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**CITY OF LAKE OSWEGO
Planning Commission Minutes
March 14, 2016**

1. CALL TO ORDER

Chair Randy Arthur 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 Randy Arthur, Vice Chair John LaMotte, and Commissioners Adrienne Brockman, Ed Brockman, William Gaar, Robert Heape, and Bill Ward.

Staff present were Scot Siegel, Planning and Building Services Director; Leslie Hamilton, Senior Planner; Johanna Hastay, Associate Planner; and Sarah Selden, Senior Planner; Evan Boone, Deputy City Attorney; and Iris McCaleb, Administrative Support.

3. COUNCIL UPDATE van Boone, Deputy City Attorney;

Council Liaison Skip O'Neill updated the Commission on Council and Lake Oswego Redevelopment Agency actions and activities.

4. CITIZEN COMMENT – Regarding issues not on the agenda

Charles (Skip) Ormsby, 170 SW Birdshill Road, Portland 97219, discussed the Terwilliger Boulevard sewer project, highlighting his concern that there has been no discussion of effects of infill development on his neighborhood. He outlined several specific issues that needed to be addressed.

Commissioner A. Brockman described the process of submission and access to the State's new electronic filing system for public officials. She expressed serious concerns about identity theft and other risks, cautioning fellow Commissioners to be thoughtful about the information they provide. Mr. Siegel commented that if it became an issue for local government the City could bring it to the attention of the League of Oregon Cities as the requirement was not unique to Lake Oswego.

5. COMMISSION FOR CITIZEN INVOLVEMENT

Chair Arthur commended the City for its "Get to Know LO" City department tours, highlighting the Planning and Building Services tour on March 11. He noted that applicants were being sought for the Parks, Recreation and Natural Resources Advisory Board and provided application information for upcoming vacancies on the Planning Commission. He reported on recent Commission tours with the Birdshill and Forest Highlands Neighborhood Associations, adding that other neighborhood tours were planned for April and beyond.

7.2 Southwest Employment Area Plan – Amendments to Comprehensive Plan and Community Development Code (LU 15-0077)

This hearing was continued from February 8, 2016, for deliberations only, the public testimony portion of the hearing was closed. Staff coordinator was Sarah Selden, Senior Planner.

Deliberations

Ms. Selden reviewed three subjects of Commission deliberation and votes at the February 8 public hearing: (1) A motion had been passed to remove the Jean Way extension from the Plan and the Code. (2) A motion to allow retail uses of up to 35,000 square feet north of Willow Lane had been passed, following discussion of limiting the larger retail uses to the Boones Ferry Road frontage. (3) The Commission had also discussed recommendations for refining the Plan relative to the Lakeview Boulevard improvement project, to clarify the purpose and process.

Ms. Selden noted that the Commission discussions on February 8 had been guided by a matrix of responses to issues raised at the January 25 hearing. Chair Arthur suggested that Commissioners revisit and raise any remaining issues after reviewing the other items on the matrix.

Chair Arthur indicated that a question remained under Site Design, about the build-to line along Lakeview Boulevard and staff's recommendation. Ms. Selden indicated that she understood the Commission supported the Advisory Committee's recommendation for the 20-foot setback as proposed in the Plan. She discussed several allowable exceptions, including protection of trees.

Commissioner A. Brockman discussed the desirability of a deeper setback in certain portions of Lakeview and noted the importance of landscaping. She indicated that the 20-foot setback was acceptable to her, but any exception should not allow less than 20 feet.

Commissioners discussed considerations related to the build-to line recommendations. Vice Chair LaMotte noted challenges related to the lot shapes, but indicated that, together with a "green buffer" design, the proposal would have great benefits over time. Commissioner E. Brockman inquired about impacts if the applicable build-to line was changed to 40 feet only on Lakeview Boulevard because of the proximity of residential use there. Commissioner A. Brockman expressed concerns about likely requests for truck and other parking. After brief additional discussion, Chair Arthur recognized consensus on the build-to line recommendations.

