



**CITY OF LAKE OSWEGO
Planning Commission Minutes
April 23, 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, Skip Baker, Nicholas Sweers and Ed Brockman. Commissioners Randy Arthur and Vickie Hansen were excused. Council Liaison Jackie Manz was also present.

Staff present were Scot Siegel, Planning and Building Services Director; Leslie Hamilton, Senior Planner; Dave Powell, City Attorney; and Iris McCaleb, Administrative Assistant.

3. COUNCIL UPDATE

Councilor Manz provided an update on recent Council actions. She advised that the City Council had revisited short term rentals and this issue would return to the Planning Commission (PC) in the near future. She also noted that the Council wanted to implement a sunset clause in whatever program was approved and moved forward.

Councilor Manz thanked the Commission for their work on very complex issues.

4. CITIZEN COMMENT

None.

5. COMMISSION FOR CITIZEN INVOLVEMENT – GENERAL UPDATES

Chair Heape announced upcoming vacancies on various boards and committees and the first neighborhood tour of the year with the Blue Heron Neighborhood Association on Sunday, April 29, 2018.

6. FINDINGS, CONCLUSIONS AND ORDER

6.1 Community Development Code Amendments – Secondary Dwelling Units (LU 18-0003)

On April 9, 2018, the Planning Commission made a preliminary recommendation that the City Council approve the proposed amendments as modified during deliberations.

Mr. Siegel asked for two corrections to the Findings, if the Planning Commission chose to adopt them:

1. Page 13 of 14, line 3: strike "the addition of", replace with: "adding the discretionary privacy review minor variance option to; the clear and objective privacy standards... Sentence should read: *"Adding the discretionary privacy review (minor variance option) to the proposed clear and objective privacy standards does not conflict with the applicable Metro and State Housing Rule housing requirements..."*

2. Page 13 of 14, line 9: Add "a" between "find" and "basis".

Chair Heape said he was comfortable with the findings as amended.

Commissioner Sweers referenced page 3 of the Findings and the mention of 800 square feet as the appropriate accessory dwelling unit size and noted that the additional 200 square feet being allowed for mechanical systems, hallways, etc. was not mentioned therein. Chair Heape referenced page 10 of 14, Section B, where the additional 200 square feet was mentioned. Mr. Siegel suggested adding language to clarify by reference: amend page 3, line 3, to add "For exceptions to internal conversions, see Finding 5.b on page 10".

Commissioner Baker **moved** to adopt the Findings, Conclusions and Order as adjusted, for LU 18-0003, Accessory Dwelling Units. Commissioner Sweers **seconded** the motion and it **passed 5:0**.

7. PUBLIC HEARING

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

This hearing was continued from March 12, 2018. *Testimony was limited to tree mitigation in the Lake Grove Village Center.*

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.*

Mr. Powell outlined the applicable criteria and procedures. No conflicts of interest were declared, and no one challenged any Commissioner's right to consider the application.

Staff Report

Ms. Hamilton provided an overview of the previous staff report and updated Commissioners on the outreach efforts to members of the original committee that worked on the Lake Grove Village Center Overlay. Ms. Hamilton told the Commissioners that several letters had been received and included them in the record.

Ms. Hamilton addressed the issue of land use notification of neighborhood association chairs which prompted a change in the proposed code to give chairs mailed and emailed (if desired) land use notices, instead of by certified mail.

Public Testimony

Ken Sandblast, 4 Falstaff Street, Lake Oswego, 97035, and Mike Buck, 3155 Edgemont Road, Lake Oswego, 97035, representing the Lake Grove Business Association testified about the history of the Lake Grove Village Center Overlay Committee. Mr. Sandblast addressed incentivizing public improvements; he indicated that requiring trees resulted in costs to developers and was not an incentive to avoiding tree removal. He pointed out that the code was 10 years old and may be in need of revision. He stated that he was in support of the staff recommendations, however, he would like to see more of an incentive-based code.

Mr. Buck concurred with Mr. Sandblast and asked how the current tree mitigation code furthered the tree goal. He held that the current code did not result in the look and character that was desired in the Lake Grove Village Center Overlay (LGVCO). He indicated that enclosing Lake Grove in trees could result from having the appropriate trees, in the

1 appropriate location in order to meet the community's goals. The code would impact the
2 community in the following ways:

- 3 1. One hundred and four trees would be taken down on the right-of-way for the
4 Boones Ferry Road and Blue Dog LLC construction projects. One hundred and
5 forty-nine would be replaced, with 26 trees being paid for that cannot fit into the
6 area.
- 7 2. Having done a tree inventory, Mr. Buck stated that south of Kruse Way there were
8 173 substantial Douglas firs, and the school had 17, resulting in 190 trees. Most
9 were in the right-of-way, with no other location or opportunity to replace them.

10
11 Mr. Buck cited 4 items in the written testimony for incentives to keep trees. He stated that
12 there was the need for a plan for fir tree replacement.

