



2014 Lake Oswego City Council Regular Meeting

Tuesday, February 4, 2014

CONSENT AGENDA

*The consent agenda allows the City Council to consider items that require no discussion.
An item may only be discussed if it is pulled from the consent agenda.
The Council makes one motion covering all items included in the consent agenda.*

RESOLUTIONS

3.1.1 Resolution 14-14, A Resolution of the City Council of the City of Lake Oswego Extending the term of the Cable Television Services Agreement with Comcast of Oregon II, Inc. to Enable the Metropolitan Area Communications Commission to Complete the Formal Renewal Process

Action: *Adopt Resolution 14-14*

3.1.2 Resolution 14-17 , A Resolution of the City Council of the City of Lake Oswego Approving Appointments to the Library Advisory Board

Action: *Adopt Resolution 14-17*

APPROVAL OF MEETING MINUTES

3.2.1 December 10, 2013, Special Meeting

Action: *Approve minutes as written*

DEPARTMENT REPORTS

3.3.1 Progress on Change to Monthly Utility Billing

Action: *Direct Staff to Proceed with Project Implementation as Described*

ITEMS REMOVED FROM THE CONSENT AGENDA



AGENDA

CITY COUNCIL REGULAR MEETING

Tuesday, February 4, 2014

6:30 p.m.

Council Chambers, City Hall

Contact: Catherine Schneider, City Recorder
Email: cschneider@ci.oswego.or.us
Phone: 503-635-0215

Also published on the internet at: www.ci.oswego.or.us. The meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503-635-0215, 48 hours before the meeting.

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA (5 minutes)
 - ◆ *The consent agenda allows the City Council to consider items that require no discussion.*
 - ◆ *An item may only be discussed if it is pulled from the consent agenda.*
 - ◆ *The City Council makes one motion covering all items included in the consent agenda.*
- 3.1 RESOLUTIONS
 - 3.1.1 Resolution 14-14, A Resolution of the City Council of the City of Lake Oswego Extending the term of the Cable Television Services Agreement with Comcast of Oregon II, Inc. to Enable the Metropolitan Area Communications Commission to Complete the Formal Renewal Process

Action: Adopt Resolution 14-14
 - 3.1.2 Resolution 14-17 , A Resolution of the City Council of the City of Lake Oswego Approving Appointments to the Library Advisory Board

Action: Adopt Resolution 14-17
- 3.2 APPROVAL OF MEETING MINUTES

3.2.1 December 10, 2013, Special Meeting

Action: *Approve minutes as written*

3.3 DEPARTMENT REPORTS

3.3.1 Progress on Change to Monthly Utility Billing

Action: *Direct Staff to Proceed with Project Implementation as Described*

4. ITEMS REMOVED FROM THE CONSENT AGENDA

5. CITIZEN COMMENT (15 minutes)

The purpose of citizen comment is to allow citizens to present information or raise an issue regarding items not on the agenda or regarding agenda items that do not include a public hearing. A time limit of three minutes per citizen shall apply.

6. COUNCIL BUSINESS

6.1 2014 Council Goals and Policies

Motion: *Move to Adopt 2014 Council Goals and Policies*

7. PUBLIC HEARINGS

7.1 Comprehensive Plan Map and Zoning Map Amendments for the West End Building Property, 4101 Kruse Way , to change the zone designation from Office Campus/High Density Residential (OC/R-3) to General Commercial (GC) (LU 13-0053)

Ordinance 2633, An Ordinance of the City of Lake Oswego City Council amending the Comprehensive Plan and Zoning maps for Tax Lots 5300 and 5400 (Map 21E08BB); and adopting findings

The applicant has requested that this be remanded to the Planning Commission for a public hearing on March 10, 2014 to consider new evidence relating to the prospective purchaser's plan to redevelop the property. If the City Council does not remand the proceedings to the Planning Commission, it is recommended that the Council continue (reschedule) the City Council public hearing to February 18, 2014.

Motion: *Move to remand LU 13-0053 to the Planning Commission for a public hearing on March 10, 2014 to consider new evidence related to the prospective purchaser's plan to redevelop the property.*

Alternative Motion: *Move to continue the City Council public hearing on LU 13-0053*

to February 18, 2014.

8. INFORMATION FROM COUNCIL (15 MINUTES)
This agenda item provides an opportunity for individual Councilors to provide information to the Council on matters not otherwise on the agenda. Each Councilor will be given five minutes.
- 8.1 Councilor Information
- 8.2 Reports of Council Committees, Organizational Committees, and Intergovernmental Committees
9. REPORTS OF OFFICERS (15 minutes)
- 9.1 City Manager
- 9.2 City Attorney
10. ADJOURNMENT



TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Jordan Wheeler, Assistant to the City Manager
City Manager's Office

SUBJECT: Resolution 14-14 – Extension of the Existing MACC Franchise Agreement with Comcast

DATE: January 24, 2014

ACTION

Adopt resolution 14-14 extending the existing franchise agreement with Comcast through December 31, 2014 to allow for the formal review process between MACC and Comcast.

INTRODUCTION/BACKGROUND

The City of Lake Oswego is one of the 15 members of the Metro Area Communications Commission (MACC). MACC administers and regulates the cable television franchise agreements for Comcast and Frontier on behalf of the Commission's members. The franchise agreement with Comcast was granted in 1999 and expired January 31, 2014. MACC and Comcast have been negotiating to renew the franchise, meeting over 30 times since February 2013, but several critical issues remain unresolved.

As a result, as outlined in MACC's Report to Member Jurisdictions (Attachment 1), MACC's Board of Commissioners unanimously passed a resolution recommending its jurisdictions extend the current franchise until December 31, 2014 in order to provide time to complete the formal renewal process as prescribed by federal law.

Each member of MACC must approve the extension. Councilor Jon Gustafson is Lake Oswego's representative on the MACC Board of Commissioners.

RECOMMENDATION

Staff recommends adoption of Resolution 14-14.

ALTERNATIVES & FISCAL IMPACT

We do not anticipate that the formal process will cost member jurisdictions any additional fees. MACC had set aside a portion of its allotted franchise fees to pay for the costs of the renewal, including the formal process.

ATTACHMENTS

1. MACC Report to Jurisdictions – December 2013
2. Resolution 14-14
3. Franchise Extension Agreement
4. Q & A About the Proposed Extension



METROPOLITAN AREA COMMUNICATIONS COMMISSION

REPRESENTING: BANKS, BEAVERTON, CORNELIUS, DURHAM, FOREST GROVE, GASTON, HILLSBORO, KING CITY, LAKE OSWEGO, NORTH PLAINS, RIVERGROVE, TIGARD, TUALATIN, WEST LINN AND WASHINGTON COUNTY
Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN) • Tualatin Valley Community TV

REPORT TO MACC MEMBER JURISDICTIONS RECOMMENDATION COMCAST CABLE FRANCHISE TERM EXTENSION DECEMBER 2013

Your jurisdiction is a member of the Metropolitan Area Communications Commission (MACC), an intergovernmental agency which administers and regulates cable television franchises for fourteen cities and Washington County. MACC currently administers Comcast's cable television franchises (Comcast Franchise) on behalf of its members, as well as a Frontier Cable Franchise for eleven jurisdictions where they offer those services.

MACC Recommendation – On December 11, 2013, the MACC Board of Commissioners (Commissioners) unanimously passed a resolution (copy attached as Exhibit A) recommending its fifteen member jurisdictions extend the current Comcast Franchise terms until December 31, 2014, in order to provide time to complete the ongoing process to renew the Comcast Franchise. According to the Intergovernmental Agreement (IGA) that created MACC, in order for this extension to be effective, all 15 of member jurisdiction's governing bodies (city councils and the County Commission) must approve this extension – if any member jurisdiction fails to pass the requested extension as recommended by MACC, that would “veto” the action of the other members.

Background

Comcast was granted a 15 year renewal of its cable television franchise in 1999 (then held by TCI Cable) – that Franchise expires on January 31, 2014. On March 9, 2011 Comcast requested MACC and its member jurisdictions renew that Franchise. That request for renewal from Comcast triggered a 3-year renewal process governed by Federal Law (47 U.S.C. 546). That Law sets forth a prescribed Formal Renewal process which requires the completion of an extensive community needs assessment by the Franchising Authority (MACC) and from that assessment the development of a Request for Renewal Proposal (RFRP) which contains a proposed new cable franchise agreement based on those community needs. After development of the RFRP by MACC, it is provided to Comcast which then has a set period of time in which to respond. After receiving and evaluating that response, MACC would hold hearings to determine whether Comcast's response “adequately fulfills the needs of the MACC communities taking into consideration the costs thereof.” The Formal Process does not preclude additional company/MACC discussions, but it does place the process in a time-limited structure. After

Comcast's response, MACC would make a recommendation to its member jurisdictions to either grant Comcast a renewal based on its response, or deny a renewal due to Comcast's failure to meet the established needs. Either recommendation by the Commission would go back to the jurisdictions (no different than this request to extend the franchise term) where each member would vote to accept or reject the Commission's recommendation.

The Federal Law also provides for informal negotiations.

MACC/Comcast Informal Renewal Process – After completing its needs assessment and presenting it to the MACC Board of Commissioners in January 2013, the MACC staff was directed to begin negotiations with Comcast under the Informal Process. Actual negotiations between MACC staff and Comcast local government affairs staff members began in February 2013. At that time the parties agreed to a series of negotiation sessions (one about every two weeks) through July/August with the plan for the final proposed franchise agreement to be brought back to the Commission in September. This mutually-agreed upon plan expected a Commission recommendation to the jurisdictions that would be presented to each jurisdictional governing body between November and early January. This timeline would allow the new franchise to be in place by the expiration of the current agreement. MACC and Comcast also agreed to tackle the more difficult franchise issues up front, leaving the other sections of the franchise for the later part of the proposed negotiations time line.

At the Commission's June 5th meeting, staff reported delays it was experiencing in getting Comcast to provide timely "red-line" sections in advance of scheduled sessions and that more negotiation sessions had been added to handle these delays. The Commission decided to vest its Executive Committee (the Commission's 3 officers) to act on its behalf to monitor the progress of negotiations and to invoke the Formal Renewal Process if problems continued during Informal Negotiations.

In spite of the additional negotiation sessions, by the end of August many issues remained unresolved. This was reported to the MACC Executive Committee in early September and again on October 10th, where the Executive Committee unanimously directed staff to either: 1) complete informal negotiations with Comcast by the end of October, or 2) bring legislation to an Executive Committee meeting in November to move negotiations from the Informal to the Formal Process.

By October 25th, after over 30 meetings on the renewal (seven in October), it was clear to MACC staff that the negotiations would not be completed by the end of the month or in time for the jurisdictions to act before the current franchise expired at the end of January 2014. As a result, the MACC Executive Committee on November 22nd adopted a MACC Resolution to move negotiations to the Formal Process and recommended that the full Commission request that the member jurisdictions extend the current franchise agreements to the end of 2014 to accommodate the Formal Renewal steps.

Action Requested

Today, MACC asks you to extend the term of the Comcast Cable Franchise Agreement until the end of December, 2014 in order to accommodate the time needed to complete the Formal Renewal Process (Comcast Legal has agreed with the terms of this extension). We have worked with your staff and legal counsel to prepare a resolution or ordinance to effect this change in your jurisdiction. All 15 MACC member jurisdictions must pass similar legislation in order for this change to be effective. Extensions may be granted after the January termination date without any adverse effects.

In addition to this report and a copy of MACC's recommending resolution, we have also enclosed a "Question & Answer" memorandum that addresses expected questions about this action.

MACC staff would be happy to answer any questions you have about this recommended action.

Enclosures:

- MACC Resolution 2013-08
- MACC "Questions & Answers"

RESOLUTION 14-14**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO EXTENDING THE TERM OF THE CABLE TELEVISION SERVICES AGREEMENT WITH COMCAST OF OREGON II, INC. TO ENABLE THE METROPOLITAN AREA COMMUNICATIONS COMMISSION TO COMPLETE THE FORMAL RENEWAL PROCESS**

WHEREAS, the Metropolitan Area Communications Commission, hereinafter “MACC,” is an intergovernmental cooperation commission formed by Intergovernmental Agreement (“IGA”) under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin and West Linn as members (“Member Jurisdictions”); and

WHEREAS, the IGA contemplates that MACC and its Member Jurisdictions may grant one or more nonexclusive cable franchise agreements to construct, operate, and maintain a cable service system within the combined boundaries of the Member Jurisdictions; and

WHEREAS, on February 1, 1999, MACC and its Member Jurisdictions at that time, granted nonexclusive cable franchise agreements (“Comcast Franchises”) which are now held by Comcast of Oregon II, Inc. (“Comcast”); and

WHEREAS, the Comcast Franchises will expire on January 31, 2014; and

WHEREAS, on March 9, 2011, Comcast requested that the Comcast Franchises be renewed; and

WHEREAS, the IGA authorizes MACC to process Comcast’s renewal request on behalf of the Member Jurisdictions, including informal negotiations as set forth in 47 U.S.C. 546 (h) and the formal renewal process set forth in 47 U.S.C. 546 (a)-(g); and

WHEREAS, in its letter of April 5, 2011, MACC properly responded to Comcast’s request for renewal of the Comcast Franchises and thereafter commenced the franchise renewal process set forth in federal law at 47 U.S.C. 546; and

WHEREAS, on January 24, 2013, MACC directed staff to begin informal franchise renewal negotiations with Comcast, as set forth in 47 U.S.C. 546 (h), which informal negotiations began in February 2013; and

WHEREAS, on June 5, 2013, the Commission authorized the MACC Executive Committee to invoke the formal renewal process set forth in 47 U.S.C. 546 (a)-(g), if informal renewal negotiations were not successful; and

WHEREAS, on November 22, 2013, the Executive Committee found that further informal renewal negotiations have no reasonable prospect of success and adopted Resolution 2013-06 directing MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a)-(g); and

WHEREAS, on December 11, 2013, the MACC Commission adopted Resolution 2013-08, ratifying Resolution 2013-06 and recommending that Member Jurisdictions extend the Comcast Franchises to allow MACC to complete the formal renewal process; and

WHEREAS, Comcast has agreed to execute extension agreements with each Member Jurisdiction; and

WHEREAS, the City of Lake Oswego finds that it is in the best interest of the City and its residents to process Comcast's request for renewal of the Comcast Franchise via the formal renewal process set forth in 47 U.S.C. 546 (a)-(g), and to extend the term of the Comcast Franchise to allow MACC to complete the formal renewal process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Oswego that:

Section 1. Comcast's request for renewal of the Comcast Franchise will be processed through the formal renewal process set forth in 47 U.S.C. 546 (a)-(g).