Ms. Selden discussed the proposal to require the loading area to be placed where it would not face residential property, or that it be screened. She clarified that the intent was that this standard would apply only to new construction. Brief discussion followed, with Ms. Selden noting the distinction between this standard and the code requirements pertaining to remodeling of existing structures.

Chair Arthur called for any discussion on the Truck Idling item. Commissioner A. Brockman expressed support for finding a parking area away from residential where trucks could idle at night, and that could accommodate food carts during the day. Brief discussion followed about options for acquiring and configuring such a site. Ms. Selden indicated that the need to move the food carts to accommodate the trucks could be a challenge in co-location.

Commissioner A. Brockman asked about inclusion of this item in the Plan, possibly as a policy. Chair Arthur noted that the Commission had reached consensus on staff identifying locations for truck idling and parking away from residential areas. Mr. Siegel clarified that Ms. Selden's suggestion would be a recommended action measure, as opposed to a policy, given that the City could not prescribe where people park, particularly in another jurisdiction. This appeared to be acceptable to the Commissioners, there being no other comments on truck idling.

In relation to the desire for better transit service in the area, Vice Chair LaMotte expressed concerns about the current route of the TriMet 36 bus line serving the adjacent area, including the threat of closure of this line. Ms. Selden confirmed that the line did not actually run through the Southwest Employment Area (SWEA), but that TriMet is contemplating a route change that would route the bus along Jean Road, up Jean Way, and then to Boones Ferry Road. Mr. Siegel advised that TriMet staff would be providing a briefing on their service plans at the April 11 Commission meeting.

Chair Arthur indicated that there was consensus earlier to recommend removal of the utility pole at 65th Avenue and McEwan Road. He suggested that the next transportation issue, calling for diverters along each residential street intersection with Lakeview Boulevard, was possibly tied into signage. Vice Chair LaMotte indicated that Commissioners had recognized the merits of acting sooner rather than later to address issues with these intersections with simple municipal signs. He clarified that they could deter traffic with "No truck traffic" or similar messages. He asked for any new information related to discussions about Fire Department access.

Ms. Selden clarified that the staff recommendation was to add some language to the Plan that called for more intersection treatments where the residential streets intersected with Lakeview. She indicated that staff recognized the need for a flexible design approach that would allow the City to work with abutting neighbors and with the Fire Department; it would ensure that emergency access was not diminished, while also providing visual cues to drivers that they were entering a residential area and that it was not a place for trucks. In continuing discussion, Commissioner A. Brockman reviewed earlier suggestions about signage at these and other locations in the SWEA. Vice Chair LaMotte expressed concurrence that these could be encompassed by the overall signage program.

Mr. Siegel asked the Commissioners to share any additions or other refinements they might want made. He explained that staff would take this direction back, and the next version of the Plan would come to the Commission with the Findings, Conclusions and Order. Chair Arthur emphasized the need for the Commission's focus on branding the area and on providing clear direction to truckers as they enter and drive in the area. Staff expressed their agreement. Ms. Selden noted that the Branding/Signage section of the matrix provided additional information related to this topic.

Chair Arthur called on Commissioners for comments about developing a noise ordinance. Commissioner A. Brockman discussed concerns about higher densities and the need to enforce noise controls. Vice Chair LaMotte cited a concern that the current ordinance might not adequately address certain situations in the Employment Area, e.g., workers' voices on a loading dock in the middle of the night in proximity to residences. Chair Arthur asked staff how the Commission might give further consideration to recommendations for a noise ordinance.

Mr. Boone indicated that his concern was related to the necessary distinction between land use and non-land use matters. He advised that the City's current noise ordinance was in the non-land use section of code because it generally applied to all kinds of conduct unrelated to land use. He explained that knowing the Commission wanted to see a recommended action

measure on this, the question was about how to address it: in a general sense, i.e., not as a land use matter, or by having two noise ordinances, one of which would relate to impacts from land uses and the other being the general noise ordinance. He clarified that the second of these options would entail the additional issue of how the two ordinances would dovetail.

