



CITY OF LAKE OSWEGO

Development Review Commission Minutes

Monday, May 6, 2019

The Commissioners convened at 7:04 PM in the Council Chamber of City Hall, 380 A Avenue.

Members present: Chair David Poulson, Vice Chair Brent Ahrend, Jeff Shearer, and Randy Arthur

Members absent: Kirk Smith and Jason Frankel

Staff present: Jessica Numanoglu, Planning Manager; Johanna Hastay, Senior Planner; Evan Boone, Deputy City Attorney; and Kat Kluge, Administrative Support

COUNCIL UPDATE

Councilor John LaMotte updated the members on what the City Council has been working on: research for the sewer plant is moving forward, utilizing consultants; interviews for Boards and Commission applicants will be on June 8, 2019; search for the new City Manager is ramping up, with possible hiring in July; two bonds are in the voting process for the School District plan; staff is researching fees for home demolitions; North Anchor agreement is in the process of being finalized; and Budget Committee meets on Thursday, May 9, 2019.

Commissioner Arthur asked about the response received from the public about the volunteers for the Boards and Commissions. Councilor LaMotte responded that the Council is receiving applicants in all categories, but not enough to fill the Planning or Development Review Commissions, as the criteria are more specialized. Commissioner Arthur thanked Councilor LaMotte for spending time with him that afternoon by telephone to discuss the City's April 25, 2019 Memorandum to the Planning Commission/Commission for Citizen Involvement. Commissioner Arthur expressed his hope that in the context of the City's reinvigorated efforts to recruit citizen-volunteers to serve on City boards and commissions, the City will continue to treat its volunteers who are presently serving on city boards and commissions with respect and dignity. Commissioner Arthur asked that the LO City Council join with him in expressing confidence in the judgment and functions of the Planning Commission. Commissions for Citizen Involvement. Councilor LaMotte acknowledged that the City Council can't do what they do without the Boards' and Commissions' advice.

MINUTES

March 4, 2019: Review of these minutes is moved to the May 6 meeting.

March 18, 2019: Commissioner Arthur pointed out a typo on page 3 of 6, 3rd paragraph down under "Questions of Staff", stating that "non on-lane parking" should be "no on-lane parking". He also suggested that on page 2 of 6, five lines up from "Staff Report", it should read "Ed Brockman, who had testified at a public hearing in support of the project", rather than "Ed Brockman, also involved in this project". Chair Poulson opined that it should read "Ed Brockman,

who spoke as a proponent at the public hearing for the project”.

Vice Chair Ahrend **moved** to approve the Minutes for March 18, 2019, with the changes noted. **Seconded** by Commissioner Arthur and **passed 3:1**, with one (1) abstention.

FINDINGS

LU 18-0063, a request for a Conditional Use Permit for a Transportation Depot (School District bus barn/maintenance facility), Development Permit for exterior building alterations and a parking lot expansion, and a minor variance to wall height.

This site is located at 6333 Lakeview Blvd. (21E18CC03200). The staff coordinator is Evan Fransted, Associate Planner.

Mr. Boone, Deputy City Attorney, noted that “Exhibit F-026” (letter from Lake Grove Fire District) was addressed in the Findings, in that it noted that Sherry Patterson was not designated by the Fire District to speak on its behalf.

Commissioner Arthur **moved** to approve and adopt the written Findings, Conclusion, and Order for LU 18-0063. **Seconded** by Chair Poulson and **passed 2:0**, with two (2) abstentions. Mr. Boone noted that as Commissioners Shearer and Ahrend were absent from some of the meetings, they would not be qualified to vote; therefore, they have a majority of those eligible to vote.

LU 19-0002, a request for a Development Review Permit for an exterior remodel of existing condos in the Old Town Design District.

This site is located at 53-65 Church Street and 210-212 Durham Street (21E10AD80000, 21E10AD80001, 21E10AD80002, 21E10AD80003, 21E10AD80004, 21E10AD80005, 21E10AD80006). The staff coordinator is Evan Fransted, Associate Planner.

Commissioner Shearer **moved** to approve the written Findings, Conclusion, and Order for LU 19-0002. **Seconded** by Vice Chair Ahrend and **passed 4:0**.

PUBLIC HEARING

LU 19-0009, a request for approval for a:

- Major alteration to a Historic Resource (the existing garage for the Dr. Walter Black House);
- Construction on a site with a Historic Resource (a new 2-car garage); and,
- A major variance to reduce the 25-foot accessory structure front yard setback to three feet along the Maple St. frontage for the new garage.

This site is located at 1125 Maple Street (Tax Id: 21E10CA03800). The staff coordinator is Johanna Hastay, Senior Planner.

Mr. Boone, Deputy City Attorney, gave an overview of the public hearing process and outlined the applicable criteria and procedure.

