



## CITY OF LAKE OSWEGO Planning Commission Minutes September 25, 2017

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### 1. CALL TO ORDER

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

Staff present were Scot Siegel, Planning and Building Services Director; Paul Espe, Associate Planner; Leslie Hamilton, Senior Planner; Evan Boone, Deputy City Attorney; and Iris McCaleb, Administrative Assistant.

### 4. CITIZEN COMMENT (*TAKEN OUT OF SEQUENCE*)

Carole Ockert, 910 Cumberland Road, Lake Oswego, 97034, Chair of the First Addition Neighbors-Forest Hills Neighborhood Association, invited the Commission to their general meeting scheduled for October 3, 2017, at the Adult Community Center.

### 6. MINUTES (*TAKEN OUT OF SEQUENCE*)

#### 6.1 August 28, 2017

Commissioner Baker **moved** to approve the Minutes of August 28, 2017 as adjusted. Commissioner Sweers **seconded** the motion and it **passed 5:0**.

### 7. PUBLIC HEARINGS

#### 7.1 Comprehensive Plan Map and Zoning Map Amendments – 1770 and 1774 Ridgecrest Drive (LU 17-0024).

The Commission considered the following request from the City of Lake Oswego:

For 1770 Ridgecrest Drive: proposal for a Zoning Map Amendment for the front portion of the property from R-10 to R-15, to match the R-15 zoning on the rear portion of the property, and to be consistent with the Comprehensive Plan Map designation of R-15 over the entire property.

For 1774 Ridgecrest Drive: proposal for an amendment to the Zoning and Comprehensive Plan Map designation for the rear portion of the property from R-15 to R-10, to match the R-10 Zoning Map and Comprehensive Plan Map Designation on the front portion of the property. The Uplands R-10 Overlay District would also be designated on the rear parcel.

*Staff coordinator was Paul Espe, Associate Planner.*

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 application.

### ***Staff Report***

Mr. Espe presented the staff report. He reported that he had a telephone conversation with the owner of 1770 Ridgecrest who expressed opposition to the proposed changes and desires to have the R-10 zoning remain. Mr. Espe explained that on September 20 he sent a letter to the property owner to further explain the justification for changing the remainder of the property to R-15. He shared an image of the 1978 Comprehensive Plan Map showing the subject properties and described the Comprehensive Plan designations and associated densities specified at that time and noted how they corresponded with densities today. He advised that the proposed R-15 zoning for 1770 Ridgecrest would be consistent with the Comprehensive Plan Map and zoning designations of properties to the east. The proposed zoning of R-10 for 1774 Ridgecrest would be consistent with historic and current Comprehensive Plan Map and zoning designations of properties to the west.

Mr. Espe shared a table that summarized the 1978 Comprehensive Plan Designations of D-6 and D-5 from 1978 in comparison to the current Comprehensive Plan designations of R-15 and R-10, respectively, for those addresses. He described the final proposed Comprehensive Plan Map and Zoning Map designations:

- 1770 Ridgecrest would be designated R-15 over the entire property consistent with the Comprehensive Plan Map.
- 1774 Ridgecrest would be designated R-10 and with the Uplands Design Overlay over the entire property consistent with the Comprehensive Plan Map designation of R-10 over the majority of the property.

Mr. Espe concluded with the staff recommendation that the Planning Commission provide a recommendation of approval to the City Council.

### ***Questions of Staff***

At the request of Commissioner Arthur, Mr. Espe indicated that he would include in the record a copy of the letter he sent to the property owner (Exhibit F-2).

Chair Heape opined it seemed odd that 1774 would get two different designations for zoning, was it historically two lots? Mr. Espe responded that based on his research the two properties were annexed in 1967 and the 1978 Comprehensive Plan map showed two different designations for the property. Mr. Boone added that the south portion of 1774 was a separate tax lot but not a legal lot of record, it was developed as one lot, the City considered it one lot, and the current Comprehensive Plan Map showed it as one lot; he advised that the zoning should conform with the Comprehensive Plan. He noted that it was not a Condition of Approval that tax lot 400 actually be consolidated, though the City recommends that the property owner do so for other reasons.

### ***Public Testimony***

#### ***Opponent***

Melinda (Sorensen) Stuart, 2813 Harborview Drive, Gig Harbor, WA 98335 and Marie Sorensen, 1770 Ridgecrest Drive, Lake Oswego, 97034. Ms. Stuart stated she was testifying on behalf of her mother, Marie who was 86 years old, and noted she had not yet seen the letter from the City as she had been out of town until the night before. Mr. Boone clarified Ms.

Stuart would be deemed an agent for Ms. Sorensen. She stated that they were opposed to the rezone as they saw it as a denigration of the value of Ms. Sorensen's asset, 1770 Ridgecrest Drive. She pointed out that the front portion of the property was designated R-10 and the rear portion R-15 and that the lot next door, 1774, had exactly the same; the front was R-10 and the back R-15. She indicated that for 1774 the City was proposing to change both the Comprehensive Plan and the zoning to make it all R-10, but for Ms. Sorensen's the zoning would change but not the Comprehensive Plan Map designation. She stated that she didn't see that as equitable, if one was allowed to change from R-15 to R-10 the other should be as well as they both had dual designations.