Commissioners raised several questions about how they could proceed with making a recommendation about a noise ordinance. In responding, Mr. Boone advised that the question was ultimately going to be whether or not the recommendation was tied to Comprehensive Plan policy and contained in the Community Development code (CDC). Commissioner A. Brockman asked about the possibility of holding a Planning Commission hearing on a noise ordinance that would not necessarily be a land use ordinance, but would allow Commissioners to hear testimony on levels of noise and assist them in making a recommendation.

Mr. Siegel stated that, from a project-management perspective, staff would want to know what problem needed to be solved: noise from nuisance partying, loiterers, mechanical equipment, loading docks? He stated that depending on the answer, it would be necessary to determine where the issue belonged and if there was a new land use ordinance, Council direction would be sought.

Commissioner Gaar spoke in support of keeping a noise ordinance out of the land use code. He suggested that the Commission recommend to Council that they consider and adopt a noise ordinance that was outside of land use, and that managed the effects of increased density from building the SWEA.

Mr. Boone indicated that in recommending the SWEA Plan, the Commission could include the issue as a non-land use aspect. Mr. Siegel asked Commission members to identify specific aspects of noise that were of concern in the context of the Plan. Commissioner Gaar clarified that his suggestion was that two ordinances (land use and non-land use related) would arise from the process. He asked that staff help the Commission to understand impacts of heavy machinery, loading docks, and other SWEA-related factors, as well as helping to dissect the two pieces. Mr. Siegel indicated that staff was available to help flesh this out.

Additional examples of noise issues were cited by Commissioners and staff, with distinctions made between land use and non-land use aspects of regulation. Commissioner LaMotte indicated that he did not think an ordinance was needed; rather, there was a need to assess the adequacy of the regulations that were currently on the books. Mr. Boone pointed out that, as indicated in the matrix, staff had cited LOC 34.10.537, the general noise ordinance. He advised that this reference to "loud, disturbing or unnecessary noise" was the source of complaints from the Commission and the Council about vagueness in terms of dealing with land use-created problems from noise. He clarified that it did provide some flexibility in enforcement with regard to loud parties and the like. He advised that with respect to the meaning of "unnecessary noise", staff must look to what uses were allowed in the particular zone in order to make a determination.

After additional brief discussion, Chair Arthur indicated that the Commission had reached consensus regarding how to assess, address, and improve, if reasonable and appropriate, the noise ordinance standards.

Chair Arthur advised that the next issue was related to light disturbance. He asked staff to confirm that the recommendation was that the City would assist in contacting businesses and work to resolve the issues. Ms. Selden noted that the City had standards in place for lighting tied to new development. She pointed out that there were no standards that could be applied to existing lighting that might not conform to current standards. She indicated that since there

had been some examples of successful resolutions and mitigation could be fairly easy, the recommendation was to take a Good Neighbor Agreement approach. After hearing brief additional comments, Chair Arthur concluded that this recommendation was acceptable to the Commission.

Chair Arthur observed that the next topic, under Residential Uses, echoed the Commission's earlier discussion that housing was not recommended in the Neighborhood Commercial (NC) or General Commercial (GC) zones. He asked Staff to clarify their recommendation on housing in these zones.

Ms. Selden reviewed the background of this issue, which had begun with a broad range of discussion at public meetings and with the Advisory Committee about adding housing in the IP zone or allowing live-work. She indicated that after thorough consideration, the Advisory Committee had determined that there were only a couple of locations where housing should be permitted: where housing was currently allowed as a conditional use and in the NC and GC zones. She reported that based on the map, there were only about four sites identified as having any likelihood of redevelopment with mixed use in those two zones. She noted the intersection of Jean and Pilkington Roads as one location, where one site abutted the R-3 medium-density residential zone; the other sites were in the GC zone along Jean Way. Ms. Selden related that the Advisory Committee recommendation reflected their desire to ensure that the ground floor was preserved for commercial uses to provide personal services, shops, and restaurants to both the employment and residential areas. They wanted housing limited to upper stories. She explained that under the current conditional use process, it would be possible to get a permit for residential use in either of the locations without a requirement for ground-floor commercial.

Commissioner E. Brockman stated that he felt strongly that residential should be allowed, other than on the ground floor, in the NC zone at Pilkington and Jean.

