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CITY OF LAKE OSWEGO Planning Commission Minutes October 23, 2017

1. CALL TO ORDER

Vice Chair Ward 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 Vice Chair Bill Ward, and Commissioners Randy Arthur, Skip Baker, Ed Brockman, and Nicholas Sweers. Chair Heape was excused. Council Liaison Theresa Kohlhoff was also present.

Staff present were Scot Siegel, Planning and Building Services Director, Debra Andreades, Senior Planner; Paul Espe, Associate Planner; Evan Boone, Deputy City Attorney; Iris McCaleb, Administrative Assistant; and Erica Rooney, City Engineer. Also in attendance: James Brown, City of Portland, BES; and Eric Eisemann, E² Land Use Planning Services, LLC.

3. COUNCIL UPDATE

Councilor Kohlhoff gave the Council Update. In response to a question from Commissioner Sweers as to whether the Council had talked about the recent County tax increase, Councilor Kohlhoff responded no. Regarding the pool, was there any discussion about location? Councilor Kohlhoff reported a group of users had completed a study; there are three possibilities being considered, including the Junior High, the Rassekh property, and the Golf Course. Councilor Kohlhoff shared information about funding options.

4. CITIZEN COMMENT

None

5. COMMISSION FOR CITIZEN INVOLVEMENT

Vice Chair Ward reported on the October 21, 2017, Mayor and Neighborhood Chairs' meeting. The Mayor provided an update on the North Anchor Project, which will include retail, restaurants, and a boutique hotel. At Third and B a four-story building is being planned, with ground floor retail, offices, and an event center/meeting room on the fourth floor. The Springs at Kruse, a senior living center with 200 units, is now getting started in Lake Grove. The LOTWP is almost all complete. The Mercantile Village redevelopment is still under discussion. He noted that neighborhood Chairs also shared reports. Prep LO is currently working to develop a plan for addressing medical issues, such as first aid and injuries that would occur in the event of a catastrophe; they are proposing the new Lakeridge High School could serve as an emergency field hospital. Some concerns around stormwater management were raised, from open ditches to stormwater planters. The school bus barn may be moved from Lake Grove to the Southwest Employment Area. Planning for Woodmont Park is almost done.

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6. MINUTES

- 6.1 Commissioner Arthur proposed an amendment related to the Council Update, adding language regarding having other Boards and Commissions taking time off in late August. Commissioner Baker **moved to approve the Minutes of September 11, 2017**, as amended. Commissioner Sweers **seconded** the motion and it **passed 5:0**.
- 6.2 Vice Chair Ward, on page 6 of 7 action items, noted regarding three options for accessory structures, setbacks and noise, he was unclear what the three options were. Commissioner Arthur proposed an amendment adding language to clarify that it was the three options described in the staff report. Commissioner Baker **moved to approve the Minutes of September 25, 2017**, as amended. 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). THIS HEARING IS CONTINUED FROM SEPTEMBER 25, 2017.

For 1770 Ridgecrest Drive: The City is proposing 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: The City is proposing to change 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 will also be designated on the rear parcel.

Staff coordinator is Paul Espe, Associate Planner.

Vice Chair Ward 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 provided the staff report. The Planning Commission continued the hearing from September 25, 2017; no additional written testimony has been received. In response to a request from the Uplands NA during the initial hearing, a topographic map showing the existing properties has been included as Exhibit E-3. Mr. Espe shared a slide of and described the topographic map.

Mr. Espe noted the staff recommendations.

Alternative Recommendations – 1770 Ridgecrest:

- Recommend approval of the Zoning Map change on the front portion from R-10 to R-15, to maintain consistency with the historic and current Comprehensive Plan Map designation of R-15 over the entire property (as originally proposed); or
- Recommend denial of the proposed Zoning Map amendment from R-10 to R-15 (allowing the current split zoning designation to remain). The property owner may then initiate a new application to amend the Comprehensive Plan Map and Zoning Map to R-10 for the entire property.

Recommendation – 1774 Ridgecrest:

- Recommend approval of the Comprehensive Plan Map and Zoning Map designation of the rear portion of 1774 Ridgecrest (Tax Lot 400) from R-15 to R-10, and extend the Uplands R-10 Overlay District, to maintain consistency with the Comprehensive Plan Map and Zoning Map designations on the front parcel (Tax Lot 2700).

