



CITY OF LAKE OSWEGO Planning Commission Minutes February 13, 2017

1. CALL TO ORDER

Vice Chair Rob Heape called the meeting to order at 6:30 p.m. in the Council Chamber of City Hall, 380 A Avenue, Lake Oswego, Oregon.

2. ROLL CALL

Members present were Vice Chair Robert Heape and Commissioners Randy Arthur, Skip Baker, Adrienne Brockman, Ed Brockman, William Gaar and Bill Ward. Council Liaison Theresa Kohlhoff was also present.

Staff present were Scot Siegel, Planning and Building Services Director; Jessica Numanoglu Planning Manager; Sarah Selden, Senior Planner; David Powell, City Attorney; and Iris McCaleb, Administrative Support.

3. NOMINATIONS AND ELECTIONS

**3.1 Nomination/Election of Chair and Vice Chair for Remainder of Fiscal Year
(July 1, 2016 – June 30, 2017)**

For **Chair**, one nomination for Robert Heape was submitted to Mr. Siegel. A vote by ballot was taken and Robert Heape was elected Planning Commission Chair **7:0**.

For **Vice Chair**, nominations for Ed Brockman and Bill Ward were submitted to Mr. Siegel. A vote by ballot was taken and Bill Ward was elected Planning Commission Vice Chair **4:3**.

4. COUNCIL UPDATE

Councilor Kohlhoff reported that the City was working on its federal Municipal Stormwater Permit; it had recently moved to increase the Transportation System Development Charges (SDC's) and they received an update on the City Hall Rehabilitation project.

5. CITIZEN COMMENT

None.

6. COMMISSION FOR CITIZEN INVOLVEMENT – GENERAL UPDATES

Chair Heape announced that the Palisades Neighborhood Association was once again organizing and a meeting is scheduled in April; and on February 10th some members of the Commission attended a tour of the Tryon Creek Wastewater Treatment Plant. He also noted that the Parks Recreation and Natural Resources Advisory Board had an opening.

Commissioner Arthur announced that the Lakewood Neighborhood Association also had a meeting scheduled on February 22nd. He also recalled that the Commission for Citizen Involvement in the recent past had gone on neighborhood tours and that there were a number

of outstanding invitations such as Blue Heron, Rosewood, McVey/South Shore, Westlake and a community board – Friends of the Lake Oswego Public Library Board. He suggested that as the weather improved the Commission consider continuing the neighborhood tours. Chair Heape acknowledged that this was something the Commission would begin planning in the coming weeks.

7. PUBLIC HEARINGS

7.1 Community Development Code Amendment to Allow Bakeries in Industrial Park Zone (LU 17-0002)

Chair Heape opened the hearing. Mr. Powell outlined the applicable criteria and procedures. At time of declarations no conflicts of interest were reported.

Commissioner A. Brockman stated that the proposed amendments were clear and suggested that presentation of the staff report be dispensed with and the Commission agreed by consensus.

Questions of Staff

In response to a question from Commissioner Arthur, Ms. Numanoglu advised that the definition of bakery was broad and that the proposed amendment was for both retail and production bakeries, however it was primarily for manufacturing and distribution for off-site sales. She clarified that in the Industrial Park (IP) zone there would be use-specific standards limiting the retail component to 2,000 sf resulting in more of an employment type of production bakery use as the primary use with the potential for accessory retail.

Public Testimony

Brent Bianchina, 18050 Tualata Avenue, Lake Oswego, 97035, asked if the proposed amendment meant that a bakery would be allowed in the IP zone, if it would have to be incorporated with another use in a building or structure, or if it could be a free-standing bakery. Ms. Numanoglu explained that it would allow a free-standing production bakery, which would be primarily for manufacturing and distribution for off-site sales with some accessory retail; if it were purely retail it would be limited to 2,000 ft in size and must be co-located with another permitted use in the building (it could not be in its own stand-alone building). She added that a drive-through was not permitted.

Commissioner A. Brockman **moved to recommend approval of the proposed amendments and adopt the Findings, Conclusions and Order for LU 17-0002.** Vice Chair Ward **seconded** the motion and it **passed 7:0.**

7.2 Uplands Neighborhood Plan and Uplands R-10 Overlay District (LU 17-0001)

A request from the City of Lake Oswego for adoption of the Uplands Neighborhood Plan into the Comprehensive Plan, and amendment of the Transportation System Plan to include a new pathway section on Uplands Drive. The Commission also considered amendments to the Community Development Code (LOC 50) to add the Uplands R-10 Overlay District, LOC 50.05.012. Staff coordinator was Sarah Selden, Senior Planner.