Commissioner A. Brockman noted that with available upper-story space allowed for non-commercial use there was a likelihood that the area would not get beneficial supporting uses. However, she indicated that she could go either way (50-50) on the matter.

Commissioner Gaar stated that he shared Commissioner A. Brockman's view that this was a 50-50 push. He suggested that it might make sense to allow residential use in the future when live-work space was developed, but for the present he was inclined to keep it commercial only because it was such a small residential aspect.

Commissioner A. Brockman observed that the area could offer opportunities for new commercial businesses to get started with lower real estate costs than in other areas. Mr. Siegel added that the intersection of Pilkington and Jean Roads was designated as a Neighborhood Village under the Comprehensive Plan, and therefore had been envisioned by the City as having some mixed use. He pointed out that this provided some policy direction that the Commission could rely on.

Commissioner Ward expressed agreement with other Commissioners' view that this was not a particularly important issue with regard to the whole SWEA because so few sites would be available. He tended to be opposed to residential use in the SWEA, given that it was an employment area. He noted that there were many kinds of businesses that did not need street-side exposure and could operate successfully on a second floor.

Vice Chair LaMotte indicated that he agreed that there should be no housing in a business park or in the more commercial zone on Boones Ferry Road; land being very scarce, the City

needed to ensure it was available for jobs and development. However, he expressed agreement with Commissioners Gaar and E. Brockman about the Jean/Pilkington intersection, recognizing it as a Neighborhood Village node. Vice Chair LaMotte indicated that if the area were ever to be redeveloped, a small amount of housing on the second and third floors would make sense; however, it should be the only place for residential use above retail. Ms. Selden noted that he was referring to the NC zone and the Rosewood Neighborhood Village.

A brief exchange among Commissioners indicated that there was general agreement with Vice Chair LaMotte's view. Vice Chair LaMotte **moved** to approve the housing concept to restrict residential uses throughout the whole industrial park and intensive commercial along Boones Ferry Road, except allowing residential use above the first floor at the corner of Pilkington and Jean Roads. Commissioner A. Brockman **seconded** the motion. Chair Arthur asked if there were any objections. None were heard.

Commissioner A. Brockman **moved** to adopt the Southwest Area Employment Plan and the proposed implementation measures subject to the changes or affirmation of the discussion in this meeting relative to the matrix. Commissioner Gaar **seconded** the motion.

Commissioner E. Brockman requested that the Commission revisit the earlier vote regarding the Jean Way extension before voting on the motion. Commissioner A. Brockman stated that she was unable to support the Jean Way extension for a number of reasons. She cited concerns, including lights shining into residents' windows on Lakeview Boulevard and her belief that the site could be better developed without the extension.

Further discussion to clarify the motion and Commissioner E. Brockman's request followed. He indicated that he did not intend to modify the motion at this time, but wished for the Commission to discuss the pros and cons related to the Jean Way extension.

Chair Arthur observed that he had been struck by what seemed to be a lack of support for the extension of Jean Way by property owners and those who provided testimony. He indicated that he was not inclined to change his vote on the earlier Jean Way extension recommendation.

Vice Chair LaMotte noted that he still regarded the extension as having merit in terms of the City's connectivity goal. He suggested that the Commission perhaps not make it an official part of the Plan, but designate it as a potential study area. He described potential benefits to the area with the extension and reiterated their value, depending on further traffic studies and other information that might be obtained.

Commissioner Heape expressed concern about the consistency of code in relation to the City's connectivity goals. He stated that code needed to be updated with regard to making exceptions such as the Jean Way extension. He indicated that he still supported the recommendation not to put the extension through, but felt it was inconsistent with the City's current connectivity code.

Mr. Siegel noted that the code had specific criteria for granting exceptions to connectivity, including topography, natural barriers, and existing development. He suggested that staff discuss the topic with Commissioner Heape after the meeting. He commented that, as the city was largely built out, it was running out of opportunities to connect, but Commissioner Heape's point merited a review of the policy and standards.