Mr. Espe showed and described an Existing Condition topography map, with lots and dimensions, building footprints, zoning, Comprehensive Plan map designation, and topography. Regarding 1770 Ridgecrest: The property is approximately 24,310 square feet in size. 7,144 square feet (or 30%) is zoned R-10 and 17,166 square feet (or 70 %) is zoned R-15. The entire property is designated R-15 on the Comprehensive Plan Map. The slope is between 50 and 60%, with most of the slope measured across the property at 60%, with a small level area at the front of the parcel where the single-family dwelling is located.

Mr. Espe then showed another topography map with slide hazard areas, and noted that approximately 80% of 1770 Ridgecrest is mapped as a slide area (shown in red). He added that the 2013 DOGAMI (Oregon Department of Geology and Mineral Industries) Hazard Risk Study (map included in staff memo dated October 11, 2017) indicates that nearly all of the rear portion of 1770 Ridgecrest is in a “High Susceptibility” area, where the majority of 1774 Ridgecrest is in the “Medium Susceptibility” area.

He described two likely development scenarios to determine if 1770 Ridgecrest could be partitioned, even if the entire site were zoned R-10. Two possible scenarios for partition under the R-10 zone, and key development standards for a partition, were considered in the analysis: 1. Side by side partition; and 2. Partition creating a flag lot, which Mr. Espe showed on a site plan and described to the Commission, further detailed in the staff memo. Mr. Espe concluded that a side-by-side partition would not meet the R-10 lot width requirement, it is also unlikely stormwater can be managed from new impervious surfaces, the location of the dwelling would be pushed into the 50% slope area, which would likely exceed the maximum slope disturbance of 70%. The side yard setback requirement for a building greater than 18 feet would also result in a very narrow building footprint. Mr. Espe concluded that a side-by-side partition does not appear to be feasible. Regarding a flag lot partition, while it would meet the R-10 dimensional standards, the flag lot driveway would have a slope between 50 and 60 percent and would not comply with the maximum grade outlined in the Hillside Protection of 20%. Mr. Espe Concluded that it was unlikely that the flag lot could be developed because the buildable area would be on steep slopes (50-60%) where 70% of the area is required to be undisturbed, and it is unlikely stormwater could be managed from new impervious surfaces.

Mr. Espe showed a map with the Comprehensive Plan designations, and emphasized that the proposed zoning of each parcel is based on the applicable Comprehensive Plan Map designation, R-10 or R-15:

- 1770 Ridgecrest: This site has a Comprehensive Plan Map designation of R-15. The proposal is to designate the entirety of the zoning on the property R-15.
- 1774 Ridgecrest: This property has a split Comprehensive Plan Map and Zoning Map designation of R-10 and R-15; the majority of this property has a Comprehensive Plan Map designation of R-10. The proposal is to amend the entirety of the property to Comprehensive Plan Map and Zoning Map designation of R-10.

Questions of Staff

Vice Chair Ward opined that it is difficult in that we are considering two separate parcels in a single land use review. Commissioner Sweers noted that for 1774 the back end of the existing

home is not on a slope, but that the back of 1770 appears to be on the slope. He asked if the house was on stilts. Mr. Espe did not know and suggested asking the property owner. Commissioner Brockman observed that properties to the east of 1770 also have an R-15 Comprehensive Plan map designation, and the parcels to the west of 1774 also have an R-10 Comprehensive Plan map designation, making this the boundary, which Mr. Espe confirmed was correct.

Public Testimony

Proponent

None.

Opponent

Joseph Schaefer, Land Use Planner, Jordan Ramis PC, 2 Centerpointe, 6th Floor, Lake Oswego, OR 97035, with and on behalf of Marie Sorensen. Mr. Schaefer noted his comments were related to Policy D-5 – Review and update the Comprehensive Plan periodically to ensure it: a. Ramis current and responsive to community needs, and b. Contains reliable information. He stated he watched the video of the last hearing where Mr. Espe acknowledged the history of some of the older zoning maps in this area was spotty, which is not unusual; today we have maps with greater precision. We are asking the Commission to use some common sense about where to draw the line between R-10 and R-15. He stated he looked at the six lots immediately to the west of Ms. Sorenson's property, which are zoned, R-10 and have an average street frontage of 110 feet and lot size of .64 acres. The six lots zoned R-15 immediately to the east of Ms. Sorenson's property have an average street frontage of 189 feet and lot size of 1.26 acres. He added that Ms. Sorenson's property is .63 acres and has a street frontage of 111 feet (measured off the tax map). Looking at this information, the Sorenson lot clearly fits neatly with its neighbors to the west – same size and same street frontage. He opined it is clearly different in size and shape to the properties to the east. He concluded that common sense suggest is should be R-10 like the properties it matches to the west.

