



## CITY OF LAKE OSWEGO Planning Commission Minutes July 24, 2017

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### 1. CALL TO ORDER

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 Chair Rob Heape and Commissioners Randy Arthur, Skip Baker and Nicholas Sweers. Vice Chair Bill Ward and Commissioner Ed Brockman were excused.

Staff present were Scot Siegel, Planning and Building Services Director; Debra Andreades, Senior Planner; Evan Boone, Deputy City Attorney; and Iris McCaleb, Administrative Support.

### 3. COUNCIL UPDATE

Councilor Kohlhoff provided an update on recent Council actions.

### 4. CITIZEN COMMENT

There were no citizen comments.

### 5. COMMISSION FOR CITIZEN INVOLVEMENT

Chair Heape announced upcoming vacancies on various boards. He also noted that there would be an opportunity to provide input on proposed upgrades to the Tryon Creek Wastewater Treatment Plant at an open house scheduled for July 27<sup>th</sup>.

### 6. MINUTES

- 6.1 Commissioner Baker **moved to approve the Minutes of May 8, 2017**, as written. Commissioner Arthur **seconded** the motion and it **passed 4:0**.
- 6.2 Commissioner Baker **moved to approve the Minutes of July 10, 2017**, as amended. Commissioner Sweers **seconded** the motion and it **passed 4:0**.
- 6.3 Commissioner Baker **moved to approve the Minutes of July 15, 2017**, as written. Commissioner Arthur **seconded** the motion and it **passed 4:0**.

### 7. PUBLIC HEARING

#### 7.1 Community Development Code Amendments to Design Variance Criteria in Downtown Redevelopment Design District (LU 17-0039)

A request from the City of Lake Oswego for text amendments to the Lake Oswego Community Development Code, clarifying and updating the design variance criteria for developments in the Downtown Redevelopment Design (DRD) District. The proposal amends LOC 50.08.003.3 and 50.08.003.4. *Staff coordinator was Scot Siegel, Planning and Building Services Director.*

Chair Heape opened the hearing. Mr. Boone outlined the applicable criteria and procedures. At time of declarations no conflicts of interest were reported. No one challenged any Commissioner's right to consider the applications.

### ***Staff Report***

Mr. Siegel presented the staff report, provided background and reviewed the proposed amendments. He explained that the proposed amendments were based on City Council direction to streamline the development review process and remove unnecessary regulatory obstacles to architectural variety and sustainability, and reflect input provided by the Planning Commission and the public. He indicated that the proposed amendments to the variance criteria for the Downtown Redevelopment Design District clarified existing criteria and added criteria for addressing unique building functions and sustainability with a focus on high quality design and consistency with adopted downtown plans.

Commissioner Sweers asked what the cost implications were to following the Lake Oswego Style and did the variances, in addition to offering diversity in design, also offer any relief in terms of cost. Mr. Siegel said it had not been quantified but that the proposed amendments would provide an alternative that could result in savings; an alternative proposal would still need to meet criteria. He clarified that City Council's direction wasn't to change regulations to reduce cost, but that could be an indirect benefit of the proposal.

Chair Heape asked how some consistency would be maintained, he suggested that a certain number of criteria or design characteristics should have to be met in order to maintain some consistency of character. He expressed concern about character of downtown changing from traditional to modernism. Mr. Siegel stated that he believed it was already addressed. He indicated that criteria one through three were narrow enough in scope that they didn't open up the review to any design that would be out character or out of sync with other buildings in the district or the intent of the standard or adopted downtown plans. He noted that the fourth criteria went back to the original founding documents and that when asking for a variance it had to be consistent or better than the standard.

Commissioner Baker asked if there were definitions for some words in Attachment 2 that were more subjective than objective. Staff reviewed the various words. When asked about protected views, Mr. Siegel indicated that there was a code provision in the Downtown Redevelopment Design District for those projects with orientation to Lakewood Bay or Mount Hood. Mr. Boone explained that a variance could not be written as a "clear and objective" standard because it would not be a variance, it would be an alternative track. Commissioner Baker indicated he was satisfied with staff's response.

