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CITY OF LAKE OSWEGO
Planning Commission Minutes
EXCERPT OF LU 17-0075
December 11, 2017

CALL TO ORDER

Chair Heape called the meeting to order at 6:30 p.m. in the Council Chamber of City Hall, 380 A Avenue, Lake Oswego, Oregon.

ROLL CALL

Members present were Chair Robert Heape, and Commissioners Randy Arthur, Ed Brockman, and Nicholas Sweers. Vice Chair Ward and Commissioner Baker were excused. Theresa Kohlhoff, City Councilor was also present.

Staff present were Scot Siegel, Planning and Building Services Director; Evan Boone, Deputy City Attorney; Erica Rooney, City Engineer; Leslie Hamilton, Senior Planner; and Iris McCaleb, Administrative Assistant.

PUBLIC HEARING

Community Development Code Amendments to Grant City Engineer Authority to Reduce Special Street Setbacks for North and South State Street and Adopt Appeal Procedure (LU 17-0075)

A request from the City of Lake Oswego to amend the Community Development Code, LOC 50.04.002 Special Street Setbacks, and LOC 50.07.003 Review Procedures, granting the City Engineer authority through the minor development procedure to reduce the special street setback for State Street, and providing an appeal procedure for minor development decisions by the City Engineer. *Staff coordinator was Scot Siegel, Director of Planning and Building Services.*

Chair Heape 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. Siegel presented the staff report and provided background information about the special street setback, adopted in 2002, the purpose of which was to ensure adequate setbacks or space in the event of future street improvements as buildings were constructed or additions were made. For example, it allowed for additional travel lanes; pedestrian, bike, and transit facilities; and lighting, drainage, and landscaping improvements in the ROW. He stated that currently a minimum dimension could not be reduced through the variance procedure in the Code; the standard allowed for the special street setback to be increased through an adopted corridor plan or other transportation master plan. He described how the special street setback was measured from the centerline of the street, which was further described in the Code in the street and sidewalk section.

Mr. Siegel noted that what was before the Commission was a procedure that would allow the City to modify the special street setback either in conjunction with a development review application or independently if an applicant were to request that adjustment. The proposal provided for a public process so adjustments were made in an open and transparent manner, including public notice and an opportunity for appeal to the City Council. He clarified that the proposal was limited to State Street, or Highway 43 for the extent it runs through Lake Oswego from Terwilliger to McVey. He showed a map of the area, noting this section of State Street was different than a state highway outside of a downtown area; it was one of the City's main streets with lower traffic speeds, more signals, and more access points. He advised the Oregon Department of Transportation (ODOT) and other jurisdictions recognized this in the late 1990's when it was adopted as a Special Transportation Area (STA), an amendment to the State Highway Plan. He added that due to several transit stops in the area, traffic was slowed down.

Mr. Siegel showed aerial photographs of and described the corridor. He stated that the North Anchor project prompted and added some urgency to review the special street setback. He described the impact of the special street setback in the North Anchor area as an example. He clarified that the City's standards were more rigorous than ODOT's in terms of pedestrian access and streetscape amenities and could potentially create conflicts when properties redevelop. He explained that the proposal was not seeking an exception to ODOT standards; rather it was to establish a process for review of a requested adjustment.

Mr. Siegel explained the proposal established a process for public participation and that a decision would be a limited land use decision under Oregon Revised Statutes, which provided for public notice, opportunity to comment, and appeal to the City Council. He reviewed ODOT's comments, including that any decisions made be consistent with the City's Transportation System Plan (TSP). He noted the TSP projects in the area, including a southbound right turn lane at State and B Avenue (Project 69), and a Corridor Refinement Plan (Project 232). He added that the Code criteria that the City would apply also achieved ODOT's interests, such as ensuring adequate space for future widening or for the installation of turn-pockets, for example. In terms of improving the corridor, Ms. Rooney noted the west side was very constrained, with seemingly more options to develop the road to the east, but that any changes would be based on a future refinement study to resolve the issue for future development.