Section 2. The Mayor is hereby authorized to execute the extension agreement with Comcast substantially in the form attached hereto as Exhibit A to allow MACC to complete the formal renewal process set forth in 47 U.S.C. 546 (a)-(g).

Section 3. This resolution shall be effective from and after its adoption.

Considered and enacted at the regular meeting of the City Council of the City of Lake Oswego on the 4th day of February, 2014.

AYES:

NOES:

EXCUSED:

ABSTAIN:

Kent Studebaker, Mayor

ATTEST:

Catherine Schneider, City Recorder

APPROVED AS TO FORM:

David D. Powell, City Attorney

FRANCHISE EXTENSION AGREEMENT

WHEREAS, Comcast of Oregon II, Inc. ("Comcast"), formerly TCI of the Tualatin Valley, Inc., currently holds a cable franchise with the City of Lake Oswego, Oregon ("City"), granted by Ordinance 2178, with an effective date of February 1, 1999, which will expire on January 31, 2014 ("Franchise"); and

WHEREAS, the City entered into an Intergovernmental Agreement, in accordance with ORS Chapter 190, with the Metropolitan Area Communications Commission ("MACC") for transfer of administration responsibilities associated with the Franchise, including renewal negotiations; and

WHEREAS, MACC, on behalf of the City, has been working to process Comcast's request for renewal of the Franchise in accordance with 47 U.S.C. 546; and

WHEREAS, the parties have agreed to extend the term of the Franchise to allow additional time for the renewal process to conclude.

NOW, THEREFORE, the City and Comcast agree as follows:

1. The Franchise shall be extended to expire on December 31, 2014, unless a renewed franchise agreement takes effect prior to that date, in which case the Franchise shall expire on the effective date of the renewed franchise.
2. All provisions of the Franchise, other than the duration of the Franchise as set forth in Section 2.3, shall remain in full force and effect through the expiration date set forth herein.
3. Neither party waives any right it has under law as a result of agreeing to this Franchise extension.

ACCEPTED this ____ day of February, 2014.

City of Lake Oswego

By: _____

Print Name: _____

Title: _____

ACCEPTED this ____ day of February, 2014.

Comcast of Oregon II, Inc.

By: _____
Print Name: _____
Title: _____

**QUESTIONS & ANSWERS
ABOUT THE PROPOSED EXTENSION OF
COMCAST'S FRANCHISE TERM**

The following Questions & Answers were prepared by MACC Staff to attempt to provide you answers to expected questions regarding the proposed action:

Q1: How long a term was proposed for the new franchise?

A: We agreed with Comcast on 10 years which is typical in today's market – the current franchise was granted in 1999.

Q2: What major issues in the negotiations were unresolved by the end of October?

A: As of October 31st, the following major issues remained unresolved (a number of lesser issues also remained open):

- Franchise Fee Revenue – The definition of “Gross Revenues” describes in detail the sources of cable service revenue used to compute the 5% franchise fee Comcast owes member jurisdictions for the use of their Right of Way (ROW). (MACC estimates a loss of \$2 million in revenues over 10 years if Comcast's changes are accepted).
- Police Powers – For more than thirty years MACC area cable operators have agreed that each jurisdiction could change their police powers ordinances for management of its ROW as needed – Comcast now insists that they should only be subject to ordinances in place at time of the grant of their new franchise agreement – future jurisdictional ordinances would not apply to them.
- Customer Service – Comcast wants to eliminate business subscribers from the protections of the franchise and reduce other customer service provisions. MACC had already agreed to a reduced fine schedule.
- The Public Communications Network (PCN) – For more than thirty years MACC area cable operators have provided, at cost, network services to over 240 local government, school and library sites. Comcast wants to turn the operations of the PCN over to an affiliate company – many issues remain to be resolved with this proposed transition – PCN Users are not happy with this management change which would remove some network management and responsibility out of Oregon.
- Public, Education and Government TV Channels (PEG) – MACC asked for one additional channel for local government programming and to begin upgrading channels to HDTV.

Submitted for informal renewal negotiations only (47 U.S.C. 546 (h)) - pursuant to Federal Rules of Evidence 408 or its state, local or city equivalent.

Comcast first agreed but recently suggested MACC trade that channel for other franchise concessions.

- Competitive Equity – Comcast wants to rewrite the terms that dictate how MACC and the jurisdictions will treat competitors who enter the local market. MACC prefers to use the rules set-forth by the FCC and to not reduce our rights below those standards.
- PEG/PCN Grant Fund. In the current franchise, Comcast agreed to fund the Grant Fund (which supports PEG and PCN users) in an amount equaling \$1/month/subscriber. Comcast passes that cost on to its customers, but it is their responsibility. MACC is seeking to maintain the status quo for Grant funding by using the inflation-adjusted equivalent for the next 10 years (about \$1.35), which would still not meet all the demands on that Fund. Comcast has offered 50¢ and has proposed eliminating Grant funding for PCN equipment (which would result in about \$550,000/year in costs to be shifted to the member jurisdictions) Comcast has proposed eliminating operational Grant support to a number of small PCN Users and agencies (including the Virginia Garcia Medical Clinics, Banks/Gaston Schools, the cities of North Plains, Cornelius, Banks, and King City) – this would either force these small Users to either pay this cost (about \$150,000/year) from their general funds or drop their PCN services entirely.

Q3: Why not just continue informal negotiations and extend the franchise term to accommodate those discussions?

A: MACC and Comcast have had 33 meetings, seven of those in October. Without the timeline structure of the Formal Process, negotiations could drag on even longer.

While MACC sees the Formal Process as necessary to ensure a timely renewal, concurrent informal discussions with Comcast can continue. This is not unusual during the Formal process.

Q4: Won't the Formal Process be costly to the MACC member jurisdictions?

A: No, not at all. Long before the renewal discussions began this year, MACC began to set-aside a portion of the franchise fees allotted to its operations to pay for the costs of the community needs assessment, the actual renewal costs and, if needed, for the Formal Process. Funds were budgeted in this year's MACC budget just for Formal Process costs.

However, if MACC accepts Comcast's current positions, the resulting franchise will be very costly to the jurisdictions in lost franchise fee revenues and reduced public benefits including \$6 million in Grant Funding and jurisdictional control over the PROW.

Q5: Is use of the Formal Process common and are other jurisdictions moving to this process in their negotiations with Comcast?

Although it has been uncommon in the past, recently it has been used more frequently in Comcast systems. Besides MACC (and one other jurisdiction in the Oregon market that may move to Formal), at least three jurisdictions in the West Comcast region have moved to the Formal Process. We hear others are considering it.

Q6: Aren't there significant legal risks in entering the Formal process?

A: There are legal risks to cable franchising in general. However, even when a jurisdiction is in the Informal Process they operate under many of the same rules as when under the Formal Process.

Q7: What happens if Comcast is denied a renewal of its franchise agreement?

A: In the unlikely event the MACC jurisdictions under the Formal Process eventually decide to deny Comcast a cable franchise renewal, Comcast would lose its right to use the ROW and may need to respond to a new MACC RFP in competition with other providers.

Q8: Are there other competitors to Comcast who would offer to provide services to MACC members if Comcast lost its franchise to serve this area?

A: Most definitely. Although this process is unlikely to result in a new provider, the MACC service area is very attractive to competitors as a place to offer high-end communications systems like cable and high-speed Internet services. In the unlikely possibility that Comcast would no longer have a franchise, we would expect many competitors to appear.

Q9: Are the subscriber rates for cable services negotiated during a renewal?

No, for all intents and purposes, most subscriber rate regulation at the local level ended in 1998. We cannot regulate cable rates or dictate the actual programming offered by a cable operator in a cable franchise.

Q10: Why can't MACC just force Comcast to accept the terms of a new cable franchise?

A: Federal Law dictates the process used for renewing a franchise based on a community's needs. MACC has to follow Federal Law and really does not have the ability to force a franchise on a provider.



TO: Kent Studebaker, Mayor
Members of the City Council
Scott Lazenby, City Manager

FROM: Beverly Ross, Administrative Support

SUBJECT: Library Advisory Board Appointments

DATE: January 17, 2014

ACTION

Adopt Resolution 14-17, approving appointments to the Library Advisory Board (LAB).

BACKGROUND

The City Council Interview Committee consisting of Councilor Jeff Gudman, Councilor Lauren Hughes, and LAB Chair Richard Slaven, met on January 16, to interview candidates for the Library Advisory Board.

It was the consensus of the Interview Committee to recommend that Nancy Niland and Clifford Perigo each be appointed to three year terms ending on January 31, 2017. Robert Miller was selected to serve as alternate in the event that there is a vacancy before December 31, 2014. Mayor Studebaker concurred with the recommendations of the Interview Committee and has made the appointments.

RECOMMENDATION

It is recommended that City Council adopt Resolution 14-17.

ATTACHMENTS

1. Resolution 14-17

RESOLUTION 14-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO APPROVING APPOINTMENTS TO THE LIBRARY ADVISORY BOARD

WHEREAS, a City Council Interview Committee consisting Councilor Jeff Gudman, Councilor Lauren Hughes, and LAB Chair Richard Slaven, met on January 16, 2014, to interview candidates for the Library Advisory Board; and

WHEREAS, it was the consensus of the Interview Committee to recommend that Nancy Niland be appointed to a three year term ending on January 31, 2017, Clifford Perigo be appointed to a three year term ending on January 31, 2017, and Robert Miller serve as alternate through December 31, 2014; and

WHEREAS, the Mayor has made the appointments recommended by the Interview Committee;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Oswego approves the appointment of Nancy Niland and Clifford Perigo to the Library Advisory Board, each to three year terms ending January 31, 2017, and the appointment of Robert Miller as alternate to serve in the event there is a vacancy on the Board before December 31, 2014.

This resolution shall take effect upon passage.

Approved and adopted by the City Council of the City of Lake Oswego at a regular meeting held on the 4th day of February, 2014.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Kent Studebaker, Mayor

ATTEST:

Catherine Schneider, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney



TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Ursula Euler, Finance Director

SUBJECT: Progress on Change to Monthly Utility Billing

DATE: January 23, 2014

ACTION

Direct staff to continue to implement monthly utility billing as described in this report. .

BACKGROUND

Last May, the Budget Committee requested that the utilities go to a monthly, instead of a bi-monthly, billing cycle. This was affirmed by Council when it adopted the 2013-14 budget in June 2013. Since then staff has begun a preliminary evaluation of software capabilities, including those that are standard and those that might lead to custom modification just for Lake Oswego. It also reviewed existing City Code¹, fee structure and vendor contracts² in order to assess their relevance and suitability to the scope of the project. Certain Master Fees & Charges information for the utilities was modified and adopted on January 7, 2014, in preparation for monthly billing. At that time staff also shared with Council that additional materials and services will cost about \$112,000.

Council agreed that the benefits of monthly bills are well worth the additional cost and effort. The bill amounts are smaller and more regular, allowing our residents and businesses to plan better. The consumption and conservation information reaches the customer more promptly and improves his or her ability to adjust. Perhaps most importantly, unintended use, such as a faulty faucet, a water hose accidentally left on, an underground leak, or use by someone else without permission, can be detected much earlier with monthly than with bi-monthly meter reads and bills.

¹ Staff has reviewed existing City Code. It is brief and addresses due dates. The due dates are more restrictive than long-time practice. Staff does not recommend changing the Code at this time.

² All vendor contracts are broad enough to cover monthly or bi-monthly billing work.

Furthermore, staff has long attempted to correlate conservation with weather patterns. These attempts can be improved with more distinct data. Customers often ask: Why is my bill so high, without realizing that it is for a two-month period. Our customer service representatives know that a bill for one month is more understandable than for two months and we hope for fewer of those calls.

As of this January we are receiving monthly meter reads, so that we can test monthly billing with live data and fine-tune the scope.

DISCUSSION

Scope

The scope or goal of the change can be summarized in six bullet points:

- Bill City utility customers monthly
- Keep it simple and clear for the customers
- Keep it simple and clear for staff
- Anticipate problems and find solutions
- Be realistic about increased call and service order volumes and prepare
- Use resources as wisely as possible to minimize cost increases

Schedule

Staff recommends that the change be implemented before the summer. This will make summer bills, the higher volume bills, more regular, smaller and a more effective information tool to our customers about summer usage. More specifically, the first monthly bills will be mailed in April for one Zone, and in May for the other. A rough time line of the first new billing and other related events is shown below:

Timetable of first monthly billings and other relevant billing events	
April 15-20, 2014	Monthly bills for first zone are mailed, phone volumes are expected to be high in latter part of April
May 15-20, 2014	Monthly bills for second zone are mailed, phone volumes are expected to be high in May
June 1 - 30, 2014	Phone volumes are expected to be high; new water winter averages are computed for wastewater
July 1, 2014	Beginning of new fiscal year, at which time new rates go into effect
August 15-20, 2014	First bills with new rates and new winter water averages for wastewater are mailed, phone volumes will be high in August, September and October
October and November 2014	Customer Incentive program to receive e-mail bills and make online payments; this will be a new initiative

Budget

We now know that contract and materials costs will increase by about \$112,000. The table below shows in more detail how staff arrived at this number.

