



## **CITY OF LAKE OSWEGO Planning Commission Minutes December 11, 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, and Commissioners Randy Arthur, Ed Brockman, and Nicholas Sweers. Vice Chair Ward and Commissioner Baker were excused. Theresa Kohlhoff, City Councilor was also present.

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

### **3. COUNCIL UPDATE**

Councilor Kohlhoff provided an update. She advised the Council's study session regarding a potential pool had been pushed out to December 19.

In regards to a potential merger of the Development Review Commission and Planning Commission, Councilor Kohlhoff suggested the Commission should submit comments to the City Council. Commissioner Arthur asked if there would be an opportunity for meaningful public input regarding the potential merger as Councilor Gudman had suggested at a past meeting. Councilor Kohlhoff suggested there might be time on January 6 at the Council Goal Setting Retreat or they could attend any Council meeting and testify as a citizen. She also suggested submitting something in writing.

### **4. CITIZEN COMMENT**

Eliot Metzger, 14 Hotspur Street, Lake Oswego, 97035, shared that he was the Co-chair of the Sustainability Advisory Board (SAB). He provided an update on climate action planning and a preview of upcoming activity for 2018, in conjunction with the Lake Oswego Sustainability Network and other partners. He explained that efforts had resulted in a summary of 10 actions, many with planning components, in four different categories, including transportation and connectivity, buildings and energy, consumption, and natural resources and resilience. He indicated that the SAB would be working with other boards and partners to implement, sharing with the Planning Commission along the way.

## 5. COMMISSION FOR CITIZEN INVOLVEMENT

Charles (Skip) Ormsby, 170 SW Birdshill Road, Portland, 97219, expressed concern that Portland was reducing its neighborhood involvement, and rather it and Lake Oswego should be expanding citizen involvement, especially related to infrastructure and transportation projects coming from the City Manager's office. Regarding the proposal to combine the Planning Commission and Development Review Commission, he stated the person who testified recently in front of Council was Jim Bolland, representing the Lake Oswego Neighborhood Action Coalition (LONAC), which was opposed to the consolidation of the Planning Commission and Development Review Commission. He stated that the proposal did not have a stated timeline and felt contracted; he pointed out that Birdshill, for example, still did not have a neighborhood plan and was being impacted by many projects.

Carolyn Jones, 2818 Poplar Way, Lake Oswego, 97034, stated she felt things were off-track regarding citizen input. She opined that it was a mistake for the Planning Commission to also serve as the Commission for Citizen Involvement. She read aloud from the Citizen Involvement Guidelines and suggested the City needed to think about citizen involvement again.

Commissioner Brockman recalled that the Commission had been working hard to work with neighborhood associations to gather input early on. Ms. Jones responded she did not find fault with the Commission, rather the City generally seemed to be sharing less information with citizens, including public notification. In response to a question from Chair Heape regarding neighborhood associations, Ms. Jones noted she was involved with her neighborhood association but that the City put a lot of responsibility on a group of volunteers. Regarding goal setting, Ms. Jones expressed that she had not received any notice. Mr. Siegel reviewed the outreach strategy, including print, email, social media, a survey, and other methods.

## 6. FINDINGS, CONCLUSIONS, AND ORDERS

### 6.1 Community Development Code Amendments – Flag Lots and Private Access Lanes (LU 17-0052)

On November 27, 2017, the Planning Commission made a preliminary recommendation that the City Council approve the proposed amendments as discussed during deliberations. *Staff coordinator was Leslie Hamilton, Senior Planner.*

Commissioner Sweers recommended amending the language in the Findings to clarify the number of lots served by an access lane to be two flag lots and one standard lot, which was served by a public street.