Mr. Siegel reiterated that this proposal was an interim step and that there was a sense of urgency as there were urban renewal projects that were planned and budgeted and needed to move forward. He advised that public notice was provided in accordance with the Code for a legislative amendment; the proposal had been evaluated against applicable Comprehensive Plan, State, and Metro rules, codes, and policies, as detailed in the November 30, 2017, staff report. He noted Comprehensive Plan policies related to providing flexibility to adapt development to unique and difficult site conditions (Land Use policy A2A), community engagement and public involvement policies, and historic preservation policies. He pointed out that TSP policies related to safety and access to alternative modes of transportation were also addressed.

In conclusion, Mr. Siegel stated that staff found the proposed amendment was consistent with the approval criteria and recommended that the Commission make a recommendation to City Council to adopt Ordinance 2768 (including the attachments).

Questions of Staff

In response to a question from Chair Heape if the City had heard any feedback from property owners on the east side of State Street, Mr. Siegel said they had not and clarified that the proposal did not grant any exceptions to the special street setback, it was putting in place a process where those decisions could be made in the future. He stated that the City did not provide individual notice to property owners for this proposal, as it did not directly affect them.

Public Testimony

Proponent

None.

Opponent

Carolyn Jones, 2818 Poplar Way, Lake Oswego, 97034, opined there were ulterior motives for moving in this direction and that it seemed to contradict citizen involvement goals to turn this decision over to one person. She stated that the vision was to maintain a village-like character along State Street and this seemed to open the door to high-rise development. She recalled that in at least two instances in the past one person had made a decision that had been a detriment to the neighbors. She indicated that it needed to be opened up again for further public participation.

Charles (Skip) Ormsby, 170 SW Birdshill Road, Portland, 97219, stated he was speaking on behalf of himself and his neighborhood association. He indicated that they had concerns about State Street with respect to cut-through traffic in the Dunthorpe area, which had been shared on the record. He noted that it was a complex corridor and the diagrams provided did not provide enough information. He opined that the State's Special Transportation Area (STA) map would provide additional needed information that the Commission should review prior to making a decision. He expressed concern about the two railroad crossings, street elevations, and implications. He opined the process was being rushed to accommodate the North Anchor project; he expressed concern about TriMet buses and schedules, including issues with buses turning right onto B Avenue from State Street. He referred to regional developments and road projects, such as tolling, which could impact traffic on Highway 43 and Boones Ferry Road. He offered to provide additional information about the STA and its history to the Commission. He opined the required level of coordination had not been met and suggested the Commission request additional time to gather information prior to making a decision. He opined this proposal has evolved extremely rapidly and that the Commission did not have sufficient information to make an informed decision.

In response to a question from Chair Heape about buses turning onto B Avenue from State Street southbound and a project to make a right-turn lane there, Ms. Rooney clarified the TSP did have a project to consider a right-turn lane there but it was not specifically to accommodate buses, which currently could make the turn today; rather it would be to address capacity. She added that any changes to this intersection would be part of a larger corridor plan process.

Neither for Nor Against

None.

Rebuttal

None.

Questions of Applicant

None.

Deliberations

Chair Heape opened deliberations.

Mr. Boone reminded the Commission that the proposal before them was to determine if an amendment to the special street setback should be permissible and if so, if it should be within the City Engineer's authority to make that decision using the process outlined.

Chair Heape stated that he had heard concern that a decision would rest with one person, the City Engineer. He opined that would not be true, rather it would be a minor development approval and could be appealed to the City Council.

Chair Heape **moved** to approve a preliminary recommendation to the City Council for approval of Community Development Code amendments to grant the City Engineer authority to reduce special street setbacks for North and South State Street and adopt an appeal procedure (LU 17-0075). Commissioner Sweers **seconded** the motion and it **passed 4:0**.

Chair Heape **moved** to authorize the Chair to set a special date for consideration of the Findings, Conclusions, and Order, with adequate public notice, for approval of the Community Development Code amendments to grant City Engineer authority to reduce special street setbacks for North and South State Street and to adopt an appeal procedure (LU 17-0075). Commissioner Sweers **seconded** the motion. The motion **passed 4:0**.