Anticipated Additional Materials & Services Costs		
\$43,800	Metereaders Inc.	The City contracts with Metereaders Inc. to read water meters. The water meter reads will double.
\$26,100	Wright Imaging	The City contracts with Wright Imaging to mail the utility invoices. About 13% of our customers receive their invoices via e-mail. The rest receive paper invoices. Printing and mailing, with associated production and postage costs, will double.
\$28,300	Wells Fargo Bank	Check payments are processed through our lockbox at Wells Fargo bank. The number of check payments will double. About 25% of our customers pay electronically. This could be improved in the future with a possible annual incentive program.
\$12,800	Cascade Forms	The City contracts with Cascade Forms to design and print the invoices. Cascade Forms also provides the mail and return envelopes, as well as the hangers. The volume of these forms will double.
\$1,000	Other	Additional forms and postage for past due letters
<u>\$112,000</u>	Total	

Planning and preparation for the unknown

A conversion from a bi-monthly to a monthly billing rhythm does not happen often. We contacted other cities who have made the conversion to see what we could learn. . Based on their experience, it is highly likely that the change will generate an unusually high call volume initially. We are hoping to prevent a spike through advance information placed into a variety of venues:

- ✓ March article in Hello LO
- ✓ A banner on the utility front Web page
- ✓ A note on the face of the bill in March and April
- ✓ A bill insert or separate mailer
- ✓ An article in the LO Review

Even with an extensive communication plan, many residents and businesses will simply be surprised. They will have questions about their usage and the tiered usage blocks.³ We anticipate more questions about service periods, due dates, and outstanding balances.

³ The unit blocks of water consumption appear no longer as 1 to 16, 17 to 32, and 33 and over. They will be 1 to 8, 9 to 16, and 17 and over units. Customers might wonder if the cost of 8 and 8 units in each of two consecutive months will be the same as using 6 and 10 units over the same two months. And it is not. Under bi-monthly billing and the 8+8 example, they do not enter the second and more expensive tier. In the 6+10 example, they enter the second tier with 2 units in the second. Under the bi-monthly billing cycle, customers received the benefit of 2-month averaging. We will lose this advantage and the customer will essentially pay \$2.06 more than before under

Continuing questions will relate to past due amounts because they will become past due after the same number of billing cycles as before, but the billing cycles are shortened. Staff anticipates working with several customers with rather large outstanding balances to help them return to a current status.

We are also learning that field work and service orders are likely to double, unless we make additional mitigating plans.

Currently each meter reading cycle generates a list of 50 to 100 requests by the meter reader for maintenance such as trims around the meter, dig-outs, lid repairs, meter cleaning or replacement, because the meter head is fogged, and checks for suspected leaks. Once meter reads are completed, read abnormalities lead to about 30 to 50 repeat-reads by City crews. Once a billing is complete, operations crew members are requested to place 150-200 hangers for non-payment on customer doors, and shut off or turn on between 1 and 10 water lines. With monthly billing several of these services will increase in number.

The table below describes how staff plans to handle changes in service calls.

Typical service calls under Bi-Monthly Billing	Plan for Monthly Billing
50-100 Maintenance Requests by Metereader Inc. personnel	Initially these service requests will double because personnel 'visit' twice as many meters. This should taper off after two to three months.
30-50 Repeat-reads because of read abnormalities	Repeat-reads will double because of twice as many meter reads.
150-200 Non-payment hangers	The number of hangers could decline, but is expected to return to same frequency as under bi-monthly billing. ⁴ Will replace non-payment hangers with bold 'Past Due' notification on the invoice, timely past due letters, and reminder phone calls.
1-10 shut-offs	Will use hangers only as reminder that water will be turned off.

The habitual late payers will experience shorter windows of time for past due notices and possible water shut-off. This is intended so that outstanding balances remain manageable for

this example. It reflects usage more true to month and weather as well. Staff has not attempted to assess how often this might happen, and it is very difficult to estimate the impact on customers and utility revenue.

⁴ The number of hanger placements could decline. We have learned from others that this is the case in the beginning, but that the number of customers with past due amounts returns to the same levels under monthly billing as they were under bi-monthly billing.

them, and so that operations and customer service staff spend less time on collecting past due amounts.

We cautiously estimate that we spend about 100 hours per month in the billing office on past due 'collection' efforts alone, from the gentle payment reminders, to the firm shut-off notifications, and eventual release to a professional collection agency. We hope that with smaller and more regular bills collectability will improve and that the collection effort will take less time. The proportion of our bills older than 90 days is 5%, which is a very low percentage, however our billing staff will likely continue to spend 95% of our time on 5% of our customers.

Every year, about 125 customers call to request that their water be turned off because they are leaving for a prolonged period of time, such as two or three months, or longer. It has been the City's practice to inactivate the monthly fixed fees for water and wastewater in these cases as a courtesy. As a result, those customers were relieved of about \$71 per month for a number of months. Staff is not sure about the underlying logic. The infrastructure is still maintained, and meters are read, to assure the account has no water usage, because the occupant may have failed to inform us of his or her return. Some of the City's own accounts are also inactivated during the winter months. We may discontinue this practice.

Automation to the rescue

As mentioned before, several steps can be taken now to help with repeat and common questions and concerns. Some of them can be implemented quickly by City staff, and others are plans for coming months and years. Here are several possible solutions:

Timeframe	Automation Steps
Can be Done Now	Pre-recorded information in our phone system
	A phone menu directing callers to recorded information or the best extension
	Web page instructions for a leak self-check
Later in the year	Incentive program for electronic invoicing and payments
Depends on software capabilities, but can begin to require phone numbers	Automated reminder phone calling
A long-term investment with a very promising pay-back period	Automated meter reading

FISCAL IMPACT

The fiscal impact is described extensively above. Implementation costs will be absorbed within the utility budgets. This fiscal year, we estimate spending approximately \$30,000 due to implementation timetables. The full cost of \$112,000 will be reflected in the FY 14-15 budget.

We will monitor the implementation process to determine if additional customer service staffing proves necessary. We will provide Council with an update in the fall of 2014.

RECOMMENDATION

Direct staff to implement monthly utility billing as outlined in this report.

Draft Council Goals - 2014

Balance community demand for city services and facilities with the goal of keeping city taxes and fees affordable

- Review master fees and charges, and establish cost recovery policies of various classes of fees. (This year.)
- Update the Council's policy on debt; approve a revised investment policy. (This year.)

Balance the goals of community aesthetics and environmental quality with the preservation of property rights and individual freedom

- Complete the 2013 Action Plan goals for updating the comprehensive plan and reforming regulations on "sensitive lands." (This year.)
- Amend the tree code to more appropriately address large tree lots. (This year.)
- Convene a community dialog on the tree code to see if there is a better way to meet the goal of a "Tree City USA" while responding to residents' desire for less stringent regulation. (Next two years.)
- Identify a strategy for streamlining development processes while retaining community aesthetic and quality standards. (Next two years.)

Improve the city's infrastructure to meet current standards and provide for managed future growth

- Adopt a design and funding strategy for upgrading the Operations Center (This year.) Complete the upgrade. (By 2017.)
- Acquire property and complete the design for new or expanded space for Police/LOCOM. (This year.) Construct the building (Next two years).
- Identify a funding strategy for Boones Ferry Road improvements. (This year.) Complete the improvements. (Next five years.)
- Build funds through a set-aside in the operating budget to complete major repairs to the exterior walls and windows of City Hall. (Long term.)
- Develop a financially feasible plan for a community facility (library services, meeting rooms, police presence) in Lake Grove in conjunction with the Boones Ferry project.

Build the tax base by supporting business investment in Lake Oswego

- Streamline the development code to make it more business-friendly. (Long term.)
- With the involvement of property owners and surrounding residents, develop a plan for the southwest industrial area. (This year.)
- Complete property acquisition and actively market the North Anchor properties. In marketing the site(s), balance community aspirations with market reality. (This year.)

Other goals

- Review and change as necessary the role and scope of city advisory boards.
- Inventory the availability of community meeting spaces in Lake Oswego. (This year.)
- Inventory available recreation facilities and activities (public and private) available to residents. (This year.)

- Adopt a procedure for filling council vacancies. (This year.)
- Propose to the voters a charter amendment that would limit or remove the provision for street widening elections. (This year.)
- Consider the provision of volunteer coordination services, particularly for projects in natural areas.

Neighborhood Livability

It is the policy of the Lake Oswego City Council to preserve the character of existing established residential neighborhoods (i.e., those that are built-out with little opportunity for further subdivision of lots). How this will be done will be decided by the City Council in consultation with residents of the neighborhood and neighborhood association representatives, while keeping in mind the property rights of owners or buyers who are interested in improving their property.

Preservation of Assets

The City Council places a priority on maintenance and upgrade of existing facilities and capital assets. A strategy for funding operation and maintenance will be identified before new facilities are acquired or constructed. Reasonable long term replacement and major repair costs should be set aside in the operating budget.

Annexation

The City Council supports the policy of “friendly annexation” of residential areas. Annexation will be with the consent of the owners of affected residential properties, even if this results in the short term in irregular boundaries or islands of unincorporated areas. The City may, however, take an active role in the annexation of developed commercial and industrial property within Lake Oswego’s urban service area.

Economic Development

A thriving business community builds the city’s property tax base, provides jobs for Lake Oswego residents, and provides goods and services for residents. The City of Lake Oswego will actively encourage business investment and expansion by:

- Reducing regulatory barriers (complexity, time and cost in processing applications, amount and scope of regulations) wherever possible, without sacrificing community aesthetics and livability.
- Responding quickly to business expansion and relocation inquiries.
- Providing information, in partnership with other economic development organizations, that assists in business location decisions.

- Financial incentives when warranted by the benefits to the city provided by the new or growing business, as decided on a case-by-case basis by the City Council.

New Fees and Taxes

Any new fee or tax, or an expansion of scope of an existing fee, will be considered only if the fee or tax will be dedicated to a specific purpose. The City Council will monitor the use of the fee or tax to ensure that the benefits outweigh the cost.



TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Debra Andreades, AICP, Senior Planner

SUBJECT: Comprehensive Plan Map and Zoning Map Amendments for the
West End Building Property (LU 13-0053)

DATE: January 24, 2014

ACTION

Conduct a public hearing on LU 13-0053, to consider amendments to the Comprehensive Plan and Zoning Maps from Office Campus/High Density Residential (OC/R-3) to General Commercial (GC) for the WEB site, located at 4101 Kruse Way. The request also includes an amendment of LOC 50.02.002.2.c [Specific Standards for Commercial, Mixed Use, and Industrial Zones; Standards Applicable to Specific Locations] to add a new special standard for the site, limiting the commercial uses to 160,000 square feet and limiting the number of residential units to 200.

BACKGROUND

The site is developed with a two-story office building that is currently owned by the City and used for city offices. The Council had previously determined that the property is underutilized and that it should be sold to facilitate the highest and best use of the land.

On November 25, 2013, the Planning Commission (Commission) conducted a public hearing on the proposed re-zone of the property. The Commission recommended denial, as indicated in the Findings, Exhibit B-1.

An application for a re-zone must demonstrate compliance with the Comprehensive Plan. In its decision the Planning Commission found that the proposed rezone did not comply with Goals 2 (Land Use) and 12 (Transportation). These chapters require a demonstration of public need for the rezone, compatibility between land uses allowed through the rezone and adjacent land uses, and adequate public facilities to serve development, among other criteria. A Transportation Impact Analysis is also required to determine the impacts of the rezone on the existing transportation system and resulting impacts to adjacent development.

Public Needs Analysis

The applicant's Market Analysis (Exhibit F-4) indicates a market demand for additional commercial and multi-family residential housing at the location of the site. The Commission found that although the Market Analysis showed that within a 5-mile radius there is demand for the uses allowed in the GC zone, public need is not only determined by market demand but by finding of a community need for the proposed land use(s), as compared to other uses, in the City.

The Commission found that the applicant had not demonstrated a "public need." The Commission:

- Noted that no evidence was submitted from the nearly complete, three-year process to update the City's Comprehensive Plan that there is a public need to expand the GC zone or the range of commercial uses allowed outside of the nearby Lake Grove Town Center (Lake Grove Village Center Plan area).
- Found that the current Comprehensive Plan does not call for expansion of the Lake Grove town center or the creation of an additional mini-town center (nearby Kruse Village's 65,000 sq. ft. plus the proposed 160,000 sq. ft for this site).
- Found that there is a public need to preserve the Kruse Way/Centerpointe Business District as the region's premier office area, and the applicant had not demonstrated that, by allowing the full range of GC uses on the site, there would not be detrimental impacts upon the District.
- Found it had not been demonstrated that the existing and approved commercial space (Kruse Village), along with near term applications for retail commercial space in Lake Oswego was not adequate to meet the market demand.
- Found that there is no demonstrated public need for the additional 41 housing units that would be allowed by rezoning the property from OC/R-3 to GC.
- Found that the Council's actions to sell the property and to include a condition of rezone in the sale agreement does not necessarily constitute a determination of "public need" under the Comprehensive Plan criteria for a change in the Comprehensive Plan Map and Zoning Map designations.

Traffic Impact Analysis

The Commission found that when reviewing a rezone application where the specific, projected use for a site is not known, the most intense development should be assumed for purposes of determining if development would be compatible with adjacent land uses. The Commission found that there must be some demonstration of the ability to adequately mitigate traffic impact from a reasonably expected level of development on the site. The Commission found the likely means of mitigating traffic from the development that could impact the surrounding residential neighborhood – either by expanding the use of Daniel Way or by restricting / prohibiting the future use of Daniel Way for access through the development site to the adjacent residential neighborhood -- was not analyzed¹ and thus the applicant had not demonstrated the feasibility of how traffic from possible minor or major development on the

¹The applicant's traffic study was based on potential development of a supermarket, shopping center and/or athletic center, and housing.

site could be made consistent with surrounding development.² (Staff advised the Commission that street improvements for Daniel Way could not be imposed as an exaction for the rezone because the ministerially permissible uses and development under the rezone – either continuation of the current use or less intensive uses -- would not justify Daniel Way street improvements at this time.)