Chair Heape opened the hearing. Mr. Powell outlined the applicable criteria and procedures. At time of declarations no conflicts of interest were reported.

Staff Report

Ms. Selden introduced Bruce Brown, Chair of the Uplands Neighborhood Association (NA) Neighborhood Planning Committee, who assisted with the presentation. She briefly reviewed the three components of the land use request. Mr. Brown provided background on the planning process, including assessment and visioning with the committee and neighborhood constituency to gather information about neighborhood concerns, and drafting the Plan and Code amendments. He noted there had been several check-ins with the Planning Commission to gather feedback and fine-tune the proposed Plan and Code.

Mr. Brown reviewed the public involvement process and provided an overview of the Plan. He noted that the Plan chapters were based on the neighborhood plan template developed by the City and described the Plan focus areas: development compatibility, stormwater management, pedestrian safety, and neighborhood capacity building.

Uplands R-10 Overlay District

Mr. Brown provided photo examples of the neighborhood's character, which he described as very nature-based with a huge tree canopy and a large nature park intertwined with homes and streets, which was what they would like to preserve. Ms. Selden provided an overview of the proposed R-10 Overlay District. She explained that the overarching goal was to ensure that new development was compatible with the existing development and preserved neighborhood character. She reviewed the area where the Uplands R-10 Overlay District would apply and noted that the Overlay did not include the R-15 or R-5 zoned parcels within the Uplands NA boundary.

Front Yard Setbacks

Ms. Selden stated that examples of neighborhood character related to front yard setbacks included: deep setbacks which defined much of Uplands, and varied setback distances with some homes on shallower lots placed closer to the street. She reviewed the elements of the proposed standard for Setback Averaging.

Flag Lots

Ms. Selden reviewed the proposed Flag Lot standards related to the number of flag lots, access lane extension, house orientation and setbacks.

She noted the Planning Commission's review of Flag Lot standards citywide and that the Uplands Overlay served as a test case. She shared examples of a three-lot flag lot development in Uplands, which neighbors felt was not compatible with the surrounding development and inspired the proposed changes to the Code. She compared the current flag lot standards with the proposed changes.

Mr. Brown added that what they were proposing reflected how many single-lot flag lots had been developed throughout the neighborhood, perpetuating what was already a successful formula in the neighborhood.

Ms. Selden noted an analysis of Uplands R-10 tax lots had been done to determine how many lots would be impacted by this proposed change to the flag lot standards. She shared a map, included in the staff report, showing lots that could be potentially impacted in Uplands and described how they would be impacted or if they could be developed otherwise.

Limitation on Impervious Surface

Ms. Selden described how stormwater management was a challenge in Uplands for reasons that were both natural and manmade. She acknowledged the limited stormwater management infrastructure in the neighborhood, making a reduction in stormwater runoff particularly important. She noted that four other neighborhoods had neighborhood zoning districts or overlays that limited the amount of impervious surface, and described the proposed standards for Uplands.

Ms. Selden noted that limiting the amount of impervious surface between the house and the street was intended to limit the amount of runoff that went into the street and also contributed to the neighborhood character.

Structure Design

Ms. Selden noted that there were two components, which related to height and the side yard setback plane.

She described the hilly topography in Uplands and how the predominant development style of ranch homes with one- and 1.5-stories had worked well with these natural features. She noted that home size had increased with new development, setbacks had been minimized and older one- and 1.5-story homes had been replaced with taller structures, with development on uphill lots looming over established residences; she shared some examples. She noted the Overlay proposes three code provisions to limit overall building height, and to reduce the height and bulk of homes at the side yard setback.

Ms. Selden described how the existing Side Yard Setback Plane standard was applied, the recent 2016 Annual CDC amendments that changed the new reference point from which to measure, and what a building envelope could look like under the existing code. She indicated that the resulting proposal was to modify the Side Yard Setback Plane standard so that the roof pitch that established the interior side yard setback plane was lowered from a 12:12 pitch to a 6:12 pitch.

On-Site Circulation – Driveway Approach Limitations

Ms. Selden noted how the proposed standard addressed concerns about how the right of way was used, stormwater runoff, and impervious area and hardscape in the front yard. She clarified that currently, if a lot was wider than 75 feet, two driveway approaches were permitted on the frontage, and described the proposal to limit driveway access points to one along each lot frontage.

Transportation System Plan (TSP) Amendments

Ms. Selden explained that the proposed TSP amendment was an extension of the Uplands Drive Pathway. She noted that the pedestrian and bicycle pathway project in the TSP would be extended by 1,600 ft., adding a section from Ridgecrest Drive to Country Club Road.