Commissioner Gaar noted that the Commission's earlier vote had resulted in a determination of five Commissioners in opposition and two in favor of the extension. He indicated that he

maintained his position in opposition to the extension, primarily because the Advisory Committee had told the Commission that it did not make any difference either way to them. He stated that another influential factor was his review of the public testimony, which showed many of the neighbors opposed the extension. He confirmed that he could not support the extension because he could not see its benefit for the overall design of the project.

Commissioner E. Brockman observed that a primary objective of the SWEA was to encourage employment, and therefore it was important to attract new companies. He stated that the extension would support this goal because a key consideration for new companies was truck access to the area. While recognizing that there was testimony against the extension, he identified the need to compensate for access restrictions related to the railroad line. He stated that the extension was required to ensure good access in the area and that it would be a huge mistake to eliminate the possibility.

Commissioner Gaar described his efforts to weigh the public testimony relating real concerns about the extension and his discussions with the Committee chair and others that indicated it was a non-issue. He reiterated that he remained committed to his "greater-good" concept of the best design and would not be changing his vote.

Commissioner Ward expressed his view that the extension was unnecessary. He observed that it would require some lots to become significantly smaller and the availability of larger parcels was an advantage that should be considered in terms of encouraging new companies to relocate to the area. He indicated that the difference in travel distance, with or without the extension, was not great. For these reasons he stated that he did not feel the Jean Way extension was necessary or beneficial to the SWEA.

Following brief additional discussion about impacts on square footage, Vice Chair LaMotte expressed his belief that the extension had the potential to provide connectivity for both commercial and neighborhood traffic and the idea should be considered. He reported that a lot of people did not understand what the extension would do; there had not been a traffic study, but only a general traffic overview. He suggested that if the policy was to first connect, the City should ensure the need for connection with a traffic study.

Commissioner E. Brockman stated that he wished to amend the current motion to include reversing the decision on the Jean Way extension and allowing it to be put through. Commissioner A. Brockman responded that she would not accept that amendment. Vice Chair LaMotte seconded Commissioner E. Brockman's pending motion, which was to reverse the Commission's earlier recommendation and instead recommend the Jean Way extension.

Following a short discussion on procedure, Commissioner Gaar suggested that both of the motions be withdrawn as a means of clearing the floor and allowing the Commission to address Commissioner E. Brockman's motion separately. Commissioners E. Brockman and A. Brockman withdrew their motions.

Commissioner E. Brockman **moved to reverse the earlier vote and approve the extension of Jean Way as part of the recommendation.** Vice Chair LaMotte **seconded** the motion. A roll call vote was held, and the motion **failed 2:5**. Vice Chair LaMotte and Commissioner E. Brockman voted 'aye'; Chair Arthur and Commissioners Gaar, Heape, Ward, and A. Brockman voted 'no'.

Chair Arthur reminded the Commission of Ms. Selden's reference at the beginning of the meeting to the Commission's recommendation on maximum retail square footage of up to 35,000 square feet in an IP Overlay area. He asked if they wished to revisit that in order to

consider geographic limitations, or if they wished to maintain the earlier recommendation. Assessing Commissioners' responses, he indicated that the Commission seemed to be content with the earlier recommendation. Commissioner A. Brockman discussed her concerns, including effects on the Employment Area, the need for support to the existing commercial on Boones Ferry, and traffic flow and safety. She indicated, however, that she regarded the Commission's decision as having been made.

Commissioner A. Brockman **moved** to adopt the Southwest Employment Area Plan and the implementing measures subject to the votes taken earlier and the direction indicated in this meeting with regard to the matrix that the Commission had reviewed point by point. Commissioner Gaar **seconded** the motion. A roll call vote was held, and the motion **passed 7:0.**

Mr. Boone indicated that this was a tentative decision, with written Findings to be returned to the Commission on March 28, 2016.

8. **OTHER BUSINESS – PLANNING COMMISSION**

Chair Arthur asked Mr. Siegel if he wished to present specific comments or information about forecasting for the Planning Commission. Mr. Siegel indicated that the forecast was the same as seen previously, with one adjustment: the change of date for the TriMet briefing from March 28 to April 11. He added that the forecast was available to the Commission members and to citizens on the Planning Commission webpage, as well.

9. **ADJOURNMENT**

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