Other Impacts to Surrounding Area

The Commission found that:

- The applicant had not shown how noise from a reasonable level of development on the site could be mitigated.
- The retention of the tree grove on the site was not addressed.
- Assurance of consistency with adjacent commercial development under the Lake Grove Village Center Plan was not demonstrated.

The above discussion outlines the key reasons the Commission believes the criteria for a rezone were not met and why they recommended denial of the application.

CONCLUSION

The Planning Commission, in recommending denial of the zone change from OC/R-3 to GC, based its decision on a lack of demonstrated public need for GC zoning, potential incompatibilities between uses allowed in GC and adjacent land uses, and traffic impacts. Although rezone applications require a traffic impact analysis to consider the reasonably expected development impacts, they are not generally accompanied by a specific development proposal. However, the GC zone is the commercial zone with the widest range of allowed uses, making a general analysis of future uses more difficult than the analysis of a specific development proposal. The Commission concluded that it could not find that the criteria for a rezone were met without more specific detail on the future use for the site. Had more specific information been provided on the intended use of the site, or had there been additional limitations imposed on the full range of uses allowed in the GC zone that could be proposed for this site, staff believes the Commission might have reached a different conclusion.

RECOMMENDATION

The Council has several options:

- Approve the project as proposed.
- Place zoning limitations on future development to meet the applicable criteria.
- Deny the application.
- If the applicant requests the opportunity to submit additional information, which may include a specific development proposal, remand the application back to the Planning Commission for further consideration. [Staff notes that the applicant, the Lake Oswego Redevelopment Agency, has indicated that it intends to introduce new evidence in support of its application and request a remand].

²If the rezone is approved and future minor or major development (commercial development and any residential development greater than 3 dwelling units), is proposed, a determination of specific improvements to Daniel Way needed to mitigate the proposed development's impact would be a condition of development permit approval.

EXHIBIT LIST

All exhibits are part of the record. Only those exhibits that are **bolded and underlined** are included with this staff report.

This staff report and exhibits can be found by visiting the land use webpage for Case File LU 13-0053.

Use the link below to visit the City's "Project" page. In the "Search" box enter LU 13-0053 then press "Submit":

<http://www.ci.oswego.or.us/projects>

A. Ordinances

A-1 Draft Ordinance 2633, dated 11/15/13

B. Findings, Conclusions and Order

B-1 Planning Commission Findings, Conclusions and Order, 12/09/13

C. Minutes

C-1 Planning Commission Minutes, 11/25/13

D. Staff Reports

D-1 Planning Commission Staff Report, 11/15/13

E. Graphics/Plans

E-1 Tax Map

E-2 Existing Comprehensive Plan Map

E-3 Existing Zoning Map

E-4 Lake Grove Village Center Urban Renewal Area Map

E-5 Aerial Map (2012)

E-6 Comprehensive Plan Functional Street Classification Map

E-7 Zoning Map-General Commercial Zone at Boones Ferry and Jean Roads

E-8 Parcels Along Major Arterials Map

E-9 Natural Resources Map and Inventory (2 pages)

E-10 Comprehensive Plan -Goal 9 Maps for Lake Grove & Kruse Way/Centerpointe Business Districts

E-11 Lake Grove Village Center Overlay Boundary and Zoning Map

F. Written Materials

F-1 Applicant's Narrative

F-2 Calculations for OC/R-3 vs. GC Zoning Redevelopment Potential

F-3 Community Development Code Use Table: OC vs. GC Permitted Uses

F-4 Needs Analysis, prepared by Marketek, dated 10/04/13

- F-5 Traffic Impact Analysis, prepared by DKS Associates, dated 10/16/13
- F-6 Neighborhood Meeting Minutes, 09/17/13

G. Testimony

Neither for Nor Against

- G-1 Letter from Stuart Ketzler, Executive Director of Finance, Lake Oswego School District, dated 09/25/13
- G-2 Letter from Nick Bunick, dated 11/09/13
- G-3 Letter to DKS Associates from ODOT, 11/22/13

Support

- G-100 Letter from John Junkin, Garvey Schubert Barer, legal representative of Kensington Investment Group, LLC, 11/22/13

Opposition

- G-200 On-line comment from Patricia O'Brien, received 11/06/13
- G-201 E-Mail from Margaret Custer Ford, 11/19/13
- G-202 Letter from Carolyn Knutson, 11/21/13
- G-203 Letter from Westlake Neighborhood Association, 11/25/13
- G-204 E-Mail from Steve Modesitt, 11/25/13
- G-205 E-Mail from Arthur Ostergard, 11/25/13
- G-205.1 E-Mail from Arthur Ostergard, 11/25/13
- G-206 Letter from Mary Konrad and Doug Carlson, 11/25/13
- G-207 Letter from Waluga Neighborhood Association, 11/25/13
- G-208 Letter from Cheryl Uchida, 11/25/13
- G-209 Letter from Wilma McNulty, 11/25/13
- G-210 Statement from Bernie Harrington & Lake Grove Neighborhood Association Board, 11/25/13
- G-211 Statement from Linda McNulty, 11/25/13
- G-212 Letter from Carolyn Knutson, 01/08/14**
- G-213 E-Mail from Nick Bunick, 12/30/13**

H. Ex-Parte Contact

- H-1 E-Mail from Peter Oliver, 12/06/13
- H-2 E-Mail from Bill Barbat, 01/07/14

AN ORDINANCE OF THE CITY OF LAKE OSWEGO CITY COUNCIL AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAPS FOR TAX LOTS 5300 and 5400 (MAP 21E08BB); AMENDING THE LAKE OSWEGO CODE; AND ADOPTING FINDINGS. (LU 13-0053)

WHEREAS, a notice of public hearing for consideration of this Ordinance was duly given in a manner required by law; and,

WHEREAS, a public hearing was held before the Planning Commission on November 25, 2013, and before the Lake Oswego City Council on January 21, 2014, to review the proposed map and Code amendments;

The City of Lake Oswego ordains as follows:

Section 1. The City Council adopts the Findings and Conclusions (LU 13-0053) in Attachment A.

Section 2. The Comprehensive Plan Map and Zoning Map are amended to change the designations for Tax Lots 5300 and 5400, Map 21E08BB from Office Commercial/High Density Residential (OC/R-3) to General Commercial (GC).

Section 3. Section 50.02.002.2.c of the Lake Oswego Code is amended by:

A. Inserting as a new subsection Section 50.02.002.2.c.iv the following:

“iv. Kruse Way / Daniel Way Site.

On the 14.08 acre site located northwest of the intersection of Kruse Way and Daniel Way (Tax Lots 5300 and 5400 of Tax Map 21E08BB), commercial uses are limited to 160,000 square feet and the number of residential units is limited to 200.”

B. Renumbering current subsection iv. Boones Ferry Road/Jean Road Site to be subsection v; renumbering subsection v. Jean Way Site to be subsection vi, and renumbering subsection vi. Boones Ferry Road/Opposite Jean Way Site to be subsection vii.

Section 4. Effective Date of this Ordinance: Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

Enacted at the regular meeting of the City Council of the City of Lake Oswego Held on _____ day of _____ 2014.

DRAFT 01/24/14

AYES:

NOES:

ABSTAIN:

EXCUSED:

Kent Studebaker, Mayor

Dated: _____

ATTEST:

Catherine Schneider, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF LAKE OSWEGO**

A REQUEST FOR COMPREHENSIVE PLAN) LU 13-0053 - 1828
AND ZONING MAP AMENDMENTS) (CITY OF LAKE OSWEGO)
FROM OFFICE CAMPUS/HIGH DENSITY) FINDINGS, CONCLUSIONS & ORDER
RESIDENTIAL (OC/R-3) TO GENERAL)
COMMERCIAL (GC) AT 4101 KRUSE WAY)
(TAX LOTS 5300 AND 5400 OF)
TAX MAP 21E08BB)])

NATURE OF APPLICATION

The applicant is requesting approval for Comprehensive Plan Map and Zoning Map Amendments from Office Campus/High Density Residential (OC/R-3) to General Commercial (GC) for the site, and amendment of LOC 50.02.002.2.c [Specific Standards for Commercial, Mixed Use, and Industrial Zones; Standards Applicable to Specific Locations] to add a new special standard for the site, limiting the commercial uses to 160,000 square feet and limiting the number of residential units to 200.

The property is located at 4101 Kruse Way (Tax Lots 5300 and 5400 of Tax Map 21E08BB).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of November 25, 2013.

CRITERIA AND STANDARDS

A. City of Lake Oswego Community Development Code-Procedure (LOC Chapter 50)

LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.7	Appeals
LOC 50.07.003.15	Major Development (excluding subsection d.ii).
LOC 50.07.003.5	Conditions of Approval
LOC 50.07.003.3	Notice of Public Hearing
LOC 50.07.003.4	Hearings before a Hearings Body
LOC 50.07.003.16.a	Legislative Decision Defined (Quasi-judicial Comp. Plan and Zone Map (Amendments to be processed via Major Developments Procedures)
LOC 50.07.003.16.c	Required Notice to DLCD

B. City of Lake Oswego Comprehensive Plan Policies

<u>Goal 1</u> : Citizen Involvement	Policies 1, 2, 4 & 5
<u>Goal 2</u> : Land Use Planning	Section 1, Land Use Policies and Regulations: Policies 1, 5, 10, 11, 14, 22, 24, 25, and 26 Section 2 Community Design and Aesthetics Policy 4

<u>Goal 6:</u> Air, Water, Land Resource Quality	Section 1, Air Resources Quality Policy 5 Section 4, Sound Quality Policies 4 and 7
<u>Goal 8:</u> Parks and Recreation	Policy 6
<u>Goal 9:</u> Economic Development	Policies 1, 2, 6, 7, 10, 13, 16, 17
<u>Goal 10:</u> Housing	Policies: 1, 3, 5, 6, 8, 11, 13 and 14
<u>Goal 11:</u> Public Facilities and Services	Section 1, Public Safety and Fire Protection Policy 2 Section 2, Storm Water Management Policy 6 Section 3, Water Treatment and Delivery Policy 7 Section 4, Wastewater Collection and Treatment Policy 1
<u>Goal 12:</u> Transportation	Subgoal 1, Major Streets System Policies 1 and 2 Subgoal 3, Neighborhood Collectors and Local Residential Streets Policies 5 and 8 Subgoal 4, Land Use/Transportation Relationships Policies 2, 4, and 9 Subgoal 11, Parking Policy 2

C. Special District Plan-Waluga Neighborhood Plan

Goal 1:	Citizen Involvement	Policies 1, 2 and 3
Goal 2:	Land Use Planning	Policies 1, 2, 4 and 6
Goal 5:	Open Spaces, Scenic, Historic and Natural Areas	Policies 1, 2, 3, 5, 11
Goal 8:	Parks and Recreation	Policy 6
Goal 9:	Economic Development	Policies 3, 6, 7, 8 and 9
Goal 10:	Housing	Policies 3, 5, and 6
Goal 12:	Transportation	Policies 6 and 8

D. Metro Functional Plans

Urban Growth Management Functional Plan

Title 1:	Requirements for Housing and Employment Accommodation
Title 13:	Nature in Neighborhoods

Regional Transportation Plan

Title 4:	Regional Parking Management
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E. Transportation Planning Rule (Chapter 660, Division 12)

OAR 660-12-060(1) and (2)

F. Oregon Statewide Planning Goals

Goal 1:	Citizen Involvement
Goal 2:	Land Use Planning

Goal 9: Economic Development
Goal 10: Housing
Goal 12: Transportation

CONCLUSION

The Planning Commission concludes that LU 13-0053 is **not** in compliance with all applicable criteria.

FINDINGS AND REASONS

The Planning Commission incorporates the staff report, dated November 15, 2013, (with all exhibits attached thereto) as support for its decision except the following sections, which are not incorporated:

- Goal 2, Section 1, Policy 5 (See Supplemental Finding #1 below), however references in discussion of other policies that refer to or incorporate discussion under Goal 2, Section 1, Policy 5 similarly incorporate that discussion except if that discussion is in conflict with the below policies of Goals 2 and 9 that are not incorporated or in conflict with the supplementary findings below;
- Goal 2, Section 1, Policy 10, paragraph 3;
- Goal 2, Section 1, Policy 14.c;
- Goal 2, Section 1, Policy 14.f;
- Goal 2, Section 1, Policy 24;
- Goal 9, Policies 2.c.xviii and xx; and
- Goal 9, Policy 13.

In the event of any inconsistency between the supplementary matter herein and the staff report, the matter herein controls.

The Commission adopts the following findings and conclusions set forth herein. To the extent they are consistent with the approval granted herein, the Commission adopts by reference its oral deliberations on this matter. (Note: For purposes of these Findings, Conclusions and Order, "rezone" shall mean the proposed comprehensive plan map and zoning map amendments.)