13
14 Vice Chair Ward thanked Mr. Buck for his suggestions and stated that promoting native
15 species was worthwhile and should be encouraged. He said that in the LGVCO the significant
16 widening of the right-of-way and replacement of lost parking would result in the planting area
17 for trees being diminished and affect the area available to mitigate tree loss. He supported an
18 incentive for tree replacement and also advised that Western Red Cedar may do well, as
19 might Hemlocks.

20
21 Commissioner Brockman opined that large tree roots have to be considered with regard to
22 location of replanting. Mr. Buck said that the area between Bryant and Reese would be a
23 good location. In response to Commissioner Brockman's question about what could be done
24 to address these concerns, Ms. Hamilton said as an option, this item (#5) could be put off as a
25 sidebar to address in the future. She noted that there were other LGVCO code clean-ups that
26 could be addressed at the same time, unrelated to tree mitigation, such as the size of
27 regulated trees being 6-inches in the tree code and 5-inches in Lake Grove, incorrect use of
28 caliper and diameter and reference to evergreen trees by caliper rather than by height.
29 Commissioner Brockman said some items were policy issues needing to be addressed. Mr.
30 Buck suggested putting in native trees in the code requirements. Chair Heape suggested that
31 the code not be changed at this time, but asked Council and staff to look at this input and
32 make the code changes after review.

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34 Commissioner Sweers commented that the Planning Commission was not to take up tree
35 mitigation anymore at the direction of City Council. Chair Heape responded that the
36 discussion with Council related to the Tree Code and not the LGVCO. He felt comfortable
37 addressing the Lake Grove tree issues, since they were specific to the LGVCO plan.

38
39 Jerry Nierengarten, 15501 Twin Fir Lane, Lake Oswego, 97035, Chair of the Lake Grove
40 Neighborhood Association testified that his Board did vote to get more native trees and to add
41 code incentives for planting more trees. He stated that as trees were removed during the
42 construction project, he would like to see more trees planted to mitigate the loss. He opined that
43 there was room for improvement.

44
45 ***Deliberations and Questions of Staff***

46 Chair Heape asked Commissioner Baker to expand on his ideas to separate out Lake Grove
47 mitigation issues from other aspects of the Lake Grove Village Center Overlay Plan.
48 Commissioner Baker said he was trying to bring plans into compliance with the rest of the plans in
49

1 the City. Ms. Hamilton said there were just 3 or 4 issues to clean up. Commissioner Baker said
2 the staff had chosen the middle road and he supported that to bring things into compliance with
3 the Tree Code.
4

5 Vice Chair Ward said that outside of code language, there should be more persuasion to plant
6 native tree species; it could be put in code, or somehow otherwise incentivized. Ms. Hamilton said
7 there had been some evolution toward that direction, away from non-native species for mitigation.
8

9 Commissioner Brockman asked if it was proper to ask Mr. Sandblast to return for questioning to
10 clarify some of his testimony statements. Mr. Powell explained that it would be permissible, as
11 would rebuttal. Commissioner Brockman asked Mr. Sandblast about what he believed was not
12 working with the tree fund, asking him to expand on that comment. Mr. Sandblast said that the
13 tree fee increased costs of construction and that if there were opportunities to plant trees, and
14 native trees, his organization was interested in that, and in incentivizing planting. Mr. Sandblast
15 supported moving forward with the current code revisions, but also working on the other items in
16 the future, such as mitigation rates, mentioned by the Commission and staff.
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18 Chair Heape referenced page 22 of 36 and Attachment 2 for items to fix in the LGVCO plan, but
19 deleting Item #5 (fees) to be addressed separately. Commissioner Baker concurred.
20 Vice Chair Ward asked for clarification. Attorney Powell stated the above in language for a motion
21 and suggested perhaps two motions would be more appropriate.
22

23 Commissioner Baker **moved to accept staff's recommendation for LU 18-0007 with Items 1-4 on**
24 **Attachment 2, page 22 being included and Item 5-Mitigation being removed and addressed**
25 **separately. The Findings, Conclusion and Order to be available for consideration on May 14,**
26 **2018. Commissioner Brockman seconded the motion and is passed 5:0.**
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28 **8. SCHEDULE REVIEW**

29 Input/Action Items:

- 30 • Joint meeting with the Sustainability Advisory Board to be scheduled in the future. The
31 purpose of the meeting would be to ensure understanding of the Sustainability Plan and
32 how it worked with the Development Code.
- 33 • The City Council charged the Planning Commission with addressing rules or code for Short
34 Term Rentals and other related issues. It was suggested that a form for community
35 engagement be used that would preserve anonymity for people to express their true
36 opinions on the subject.
- 37 • Residential Infill Design (RID) – Initial work sessions to review the RID variance process
38 will be scheduled as well as a tour of completed RID review projects.
- 39 • Review of Citizen Involvement Guidelines - a work session was scheduled for June 11,
40 2018.

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42 **10. ADJOURNMENT**

43 There being no other business, Chair Heape adjourned the meeting at 9:10 p.m.