draft Ordinance 2733, 11/16/16

Attachment 1: City Council Findings and Conclusions [Not yet available]

Attachment 2: Comprehensive Plan and Zoning Map Amendments, 11/16/16

Attachment 3: Comprehensive Plan Text Amendments, 11/16/16

B. Findings, Conclusions and Order [No current exhibits; reserved for hearing use]

C. Minutes [No current exhibits; reserved for hearing use]

D. Staff Reports [No current exhibits; reserved for hearing use]

E. Graphics/Plans [No current exhibits; reserved for hearing use]

F. Written Materials [No current exhibits; reserved for hearing use]

G. Letters [No current exhibits; reserved for hearing use]