Following are the supplementary findings and conclusions of this Commission:

1. Citizen Involvement (Goal 1, Policy 2). Although the Commission finds that the notice of the proposed rezone and amendment of the Comprehensive Plan map for this site met the Community Development Code's notice requirements, because the Commission finds that the proposed rezone of the West End Building site has city-wide effects, if the application is resubmitted in some form in the future, the Commission recommends and encourages the holding of a broader community discussion as to what type of future use of the site should occur.
2. Increase in Density in Residential Neighborhoods (Goal 2, Section 1, Policy 5). The Commission finds that it need not determine whether or not the site is itself within a "residential neighborhood" for purpose of this policy because Goal 2, Section 1, Policy 14 applies the same general criteria to the proposed rezone irrespective of whether the site is within an existing residential neighborhood.
3. Public Need. (Goal 2, Section 1, Policy 14.c; Waluga Neighborhood Plan, Goal 2, Policy 6). Although the applicant's Market Analysis (Exhibit F-4) substantiated a market demand for

1 additional commercial and multi-family residential housing -- that was the need that was
2 asked to be studied -- the Commission finds that "a demonstration of public need for the
3 change" requires more than a showing of present market demand for the requested uses.
4 Rather "demonstration of public need" requires consideration of various types of needs of
5 the community and a finding of a community need for the proposed type of use compared to
6 other uses, existing or planned, for the City. For example, even if there is a market demand
7 for "big box" retail or a regional shopping center, that market demand alone does not equate
8 to a "public need."
9

10 The Commission notes that this application for rezoning the last remaining large parcel in
11 the Lake Grove / Kruse Way area is submitted at the time the City is nearing its
12 comprehensive plan update. Although the application is to be judged based upon the
13 standards and criteria existing at the time of filing of the application, in determining the
14 "public need," the pending Comprehensive Plan update, which after several years of
15 community-wide meetings and numerous public hearings conducted by an advisory
16 committee, the Planning Commission, and the City Council, is expected to be completed in
17 the near term (within 6 months). This could provide some evidence of whether or not an
18 unmet public need is identified generally or for the site specifically which is addressed by the
19 application. No such evidence is presented from the pending Comprehensive Plan update
20 proceedings.
21

22 The Commission finds that the Comprehensive Plan does not call for expansion of the Lake
23 Grove town center or the creation of an additional mini-town center (nearby Kruse Village's
24 65,000 sq. ft. plus the proposed 160,000 sq. ft for this site). The Commission therefore finds
25 that there is not a demonstrated public need under the Comprehensive Plan to expand the
26 general commercial uses outside of the existing Lake Grove town center.
27

28 The Commission finds that the site is adjacent to a part of the Kruse Way/Centerpointe
29 Business District, the City's and the region's premier office area. The Commission finds that
30 there is also a public need to preserve the Kruse Way/Centerpointe Business District as the
31 region's premier office area. See Goal 9, Comprehensive Plan, Commercial Land Uses,
32 page 9-3. Since the specific nature of proposed development on the site is not known, the
33 Commission finds that in considering whether there is a public need for the proposed
34 rezone, the Commission must consider the multitude of types of uses that would be
35 permissible within the GC zone, e.g. indoor theater, auto sales and repair, restaurants with
36 drive-through, car wash, light manufacturing, hotels, laundry, grocery stores over 25,000 sq.
37 ft. to determine if there is a "public need" for all types of GC uses.
38

39 The City's Economic Opportunities Analysis (EOA) that was completed for the
40 Comprehensive Plan update identifies the Kruse Way corridor as economic engine of the
41 City, providing 2700 jobs and \$243 million in annual payroll, with an annual regional output
42 of \$1.4 billion dollars. The EOA states that what defines Lake Oswego is the high
43 concentration of offices for financial, insurance, and professional consulting services,
44 through the Kruse Way corridor. The EOA projects growth in demand over the next 20
45 years in the demand for offices for health care and financial firms that require high-quality
46 office spaces. The Commission finds that the applicant has not demonstrated that, by
47 allowing the full range of GC uses on the site, there would not be detrimental impacts upon
48 the Kruse Way/Centerpointe Business District. (The Commission notes testimony was
49 presented that some of the existing office buildings in the Kruse Way/Centerpointe Business
50 District are below optimum capacity but the Commission finds that the current office vacancy
51 rate in the Kruse Way office complex may be more likely due to a temporary economic
52 condition rather than the long-term office needs identified in the EOA. The Commission

1 finds that consideration of the public need requires consideration based on a long term
2 perspective, rather than short term.)
3

4 The Commission finds that the Market Analysis was for a broad range of general
5 commercial uses, finding that there was a significant amount of "leakage" of retail
6 commercial purchases occurring outside of Lake Oswego. However, the Commission finds
7 that even if "market demand" equates to "public need" – which the Commission does not so
8 conclude -- it must first be determined that the Market Analysis' cited leakage could be
9 captured on the site. Retail commercial purchases that occur through a different
10 commercial retail experience than would be reasonably expected to be developed on the
11 site would not affect the market demand for retail commercial at the site. For example, retail
12 commercial purchases that occur through a regional shopping complex experience, e.g.
13 Bridgeport, would not be captured by development of a smaller (160,000 sq. ft.) shopping
14 center. Accordingly, the Commission finds that the applicant has not demonstrated market
15 demand, let alone "public need" for additional retail commercial uses for the site.
16

17 The Commission also heard testimony that there is available commercial space and that
18 there is a recently approved – but not yet developed --commercial development (Kruse
19 Village) in the area, as well as the potential for additional commercial space (the Wizer block
20 is likely to have an application submitted in the near term that will include new retail
21 commercial space). The Commission finds that it remains to be demonstrated that the
22 existing and approved commercial space, along with near term applications for retail
23 commercial space in Lake Oswego is not adequate to meet the market demand.
24

25 The Commission finds that the Comprehensive Plan's Housing Needs Analysis, produced
26 for the ongoing Comprehensive Plan update, showed that the City can meet its demand for
27 housing with 2,300 additional high-density units through 2035. There are planned
28 developments and near-term pending applications for development which would
29 substantially contribute to meeting that housing demand: Foothills (planned 1700); Wizers
30 (near term pending 220). The Commission finds that the City could be expected to meet its
31 housing demand by the 2035 timeline. However the Commission finds that the amount of
32 housing that could occur under the proposed rezone, as compare to the amount of housing
33 that could occur under the existing zoning – 41 units – is not significant in the overall
34 quantity of housing in Lake Oswego to address any unmet public need for additional high-
35 density housing in the city. Thus the Commission finds that there is not a strong public need
36 for the additional housing units that could occur at the site based on the proposed rezone.
37

38 The Commission further finds that the applicant's Market Analysis that concluded that
39 substantially greater amount of multifamily housing was needed than the Comprehensive
40 Plan's Housing Needs Analysis is due to the different study areas: the Comprehensive
41 Plan's Housing Needs Analysis looks to the housing needs within the city boundaries; the
42 applicant's Market Analysis looks to housing needs within 5 miles of the site. The
43 Commission finds that (a) the Comprehensive Plan's Housing Needs Analysis is more
44 credible as an estimate of the housing demand for the site, and (b) the "public need" that
45 must be addressed is the public need within the City, not the public need within 5 miles of
46 the site.
47

48 Finally, the Commission notes that the City Council has decided that this site should no
49 longer be in public ownership and that it should be available for development by private
50 parties. The Commission further notes that this application for rezone is by the City and that
51 the proposed rezone is a condition of the sale of the property by the City to private
52 development. The Commission also observes, moreover, the applicant requested that the
53 City Council requests to rezone the site irrespective of the potential sale of the property to

any specific private developer that may now be under consideration. The Commission finds, however, that the Council's actions do not necessarily constitute a determination of "public need" under the Comprehensive Plan criteria for a change in the Comprehensive Plan Map and Zoning Map designations.

For the reasons cited above, the Commission concludes that the application does not comply with the policies cited above.

4. Impact on Surrounding Area (Goal 2, Section 1, Policies 14.c and 24; Goal 6, Section 4, Policies 4 and 7; Goal 9, Policies 2.c.xviii and xx; Goal 9, Policy 13; Goal 10, Policies 5 and 6; Goal 12, Subgoal 1, Policies 1 and 2; Subgoal 3; Subgoal 4, Policy 4). The Commission finds that when looking at a rezone where the planned uses are not known, the most intense development should be assumed for purposes of determining if development would either be consistent with adjacent land use patterns or that there is the ability to buffer, screen and blend dissimilar land uses, through the imposition of mitigation measures that could be imposed when considering the specific development proposal on the site.

The Commission finds that, in considering the most intense development permissible for the site, the likely means of mitigating traffic from the development that could impact the surrounding residential neighborhood – either by expanding the use of Daniel Way or by restricting / prohibiting the future use of Daniel Way for access through the development site to the adjacent residential neighborhood -- was not analyzed and thus the applicant has not demonstrated how development on the site could be made consistent with surrounding development. The applicant's traffic study was premised on development of a supermarket, shopping center, athletic center; however, there is no demonstration that these assumed uses are realistic for the future development of the site. The Commission finds that because the traffic study was premised on these uses, without a showing that such uses would be the probable development on the site, the traffic analysis submitted has low probative value in ascertaining whether the future development on the site can be made consistent with the surrounding land use pattern or whether adequate buffering, screening and blending of dissimilar land uses is possible. Although staff has advised the Commission that Daniel Way street improvements cannot be imposed as a condition of the rezone because:

- It cannot be shown that ministerially permissible development pursuant to the rezone would be sufficient to warrant exaction of Daniel Way street improvements at this time, and
- There is the opportunity for exactions of street improvements upon review of future specific minor or major development (commercial development and any residential development greater than 3 dwelling units), and determination of specific improvements to Daniel Way needed to mitigate future development's impact.

the Commission finds that there must be some demonstration by the applicant of the ability to adequately mitigate traffic impact from a reasonably expected level of development on the site. In other words, the applicant should not propose a GC zone on a 14 acre site, with up to 160,000 sq. ft. of commercial use and not more than 200 residential units, without demonstrating that future street improvement mitigation measures would be adequate to assure that the traffic impacts of the reasonably expected level of development could be made consistent with the adjacent land use patterns.

The Commission finds that noise from future development on the site is a negative impact that must be considered, to determine whether there is an ability to buffer or screen its impact upon adjacent neighborhoods. The Commission finds that the potential noise impact of development on the site was not addressed by the applicant in terms of demonstrating

1 how the noise from development on the site could be adequately mitigated through
2 conditions of approval of a future specific development proposal under the proposed zoning.

3
4 The Commission finds that the tree groves on the north, west, and southwest portions of the
5 site would not be subject to protection from development because the tree grove is not
6 protected as an RC District and would not be protected under the City's prior Goal 5
7 programs (LODS 3 and 4). Although retention of the tree groves on the north and west
8 portions could be a tool to demonstrate how development on the site would be buffered and
9 screened from the residential development to the north and west, and the applicant has
10 suggested that the City Council consider requesting RC designation in the future; it was not
11 requested as a part of this rezone application. The Commission finds that it would be
12 imprudent to condition rezoning a base zone upon imposing a future overlay zone where the
13 future overlay zone would be needed to demonstrate compliance with the rezone criteria
14 because the timing of the future overlay rezone is unknown. It could be that the
15 circumstances might change before the overlay rezone is accomplished such that the
16 rezone criteria would no longer be met at the time of the effective date of a conditional
17 rezone of the base zone. Therefore, it is desirable to consider all zoning changes on the
18 site at the same point in time.

19
20 In considering whether proposed development on the site could be made consistent with
21 adjacent land use patterns, the Commission finds if the site were developed with
22 commercial uses, that it must be demonstrated how such development would be consistent
23 with adjacent commercial development under the Lake Grove Village Center Plan. The
24 Commission notes that although the site is not within the Lake Grove Village Overlay
25 District, the site is shown as a "gathering place" in Figure 50.05.007-C.; LOC
26 50.05.007.3.b.iii [Lake Grove Village Center Overlay District, Applicability, Village Commons
27 and Gathering Places Map.] The Commission finds that although the site is not currently
28 within the Lake Grove Village Center Overlay District, the applicant must demonstrate how
29 future development on the site would be "[Consistent] with adjacent land use patterns," by
30 either including the site within the Lake Grove Village Center Overlay District (which the
31 applicant did not request) or through special limitations on development that would result in
32 consistency with adjacent development under the Lake Grove Village Center Overlay
33 District requirements. (As stated above, the Commission finds that it is desirable to consider
34 all overlay zoning on the site at the same time as considering a base zone rezone.)

35
36 For the reasons cited above, the Commission concludes that the application does not
37 comply with the policies cited above.

38
39 ORDER

40
41 IT IS ORDERED BY THE PLANNING COMMISSION of the City of Lake Oswego that:

- 42
43 1. The Planning Commission recommends that LU 13-0053 be **denied** by the City Council.

44
45 I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission
46 of the City of Lake Oswego.

DATED this 9th day of December 2013.

William Gaar /s/
William Gaar, Chair
Planning Commission

Iris McCaleb /s/
Iris McCaleb
Administrative Support

ATTEST:

PRELIMINARY DECISION - November 25, 2013

AYES: Arthur, Bhutani, A. Brockman, E. Brockman, Gaar, Swinford
NOES: None
ABSTAIN: None
EXCUSED: Prager

ADOPTION OF FINDINGS AND ORDER - December 9, 2013

AYES: Arthur, Bhutani, A. Brockman, E. Brockman, Gaar, Swinford
NOES: None
ABSTAIN: Prager
EXCUSED: None



CITY OF LAKE OSWEGO Planning Commission Minutes November 25, 2013

1. CALL TO ORDER

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

2. ROLL CALL

Members present included Chair William Gaar, Vice Chair Randy Arthur, and Commissioners Puja Bhutani, Adrienne Brockman, Ed Brockman and Sandi Swinford. Todd Prager was excused.

Councilor Jeff Gudman was also in attendance, but left the meeting after offering the Council Update.

Staff present were Scot Siegel, Planning and Building Services Director; Debra Andreades, Senior Planner; Evan Boone, Deputy City Attorney; and Iris McCaleb, Administrative Support.

3. COUNCIL UPDATE

Councilor Gudman reported that the 50 to 60 persons who had attended the Council study session on the Boones Ferry Road/Lake Grove project seemed to generally support the project although they had some questions and concerns.

4. CITIZEN COMMENT (Regarding issues not on the agenda)

None.

5. MINUTES

5.1 October 28, 2013

Commissioner A. Brockman **moved** to approve the Minutes of October 28, 2013, as written. Commissioner Swinford **seconded** the motion and it **passed 6:0**.