Mr. Schaefer that addressed the staff memo regarding challenges to partition the property, which was accurate, but he added, the analysis does not consider that no street dedication could be required, there is no demonstrated need to make it any wider. Ridgecrest is a dead-end, with 6 or 8 more houses to the east. Perhaps the golf club could redevelop someday but in the foreseeable future there would be no need to widen that street. The staff memo did acknowledge the possibility of variances. He added that a lot line adjustment could be used, as one possibility, or perhaps there would be code change in the future. He asked Ms. Sorenson to explain about her deck, and she stated there is a deck on stilts off the back of the house as there is a steep slope. Mr. Schaeffer added that they would also be submitting a letter into the record that evening.

Commissioner Brockman opined that as far as there being changes related to density in the future...that might happen. He added that one unique thing about this street is the view. He opined that a builder might pay more for a larger lot with one house here and that two smaller lots would be less valuable than one with a fantastic view. He added that in his opinion R-15 zoning would not hurt the value much. Mr. Schaeffer responded that there are not any development plans on the horizon. Ms. Sorenson added that we would like to keep the opportunity open and zoning it R-10 would give future owners the option.

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Commissioner Baker asked for clarification, do they want to change the zoning so it no longer complies with the Comp Plan? Ms. Sorenson responded we would like to rezone to R-10 rather than R-15. Mr. Schaeffer added that we would like for the whole property to be zoned entirely R-10. Commissioner Baker further asked if they would be submitting a new application for a zone change to which Mr. Schaeffer responded they were not planning to and would like this process to continue, with the Commission to make a recommendation to the Council to change the zoning to R-10.

Mr. Boone clarified that this application sought to change the zoning to R-15, which is what the Planning Commission is being asked to make a recommendation regarding. He added that the application was noticed as a change to R-15 and that staff has not completed an analysis to justify rezoning the property to R-10. He noted the two options recommended by staff:

- Recommend approval of the Zoning Map change on the front portion from R-10 to R-15, to maintain consistency with the historic and current Comprehensive Plan Map designation of R-15 over the entire property (as originally proposed); or
- Recommend denial of the proposed Zoning Map amendment from R-10 to R-15 (allowing the current split zoning designation to remain). The property owner may then initiate a new application to amend the Comprehensive Plan Map and Zoning Map to R-10 for the entire property.

Mr. Boone stated that this Commission does not have the authority to change it to the R-10 designation. Mr. Schaeffer opined in response that it would be relatively simple matter to make an adjustment; they could re-notice and continue the hearing until next month. Mr. Boone reiterated it was the City's application and the Commission can make a recommendation on the application only, it cannot change the application. He added, if the City Council decides not to pursue the application as recommended by the Planning Commission, the property owner could file an application to rezone to R-10. Mr. Schaeffer responded, procedural details aside, we would urge the Commission to recommend the entire property be zoned R-10. Vice Chair Ward responded the Commission could accept the staff report recommendation with regard to the Sorenson property or deny it; this Commission cannot recommend the change you are suggesting.

Commissioner Brockman asked staff if the Planning Commission put off the decision another month, would that change anything about the notice? No, Mr. Boone responded, putting off the application another month would not change the application. Mr. Siegel added that if the Commission was inclined to move in the direction requested by the property owner, they could recommend denial on the rezone to R-15 for this property; Council would then see the recommendation and decide to concur or not. Once Council had made a decision, the property owner could come forward with an application to rezone, depending on the Council's decision. Mr. Boone added, regardless of this application and the outcome, the property owner could apply for a Comprehensive Plan map and zoning map amendment at any time. Mr. Schaeffer responded that in his mind the City can make a decision to make an adjustment, re-notice, and add a third option as discussed here. He opined as the applicant, the City would have that option. Vice Chair Ward responded that the application in front of the Commission tonight is about rezoning the Sorenson property to R-15. We need to either accept or deny staff's recommendation.

Mr. Schaeffer submitted written testimony for the City's/applicant's and Commission's review.

Neither for Nor Against

None.

Rebuttal

None.

