

BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF LAKE OSWEGO

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A REQUEST FOR LEGISLATIVE TEXT ) LU 17-0028 - 1923  
AMENDMENTS TO THE COMMUNITY ) (CITY OF LAKE OSWEGO)  
DEVELOPMENT CODE TO IMPLEMENT ) FINDINGS, CONCLUSIONS & ORDER  
BOONES FERRY ROAD PUBLIC )  
TRANSPORTATION PROJECT. )

NATURE OF APPLICATION

Legislative Code amendments to the Community Development Code (CDC), for the purpose of implementing the Boones Ferry Road public transportation project (BFR Project), that:

- Modify the 50-foot Special Street Setback for a specific section of Boones Ferry Road to reflect the BFR Project (LOC 50.02.004);
- Allow project mitigation outside the public right-of-way when directly associated with public transportation projects (such as the BFR Project) as ministerial development (LOC 50.07.003.13);
- Exempt planned parking mitigation (on-site replacement parking associated with the BFR Project) from compliance with the LGVC Overlay District standards (LOC 50.05.007); and,
- Clarify and expand the current parking and landscape area exceptions in the LGVC Overlay District for properties affected by the BFR Project (LOC 50.05.007.6).

The Code amendments implement the Comprehensive Plan policies, the Lake Grove Village Center (LGVC) Plan policies (both listed, below), and the City Council 2017 Goal, "Take steps to minimize the impact on businesses and residents of the Boones Ferry Road project."

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting on August 28, 2017.

CRITERIA AND STANDARDS

**A. City of Lake Oswego Comprehensive Plan**

**Land Use Planning Chapter:**

**Land Use Administration**

Policy A-1

**Design Guidelines**

Policy C-1

**Land Use Administration**

Policy D-1

**Community Culture Chapter:**

**Civic Engagement**

Policies, 1, 2, 4, 5, and 9



1 Following are the supplementary findings and conclusions of this Commission:  
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- 3 1. The Commission received written and oral testimony regarding the removal of trees that would be  
4 directly necessary to complete the street realignment and frontage improvements (located within  
5 the realigned right-of-way). The testimony also focused on trees on private property that may be  
6 either indirectly affected by removal of trees in the right-of-way or trees in areas that a property  
7 owner may propose for on-site replacement parking. Primarily, testimony concentrated on the  
8 Jenike Property and the significant grove of Douglas firs on the site.  
9

10 The Planning Commission requested and received an arborist's report (Exhibit F-2) on the trees that  
11 would or potentially could be requested for removal as a result of the BFR Project, in considering  
12 Code amendments that would facilitate replacement of lost parking spaces and lessen an abutting  
13 property owner's obligation to landscape upon future re-development of the site. The Commission  
14 notes that the Code amendments do not directly authorize or require any trees to be removed. The  
15 Commission further notes that any person (or the City) seeking tree removal must apply for and  
16 obtain a tree removal permit per LOC Article 55.02, and it is in those proceedings that arborist  
17 reports are considered in determining whether or not a tree would be removed, based upon the  
18 criteria of LOC Article 55.02. [The Commission recommends to staff that in those proceedings  
19 initiated by the City that a second arborist report be obtained.]  
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21 The Commission finds that specific tree removal concerns, as well as the findings in the arborist  
22 report, have no bearing on whether or not the proposed legislative Code amendments comply with  
23 the applicable criteria. The Commission finds that future site-specific tree removal associated with  
24 the BFR Project – either directly or indirectly – is beyond the scope of the proposed amendments.  
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- 26 2. The Commission received testimony regarding the LGVC Parking Management Plan's direction to the  
27 City Council to purchase private property in several locations for public parking within the District.  
28 Several people testified that, if public parking was provided, the likelihood of property owners  
29 constructing the on-site replacement parking with the associated tree removal would be lessened.  
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31 The Commission agrees that public parking facilities would be a positive amenity to the Overlay  
32 District and could lessen the owner's perception of the need to offset parking spaces lost due to  
33 additional right-of-way acquisition on a site. However, the Commission notes that a property  
34 owner's perception would also be affected by the type of business on the site and the distance from  
35 the site to a new public parking facility. The Commission finds that even if public parking facilities  
36 were added to the District, the Comprehensive Plan (including the LGVC Plan) does not have a policy  
37 that directs individual property owners be restrained from seeking replacement parking to offset the  
38 spaces lost due to the BFR Project. The Commission finds that the proposed Code amendments are  
39 not subject to a Comprehensive Plan policy first requiring acquisition of public parking facilities.  
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- 41 3. The Commission received additional written and oral testimony from representatives of the Cain  
42 Petroleum (Chevron) Property at the corner of Oakridge Road and BFR (Exhibits G-2 and G-3) and  
43 whether Exhibit A, Attachment D.1, should identify the site as having lost parking spaces due to BFR  
44 Project. Testimony focused on the necessary relocation of an existing propane storage tank to make  
45 way for the frontage improvements and the possibility that the site may lose two parking spaces as  
46 a result if the tank was relocated in its present horizontal configuration. Staff clarified that the City's  
47 proposal was to relocate the storage tank in a manner that did not result in lost parking (by means

of a vertical configuration) and had, therefore, not included the two parking spaces in the Project Impact Table (Exhibit A, Attachment D.1).

The Commission finds that because a final configuration has not yet been agreed upon between the property owner and the City, the Project Impact Table (Exhibit A, Attachment D.1) should be modified to include two spaces as "lost," with a footnote clarifying that, in the eventuality that relocation of the storage tank does not impact existing on-site parking, e.g. by vertical configuration, the identification of two lost parking spaces on the site no longer applies. Staff has modified Exhibit A, Attachment D.1, accordingly.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Lake Oswego that:

- 1. The Planning Commission recommends that the amendments to the Community Development Code set forth in Exhibit A, Attachments B, C, D.1, and D.2 (LU 17-0028) be approved by the City Council.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Lake Oswego.

DATED this 11th day of September 2017.

Robert Heape /s/  
Robert Heape, Chair  
Planning Commission

ATTEST:

PRELIMINARY DECISION - August 28, 2017

AYES: Arthur, Baker, Brockman, Sweers, Ward  
NOES: None  
ABSTAIN: None  
EXCUSED: Heape

ADOPTION OF FINDINGS AND ORDER - September 11, 2017

AYES: Heape, Ward, Arthur, Baker, Brockman and Sweers  
NOES: None  
ABSTAIN: None  
EXCUSED: None