



**CITY OF LAKE OSWEGO  
Planning Commission Minutes  
March 12, 2018**

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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, Vice Chair Bill Ward and Commissioners Randy Arthur, Vickie Hansen, Skip Baker and Nicholas Sweers. Commissioner Ed Brockman was excused. City Councilor Jeff Gudman was also present.

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

**3. COUNCIL UPDATE**

Councilor Goodman provided an update on recent Council actions.

**4. CITIZEN COMMENT**

Cheryl Uchida, 15190 Quarry Road, Lake Oswego, 97035, spoke on the review of parking standards and addressed the residential parking requirements for high density housing, commercial parking for outdoor seating amenities and the parking compliance plan for the Oakridge Park Senior Apartments. She offered the following suggestions:

- Drop the fractions for the parking requirement for high density housing; this would result in higher parking requirements.
- For commercial projects factor outdoor seating spaces into parking space requirements.
- Address enforcement in parking compliance plans.

**5. COMMISSION FOR CITIZEN INVOLVEMENT**

Chair Heape announced upcoming vacancies on various boards and Vice Chair Ward reported on the Mayor's Neighborhood Association Chairs meeting.

Chair Heape reported that neighborhood tours are being set up for the Planning Commission with help of staff.

**6. PUBLIC HEARING**

**6.1 Comprehensive Plan Map and Zoning Map Amendments for Properties Located at 501 4th Street and 1061 Sunningdale Road (LU 17-0079)**

501 4th Street: A request from the City of Lake Oswego for an amendment to Comprehensive Plan Map designation from General Commercial (GC) to East End Commercial District (EC).

6.2 Community Development Code Annual 2017 Text Amendments (LU 18-0007)

A request from the City of Lake Oswego for annual text amendments to the Community Development Code (CDC) to correct cross-references; clarify standards; address setbacks on through lots; correct tree terminology and update tree mitigation standards in the Lake Grove Village Center Overlay; establish courtyard minimum dimensions in the Downtown Redevelopment Design (DRD) District; and amend the definition of "Detached" as it pertains to breezeways. *Staff coordinator was Leslie Hamilton, Senior 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 applications.

**Staff Report**

Ms. Hamilton presented the staff report, provided background, reviewed the proposed amendments and addressed issues related to tree mitigation in the Lake Grove Village Center Overlay (LGVCO) zone. She explained how the mitigation requirements were based on tree inches removed/replaced in LGVCO versus one-for-one tree replacement in the rest of the city. She presented a table comparing replacement and mitigation requirements of the existing code to the proposed code and gave an overview of the Planning Commission's requested changes which lowered the tree mitigation rate in LGVCO. She advised that a 50 percent of the prior inch-for-inch replacement rate was now proposed in the LGVCO.

Ms. Hamilton clarified for the Commission that the mitigation fee of \$135 per tree was specified in the Master Fees and Charges Schedule adopted by City Council and that there was no difference between deciduous and non-deciduous trees for mitigation purposes.

Ms. Hamilton also reviewed other language changes to ensure consistency with the City Code, as detailed in the staff report, and explained that some items previously discussed in Planning Commission work sessions were not proposed at this time due to required Measure 56 noticing.

**Questions of Staff**

Commissioner Sweers asked for clarification on whether the Farmer's Market change would be concurrent with the annual Farmer's Market season. Ms. Hamilton said that there was no limitation as to season for mid-week markets.

Under the item "review procedures", Commissioner Ward conveyed that neighborhood association chairs would like notifications by regular mail as well as electronic mail. As written, Ms. Hamilton said the proposed language change would provide an option for sending both types of notices, if electronic mail was consented to by neighborhood association chairs and officers. Mr. Boone said that if a recipient consented to electronic mail, the notice could also be sent by regular mail. Mr. Ward re-stated that both means of notification were desired by neighborhood associations. Mr. Siegel noted that the key code language change was "certified mail" was no longer the required standard for notification, to be replaced by "regular mail". Mr. Boone said that it was a courtesy service to have e-mail sent. Ms. Hamilton clarified that the change was sending notice by regular mail, with the option of e-mail, if an e-mail address was provided to staff. Commissioner Arthur asked if there was going to be a process to update accurate e-mail addresses annually. Ms. Hamilton said a limited list for mailing was used, so it was relatively easy to update the lists. Mr. Siegel said that it was the responsibility of the neighborhood association to update the city with contact information as it changed, and that maintaining e-mail contacts for association officers would add to staff workload. Commissioner Sweers advocated having e-mail as the default notification process and regular mail as the optional notification method.

**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 expressed that the neighborhood association was mostly a proponent on most of the issues in the code update. Their opposition had been to the certified mail requirement. Having regular mail was more convenient and having e-mail notice would accommodate people who traveled or were not always able to get their mail. She noted that with e-mail, it could be forwarded to the appropriate person.