Commissioner Sweers **moved to amend the title on page one of the Findings, Conclusion, and Order clarifying flag lots were limited to two flag lots and the number of lots served by an access lane to three.** Commissioner Arthur **seconded** the motion and it **passed 4:0.**

Commissioner Brockman stated he would be voting no on the approval because it was not an efficient use of buildable land. He opined the issue of no on-street parking and overcrowded neighborhoods was solved with the reduction of allowable flag lots from eight to two and that the parking requirement for an additional parking spot on one or two flag lots was overkill. He indicated that the current recommendation did not give planners and engineers the flexibility needed to most efficiently plan neighborhoods. He stated that it would be helpful to allow for a range of options other than a 50-foot right-of-way (ROW) and that he would prefer the Planning Commission further vet this issue before passing on a recommendation to the City Council. He stated that if the ordinance was adopted, there were properties he was aware of that would no longer be developable due to lack of sufficient ROW. In response to a question from

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Commissioner Sweers, Commissioner Brockman stated he was involved in some of these projects and did not have a conflict of interest.

Chair Heape **moved** to adopt the Findings, Conclusion, and Order for Community Development Code Amendments – Flag Lots and Private Access Lanes (LU 17-0052) as amended.

Commissioner Sweers **seconded** the motion and it **passed 3:1**. Commissioner Brockman voted no.

6.2 Comprehensive Plan Map Amendments for Certain Properties Located in the Southwest Employment Area and at the intersection of Bryant Road and Lakeview Blvd. (LU 17-0063)

On November 27, 2017, the Planning Commission made a preliminary recommendation that the City Council approve the proposed amendments as recommended by staff. *Staff coordinator was Paul Espe, Associate Planner.*

Chair Heape **moved** to adopt the Findings, Conclusion, and Order for Comprehensive Plan Map Amendments for certain properties located at the intersection of Bryant Road and Lakeview Blvd. (LU 17-0063-1932; Ordinance 2763). Commissioner Sweers **seconded** the motion and it **passed 4:0**.

Chair Heape **moved** to adopt the Findings, Conclusion, and Order for Comprehensive Plan Map Amendments for property located at 17620 Pilkington Road (LU 17-0063-1933; Ordinance 2764). Commissioner Brockman **seconded** the motion and it **passed 4:0**.

Chair Heape **moved** to adopt the Findings, Conclusion, and Order for Comprehensive Plan Map Amendments for Certain Properties located in the Southwest Employment Area (LU 17-0063-1934; Ordinance 2765). Commissioner Arthur **seconded** the motion and it **passed 4:0**.

7. **PUBLIC HEARINGS**

7.1 Community Development Code Amendments to Grant City Engineer Authority to Reduce Special Street Setbacks for North and South State Street and Adopt Appeal Procedure (LU 17-0075)

A request from the City of Lake Oswego to amend the Community Development Code, LOC 50.04.002 Special Street Setbacks, and LOC 50.07.003 Review Procedures, granting the City Engineer authority through the minor development procedure to reduce the special street setback for State Street, and providing an appeal procedure for minor development decisions by the City Engineer. *Staff coordinator was Scot Siegel, Director of Planning and Building Services.*

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. Siegel presented the staff report and provided background information about the special street setback, adopted in 2002, the purpose of which was to ensure adequate setbacks or space in the event of future street improvements as buildings were constructed or additions were made. For example, it allowed for additional travel lanes; pedestrian, bike, and transit facilities; and lighting, drainage, and landscaping improvements in the ROW. He stated that currently a minimum dimension could not be reduced through the variance procedure in the Code; the standard allowed for the special street setback to be increased through an adopted corridor plan or other transportation master plan. He described how the special street setback

was measured from the centerline of the street, which was further described in the Code in the street and sidewalk section.

Mr. Siegel noted that what was before the Commission was a procedure that would allow the City to modify the special street setback either in conjunction with a development review application or independently if an applicant were to request that adjustment. The proposal provided for a public process so adjustments were made in an open and transparent manner, including public notice and an opportunity for appeal to the City Council. He clarified that the proposal was limited to State Street, or Highway 43 for the extent it runs through Lake Oswego from Terwilliger to McVey. He showed a map of the area, noting this section of State Street was different than a state highway outside of a downtown area; it was one of the City's main streets with lower traffic speeds, more signals, and more access points. He advised the Oregon Department of Transportation (ODOT) and other jurisdictions recognized this in the late 1990's when it was adopted as a Special Transportation Area (STA), an amendment to the State Highway Plan. He added that due to several transit stops in the area, traffic was slowed down.