6. PUBLIC HEARING

6.1 West End Building Rezone (LU 13-0053)

A request from the City of Lake Oswego for Comprehensive Plan Map and Zoning Map amendments from Office Campus/High Density Residential (OC/R-3) to General Commercial (GC) for the site located at 4101 Kruse Way (21E08BB05300 and 21E08BB05400).

Chair Gaar opened the public hearing. Mr. Boone outlined the applicable criteria and procedure. Commissioner Bhutani declared that she lived in the Westlake area; she had attended the neighborhood association meeting when the proposal was discussed; and the meeting minutes were in the hearing package. Commissioner A. Brockman stated that

although she was on record as opposing the sale of the property she would do her job as a Commissioner and apply the facts to the criteria and render an objective decision. No one present challenged any Commissioner's right to hear the application.

Staff Report

Ms. Andreades advised that the applicant was the Lake Oswego Redevelopment Agency and that the site was currently zoned Office Campus/R-3. She clarified that surrounding land was zoned OC, R-3 and GC and that surrounding uses were condominiums and an assisted living facility. She explained that the site contained natural resources (a wetland, stream corridor and tree groves) that had at one time been proposed for Sensitive Lands designation; the wetland and stream corridor were currently subject to the resource protection program which predated the Sensitive Lands ordinance because Sensitive Lands designation had not been applied on the site. She advised that the applicant proposed to rezone the property from OC/R-3 to GC and that change meant development on the site would not be subject to a Floor Area Ratio (FAR). She noted that OC limited FAR to 0.30:1 and lot coverage of 25%. She also noted GC had no FAR limitation and a lot coverage of 50%. She indicated that although GC zoning put no limit on residential uses and would allow more uses than OC allowed, the applicant proposed a cap on development of 200 residential units (41 units above the 159 units OC would allow) and 160,000 sf of commercial use. She reported that the Engineering Department had reviewed the proposal and anticipated that during review of a future development application, the City would condition that Daniel Way be improved to an urban neighborhood collector standard and be made a public roadway. She advised that the net developable area for a development application was approximately 12.3 acres.

Ms. Andreades listed the approval criteria for a zone change as Comprehensive Plan goals and policies (particularly Goal 2 Land Use); Metro functional plans (including the Regional Transportation Plan); the Transportation Planning Rule; and Oregon Statewide Planning goals. She clarified that Goal 2 required a needs analysis and a transportation impact analysis. She reported that the Needs Analysis found there was a certain amount of spending that was taking place outside the city which could be accommodated within the city. The Needs Analysis also found that there was a demand for multifamily residential units due to demographics of retirees downsizing, young couples, and small families and that other areas of the city lacked parcels that could meet that demand. She explained that the analysis of alternative sites found that many of the sites that could also accommodate commercial uses in this way currently contained well established development; sites that were not going to be redeveloped soon. The analysis also found that the subject site was large enough to accommodate the commercial and multifamily housing that could capture the market demand for both residential and commercial. She reported the traffic analysis was based on the proposed special standard that would place a cap of 200 residential units/160,000 sf commercial. She explained that the Analysis found the transportation system would continue to operate at Level of Service (LOS) E or better and that the Engineering Division found that the other public facilities would have the capacity to serve development with the cap. She pointed out that this site was in one of the locations where the code required a traffic management plan and that such a plan was required for development whether or not the zone was changed. She advised that staff recommended approval with the new special zoning standard for the site as proposed by the applicant.

Questions of Staff

Ms. Andreades confirmed that the traffic analysis looked at the impacts with a zone change and the special limitation cap that the applicant proposed; not the most intense use that would be allowed in the zone. She confirmed that an applicant for development would not be

allowed to build higher than the 45-foot limit. She confirmed that the applicant did not propose to include the site in the Lake Grove Village Center Overlay District and that the zone change would allow a wider range of commercial uses than currently allowed.

Commissioner A. Brockman suggested there needed to be conditions of approval to address potential noise issues. She questioned why the Lake Grove Village Center Plan was not applied. Ms. Andreades indicated that it was adjacent to the district, but not currently in the district. Commissioner Brockman also expressed concern that sensitive lands zoning had not been applied; the City should be treated like other applicants. She questioned how the special limitation cap could be enforced if it was not in the conditions of approval. Ms. Andreades advised that the special limitation standards would be in the code. Commissioner Bhutani suggested that it would have been in the best interest of the city to wait to apply until after the Comprehensive Plan update was in place. She noted that the size and location of this parcel raised policy issues related to the city's centers and anchor developments. She asked if the city had considered making this a legislative matter instead of quasi-judicial. Mr. Boone explained that they came to the conclusion that it was quasi-judicial after they considered the facts of a pertinent Oregon Supreme Court ruling (the Strawberry Hill case) which set forth how to determine if something was legislative or quasi-judicial. He advised that the policy issue related to whether this should be done now or later was not part of rezone criteria; the rezone process was subject to the 120-day clock, so the city could not delay the final decision. He pointed out that the process did include a Comprehensive Plan Map change.

Commissioner Bhutani questioned MarketTek's residential demand projection of approximately 7,000 high-density dwelling units; it projected out to 2017. She recalled the Housing Needs Analysis supporting the Comprehensive Plan update projected the need was about 2,300 units to 2035. Ms. Andreades clarified for Commissioner E. Brockman that the traffic study indicated that much more traffic accessed and left the site via Daniel Way/Kruse Way than at Daniel Way/Carman Drive; and, that the traffic study was based on a model of projected development on the site.

Applicant

Brant Williams, Redevelopment Director for the City of Lake Oswego, introduced the applicant's team of Sidaro Sin, Development Project Manager; Mary Bosch, MarketTek; and Peter Coffey, DKS Associates. Mr. Williams explained the applicant was more focused on having potential additional uses that better served the community than on increasing the density. He said there was a significant need for additional commercial and residential. He explained that density would be controlled by the special limitations the applicant proposed, which would be less than what the GC zone would otherwise allow. He clarified that the amount of development that would be allowed under the new zone would be generally the same as what was currently allowed under the OC/R-3. He pointed out that they proposed 200 residential units - 41 more than the 159 that would currently be allowed on the site under the current zoning. He addressed the issue of allowing 50% lot coverage. He indicated that lot coverage would not be the driving factor for the amount of density/development on the site; the factors would be traffic, parking requirements, open space requirements and natural resources. He noted that the existing development on site was about 7% lot coverage when the current zoning allowed 25% lot coverage.

Mr. Williams related that the traffic studies indicated that when there was full development under the new proposal it would generate a little more traffic than existing traffic which the existing public facilities could accommodate. He explained that the applicant recommended that if the new zoning was approved the City Council should consider the questions related to whether the site should have a Sensitive Lands Overlay and a Lake Grove Village Center

Overlay, and whether it should be in the urban renewal district. He clarified that they understood those were not applicable criteria for rezoning. He noted one of the two parcels that made up the site was already in the urban renewal district.

Mr. Sin advised that the zone change would be a net change of 41 dwelling units and expansion of existing uses to those allowed under GC, which included all of the uses OC allowed. He noted that there could be a general employment area there if that was what the market directed. He advised that the issue related to availability of public facilities was related to delivery, not to capacity, so it depended on what was developed on the property. In regard to compatibility Mr. Sin noted the site was large enough to be able to minimize impacts to residential development to the north and it would be compatible with the GC office uses and developments to the south and west.

Ms. Bosch talked about potential market demand. She reported they had updated the retail market analysis MarketTek had done for the city in 2012 and the vacancy rate remained high along Kruse Way just as it was in most retail submarkets in the metropolitan area. She clarified she was not familiar with leases and absorption during the last 12 months as it was not a part of the assignment. She related that they had built on the Lake Grove retail market study done in 2009. She highlighted Lake Grove's keen interest in drawing from Lake Oswego residents; from the 8,000 employees within a one mile radius of Kruse Way/Boones Ferry Road; and in drawing visitors from the hotels in the interstate corridor. She explained that this was currently a challenge because there was not much cross marketing or critical mass of retail to pull patrons in. She pointed out that the only significant retail scheduled for development was Kruse Village, which would add 65,000 sf of retail. She noted that leases tended to be some of the highest in the region on Kruse Way because of the nature of the traffic, the quality of the development there, and the market they could draw from.

Ms. Bosch explained that in assessing projected demand to be 2.25 million sf of retail space in the next five years, the consultants had looked at Lake Oswego's retail market area, which was slightly bigger than its city limits. They had factored existing demand that was leaving the city as sales being taken out of the city; and the demand that would grow with the population. She said their estimate was conservative because it was bricks and mortar demand from residents and did not include demand from employees, visitors or ecommerce sales (which amounted to 6% nationally in 2013). She reported that when the analysts looked at the residential market, they had focused on demand for multifamily units and they found in the last two years there had been at least 280 sales of condominiums averaging about \$160,000. She reported the target market clearly was seniors, empty nesters, young couples, singles and professionals. They had found the rental market was strong locally and in the Portland area, which had one of the lowest vacancy rates in the country.

Ms. Bosch advised that the site would draw from a larger trade area than the city limits because it was proximate to the I-5 corridor and major employment centers. She reported that the 200 units proposed for the West End Building (WEB) site were a 3% capture of the five mile radius market demand projection over a five year period. She pointed out that when they talked to local residential brokers they heard they strongly supported multifamily housing, particularly in mixed-use that was walkable to retail and commercial development.

Mr. Sin reported that the applicant tried to identify potential locations for additional GC or residential use. He pointed out that Comprehensive Plan Goal 9, Policy 10 talked about the Downtown and Lake Grove general commercial areas and that Downtown had been very successful, but Lake Grove had been struggling. He indicated that they had looked at how to help the Lake Grove area spur business and create synergies between businesses. He

reported they had found there were a limited number of large parcels in the Boones Ferry Road corridor and those were the WEB, Mercantile and School District properties. He indicated that they then looked at which parcels could accommodate a large, mixed-use, development that could create a north anchor and energize the Boones Ferry Road corridor; the WEB site, with 14 acres, was one of them. He pointed out that it had natural resources on it that could help buffer it and it was located on a major arterial and had access to transportation and pedestrian access. He noted that it was near a major population center and a major employment area. For those reasons the applicant identified the WEB site as the best area for the proposed zone change.

Mr. Coffey discussed the traffic impacts analysis. He advised that the city required a Transportation Impact Analysis (TIA) out to 2018, and the Oregon Department of Transportation (ODOT) required a Transportation Planning Rule (TPR) analysis of how the zone change would impact the transportation system out to 2035. He explained the applicant had looked for the site's highest and best use, which included 160,000 sf of shopping plus the 159 residential units the current zone allowed. He clarified that the applicant's analysis compared traffic impacts of that development under current zoning and impacts of a development with the cap of 160,000 sf commercial/200 units residential under the proposed zoning. He indicated that they had made assumptions about what types of GC zone uses would be there, which included a supermarket, athletic facility, and general shopping. He was asked if an athletic facility was permitted as a conditional use. He indicated he would have to research that question and answer it later. Mr. Coffey related that they had analyzed how the intersections out to the I-5 interchange and Boones Ferry Road would operate and if they would meet the City's and ODOT's standards for mobility. He indicated that they found both scenarios met the city's standard of Level of Service (LOS) E and ODOT's volume to capacity ratios at the interchange. He reported that the findings showed the rezone would have minimal impact to the transportation system; there would be 129 additional PM Peak Hour trips, which was not a significant impact and did not trigger TPR findings of significance. He advised that ODOT had concurred with their findings that there was no impact on ODOT's facility and the agency had not recommended any off site capacity mitigations.

Mr. Coffey addressed a question regarding where the trips from the site would go. He said they estimated about 10% of the trips would go into the neighborhood because this was commercial that would serve the neighborhood; about 50% would go to Kruse Way, and approximately 40% would head out Kruse Way Place to get to Boones Ferry Road.

Commissioner A. Brockman inquired how many trips would be generated by the 200 residential units each day. She indicated she was concerned that they would take shortcuts to downtown using Lanewood, Twin Fir, and Iron Mountain, which could impact those neighborhoods. She noted the residents would need to go downtown to use bus service. Mr. Coffey reported there would be about 100 during PM Peak Hour. When pressed to estimate an entire day's residential trips he started with 40 trips (if the 40% of the 100 PM Peak Hour trips that used Kruse Way Place were heading to Iron Mountain) and would multiply that by 10, since, generally, a whole day's trips were about ten times the number peak hour trips.

Commissioner Bhutani asked why the analysts had a supermarket/grocery store in their development scenario when the market study said Lake Oswego was pretty much saturated as far as grocery stores were concerned; did the TIA use a worst case scenario? Mr. Coffey indicated they thought that was a realistic expectation of what would happen and it was standard practice. Mr. Sin advised that if they had been trying to create a worst case scenario, it would be 160,000 sf of restaurant, which would require 13 parking spaces per 1,000 sf. He pointed out that they were trying to anticipate the most reasonable and likely use of the site.

They had even added a buffer of 10% additional trips. Mr. Coffey explained he could not say for sure if there would be a grocery store there or not, but they picked grocery store, which had the potential to generate a higher number of trips, because it was reasonable to assume there would be a high level of land use there that would generate a high number of vehicle trips.

Mr. Coffey clarified for Commissioner Swinford that the consultant estimated that of the 571 PM Peak Hour trips generated by the rezoned site, 100 would be from residential uses and 471 would be from the other uses, including assumed uses such as an athletic club, a grocery store, and other commercial. He clarified he did not have information with him about the number of trips the parcel generated today.

Public Testimony

No one came forward to offer testimony in support of the application.