Cheryl Uchida, 15190 Quarry Road, Lake Oswego, 97035, asked Ms. Hamilton about Item #13, tree mitigation, and where it came from. Ms. Hamilton responded that there were discrepancies in the terminology in the tree code and the LGVCO language. Ms. Uchida asked if the change in code was at the request of developers. Ms. Hamilton responded that the change was at the behest of staff and Planning Commission. Ms. Uchida stated she was on the LGVC Plan Committee and asked if the members of that committee knew of the notice. Ms. Hamilton stated that regular notice went out to all neighborhood chairs but that the original members of the LGVC Planning Committee of ten years ago were not specifically notified. Ms. Uchida said the amount of funds for tree mitigation were not going to stop developers from cutting down trees; she agreed with the comments of Ms. Ockert regarding mailing of notifications. She complemented staff on their efficiency in updating contact lists. When asked if she had comments on the Tree Mitigation Table, she stated that more study was needed, she was not prepared to speak on it.

Vice Chair Ward said that inch-per-inch mitigation was very onerous for developers and that there was a huge contrast between the Tree Code and the LGVCO tree mitigation. He said even half inch-for-inch was still onerous. Ms. Uchida said her neighborhood valued their trees and stated that more neighborhood representatives needed to be involved in the discussion. Chair Heape said he thought the mitigation was reasonable, as fees could be paid for mitigation where inch-for-inch replanting was not practical.

Commissioner Baker said the City Council was responsible for the fee code. Chair Heape said the dollar amount could be substituted for the tree inch-for-inch mitigation. He also stated that there should be a differentiation between deciduous and non-deciduous trees.

Chair Heape asked staff for clarification on whether the preference of staff was for mailed notice versus emailed notice. Mr. Siegel referred to Ms. McCaleb, administrative assistant responsible for mailings. She addressed the time involved in updating and keeping track of neighborhood board member mailing addresses and e-mail addresses. Chair Heape asked for her preference. Ms. McCaleb stated that there was a staff preference to mail the notice by regular mail to the chairs and board members and to send an e-mail to only the neighborhood chairs, who could then forward the e-mail notices to relevant board members.

Chair Heape closed the public hearing and opened deliberations.

**Questions from the Commission and Deliberations**

Commissioner Baker asked whether the neighborhood meeting notice was a State or City requirement. Ms. Hamilton stated it was a local City requirement. Mr. Siegel clarified that the City was not the applicant all the time, it was often developers. He spoke to the burden to staff and that there may need to be a way to recover costs for the extra effort required to send both mailed and e-mailed notices.

1 Commissioner Baker said he was supportive of the regular mailed notice, and e-mail, if consented  
2 to by neighborhood association officers, as a hybrid approach.  
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4 Commissioner Arthur said he still had concerns about tree mitigation and would like additional  
5 information. He recommended removing this item from the agenda tonight. Mr. Siegel responded  
6 that staff could take additional time to research and come back to the Planning Commission on  
7 April 23; the Commission agreed. Ms. Hamilton asked the Planning Commission what additional  
8 information they would like to see. Chair Heape asked if public input could be gathered on types  
9 of trees and a more fair mitigation strategy. Mr. Siegel said staff would seek input on the  
10 mitigation ratio, which could be honed and brought back to the Planning Commission, for the  
11 continued public hearing. Vice Chair Ward said it would be more reasonable to cut the tree  
12 mitigation requirement in half; he proposed one-half inch-for-inch was still a high standard and  
13 stricter than other communities. It was also pointed out that road widening would impact a lot of  
14 trees. Chair Heape sought to clarify whether the mitigation was encouraging or discouraging tree  
15 removal. Commissioner Arthur responded about additional information needed, asking how the  
16 staff reached the present proposed mitigation standard, i.e. 50 percent versus 75 percent. Ms.  
17 Hamilton stated it was straight down the middle. Mr. Siegel gave an example of a current project  
18 where it was not feasible to replace trees at a 1-to-1 ratio. Commissioner Baker asked if the  
19 Portland Metro Homebuilder's Association was notified about the proposed changes. Mr. Siegel  
20 said they were notified and that legislative notices had been widely distributed. Commissioner  
21 Baker said he was still in favor of the continuance. Chair Heape asked that a specific item be  
22 added to the Mayor's Neighborhood Association Chairs meeting to discuss the tree issue.  
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24 Commissioner Sweers suggested that staff look into other jurisdictions and what they were doing  
25 so there was something to compare Lake Oswego's efforts to as benchmarks. Mr. Siegel  
26 responded that in his years as a consultant, he conducted many comparisons, but that Lake  
27 Oswego did things very differently, which may not make the comparisons as beneficial. He stated  
28 that for future planning efforts, staff would do selected comparisons at the request of the Planning  
29 Commission.  
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31 Chair Heape reviewed the options for continuance, including a continuance with testimony limited  
32 to the discussion to the LGVC Overlay tree mitigation issues.  
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34 Commissioner Baker **moved to continue the hearing to April 23, 2018**, limiting discussion and  
35 testimony to tree mitigation in the Lake Grove Village Center Overlay. Commissioner Arthur  
36 **seconded** the motion and it **passed 6:0**.  
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38 **7. OTHER BUSINESS**

39 There were no other action items.  
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41 **8. SCHEDULE REVIEW**

42 Mr. Siegel reviewed the schedule. He noted that on April 3, 2018, there would be a joint  
43 meeting of the City Council and Planning Commission.  
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45 **9. ADJOURNMENT**

46 ~~There being no other business~~ Chair Heape adjourned the meeting at 8:40 p.m.