Questions of Applicant

Commissioner Sweers asked staff for clarification about this area having a huge mudslide potential based on the slope, which Mr. Espe confirmed was correct. It is designated as a slide area, it has a significant slope, and the Hazard Risk Study indicated it is a "High Susceptibility" area. Commissioner Brockman opined there are a lot of areas designated with potential slide risk, which means they have to be verified on the ground and could be developable based on the on-site analysis. Mr. Espe responded yes, that could be the case and a geotechnical study would be required. However, one also has to look at the Hillside Protection Standards independent of the geotechnical report; he added staff is not sure it makes sense to have an R-10 zone and encourage the division of a lot that might have a slide potential. Vice Chair Ward opined that the development potential is not really part of what is being considered as part of the zone change, to which Mr. Espe agreed, the justification is the Comprehensive Plan map designation of R-15. He added that the review of development potential was to address peripheral issues raised.

Deliberations

The applicant waived their right to additional time to submit a final written argument. Vice Chair Ward opened deliberations.

Commissioner Arthur **moved** to recommend to City Council proposed amendments to the Comprehensive Plan and Zoning Maps for 1770 and 1774 Ridgecrest Drive (LU 17-0024): 1) For 1770 Ridgecrest Drive recommend denial of the proposed Zoning Map amendment from R-10 to R-15 (allowing the current split zoning designation to remain); and 2) For 1774 Ridgecrest Drive, recommend approval to change 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 will also be designated on the rear parcel. Vice Chair Ward **seconded** the motion. The motion **failed 2:3**.

Commissioner Brockman opined retaining the zoning as R-10 for 1770 would not hurt anything. Commissioner Baker opined he would go along with staff's original recommendation to make the zoning comply with the Comprehensive Plan map. Commissioner Arthur opined that it would not be an insurmountable burden to amend the Comprehensive Plan map, if the owner wanted to pursue it later, to designate the entire lot as R-10; and that it would be challenging to redevelop this property in any event, whatever the designation. Commissioner Brockman added that no matter which way we go, the property owner would have to go for a zone change regardless of the Commission's recommendation.

Commissioner Brockman **moved** to recommend to City Council proposed amendments to the Comprehensive Plan and Zoning Maps for 1770 and 1774 Ridgecrest Drive (LU 17-0024): 1) For 1770 Ridgecrest Drive 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; and 2) For 1774 Ridgecrest Drive, recommend approval to change 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.

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The Uplands R-10 Overlay District will also be designated on the rear parcel; and returning with Findings, Conclusion and Order on November 13, 2017. Commissioner Sweers **seconded** the motion. The motion **passed 3:2**.

- 7.2 Community Development Code Amendments - Street Connectivity Standard (LU 17-0053). THIS HEARING WAS CONTINUED FROM OCTOBER 9, 2017. A request from the City of Lake Oswego for a text amendment to the Community Development Code to add an exception to the Street Connectivity Standard [LOC 50.06.003.4], that provides an alternative for complying with Metro Code Section 3.08.110.

Staff coordinator is Debra Andreades, Senior Planner.

Vice Chair Ward opened the hearing. Mr. Boone outlined the applicable criteria and procedures. No conflicts of interest were reported. No one challenged any Commissioner's right to consider the application.

Staff Report

Ms. Andreades provided the staff report. She stated that the Public Hearing was continued from October 9th. The proposed amendment would allow a new exception to the Street Connectivity Standard in the City's Code. The purpose of the Standard is to address community-wide access as well as regional transportation needs. Therefore, the proposed amendment has to meet the intent of Metro's Code - a regional standard. She noted that City staff met with Metro in July to discuss an approach for completing the street system in varying degrees. In some circumstances it is possible that an emergency and pedestrian access, rather than a full street connection, could be approved with this approach. She reminded the Commission that the new exception proposed with this Code amendment must meet the criteria for exceptions in Metro's Code. The most important of those criteria is whether or not the standard could still be achieved region-wide such that allowing an additional exception in the Lake Oswego Code would not set a precedent as being applicable in other jurisdictions, thereby reducing the ability to meet the standard region-wide. Metro staff determined that Lake Oswego does have some unique physical characteristics not found in other jurisdictions; therefore it would be feasible to have an additional amendment to the Lake Oswego Code's standard.

Ms. Andreades stated that the proposed amendment, included in Attachment 2, is for a limited access street rather than a full street. This would be in a local street situation, where there would be minimum public benefit of a street connection; not where a street would connect to an arterial or someplace where it is clear a connection is needed. In addition, the exception could only be applied where it wouldn't preclude development of adjacent property. The exception would require a case-by-case review and could apply in some situations. She referred to Exhibit F-2, the letter from Metro granting the request for the exception from Metro Code. She noted a "limited access street" is proposed to have a minimum width of 16 feet as proposed in the amendment and have removable bollards for emergency vehicle access, subject to approval by the City Engineer.