Ms. Stuart referred to the staff report, dated September 13, and noted today's date of September 25, and that it was a very short amount of time for review. She opined there were inconsistencies in the staff report: on page 7-8 under Policy E., 2, it stated by doing this it didn't increase allowable density for 1770, but on page 9, the report stated the change could possibly result in an additional development unit for 1774. She noted that if they were both R-10 they both could be subdivided; if one was R-15 it was excluded from that possibility, which was a detriment to Ms. Sorensen's asset. She pointed out that everything to the east of 1770 were much larger with an R-15 designation and that 1770 was much more comparable to everything to the west in size and scope of property.

Ms. Stuart referred to the public hearing notice which stated failure to raise issues at the hearing precluded appeal to the Council or the Oregon Land Use Board. She requested that the hearing be continued so they could make sure they had every issue addressed before the Commission made a recommendation. She stated that they needed to seek legal counsel to make sure Ms. Sorensen's assets were being protected.

Chair Heape asked staff to comment how rezoning would affect the ability to partition in the future. Mr. Espe responded that the rezoning of 1700 to R-15 would reduce the possibility of an additional lot; however, there were other factors on that property that would preclude someone's ability to divide due to the 2:1 slope that was present on the property. He noted that both properties had a 2:1 slope near the single-family dwellings and that it would be extremely difficult for either of the lots to redevelop. In response Ms. Stuart referred to page 10 of the staff report, and noted that rezoning 1774 "from R-15 to R-10 on the southerly portion of the property could possibly result in one additional developable lot. However, this property also has a slope of approximately 70 percent, and is designated as a slide area."

Mr. Espe reiterated that in addition to the parcel size for 1774, other factors of steep slopes and the presence of an unstable soils overlay reduced significantly the possibility of having another lot on the parcel. Ms. Stuart responded that it reduced but did not exclude and Ms. Sorensen would like to have the same possibility availed to her with the R-10 zoning; she could explore that later if there came a point when she wanted to divide.

Vice Chair Ward asked for confirmation that the Comprehensive Plan map showed the whole parcel of 1770 as R-15, to which Mr. Espe responded yes. Chair Heape asked if R-15 basically reflected the history of what it was, to which Mr. Espe responded yes based on his research. Chair Heape opined that it was more about correcting the zoning to be consistent rather than changing it. Mr. Siegel noted that the hearing was on 1770 and 1774, and that they have some similarities but also some differences; 1774 had a split designation of D-5 (R-10) and D-6 (R-15) in 1978 while 1770 was all designated D-6 (R-15) only.

In response to a question from Chair Heape about how long Ms. Sorensen had lived there and if they were aware of the split zoning designation, Ms. Stuart responded that her parents built

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the house and had lived there for 60 years. They did not realize there was no potential to subdivide and they were not aware it was two different zones until they received the letter.

In response to a question from Commissioner Arthur if they were asking for more time to seek legal representation, Ms. Stuart responded yes, they would like to meet with someone who was a professional to give them proper advice.

*Neither for Nor Against*

None.

*Proponent*

Audrey Mattison, 2929 Glen Eagles Road, Lake Oswego, 97034, stated she was a proponent of both properties being zoned R-10. She stated she predated 1978 in the Uplands Neighborhood. She stated that in 1964 the Comprehensive Plan thought the city would be 55,000 people, and currently the city was at 30,000. She said she was not concerned about the R-15 designation from 1978; there were a lot of things growing at that time. She indicated the basis of her support of both properties being designated R-10 was that they were about the same size in area, though with different configurations and she didn't think that precluded them from being considered. She opined the zoning line between R-10 and R-15 on 1770 seemed arbitrary; she pointed out that properties uphill of 1770 had 30,000 square feet and these two had 22,500 and 24,500 square feet. She noted that the properties to the east of 1770 were 40,000 and 60,000 square feet and were not representative of 1770. She stated that that was the basis for her support of R-10 for both properties. She advised that she had walked the properties and was familiar with them.

Chair Heape asked for clarification as Ms. Mattison said she was a proponent for the zoning changes, but said she was a proponent of both properties being zoned R-10. Ms. Mattison clarified that she was a proponent of R-10 for both making her in support of 1774 being R-10 and in opposition of 1770 being zoned R-15. She added that something of this significance should have a continuance and that a survey would be helpful. Chair Heape asked what she would want to see from a survey? Ms. Mattison responded, more information about topography; on the ground it was more evident that the lots sloped and it was difficult to discern where the bottom of both properties was. Chair Heape responded that a survey would not necessarily provide information about topography; a topographical map would provide that information. Mr. Siegel added that the City had contour maps available online and staff could enter maps with topography for both properties into the record.

Mr. Siegel noted that the City, as the applicant, would be happy to keep the record open to allow for more testimony to be provided to the Commission.

***Rebuttal***

None.

***Questions of Applicant***

None.