Mr. Siegel showed aerial photographs of and described the corridor. He stated that the North Anchor project prompted and added some urgency to review the special street setback. He described the impact of the special street setback in the North Anchor area as an example. He clarified that the City's standards were more rigorous than ODOT's in terms of pedestrian access and streetscape amenities and could potentially create conflicts when properties redevelop. He explained that the proposal was not seeking an exception to ODOT standards; rather it was to establish a process for review of a requested adjustment.

Mr. Siegel explained the proposal established a process for public participation and that a decision would be a limited land use decision under Oregon Revised Statutes, which provided for public notice, opportunity to comment, and appeal to the City Council. He reviewed ODOT's comments, including that any decisions made be consistent with the City's Transportation System Plan (TSP). He noted the TSP projects in the area, including a southbound right turn lane at State and B Avenue (Project 69), and a Corridor Refinement Plan (Project 232). He added that the Code criteria that the City would apply also achieved ODOT's interests, such as ensuring adequate space for future widening or for the installation of turn-pockets, for example. In terms of improving the corridor, Ms. Rooney noted the west side was very constrained, with seemingly more options to develop the road to the east, but that any changes would be based on a future refinement study to resolve the issue for future development.

Mr. Siegel reiterated that this proposal was an interim step and that there was a sense of urgency as there were urban renewal projects that were planned and budgeted and needed to move forward. He advised that public notice was provided in accordance with the Code for a legislative amendment; the proposal had been evaluated against applicable Comprehensive Plan, State, and Metro rules, codes, and policies, as detailed in the November 30, 2017, staff report. He noted Comprehensive Plan policies related to providing flexibility to adapt development to unique and difficult site conditions (Land Use policy A2A), community engagement and public involvement policies, and historic preservation policies. He pointed out that TSP policies related to safety and access to alternative modes of transportation were also addressed.

In conclusion, Mr. Siegel stated that staff found the proposed amendment was consistent with the approval criteria and recommended that the Commission make a recommendation to City Council to adopt Ordinance 2768 (including the attachments).

***Questions of Staff***

In response to a question from Chair Heape if the City had heard any feedback from property owners on the east side of State Street, Mr. Siegel said they had not and clarified that the proposal did not grant any exceptions to the special street setback, it was putting in place a process where those decisions could be made in the future. He stated that the City did not provide individual notice to property owners for this proposal, as it did not directly affect them.

***Public Testimony***

*Proponent*

None.

*Opponent*

Carolyn Jones, 2818 Poplar Way, Lake Oswego, 97034, opined there were ulterior motives for moving in this direction and that it seemed to contradict citizen involvement goals to turn this decision over to one person. She stated that the vision was to maintain a village-like character along State Street and this seemed to open the door to high-rise development. She recalled that in at least two instances in the past one person had made a decision that had been a detriment to the neighbors. She indicated that it needed to be opened up again for further public participation.

Charles (Skip) Ormsby, 170 SW Birdshill Road, Portland, 97219, stated he was speaking on behalf of himself and his neighborhood association. He indicated that they had concerns about State Street with respect to cut-through traffic in the Dunthorpe area, which had been shared on the record. He noted that it was a complex corridor and the diagrams provided did not provide enough information. He opined that the State's Special Transportation Area (STA) map would provide additional needed information that the Commission should review prior to making a decision. He expressed concern about the two railroad crossings, street elevations, and implications. He opined the process was being rushed to accommodate the North Anchor project; he expressed concern about TriMet buses and schedules, including issues with buses turning right onto B Avenue from State Street. He referred to regional developments and road projects, such as tolling, which could impact traffic on Highway 43 and Boones Ferry Road. He offered to provide additional information about the STA and its history to the Commission. He opined the required level of coordination had not been met and suggested the Commission request additional time to gather information prior to making a decision. He opined this proposal has evolved extremely rapidly and that the Commission did not have sufficient information to make an informed decision.