Questions of Staff

Vice Chair Ward shared an example of Bryant Ct. and asked whether this is already permitted under certain circumstances in Lake Oswego? Ms. Andreades stated she was not familiar with the example and opined that it may be a private street. Mr. Siegel added that it is possible the City may have approved as an alternative to having a cul-de-sac. Vice Chair Ward continued that he did not have a problem with this type of street and referenced the letter from Metro

granting the exception if adopted as written. Mr. Siegel clarified that emergency access would only be required based on Fire Department recommendation. He reminded the Commission of past Planning Commission and Development Review Commission discussions desiring flexibility. In response to a clarifying question, staff confirmed that the standard would be a minimum of 16 feet right-of-way width with at least 12 feet of pavement. In response to a question from Commissioner Baker as to whether the City Engineer would have clear and objective reasons so a developer would know the requirements at the outset, or whether it would be more discretionary, Ms. Andreades responded it would be more discretionary. But, on the other hand, it cannot preclude meeting the regional standards so if it was determined the connection was needed then the Exception would not be allowed. But if the Exception were allowed then the standards to be met would be clear and objective. Mr. Boone added an applicant can comply clear and objectively; if not they would seek an Exception for which the standards need not be clear and objective. Such tests as minimal public benefit is not necessarily clear and objective but it is not subjective, it is based on evidence related to the criteria. Mr. Siegel read aloud the Purpose of the Street Connectivity Standard, which set the policy objectives for the Standard and would serve as the review criteria for the Exception.

Vice Chair Ward suggested situations when this would apply, such as DRC review of a subdivision, to which Mr. Siegel added that the applicant would have to make the request for an exception and reviewing body would then apply the standard. Staff and the Commission further discussed the decision related to the Atherton Heights case, which led to this proposed amendment as an additional tool to provide flexibility.

Public Testimony

Proponent

None.

Opponent

None.

Neither for Nor Against

None.

Rebuttal

None.

Questions of Applicant

None.

Deliberations

The applicant waived their right to additional time to submit a final written argument. Vice Chair Ward opened deliberations.

Commissioner Brockman **moved to accept as written the proposed Community Development Code Amendments - Street Connectivity Standard (LU 17-0053) and to recommend to City Council to adopt Ordinance 2760 (including the attachments), returning with Findings,**

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Conclusion and Order on November 13, 2017. Commissioner Baker **seconded** the motion. The motion **passed 5:0**.

- 7.3** Community Development Code Amendments and Comprehensive Plan Amendment - Tryon Creek Wastewater Treatment Plant (LU 17-0064). A request from the City of Portland, Bureau of Environmental Services (BES) and the City of Lake Oswego for amendments to the Community Development Code to provide a process for permitting improvements to the Tryon Creek Wastewater Treatment Plant (TCWTP). The proposal adds code section LOC 50.05.013 to establish the Tryon Creek Wastewater Treatment Plant Overlay District and also includes amendments to LOC 50.03.002 – Use Table. In addition, the proposal contains an amendment to the Comprehensive Plan map to facilitate the overlay district, and to the Foothills Special District Plan to exclude the TCWTP site. The property is located 195 Foothills Road.

Staff coordinator is Debra Andreades, Senior Planner.

Vice Chair Ward opened the hearing. Mr. Boone outlined the applicable criteria and procedures. All Commissioners noted making a site visit except for Commissioner Sweers. No conflicts of interest were reported. No one challenged any Commissioner's right to consider the application.

Staff Report

Mr. Siegel introduced James Brown, City of Portland, BES, and Eric Eisemann, E² Land Use Planning Services, LLC, who would also be making a presentation in coordination with City staff. Ms. Andreades provided the staff report. The proposed amendments are intended to facilitate future upgrades to the TCWTP by establishing the TCWTP Overlay District. The Code amendments are informed by several technical studies, included as Exhibits F-1 through F-6. The TCWTP is located in Lake Oswego northwest of Foothills Park. It is owned and operated by the City of Portland and serves both jurisdictions. She showed a zoning map and noted the zoning at the TCWTP is both PF (Public Function) and PNA (Parks and Natural Areas), with a small area to be acquired in the future to the northwest zoned I (Industrial). Major Public Facilities in PF and PNA zones are Conditional Uses, which means any time there is an upgrade or improvement needed, the Plant has to go through a Conditional Use Review and there is no distinction between whether the improvement is small scale or large scale. She showed an aerial photograph of the site and noted that the Plant was built in 1964 and is an important Major Public Facility which serves both Portland and Lake Oswego. It is part of Lake Oswego's Wastewater Master Plan; a large portion of the City's wastewater infrastructure is connected to the Plant. Portland's 2014 Facilities Plan shows future upgrades needed with additional structures that would be built. Many of the required improvements and upgrades are meant to reduce the impact that could occur with a use of this kind.