### ***Deliberations***

Chair Heape opened deliberations. Vice Chair Ward asked if the Commission decided to allow this entire parcel to be zoned R-10, how would it affect the relationship with the Comprehensive Plan? Mr. Espe responded that the Comprehensive Plan would have to be amended to be consistent with the R-10 Zoning Map designation. Mr. Siegel added that the Commission could deny this application and include in its recommendation to the City Council that the City initiate a Comprehensive Plan Map amendment and zone change to apply that R-10 zoning. If Council were to accept that recommendation, they would then direct staff to initiate that process.

Mr. Boone stated the Commission needed to decide the format of the continuation, oral and written or written only, and the date to which the hearing was continued; after that, discussion of process could follow. The Commissioners agreed that oral and written testimony made sense. Mr. Boone clarified that any person could testify and staff could provide additional information. The hearing would be continued as if the Commission had taken a recess. Commissioners agreed with staff's suggestion to continue for 28 days, to October 23.

Commissioner Baker **moved** to continue the hearing for LU 17-0024 for additional oral and written testimony to October 23 at 6:30 pm. Commissioner Sweers **seconded** the motion. The motion **passed 5:0**. The hearing was continued to October 23 at 6:30 pm.

#### 7.2 Comprehensive Plan Map and Zoning Map Amendments – 2311 Iron Mountain Blvd. (LU 17-0050)

The Commission considered a request from the City for an amendment to the Comprehensive Plan Map and Zoning Map from residential single-family "R-15" (15,000 sq. ft. area per unit) to Park and Natural Area (PNA) for this tax lot within Iron Mountain Park. This change would achieve consistency with the Comprehensive Plan Map and Zoning Map designations surrounding this property that were already zoned PNA.

*Staff coordinator was Paul Espe, Associate Planner.*

Chair Heape opened the hearing. Mr. Boone stated for the record there were no members of the public in the room so he did not read aloud the applicable criteria and procedures as the information was provided for members of the public present at the hearing. He added that if anyone showed up to provide testimony he would review the applicable criteria and procedures at that time. At time of declarations no conflicts of interest were reported. No one challenged any Commissioner's right to consider the application.

### ***Staff Report***

Mr. Espe explained that the City was proposing a Zoning and Comprehensive Plan map amendment for 2311 Iron Mountain Blvd. and abutting right-of-way from R-15 (Single Family) to PNA (Park and Natural Area). He showed a map of the proposed Comprehensive Plan Map and Zoning Map designation and noted the surrounding Iron Mountain Park had a Zoning Map and Comprehensive Plan Map designation of PNA; this remaining parcel was proposed to have a Plan Map and Zoning Map designation that was consistent with the surrounding park parcels. Staff found that the PNA zone conserved and enhanced natural areas, implemented Statewide Planning Goal 8 "Recreational Needs", and established a master plan process for park planning and development.

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Mr. Espe stated the application met the requirements for a quasi-judicial map amendment and met the criteria of the Comprehensive Plan. He concluded with the staff Recommendation:

- Provide City Council with recommendation of approval,
- Adopt Findings, Conclusion, and Order.

#### ***Questions of Staff***

Vice Chair Ward stated he was curious why this didn't happen years ago after the City acquired this property? Mr. Siegel responded that staff was asking the same question about several of these properties; better late than never.

#### ***Public Testimony***

##### *Proponent*

None.

##### *Opponent*

None.

##### *Neither for Nor Against*

None.

#### ***Rebuttal***

None.

#### ***Questions of Applicant***

None.

#### ***Deliberations***

Chair Heape opened deliberations.

Commissioner Baker **moved to accept the staff report and approve the Findings, Conclusions, and Order as written for LU 17-0050, and to recommend to Council to approve the application.** Commissioner Sweers **seconded** the motion and it **passed 5:0**.

## **8. WORK SESSION**

### **8.1 Accessory Structures–Setbacks and Noise – Work Session #2 (PP 17-0005)**

The Commission reviewed proposed code amendments to standardize setbacks for noise-producing accessory structures such as heat pumps, air conditioners and pool equipment, and identify any additional information needed for public hearing. *Staff coordinator was Leslie Hamilton, Senior Planner.*

#### **Action Items:**

- The Commission agreed that all three options addressed in the staff report be considered for the public hearing.

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**3. COUNCIL UPDATE (TAKEN OUT OF SEQUENCE)**

None.

**5. COMMISSION FOR CITIZEN INVOLVEMENT (TAKEN OUT OF SEQUENCE)**

Chair Heape announced upcoming vacancies on various boards, including an opening on the Planning Commission.

**9. OTHER BUSINESS**

There were no action items.

**10. SCHEDULE REVIEW**

There were no updates to the schedule.

The Commission discussed public outreach for 2018 goal setting and potential projects.

Action Items:

- Outreach to public in October (e-mails to community groups and neighborhood associations; use Next Door.com).
- Hold work session in November with additional opportunity for public input.
- Review updated list in December or January.
- Schedule Commission retreat for January.

**11. ADJOURNMENT**

There being no other business Vice Chair Ward adjourned the meeting at 8:25 p.m.