Mr. Boone referred to Attachment 2 of the ordinance, page 3, item 4.a. i-v should be double-underlined because it didn't appear in existing text. He also noted that at the bottom of the page 3 above the comment box reference to Ordinance 2732 should not be stricken out because it was legislative history.

### ***Public Testimony***

Carole Ockert, 910 Cumberland Road, Lake Oswego, 97034, stated that she was the chair of the First Addition Neighbors-Forest Hills Neighborhood Association. She referred to Attachment 2 of the ordinance, page 2, Section 3, b.i. and b.ii. and asked if the "or" at the end of i. could be changed to "and". Mr. Siegel indicated that the scope of the notice was limited to variance criteria for the DRD District, but agreed with Ms. Ockert that there were probably process improvements

in this set of variance criteria for the downtown that would bode well for elsewhere in the city. He said it would be flagged for review at a future date. Ms. Ockert referred to the R-2 zone of the DRD District, and advised that it was working well as it existed and didn't need to be fixed. She asked that it not be changed, she suggested that a note be added at the beginning of Subsection 4, exempting the DRD District portion of R-2 from the amendment and it be covered in Subsection 3. Mr. Siegel thought this was a good suggestion and excluding R-2 from that section would work just fine.

### ***Questions from the Commission and Deliberations***

Commissioner Baker asked how many lots were included in the overlay in the R-2 zone, in general numbers. Mr. Siegel estimated there were possibly 20-30 developed lots and that they were increasingly redeveloping with attached housing for the most part.

Commissioner Arthur referred to the previous discussion regarding protected view corridors in this area and asked if it was public and private view corridors. Mr. Siegel reviewed the code for view protection within the Downtown Redevelopment Design District (50.05.004.7).

Commissioner Baker **moved** to approve LU 17-0039 with amendments as proposed by staff:

- Remove R-2 Zone from proposal (variance criteria for this zone would not change)
- Amendment to Attachment 2 of Ordinance 2754, page 3 of 4, Subsection a.iv. (1) add geothermal to the end (...solar, wind or geothermal);

Commissioner Sweers **seconded** the motion and it **passed 4:0**. The vote on the findings, conclusions and order was scheduled for August 14, 2017 at 6:30 p.m.

## **8. WORK SESSIONS**

Chair Heape excused himself from Item 8.1 due to a potential conflict of interest. Commissioner Arthur was the acting chair for this portion of the meeting.

### **8.1 Local Street Connectivity – Work Session #4 (PP 16-0004)**

Continued discussion of a potential code amendment that would allow an exception to the Street Connectivity Standard, LOC 50.06.003.4. *Staff coordinator was Debra Andreades, Senior Planner.*

Ms. Andreades provided an update on city staff's meeting with Metro staff held on July 19<sup>th</sup>.

#### Input/Action:

- Metro recognized that Lake Oswego had unique constraints due to topography and natural resources and in that sense was self-contained for local street connectivity purposes. In addition, the city was for the most part built-out. Metro code did not contain a rule of reasonableness or pure discretion to waive a requirement.
- Staff to send a letter to Metro formally asking for the ability to grant an exception in some cases, and outlining how the criteria for an exception would be met.
- Staff to generate Public Review Draft, to be available in August.
- Planning Commission public hearing was scheduled for October 9<sup>th</sup>.

Chair Heape rejoined the meeting.

APPROVED: 08/14/17

**9. OTHER BUSINESS**

9.1 Nomination/Election of Chair and Vice Chair for Fiscal Year (2017-2018)

Commissioner Baker moved to **nominate** Robert Heape for Chair, Commissioner Sweers **seconded** the motion and Robert Heape was elected Planning Commission Chair **4:0**.

Commissioner Baker moved to **nominate** Bill Ward for Vice Chair, Commissioner Arthur **seconded** the motion and Bill Ward was elected Planning Commission Vice Chair **4:0**.

**10. SCHEDULE REVIEW**

Mr. Siegel reviewed the schedule.

**11. ADJOURNMENT**

There being no other business Chair Heape adjourned the meeting at 8:00 p.m.