In Opposition

Wilma McNulty, Coltsfoot Lane, Lake Oswego, 97035, recalled that the consensus of the committee that planned the Lake Grove Village Center was that the former Safeco building should be a community center. She indicated she was concerned about the process because not all neighborhoods had been contacted or provided with the staff report and a copy of the Comprehensive Plan or encouraged to weigh in; she noted that the sign in sheet for the September 17, 2013, neighborhood information meeting was missing. She listed considerations the staff report did not address; those included that increased traffic would adversely affect senior citizens who drove to and from the Springs at Carman Oaks; and that the Daniel Way/Carman Drive intersection was not safe for pedestrians because of poor visibility and fast drivers. She held that natural resources on the site needed a larger footprint and recalled that Three Sisters Creek had been pushed into a ditch when the Safeco building was constructed; it should be restored and enhanced. She pointed out that there was also a wetlands, and an unnamed, intermittent creek. She described other impacts to Holly Orchard, which included frequent, speeding drivers on Carman; the lack of safe crossing for pedestrians; and the impact on neighborhood streets from expanding Daniel Way. She said only a traffic light might be acceptable. She recalled that there had been a suggestion to close Daniel Way. She recommended that the city continue to explore all possibilities under the current zoning, including a community center; it should actively advertise the property and solicit other potential, quality, buyers if it was decided that the parcel had to be sold. She said she was glad that someone brought up the noise issue because Holly Orchard was very quiet in the evening and increased noise would impact that. She recommended that the Planning Commission recommend denial of the zone change.

Arthur Ostergard, Country Woods Court, Lake Oswego, 97035, questioned why they had not heard from the proposed developer specifically about what they planned to do with the parcel; he held that their request was premature for that reason. He advised that if there was a plan the citizens wanted to hear it and be able to evaluate it up front. He said that staff had not looked at the maximum use possible with a zone change or with a conditional use permit. He asked the Commissioners to enforce any conditional use permit (CUP) that was granted and not ignore it. He advised trust in city government had reached a low level because of what the city did and the process it chose to invoke to achieve a particular end. He noted the needs analysis did not consider the existing needs of the current residents of the neighborhood. He opined that the past traffic impact studies by staff had not always been accurate and because of that there had been dire consequences to local areas in regard to parking and traffic. He advised the Commissioners to be skeptical of the traffic reports.

Bernadette Harrington, Edgemont Road, Lake Oswego, 97035, Chair of the Lake Grove Neighborhood Association, submitted a letter from the Board and read it aloud. In the letter the Board indicated they wanted to be sure that the neighbors, the neighborhood, and the Lake Grove Village Center was not going to have to effectively bear the cost. They noted the rezoning request was a departure from the plan for an employment zone in the Kruse Way corridor. They suggested that since the city was both the owner and the applicant the methodology should be clear and the city should have objectively considered the immediate and long term financial merits of the request. They asked what was unique about the current situation. They recalled that other corridor property owners had come to the Commission in the past with the same request and been denied. They wanted to know if the city really needed more general commercial space why that was not reflected in the Comprehensive Plan planning process, and why staff had not included a retail vacancy percentage specific to Lake Grove to back it up. They were concerned that extending the GC area along Kruse Way would detract from the goal of the Lake Grove Village Center Plan. They questioned whether having isolated GC parcels was a good idea for the area. They saw a need to bring any new GC zoning into the Lake Grove Village Center Overlay District to achieve harmonious and complementary development with the neighborhood. They asked if more retail was needed and if so, how much. They pointed out that Lake Oswego had a stable population and they questioned whether it was realistic to have the 40-50% increase in retail that development of Kruse Village, the WEB site, and the Lake Grove School property would bring. They asked if the conditions of approval of rezoning could include a requirement to maintain the square footage of retail and residential uses anticipated in the traffic report in order to protect the neighborhood. They noted that the original development plans recommended that hotels should be closer to the I-5 corridor. They asked if that could be reflected in the conditions of approval. They asked the Commissioners to judge the application with consideration of their homes and their community and in accord with values codified in adopted plans.

Linda McNulty, Orchard Way, Lake Oswego, 97035, had submitted written testimony. She explained that she understood the financial cost of the city owning the property, but she did not see a need to rush; they needed to stop and look at all options for the property. She indicated she would prefer to see the property used for some community-wide use. She pointed out that it was the only large parcel owned by the City along an arterial and it had a lot of potential to impact the neighborhood. She noted in the past the city had made some poor decisions, such as selling the property that now featured the Bay Rock Apartments. She said this had citywide impact and all neighborhood associations should have been notified. She noted that Goal 1 required citizen involvement in all local land use plans and questioned whether that had been done. She had concerns about the staff report. She noted that single-family residential homes were on three sides of the site but the staff report said it was not currently part of an established residential neighborhood. She noted the report did not mention the upcoming Kruse Woods development of five acres and over 65,000 sf of commercial space which would have an impact on traffic. She noted the site had been omitted from the Lake Grove Village Center Plan and it would change that plan completely. She noted Exhibit F showed the City Council had directed staff to rezone the property in July; the neighborhood meeting was in September; and notice had only been mailed to the abutting neighborhood associations. She reported that the majority of persons who had testified at the Council public hearing had testified against speed-selling of the property. They had asked the Council to slow down, consider all options, and market the site publicly to commercial brokers to determine the best use of the property. She was concerned that Daniel Way was listed as a private street yet it was included as part of the street access plan. She pointed out that staff had said it carried 1,000 trips per day while the transportation analysis said it carried 2,300 trips per day. She

noted that rezoning would basically double the density of development on the site but the staff report indicated there was no traffic mitigation needed to the year 2035. She noted the report mentioned bicycle facilities, but said they were 'discontinuous.' She urged the city to stop piecemeal planning and deny the application.

Nick Bunick, View Lake Court, Lake Oswego, 97034, testified for himself and his wife, Mary Jo Avery. He related that he had put in Kruse Way Boulevard in the 1970s and connected the I-5 freeway to Boones Ferry Road; he had done the master plan for both sides of Kruse Way and intentionally put the hotels along I-5. He emphasized that he had never intended to have one on Kruse Way Boulevard; he had developed the Westlake area and donated the land for Westlake Park. He pointed out that he and his wife owned the property immediately to the east at the corner of Kruse Way and Boones Ferry Road and the development approval they got for it 15 years ago allowed them to take access off of Kruse Way. He recalled that after staff had asked him many times if they would be willing to relinquish having access to Kruse Way they had agreed to do so if they could use Daniel Way and the intersection of Daniel Way/Boones Ferry Road as ingress and egress. He related that he knew Kensington wanted to build a Ramada Inn on the WEB site because they were owned by a San Francisco company that was the largest owner of Ramada Inns in the world.

He recalled the traffic engineer had testified that 50% of the traffic would go down Kruse Way Place, which was his ingress and egress. He said he and his wife had not agreed not to take access from Kruse Way Boulevard just to have the city turn around and add another 5,000 cars to Kruse Way Place. He related that a Kensington representative had said she talked to the top residential realtors, but they had not talked to his wife, who was a top residential realtor. He said they were proud that Lake Oswego was considered one of the top ten places in the country to live and they did not want to see the city ruined. He asked where the additional traffic was to go. He advised that the property could not support a Ramada Inn. He noted Kensington had not come to the hearing. He advised the city would have all the retail it could support after Gramor finished its development, he and his wife developed their corner of Kruse Way/Boones Ferry Road with some retail and restaurants, and Gene Wizer finished his development in the near future. He related he had offered the City Council \$20 million for the site, which was \$3.5 million more than the proposed developer had offered. He indicated he had invested a lot of years of his life to make this the most beautiful city in the U.S. and he wanted it to stay that way.

Questions

Commissioner Bhutani asked what happened to Mr. Bunick's offer to the city while acknowledging that this was not a factor in the consideration of the rezoning request. He said it was a cash offer and it was disregarded and that he did not know why. He reported that he had submitted a letter of intent the day before the City Council hearing and that he planned to make the WEB building corporate headquarters for his nonprofit corporation and allow the city to keep employees there. He pointed out that the city owed \$17 million for the building and had accepted a \$16.5 million offer; Kensington had offered to let the city rent the building for 18 months for \$500,000 but after that they had to be out. He held that it was because a Ramada Inn was planned to be built.

Carolyn Knutson, Park Road, Lake Oswego, 97034, highlighted aspects that she thought still needed to be addressed. She referred to the applicants' testimony and advised that e-commerce business was increasing rapidly and that raised the question of the need for bricks and mortar retail; the effect of internet purchases should be looked at. She said no attention was paid to the fact that consumer spending had not picked up after the recession; it was flat because the impact of a recession and foreclosures resulted in people being very concerned

about overspending and credit. She was not sure when it would pick up. She said she did not support rezoning; the zoning should remain as it was.

Sandra Jackson, Greentree Road, Lake Oswego, 97034, indicated she wanted the city to wait to consider a zone change until after the Comprehensive Plan was updated. She said this had not been sold properly to the citizens. She reasoned that if people understood the possibilities of use for the city and it was presented again in a positive way she thought they would vote for a bond measure. She pointed out they did not yet know how Kruse Village would affect them when it was opened. She wanted the city to find money to pay for the WEB property and keep it. She thought the building could be utilized much better than it was; or, it could be changed; or, part of the property could be sold.

Doug Carlson, Carman Drive, Lake Oswego, 97035, indicated he was concerned about losing access to his home, and noise, fumes and dust during construction. He said the action of zoning the WEB site commercial effectively made his residentially zoned property commercial. He held that if the site were zoned commercial he would no longer enjoy quiet times because the rules about noise were different in a commercial zone. He asked the Commission to safeguard the trees that buffered his residence; put a limit on decibels during the construction phase and during commercial operation; and limit the amount of time that trucks could be idling in the neighborhood.

Ashley Yorra, Meadow Grass Street, Lake Oswego, 97035, held that this was a self-interested move by the city to rezone a parcel it owned and because of that the city and Planning Commission had a duty to apply the strictest standards possible when considering it. She pointed out that many issues had been raised that night, which brought that into question; the city should make sure they were trying to serve the interest of the community. She was concerned about traffic because she lived on the corner of Meadow Grass/Carman Drive and near Daniel Way. She anticipated any increase in traffic would greatly impact the neighborhood. She said property values were also an issue because of the noise rezoning could cause and the impact of removing some of the trees and the pastoral quality of the existing WEB property. She asked the Commissioners to consider those things and deny the application.

Cheryl Uchida, Quarry Road, Lake Oswego, 97035, indicated she concurred with all of the previous testimony. She held that expediting a sale with a contingency to rezone was a bad idea. She questioned that the city would allow anyone else to do that. She indicated rezoning would create an island parcel situation in that area. She related area residents had enjoyed the ambiance of the property and how the developers of the office building had laid out their campus; they would hate to lose that to have more density. She talked about the difficulty of getting people in the condominiums to be aware of and involved in the neighborhood association. She was concerned that this and other traffic studies never approached the neighbors for useful data. She asked the Commissioners to be aware that as traffic on Kruse Way increased drivers would cut through on Quarry Road, Waluga Drive, Kruse Way Place, and Carman Drive. She indicated she understood that a congregate care facility that would have 125 residents was being planned on Kruse Way Place next to Mr. Bunick's property and that it too would need a conditional use permit. She urged the Commissioners to take more time to consider all of the testimony.

Laura Miles, Glacier Lily, Lake Oswego, 97035, stated that she was speaking for the Holly Orchard Neighborhood Association board and that they agreed with the previous testimony. They questioned whether there was a need for additional retail. Ms. Miles related there were several grocery stores within one to two miles of her house so that was not a need and there

would be additional retail in Kruse Village that they were excited about, but that was probably enough. She questioned the need and what benefit the neighbors and the city would receive from rezoning. She indicated that another concern was that a lot of high school students cut through on Daniel Way, so both seniors citizens and high school students used that curvy road on which people drove fast. She remarked that if there was a lot of interesting retail on the site it was likely that a lot of people from Mountain Park, Holly Orchard and Westlake would use it as the shortest route. She said at a minimum something should be done about drivers cutting through there.

Carolyn Krebs, Denney Court, Lake Oswego, 97035, asked the Commission to apply conditions to the zone change that would restrict redevelopment on the site so it was compatible with the Lake Grove Village Center Overlay District. She read aloud the following sections of the application:

OTHER ACTIONS FOR UNRELATED CITY CONSIDERATION

The Planning Commission and City Council are not being asked to make a decision or condition the zone change on the issues below, but rather the Commission may want to provide input and a recommendation to Council on whether or not to direct staff to move forward with these separate action items that are not directly related to the rezone application.

Lake Grove Village Center Overlay District

To ensure that any future development is compatible with and contributes to the aesthetic quality and high design standards of the Lake Grove area, the City may want to consider including the site in the Lake Grove Village Center Overlay District.

She asked the Commission to recommend that as part of their action that evening. She noted the applicant was saying they should do it in several other places in the application where they mentioned that the Lake Grove Village Center Overlay District would balance the needs of both businesses and residents and the property would not appear out of sync with other redevelopment projects currently underway in the Lake Grove Village Center; and, 'If directed by the City Council the process to include the site in the Lake Grove Village Center Overlay District can be initiated.' She noted the application talked about 'greater allowable commercial uses on this property to provide a north anchor synergy in Lake Grove' but there was no plan for such a north anchor in the Lake Grove Village Center Plan.

Questions

Ms. Krebs confirmed she and several other people at the hearing had been involved in planning the Lake Grove Village Center. She recalled the WEB site had been taken out of the overlay district when the city purchased it and there had been concern about funding strategies for implementing the Lake Grove Village Center and about the ramifications of using an urban renewal district. She also recalled that it had been difficult to find a way to pay for the property. Mr. Bunick related that he had served on that committee for two years and his property was supposed to be the anchor.

Ms. Krebs read aloud part of the October 3 Council Report from the City Manager and Mr. Williams on the subject of the WEB purchase and sales agreement:

'A decision to change the zone would be based solely on applicable land use criteria for zone changes. Any approved zone could possibly include conditions limiting development to assure nearby residents and property owners that any future development would be compatible with the community.'

She said she had read the sales agreement and not seen anything in it that said that if they put the site in the Lake Grove Village Center Overlay the sales agreement would be null and void, so she did not think there was any risk by putting it in the District. She indicated the community had a lot more to gain by applying the overlay to the site because the Lake Grove Village Center Plan was detailed and well thought out. She said it was the appropriate thing to do. She noted the Commission was charged with determining whether any plan that came before them was consistent with other city plans. She asked the Commissioners to consider recommending that as part of their action that night.