Mr. Boone asked DRC members to declare any ex parte contacts (including site visits), biases, or financial conflicts and their business/employment. All DRC members present declared they have no ex parte contacts (other than site visits), conflicts of interests, and no bias. Commissioner

Arthur took part in the historic home tour on April 27, 2019, and this house was on the tour, but that didn't impact his assessment. Commissioner Ahrend stated he visited the site today and that he participated in the review of the prior land use approval on the site (LU 12-0005) as a DRC Commissioner. Commissioner Shearer made a site visit. No challenges were made to the right of the Commissioners to participate in the hearing.

Staff Report

Johanna Hastay, Senior Planner, noted that Exhibits "G-001-G-003" (public comments neither for nor against) and "F-011" (Applicants' response) were added to the record. Ms. Hastay noted in the staff memo that no issues specific to the applicable criteria were raised in these exhibits.

Ms. Hastay clarified that the primary structure is not being altered by this proposal (there was a second-story addition that was the subject of prior land use approval) and that the current proposal involves an alteration to the existing historic garage and construction of a new garage. Percy Street transitions to a private drive in front of the site, the site is zoned R-7.5 and has frontage on both Lake Front Rd. and Maple St. No trees are being removed, and no changes are being made to the existing street improvements.

Other than the 25-foot front yard setback, all other applicable criteria is met for proposed development. Major Variance standards: *unnecessary hardship* for the new garage is met as a 2-car garage has been interpreted by staff as a minimum reasonable use (the existing garage is structurally unsound and cannot be used as a garage) and the physical circumstances create an unnecessary hardship for a reasonable use of the property, including the steep slope (about a 27-foot elevation change), the on-site historic landmark, the existing large Douglas fir trees, and the existing 15-foot sewer easement on the site; *no material injury to surrounding properties* met as the new garage is not visible from the street and the development is 60 feet from the nearest neighbor; and *minimum variance necessary* met as the three-foot setback is required in order to deal with the site circumstances, as discussed. Staff finds the Major Variance criteria has been met.

For the Historic Preservation Standards for the new garage, staff finds: that it is of *compatible design* (complimentary three-sided glass and pine shake siding); is at a *consistent location and orientation* (similar pattern and about the same height as the main house and is 45 feet from the house); the Historic Resources Advisory Board (HRAB) supports the design and location. For the existing garage, staff finds: there is no *diminishment of historic or architectural significance* because the existing garage will replicate the primary dwelling's dormers and the converted wall will match the existing door; HRAB also supports the major alteration to the existing garage as proposed.

Ms. Hastay recommended approval of LU 19-0009, as conditioned in the staff report.

Questions of Staff

Chair Poulson asked about other renderings of the new structure. Ms. Hastay responded that she had more in her presentation, but took them out; the other renderings were in the staff report exhibits. Commissioner Ahrend noted the renderings in Exhibit "E-008", at 23 of 114.

Commissioner Ahrend asked whether a variance was needed to convert the use of the existing garage to an Accessory Dwelling Unit (ADU) and inquired about the setbacks from the street frontages. Ms. Hastay responded that a variance is not needed because it is not making the structure more non-conforming than it already is (it is already counted in floor area). She agreed

there are two front yards, as it is a through-lot, and that Percy Street peters-out in the right-of-way and looks like a private drive or courtyard. Ms. Numanoglu added that setbacks apply differently to through lots. Commissioner Ahrend noted that he has seen cars parked in the right-of-way of Maple Street and asked if there has been a discussion about vacating the right-of-way. Ms. Hastay replied that if it were vacated, it would be split half-and-half with the neighbors, but with the public sewer line coming up from Lake Front Rd., she doesn't know that the Engineering Dept. would support vacating the street. Commissioner Ahrend saw a manhole cover in the right-of-way on Exhibit "E-004", page 7 of 114, site plan A-01.01, but is unsure where it goes from there. Mr. Boone noted that staff can't require any applicant to ask for a right-of-way to be vacated.

Ms. Hastay clarified that the garage is fully on-site and they will have two off-street parking spaces (one for the primary structure and one for the ADU).

Commissioner Shearer asked about parking for the ADU being in the gravel in front of the house at A-01.01 and sanitary easement. Ms. Numanoglu noted the ADU itself is not part of the application and would be reviewed at the building permit stage. Ms. Hastay restated that there will be two off-street parking spaces and responded that the footing for the building is outside the sewer easement, so the line will be protected during construction.

Chair Poulson questioned the depth of the sewer. Ms. Hastay responded that she didn't know the depth. Chair Poulson opined that if the sewer wasn't deeper than 7'-6", the sewer would be impacted with any excavation and a trench would need to be dug and the footing of the garage may also be impacted. Chair Poulson then asked how the sod roof is consistent with a historic structure. Ms. Hastay responded that the standard is that the structure had to be compatible with the historic landmark. There are two schools of thought on this - either making the new structure as different as possible (such as this big glass box and what the staff jokingly calls the "Ferris Bueller" garage) or replicating the architectural details. HRAB advised that not replicating would be best in this case. Chair Poulson opined one thing to consider is whether it is celebrating the historic nature. Chair Poulson then asked if there were any chances of having a pedestrian or road connection due to the slope. Ms. Hastay responded that the connectivity would apply if the site was partitioned and there would many hurdles to partitioning or improving the right-of way due to the historic landmark and the significant slope change on Maple Street. Chair Poulson asked if the finished floor of the garage is at about the same elevation as the existing house. Ms. Hastay answered that the height of the new garage is roughly the same as the first level of the home and the existing garage is roughly the same as the upper floor of the home. Chair Poulson asked if the Fire Marshal reviewed the fire lane restriction for Percy St. (25-foot fire lane). Ms. Hastay affirmed and stated the Fire Marshal didn't raise any issues with emergency access for this site. Commissioner Ahrend observed a 10-foot retaining wall on the west side of the existing garage and quite a drop on the east side to Maple St., so would concur it is very unlikely you could ever build a road without quite a lot of fill and impacting the property.