Ms. Andreades stated the proposal is to permit the TCWTP as an outright use and replace the Conditional Use review with either a Ministerial or Minor Development review, depending on the function or potential impact of a particular upgrade or improvement. Those with no or little impact would be Ministerial, which does not require a neighborhood notice. Those with potential impacts would have to meet specific performance standards through a Minor Development review; the decision could be appealed and does require notice to the neighbors. She added that the proposal also includes a Comprehensive Plan map and text amendment. The Comprehensive Plan Map shows a Foothills Mixed Use (FMU) designation for a portion of the proposed overlay district (Exhibit E-3); that is a Comp Plan designation that will become a zoning designation when Foothills redevelops. Since the TWCTP is neither residential nor commercial it is not consistent with the future zoning, so therefore a Comprehensive Plan Map

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amendment is being proposed. Also, the FMU Special District Plan, included as Attachment 3 to the Ordinance, will be amended to specifically remove the TCWTP from the District, the goal of which is mixed use, as the TCWTP is not a mixed use development. The Comprehensive Plan map and Foothills Special District Plan text amendment are intended to place a uniform Comprehensive Plan designation of PF on the property and take the TCWTP out of the Foothills Special District Plan (she referred to Attachment 3 to the Ordinance). The portion that is PNA will remain PNA as there likely would be only a few pipes that are placed in that area. Vice Chair Ward asked about the parcels that would be acquired by BES in the future and Ms. Andreades clarified which ones would be acquired. She added, if the Comp Plan map amendment is approved, a lot line adjustment will be required once these portions of the property are acquired (Exhibit E-4). Concurrently with the lot line adjustment, a zoning map amendment can be requested so that the Zoning and Comprehensive Plan maps will coincide.

Ms. Andreades referenced Attachment 2 and noted proposed Site Development Limitations. She referenced the map showing proposed TCWTP Overlay District Height Limitations, based on locations on the site. Also, the proposed standards specify applicable Building Design; Landscaping, Screening, Buffering, and Amenities standards; and Off-site Impacts, such as odor and noise, ensuring development meets certain thresholds at the time they are proposed. Many of the upgrades are meant to address those impacts. After development any inadvertent impacts that occur would be regulated by Chapter 34, Nuisances. Off-site impacts are not expected because the whole purpose of many of the upgrades are to minimize impacts; However should that occur, it would be regulated as a nuisance. Ms. Andreades noted there were performance standards for noise and odor in the City's Code in the 1970's; they were subsequently removed but staff could not find any legislative history to explain why.

Ms. Andreades shared the staff recommendation that the Commission recommend City Council adoption of Ordinance 2761.

Jim Brown, City of Portland, BES, 5001 North Columbia Blvd., Portland, OR 97203, and Eric Eisemann, E² Land Use Planning Services, LLC, 215 West Fourth St., Vancouver, WA 98660 provided a brief PowerPoint presentation.

Mr. Brown reviewed the 2014 TCWTP Facilities Plan Projects and how they were identified, showing an aerial photo. Some of the projects are currently underway and others would be triggered by future regulatory changes that may or may not happen. The projects touch the entire footprint of the TCWTP site.

Mr. Eisemann stated the project goals:

- Define the boundaries for the TCWTP Overlay District;
- Establish administrative processes that create certainty that the public and BES and Lake Oswego citizens can understand and anticipate; and
- Ensure this plant will continue to serve the community of Lake Oswego and portions of Portland.

He reviewed the public involvement process, including four Citizen Advisory Committee meetings, three Planning Commission meetings, two public open houses with robust comments, and a meeting with the First Addition/Forest Hills NA. Additionally, emails, postcards, and a public involvement website were used to reach out to the community.

He noted, as promised, technical investigations were provided to better understand what is on the site now and what impacts those site conditions might have on future improvements. He

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stated that they have also done a traffic study to anticipate what future transportation demand would be and provided clear and objective standards based upon these completed studies (included as Exhibits F-1 through F-6).