Decision-Making Criteria

Ms. Selden briefly reviewed the applicable decision-making criteria, discussed in detail in the staff report, including Comprehensive Plan policies and State and Metro requirements. She noted that the number of lots potentially impacted by the proposed Overlay would not reduce the City's ability to meet required housing needs for large lot single family development. Mr. Brown added that the Uplands area was well suited to the development of accessory dwelling units.

Questions of Staff

Vice Chair Ward expressed his concern with limiting flag lots to only one lot and wondered if the City would see Measure 49 claims. Ms. Selden noted that Measure 56 notice went out to property owners 20 days prior to this public hearing and that some of the property owners were in attendance and may be providing testimony. Vice Chair Ward added that applying regular R-10 setbacks to flag lots would really enhance neighborhood compatibility. In response to a question from Commissioner E. Brockman, Ms. Selden provided clarification regarding the proposed front yard setback averaging and how it was determined. In response to Commissioner E. Brockman's follow up question regarding the proposed front yard setback standard, partitions, and smaller lots, staff noted that in those cases a minor variance to the setback could be sought or the Residential Infill Design Review process could be used. Mr. Brown added that the house could be designed to fit the smaller lot.

In response to a question from Commissioner Arthur regarding Measure 49 claims, City Attorney Powell summarized the City's options in response to a Measure 49 claim. He noted the City had a choice to either compensate the property owner for the reduced value or to waive the regulation, if they agree with the claim that the property value had been adversely impacted. He added that proving a Measure 49 claim involved a lot of steps.

In response to a question from Commissioner E. Brockman regarding public streets and the smallest number of homes that were built on a new public street, Mr. Siegel recalled a subdivision with about 10 homes on a cul-de-sac in the Oak Creek area, but noted they would have to do further research to answer more fully. He added that there were varying street profiles for public streets but none were as narrow as the 20-foot width of an access lane.

In response to a question from Commissioner Gaar related to the proposal to reduce impervious surfaces, Mr. Brown noted that reactions from neighbors were generally positive and that people realized this was an issue throughout the neighborhood, especially with newer development.

In response to a question from Commissioner Ward regarding the required right-of-way dedication for public roadways in a subdivision, Mr. Siegel stated that the standard local street dedication was 50 feet, but the City Engineer had the ability to deviate from this standard to meet neighborhood character, but typically 40 feet would be the narrowest approved.

Public Testimony

Bob Ervin, 2240 Prestwick Road, Lake Oswego, 97034, Chair of the Uplands NA, thanked the Commission for their time and effort over the several meetings held, as well as thanks to Ms. Selden and Mr. Brown. He added they had done the best they could to develop a Plan that suited the character of their neighborhood and noted that there was not a lot of room left in the neighborhood to develop additional flag lots. Commissioner A. Brockman thanked him and the committee for their work on the Plan, and noted there was a nice mix of homes in the neighborhood in terms of affordability. Chair Heape asked about his recommendations to address concerns expressed in the TSP regarding the dangers of crossing Country Club and Boones Ferry Road. Mr. Ervin responded that they had proposed pedestrian activated lights on Country Club, which was particularly dangerous at night for people getting off the bus. He added that perhaps the medians could be improved at Rainbow and Twin Fir on Boones Ferry, as well as at the exit from Country Club onto Uplands. Ms. Selden advised that the Engineering Department had a study done recently to see which intersections in the City would warrant the installation of signals and that they should have the results soon.

In response to a question from Commissioner Arthur about the benefits of limiting driveways to one access, unless on a corner, Mr. Ervin stated that the benefits were to reduce runoff from excessive concrete in the hilly neighborhood, as the lack of stormwater infrastructure resulted in burdened ditches that resulted runoff into the streets. Secondly, it was also a pedestrian hazard to cross two driveways instead of one. He stated that the NA did not think having two driveway access points was necessary; it was clarified that there could be a driveway circle or other layouts on the property to allow vehicles to turn around, provided it met the standards for paved area.

Mr. Brown briefly addressed the Commission to add to Mr. Ervin's response on the last question regarding driveway access, noting that street parking for visitors was relatively limited in the Uplands neighborhood, which was further reduced if a home had two driveway access points.

Ms. Selden noted that one piece of written testimony in support of the proposal was received that afternoon and was provided to the Commissioners.

Chair Heape closed public testimony.

Deliberations

Commissioner A. Brockman **moved** to approve the Plan as written for LU 17-0001.
Commissioner Arthur **seconded** the motion.