Applicant Testimony

Chris Keane, Architect for Randy and Amy Clark (Applicants), addressed some of the concerns noted by the members: there is access from McVey, along Percy; the site itself is not considered historic; the ADU will be for family use only; there are no conforming areas for parking now; the Clarks wish to be good stewards of the land; the back wall of the existing garage is a retaining wall; they will rebuild the existing garage door as a solid wall (keeping the look of a door) and will rebuild the dormer to match those on the home, to the smallest detail; and the ADU will have access on the bottom floor (existing small exterior door under the porch) and will contain a small kitchenette below and a bedroom and bathroom above.

The new garage has a very tight space to fit into, so the variance will allow the building to meet the required height limitations and reduce disturbance of the hillside and amount of required fill. It will be cantilevered on footings with bedrock being 45-inches down. Keeping the roof pitch low will keep it out of the sight line from Maple St. and blend in with the vegetation.

Questions of Applicant

Chair Poulson asked if the geotech report was done by hand-augers. Mr. Keane affirmed. Chair Poulson then inquired about the 32-inch Douglas fir on the west side, found at page 79 of 114. Mr. Keane replied that the 32-inch Douglas fir would remain and the building will sit in a pocket at HA-1 on the diagram. Chair Poulson could not see bedrock mentioned. Mr. Keane pointed to page 14 of 19, showing the building at three to four feet above bedrock. Chair Poulson asked if the sewer was then in the bedrock. Mr. Keane was not sure, but there has been no excavation and noted the columns are inset from the edge of the building and the corners are outside the setback by several feet. Chair Poulson noted his point was to look at the columns being undermined if excavated, as it would be unlikely for the sewer line to be above bedrock. Mr. Keane responded that the City doesn't have much information on the sewer line and the easement setback was done based on the direction from City Engineering. Chair Poulson bet the reason was because it may be a historic sewer line, so who knows what its condition is and he would imagine it's been flowing pretty fast for a long time. Chair Poulson asked if the roof was sod. Mr. Keane affirmed and added there would be a little overflow discharge and they will connect that down to Lake Front.

Public Testimony

Chair Poulson noted there was no one in the audience.

Deliberation

Mr. Boone informed members that they may proceed to deliberations unless Applicants would like to submit a final written rebuttal. Applicants declined.

Commissioner Ahrend noted he is fine with the right-of-way the way it is, but pointed it out just to have it cleared up, as the applicants would get 30 feet and they are at 33 feet from the front lawn, so really doesn't jump to same level as the existing garage, which is right at the right-of-way line on Maple Street. Chair Poulson opined the access was just not there to improve it as a public street. Commissioner Ahrend agreed that the possibility was pretty slim and he supports the request for the 3-foot variance. He also likes the garage, as the glass kind of hides it, so it looks like cars are just parked there.

Commissioner Arthur appreciated how the owners are working with HRAB and he supports it.

Commissioner Shearer had no problems with it.

Decision

Commissioner Shearer **moved** to approve LU 19-0009 as conditioned. **Seconded** by Commissioner Ahrend and **passed 4:0**.

Mr. Boone asked that the tentative decision and written findings be brought back to the Commission on **May 20, 2019 at 7:00 PM**.

OTHER BUSINESS

Schedule Review and Management Update

Jessica Numanoglu, Planning Manager, updated DRC members about upcoming meetings:

May 20, 2019: Public Hearing for Development Review for the former Walmart site on Jean Way, with a new hardware store going in, adding outdoor structures for gardening display and a loading dock. Attendance poll taken and all four (4) Commissioners present are available.

June 3, 2019: Adopting possible findings. Attendance poll taken and all present, except Commissioner Shearer, are available.

June 17, 2019: Nothing scheduled at this time. Chair Poulson will be gone. Ms. Numanoglu will check with the two absent Commissioners. Commissioner Ahrend suggested she send an email, asking for the Commissioners' summer schedules. Ms. Numanoglu affirmed she will do that.

June 18, 2019: Distinguished Service Awards will be given to Commissioners Prichard and Ahrend by the City Council.

ADJOURNMENT

Chair Poulson adjourned the meeting at 8:14 PM.

Respectfully submitted,

/s/

Kat Kluge
Administrative Support