Mr. Eisemann shared a slide that illustrated the current BES holdings and Future BES Acquisitions and Adjustments. He noted the location of a portion of the Public Storage site, which is proposed to be acquired in the future, with a future application to adjust the boundary lines. He also noted the FMU sliver by Foothills Road. This proposal would change everything in the Overlay District to either PF or PNA.

He then reviewed the proposed Code amendments that included site development limitations with a 10-foot setback from the perimeter of the site and different height limitations depending on the location within the site. The amendments also included design standards.

LOC 50.05.013.2 and 013.3:

He shared images depicting the Architectural Palette which take into consideration the industrial nature of the processes that go take place on the site, including Industrial and Art Deco motifs to provide architectural character.

The proposed noise and odor standards are based on clear and objective, measurable performance standards.

The Noise Standards are based on City of Portland standards.

Questions of Staff

Vice Chair Ward referenced Attachment 3, page 1 of 1, which provides background on the FMU District, and suggested references to Tryon Creek should be removed as it would no longer be accessible from the FMU District. Ms. Andreades responded that at some point in the future, if all of the industrial uses were to go away, there might be an opportunity to access Tryon Creek. Mr. Brown added that currently in the area zoned PNA along the Willamette River the City of Lake Oswego Parks has an easement on BES property to use the riverfront portion of the property for park purposes. The Parks component of the Capital Improvement Plan includes an identified but unfunded bridge across the mouth of Tryon Creek to go across to Tryon Cove Park.

Commissioner Baker asked, regarding proposed height limitations (Attachment 2, page 3 of 13), how do you know where those boundary lines are for the proposed height limitations? They don't seem to follow tax lot or parcel boundaries. Mr. Brown responded that the actual physical location of the boundary between PNA and PF is not a line that is physically defined on the ground right now. Ms. Andreades added, there is no definition at this time, but there should be and suggested that BES could address this when they come in for the lot line adjustment and zone change.

Vice Chair Ward asked, regarding building façade articulation along Foothills Rd (Attachment 2, page 4 of 13), if the every 20 foot minimum articulation requirement might be too much? Mr. Brown responded that these frontage requirements relate to a very specific building, the future administration building which would be relocated to Foothills Road and would lend itself to this type of architectural articulation. Mr. Eisemann added this was a compromise and they are fine with it, but would not object if the Commission softened the requirement.

In response to a question from Commissioner Brockman asking for more specifics about the plant's capacity projections, Mr. Brown responded the current rated capacity is 8.3 million

gallons/day. That's an annual average capacity. He added that the flow that drives the need to modify or upgrade a particular treatment process is the peak instantaneous flow. The current peak instantaneous flow is 37.5 million gallons per day; the proposed 2040 peak instantaneous flow capacity is 50 million gallons/day. There are no projects in the 2014 Facilities Plan that are increasing the base load, or dry weather, treatment capacity. Neither Portland nor Lake Oswego needs additional dry weather treatment capacity to deal with any of the flows with their respective system plans for wastewater collection. At full build out the plant would still be below 8.3 million in 2040 with dry weather flows. He added that the triggers for the projects are not based on expanding capacity for accommodation of growth. The issues are wet weather capacity, condition, and bringing the facility up to current standards.

Commissioner Baker asked a follow up question regarding growth, are you assuming the City will be able to implement storm water controls in the future as we grow to keep it below 50 million gallons/day? Mr. Brown acknowledged that both Portland and Lake Oswego have collection systems with fairly significant infiltration and inflow issues. In the City of Portland there is a collection system program with some pilot projects in the area of TCWTP to reduce some of those inflow issues. Many of the leaky sources are located on private property where there is no storm sewer infrastructure or come from already developed connections such as foundation or roof drains. Ms. Rooney clarified that Lake Oswego does not have a combined storm and sewer system. Unlike what Portland has been dealing with, we don't need to separate the two systems. She added that Lake Oswego requires each new development to manage stormwater on site to the maximum, extent practicable. This is different than leaky sewer pipes. She added that Lake Oswego does still have spikes, though due to house drains or cross-drains that have been attached. In response to a follow-up question from Commissioner Baker, Ms. Rooney stated that the City's Wastewater Master Plan identified ten million dollars of work on inflow and infiltration, and that the City is hoping to start a program in the next 12 to 18 months. There is a basin identified and the City will start the process of finding leaky pipes for replacement. She added that who would be responsible for replacement costs is still to be determined by the City Council.

Mr. Siegel noted, in relation to the comments about building design standards and façade articulation, that the proposed standards mimic the Foothills Design District standards. He added that the break in the façade plane is not in the Foothills standards, nor is the eco-roof standard, which is a City of Portland requirement.