Commissioner E. Brockman expressed concern about the 30% impervious surface requirement in the front yard in conjunction with the elimination of two curb cuts. He was also concerned about how many guests one could park on their property. He pointed out that there could also be a safety issue if one had to back out of their driveway and there was not enough room on the property to turn around.

Commissioners expressed their thanks for all of the work put into developing the Plan and remarked that it was quite significant that there was no opposition expressed.

Commissioner Gaar stated that his main issue from a policy perspective was surface water runoff; he observed that individuals who had come and provided comments were not in opposition to the proposal related to limiting impervious surfaces and that the neighborhood agreed. Regarding flag lots, he agreed that the limit to one flag lot was very important in terms of maintaining neighborhood character as well as reducing impervious surface. He noted that Measure 49 claims could be burdensome and expensive, and that in his experience the City would waive the new requirements rather than pay out.

Mr. Siegel clarified in what cases the Residential Infill Design Review and variances could be used related to the front yard setback.

Commissioner Ward recalled that the flag lot proposal for Uplands would inform citywide flag lot regulations.

Commissioner E. Brockman suggested that larger fixes to address stormwater infrastructure were also needed and wondered if stormwater SDC's could be increased to fund that. He added that with the limit of 50% impervious surfaces, there would be less need to reduce the impervious surface in the front yard area.

Commissioner E. Brockman **moved** to amend the motion to eliminate the 30% maximum of impervious surface in the front yard standard. There was no second and the motion to amend failed.

The original motion **passed 7:0**.

Mr. Powell advised that this was a preliminary decision concerning the Commission's recommendation and that staff would return with the Findings, Conclusions and Order (final decision) on February 27, 2017.

8. OTHER BUSINESS

8.1 Planning Commission Goals and Work Plan for 2017

Mr. Siegel provided an introduction, noting this work session followed one held on January 23, 2017. He noted the staff report outlined seven ongoing projects, as well as 13 potential new projects identified by the Planning Commission on January 23, or by the City Council. He described the electronic polling system, recently used by the City Council, to help the Commission determine prioritization. He noted that staff currently had capacity to take on the work program already identified and ongoing, plus the capacity to take on one additional substantial project. If the Commission found additional priorities, he suggested they would need to then determine which project(s) to drop. Mr. Siegel responded to Commissioner Ward's question about capacity to take on issues not identified that may be brought up during the year. Mr. Siegel indicated that the results of the exercise would not be binding, but rather would provide direction for later discussion and decision-making by the Commission.

Ms. Selden led the Commission through the polling and ranking process for the seven ongoing projects and recorded the results. Mr. Siegel and Ms. Selden provided additional information on various projects, as requested. Ms. Selden then polled the Commission on the 13 potential new projects, several of which were related to City Council goals and others that were generated by the Planning Commission or citizens. An additional question regarding addressing parking standards citywide was added at the Commission's request.

Staff reviewed the results and Ms. Selden presented the priority of potential new projects, exclusive of City Council goals, based on the Commission's polling. Of the highest ranked projects, she asked the Commission to choose their top priority for 2017 (results shown below):

- Review Residential Infill Development (RID) Procedure (43%)
- Review Parking Standards (43%)
- Clear and Objective Noise Standards (14%)
- Street Frontage Improvement Standards for Single Family Development (0%)

Ms. Selden then shared the polling results on the ongoing projects, and identified which had the highest and lowest priority rankings.

Mr. Siegel then asked the Commission to weigh in on the priorities. Commissioner Gaar wondered how the Commission could not take care of the Comprehensive Plan Map corrections and annual Community Development Code (CDC) amendments, as these were the springboards from which the City did its work. Commissioners suggested that they would be willing to work on these if it could be done in an expedited way. Chair Heape wondered if some needed fixes were more of a priority than others.

Commissioner Gaar suggested dropping the Lake Grove Village Center Design Handbook and adding one of the two high priority new projects. His preference was the Parking Standards.

Commissioner Gaar **moved** to replace the review of the LGVC Handbook with a review of Citywide Parking Standards. Commissioner Arthur **seconded** the motion.

Commissioner E. Brockman suggested he was not in favor of delaying the Handbook any longer. Mr. Siegel noted that once the Boones Ferry Road project was completed in two years the need for the Handbook would be the greatest. Commissioner E. Brockman withdrew his objection. It was suggested that a vote was not needed and Chair Heape saw there was consensus by the Commission to replace the Handbook with the Citywide Parking Standards review for the 2017 work plan.

9. SCHEDULE REVIEW

Mr. Siegel provided an update on the schedule for review of the Forest Highlands report on the neighborhood survey.

10. ADJOURNMENT

There being no other business Chair Heape adjourned the meeting at 9:50 p.m.