In response to a question from Chair Heape about buses turning onto B Avenue from State Street southbound and a project to make a right-turn lane there, Ms. Rooney clarified the TSP did have a project to consider a right-turn lane there but it was not specifically to accommodate buses, which currently could make the turn today; rather it would be to address capacity. She added that any changes to this intersection would be part of a larger corridor plan process.

*Neither for Nor Against*

None.

*Rebuttal*

None.

Questions of Applicant

None.

Deliberations

Chair Heape opened deliberations.

Mr. Boone reminded the Commission that the proposal before them was to determine if an amendment to the special street setback should be permissible and if so, if it should be within the City Engineer's authority to make that decision using the process outlined.

Chair Heape stated that he had heard concern that a decision would rest with one person, the City Engineer. He opined that would not be true, rather it would be a minor development approval and could be appealed to the City Council.

Chair Heape **moved** to approve a preliminary recommendation to the City Council for approval of Community Development Code amendments to grant the City Engineer authority to reduce special street setbacks for North and South State Street and adopt an appeal procedure (LU 17-0075). Commissioner Sweers **seconded** the motion and it **passed 4:0**.

Chair Heape **moved** to authorize the Chair to set a special date for consideration of the Findings, Conclusions, and Order, with adequate public notice, for approval of the Community Development Code amendments to grant City Engineer authority to reduce special street setbacks for North and South State Street and to adopt an appeal procedure (LU 17-0075). Commissioner Sweers **seconded** the motion. The motion **passed 4:0**.

**8. OTHER BUSINESS**

**8.1** Planning Commission and Commission for Citizen Involvement Goals and Work Plan for 2018

The Commission prioritized and discussed goals for 2018, to be forwarded to the City Council for its goal setting retreat in January.

Mr. Siegel referred to the staff report and provided clarification regarding prioritization options, to which Chair Heape responded he hoped all of the top priority items would be addressed. Mr. Siegel noted that R-6 standards would fall under the neighborhood-planning program in general and that sustainability implementation would likely be more of an advocacy role. Commissioners noted that the City Council had recently removed the project to integrate the development code and tree code. In response to Commissioner Arthur, Chair Heape clarified his proposal was that all of the top items be part of the 2018 work plan, except for the integration of tree code and development code. Mr. Siegel suggested that the broader goals could be further narrowed during the Commission's retreat, which the Commissioners agreed made sense.

Mr. Siegel summarized the proposed goals, to be further refined based on the Commission's retreat and Council goal setting direction:

1. Improve Citizen Input, including addressing listed survey questions.
2. Review Residential Infill Design (RID) Variance procedure.
3. Review Parking Standards.
4. Review Comprehensive Plan density policies and develop strategy if necessary.

Mr. Siegel reviewed the next steps for submission to the Council. He noted additional projects that may come to the Commission from the Council in 2018, in response to a question from

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Commissioner Arthur, including the Portland State University sewer and annexation study and economical housing, as well as public street standards and potentially in 2018 a Highway 43 refinement plan.

There were no public comments.

8.2 Announcements

Mr. Siegel shared an approach for canceling meetings based on Lake Oswego School District announcements and confirming with the Chair at noon prior to canceling a meeting, including notice to the public with updates to the city's website and e-mails.

Chair Heaped noted the new City website and how it would provide additional opportunity for public involvement.

Commissioner Sweers asked for an update related to the vacancy on the Commission. Mr. Siegel shared that the Council had selected an appointee who would be attending starting in January.

**9. SCHEDULE REVIEW**

Mr. Siegel reviewed the schedule, noting City Council hearing dates on Commission recommendations that may shift.

**10. ADJOURNMENT**

There being no other business Chair Heape adjourned the meeting at 8:50 p.m.