Public Testimony

Proponent

Mike Hopkins, 5058 Foothills Drive, Unit D., Lake Oswego, OR, 97034 stated he was on the Advisory Committee but is representing himself. He lives about 200 feet from the edge of the TCWTP District. The Plan clearly addresses his biggest concern, which is odor. It is not currently a huge problem for him and his neighbors and the plans to enclose functions on the site will further deal with it. He is supportive for that purpose. Regarding the visual impact, he stated that if one didn't know the plant was there and walked on the paths in Foothills Park one would not know it is there. All of the things being planned and proposed would improve and continue to support the visual screening, he opined. He added that Foothills Park is so well landscaped and what is planned for the plant will follow the same example. For all of the industrial users, the City should require they do the same. He added that he is enthusiastically in support of the proposal and noted he had written comments as well.

Opponent

None.

Neither for Nor Against

None.

Rebuttal

None.

Questions of Applicant

Commissioner Brockman asked Mr. Siegel if the standard requiring articulation in the design of structures is in the Commission's scope to discuss and possibly change. Mr. Siegel replied that it is in their purview to recommend a change. Vice Chair Ward stated that the applicant specified they were okay with the standard as drafted, which Mr. Brown confirmed.

Deliberations

The applicant waived their right to additional time to submit a final written argument. Vice Chair Ward opened deliberations.

Commissioner Baker **moved** to accept as written the proposed Community Development Code Amendments and Comprehensive Plan Amendment - Tryon Creek Wastewater Treatment Plant (LU 17-0064) and make a recommendation to City Council to adopt Ordinance 2761 (including the attachments) to the City Council, returning with Findings, Conclusion and Order on November 13, 2017. Commissioner Brockman **seconded** the motion. The motion **passed 5:0**.

8. OTHER BUSINESS

Mr. Siegel stated that the Commission's preliminary list of goals have been put out for public comment and will come back to the Commission on November 27 for review and prioritization.

Following up on the Commission's public hearing on access lanes and flag lots, the tentative decision was to recommend approval with changes. Staff is working on the revisions and findings. The Commission had also asked for a potential alternative to a local street standard to be explored with the City Engineer, which we have done. We are probably not going to be coming back to the Commission or Council with a standard less than what we already have. The crux of it is that staff are not willing to accept public street dedications that are serving so few lots, due to maintenance and fiscal impact. So we've turned our attention to exploring if there could be a private street standard, which other jurisdictions have, to serve a limited number of lots. He didn't want the Commission to be surprised by that when the findings are brought back. Vice Chair Ward said very narrow roadways are permitted in planned developments even now. Is that still approvable in a planned development? Mr. Boone responded that streets are not specifically modified through the planned development procedure. Commissioner Arthur opined this sounds like a constructive approach. In response to a follow up question from Commissioner Brockman, Mr. Siegel clarified when flag lot height standards would be triggered. Commissioner Brockman asked if City staff had considered the person who testified at the flag lot hearing, who was on the first stage of a serial partition, how their access might be limited by a change to the standards for private access lanes. In response Mr. Siegel encouraged the Commission to review the public record, including the staff report, which has an analysis of this situation.

APPROVED: 11/13/2017

The City Council has a tentatively scheduled study session on November 7 on alternative designs for Tryon Creek WTP. This is separate from the application the Commission just reviewed. This is a speculative approach for an alternative design brought by a private entity to the City. The City Council work session on the TCWTP Overlay District is scheduled for November 21.

9. SCHEDULE REVIEW

Mr. Siegel reviewed the schedule:

- November 13 –
 - Four sets of Findings.
 - An update on the Forest Highlands zoning requirements; public notice will go out at the end of November for the Commission's hearing in January, 2018.
- November 27 –
 - A public hearing on the last batch of zoning / comp plan map audit updates.
 - A public hearing on Accessory Structures, Setbacks, and Noise.
 - Goal setting, including a review of survey results, and preparation of goals for approval at the Commission's December 11 meeting, in preparation for Council goal setting in January.

Mr. Siegel and the Commissioners discussed the retreat scheduled for January 22. It is proposed to be held during the Commission's regularly scheduled meeting time. Mr. Siegel noted the meeting could be held off site, if that was the Commission's preference. Possible off-site locations were discussed, with the new Maintenance Operations Building meeting room being the preferred location.

10. ADJOURNMENT

There being no other business Vice Chair Ward adjourned the meeting at 9:15 p.m.