Chair Gaar recessed the hearing for a few minutes and then reconvened it to hear rebuttal.

Rebuttal

Mr. Williams emphasized that the decision should be based on the merits of the zone change itself, not what happened with the sales agreement the City Council had approved. Mr. Coffey clarified that the traffic analysis factored in the traffic impacts generated by the Kruse Village development. He clarified the study recommendation was that any development application should address improvements to Daniel Way, including safety improvements. He recalled staff had advised that any development application would have to include a transportation impact analysis and that would address what improvements were necessary on Daniel Way.

Ms. Bosch clarified that she had taken internet sales into account in her analysis. She had worked with the Lake Grove business community and looked at how to better serve that local market and the employment market in the Kruse Way corridor. She advised that the needs assessment contained some very specific values around small, locally owned, businesses that could and should be carried over into other development occurring in the Lake Grove business area.

Mr. Williams confirmed that the applicant was open to having a separate recommendation to the City Council to take some kind of action toward potentially including the site in the Lake Grove Village Center Overlay District or making it a condition of the rezoning. He suggested the City Attorney should advise them whether they could do that. He suggested they might also address the questions related to putting it in the urban renewal district and applying the Sensitive Lands overlay. He indicated that the applicant felt the zone change needed to happen first with clear City Council direction on what to do with those three items as part of approval or denial of the zone change.

Chair Gaar wanted to know if the sales agreement stated that if the zone change did not happen the sale would fail. Mr. Williams confirmed the zone change was a contingency of the purchase and sale agreement, but he added that the buyer had the right to waive the contingency if the zone change did not happen.

Commissioner A. Brockman asked how Bridgeport Village was factored in. Ms. Bosch explained that Bridgeport retail figures were part of the supply/demand balance. She explained that Lake Oswego's market area and its population and incomes was in large part how the gap was arrived at. She clarified that in terms of what was not being provided it was more that the demand outweighed the supply in certain categories of retail, such as specialty apparel and home furnishings. She indicated that the gap had been validated by shoppers' surveys done three years ago that identified the top shopping needs they were seeking and leaving the community for.

Mr. Williams clarified for Vice Chair Arthur that he did not have a recommendation about whether or not the property should be included in the urban renewal district. He said there were pros and cons. He recalled there had been specific reasons why the larger lot had been left out of the urban renewal district; however, some consideration had been given to looking at that if the property changed to private ownership. He noted a property as large as the subject site would benefit the urban renewal district, but it would mean the taxes would go to an urban renewal district rather than the taxing districts. He advised that the Redevelopment Agency would have to consider those things. He clarified they had not deliberated on that.

Ms. Bosch confirmed that the 87% leakage of market demand was dollars being spent outside the Lake Oswego market area in places such as Bridgeport Village and Washington Square. Commissioner Bhutani observed the projection was short term as it only went to 2017. Ms. Bosch advised that was the preference of the development community and of neighborhood business districts because of all of the changes that could impact a marketplace beyond five years. Commissioner Bhutani wanted to understand why the findings of the housing analysis the city had been using (which was based on Metro forecasts) was different from the applicant's five-mile radius market demand projections. Ms. Bosch explained that Metro's estimates were done on a geographic, jurisdictional, basis, which was not the way markets behaved; the site could draw from areas beyond that.

Deliberations

When invited to, no one present asked that the hearing be continued. The applicant waived their right to hold the record open for a final written argument. Mr. Boone observed that Commissioner E. Brockman had left the meeting toward the end of Carolyn Knutson's testimony and had returned in the middle of Sandra Jackson's testimony. He asked if anyone objected to him continuing to participate in deliberations and vote. There were no objections.

Mr. Boone offered a clarification regarding whether the Commission could delay the proceeding for a period of time. He said they could delay it for a short period of time, but the application would still have to be judged based on the criteria and standards in place at the time it was filed.

Chair Gaar called the Commissioners attention to Exhibit F-1, page 7, which described a number of decisions that had already been made by the City Council and were part of the record. He pointed out that those decisions included that retaining the property for future public use was not in the public interest; that in July the City Council had directed staff to initiate a rezone of the WEB property from OC/R-3 to GC to expand the potential for private uses on the property; that the City Council had held a public hearing regarding a purchase and sale agreement between the city and Kensington Investment Group, LLC in September and approved it in October; that as part of that agreement the currently private Daniel Way would be dedicated to the city; and that the Council Resolution recognized a public need to return the property to an active private use that could provide a range of commercial and residential opportunities.

Commissioner A. Brockman expressed concern that the materials provided did not evaluate the traffic impacts of a worst case situation on a broader area; they did not consider that the traffic would use Firwood and Twin Fir to get to public transportation to Portland. She questioned that there was inadequate land for commercial needs with all of the commercial being developed, including at Kruse Village and Wizers. She indicated that she was distressed that the staff report dismissed the noise issue because noise was one of the most important aspects of quality of life in the community. She suggested imposing conditions of approval related to the Lake Grove Village Center Overlay District; Sensitive Lands; noise and

buffering; and traffic through Daniel Way and the neighborhoods. She suggested this application was a little premature given that the Commission did not know what the applicant wanted to do and what those impacts would be.

Commissioner E. Brockman indicated he was very concerned about the intersection of Daniel Way/Carman Drive because seniors from Carman Oaks and teenagers were driving through that area; and, if it was kept open, people from Mountain Park, Westlake and other places would use it to come to the site the back way. He suggested closing that entrance and only using it as an emergency access. Chair Gaar asked staff if the Commission could condition rezone approval on improvements to Daniel Way. Ms. Andreades did not think they could because it was the City Engineer's decision which applied specific standards related to the right-of-way. Mr. Boone advised the exaction of improving Daniel Way would depend on what type of development occurred and what specific impacts it would have on the transportation system and other public facilities. They did not know enough about that yet. He advised that the Development Review Commission (DRC) had conditioning authority to ensure that every development proposal had to mitigate its own specific, known, impacts in order to be approved. When asked if the Planning Commission could impose conditions to address things like noise, Mr. Boone pointed out that this was a request for a zone change; any proposal for commercial development and any proposal for residential development greater than three units in a building would be subject to the development review process, which applied standards that addressed things such as screening and buffering requirements. He advised that conditional rezones were generally problematic. He recalled a rezone approval where the trigger was vacation of a street, which never happened. He advised conditional rezones also presented a tracking problem. He suggested that those were the reasons why the applicant proposed the limitation on number of units and square footage.

Commissioner E. Brockman responded by calling attention to the following policy referenced in the staff report:

Subgoal 4: Land Use and Transportation Relationships - Policies 2, 4 & 9

4. The City shall require that a proposed increase in land use intensity be accompanied by a detailed traffic analysis, using current information, which finds that existing streets and intersections both on- and off-site will accommodate the projected traffic increases; or, necessary improvements can be constructed which are in conformance with the Comprehensive Plan Transportation Map.

Mr. Boone agreed a traffic analysis was needed for a rezone, but he advised that the extent and specifics of impacts and mitigation for a specific development would need to be determined at the time of the development proposal. He noted they did not yet know what the development on the site was going to be and when it would happen; that could be many years away. Chair Gaar observed that meant they would have to go back to the criteria for a zone change. Commissioner A. Brockman questioned having a process where people were invited to testify about the issues they had if the Commission could not address them in the decision.

Commissioner Bhutani described her concerns related to transportation, the development proposal and the public need. She advised that transportation study results depended on the assumptions put into it and results could be very different based on different assumptions. She recalled that the applicant's assumptions were a supermarket, athletic club and shopping center. She did not think they were realistic assumptions since the market study indicated a lack of demand for a supermarket, and that an athletic club was permitted as a conditional use under existing zoning and that made her question the traffic study and its recommendations. She agreed the study needed to be adjusted for a reasonable worst case scenario in the absence of a specific development proposal so there was a realistic base assumption. She

recalled that the staff report indicated that when there was a more detailed analysis done on the Carman roundabout it was found to be higher than LOS E. She stated that this was also part of the reason she could not rely on the transportation study finding that there would be no traffic impacts. Commissioner Bhutani indicated that her concern regarding the development proposal was that staff had advised the majority of the criteria and impacts of the specific development would be addressed in the future during development review. However, she believed that because of the number of criteria that required evaluation of impacts of proposed rezoning and the location of the site was on a major arterial and because it was the largest remaining parcel, the Commission should be able to look at a specific development on it to ensure there were no negative impacts and that it met the criteria in the Comprehensive Plan.

Commissioner Bhutani commented that the results of the market demand study also depended on what assumptions were used. She recalled that the applicant had talked about capturing the leakage they estimated to be 87% of projected demand. She stated that while she shopped at Bridgeport, Washington Square Mall, Costco and Crate & Barrel, it didn't mean she wanted those kinds of retail uses in Lake Oswego. She advised that it needed to be determined if the community really wanted those uses in the city. She commented that the applicant proposed to limit the development to 160,000 sf commercial and 200 residential units, but the real issue was the expansion of uses. She highlighted some of the uses that could be there: indoor theater, auto sales and repair, restaurants with drive-throughs, car washes, light manufacturing, hotels, laundry, and grocery stores. She said they needed to discuss whether those were appropriate uses in the city.

Commissioner Bhutani noted the applicant's projection of housing market demand was different than the analyses the city had been working with over the past two years. She advised using the data the city had been working with, including the Housing Needs Analysis and the Economic Opportunities Analysis. She recalled that the Housing Needs Analysis said they only needed a total of 3,500 more units until 2035 and of those, 2,300 were high density dwelling units. She noted that Foothills was supposed to supply 1,700 of those; and Wizers might provide 220. She concluded that meant the city was well on the way to satisfying high density dwelling demand.

Commissioner Bhutani questioned that market demand was the same as public need for change. She held that it was up to the city to determine whether it was in the public interest to allow a change of uses in this location. She pointed out that the Comprehensive Plan called out the city's two major commercial centers as Downtown and Lake Grove and nothing in the Plan said there was a need to expand Lake Grove Village Center or create another mini town center. She noted that it was conceivable that development on the subject site and the Gramor development could create one. She pointed out that the Vision Map clearly identified the WEB as a cultural node and they should consider that. She noted the Economic Opportunities Analysis identified the Kruse Way corridor as the economic engine of the city; it provided 2,700 jobs, \$243 million in payroll, and annual regional economic output of \$1.4 million. She read aloud portions of the Analysis that explained that what defined Lake Oswego was its high concentrations of finance, insurance and professional and consulting services sectors compared to the county as a whole; that the most pertinent employment trend for Lake Oswego over the next 20 years was growth in financial firms, health care, and high quality office space, which had to be provided through strategic redevelopment of existing office spaces and existing vacant lots and buildings. Commissioner Bhutani said she felt that while there might be a market need for retail uses they had to look to their documents and see whether that was the only factor that needed to be considered when determining what constituted "public need."

Commissioner Swinford expressed concern that this was a citywide issue but the city had only talked to one neighborhood association. She acknowledged the WEB site was currently underutilized; something would eventually happen there; and that would create the need to address noise and additional traffic. She recalled Commissioner Bhutani had pointed out the city was on track for providing the number of housing units for high density housing and projected housing in general in the near future. Commissioner Swinford noted when they talked about putting in higher density developments it always seemed to be about apartments and condominiums and there were already several condominium developments in the vicinity of the site. She cautioned that if they were looking at long term viability they should be aware that when there was a downturn the values and availability of financing for condominiums was affected more than town homes, attached homes or single-family homes. She advised that this should be taken into consideration when determining what to put on a site. She clarified that offering density that was something more than a condominium should be valued more than it had been for the benefit of the long term stability and health of neighborhoods. She advised them not to ignore the concern that tree groves and sensitive lands had not been addressed. She related that as a citizen it was wonderful to see growth and development; however, the process they were going through now was a bit rushed. She wanted to see them step back and approach this with more input and maybe a little better clarification from whomever would like to purchase the site. She said they needed more information before they made a decision.

Commissioner A. Brockman observed the Commission did not have to approve this particular application. She advised that the property could be sold as it was presently zoned and that there might be other zoning options that might better interface with the neighborhood and the Lake Grove Village Center.

Chair Gaar noted he had tried to call their attention to a number of decisions that had been made before the application arrived at the Planning Commission; and, that there were a number of things that would ultimately have to be addressed. He related that he was comfortable with the process because all he had to do was compare the facts that had been presented with the criteria for a zone change. He reasoned that down the road there would be development and design review and the development would have to meet the code that made it fit whatever zone it was in. He indicated he was comfortable with the notice process because as much as he would love to get the notice out to everybody the city had fulfilled the legal requirement in regard to notice.

Chair Gaar related his difficulty with this proposal was its analysis of needs. He indicated he was not as concerned that the zone change would allow 200 units when the current zoning allowed 159 units, he was more concerned about the use changes going from OC to GC. He was not sure the needs analysis proved there was a market demand for that. He questioned why the Council Resolution that recognized the public need was to return the property to an active private use that could provide a range of commercial and residential opportunities was not in the applicant's needs analysis. He indicated that he would like to have seen it there so he could consider it. He related that he had experience looking at Kruse Way during the Comprehensive Plan update process and experience looking at this specific property with the Natural Resources Advisory Board when they considered Sensitive Lands issues. He recalled the site had surface water, tree groves and wetlands. He related that he was comfortable with the traffic analysis because there would have to be another traffic study based on a specific development. He indicated he was comfortable with the idea of doing a zone change without a specific development plan proposed; however, he wanted to make that decision based on the new Comprehensive Plan that was on the verge of adoption. He anticipated that because Sensitive Lands policies had not been updated in that process and because it did not apply to

the site, the developer would actually be subject to the more restrictive resource protection program in effect prior to the Sensitive Lands ordinance and would not have as much flexibility as Sensitive Lands Overlay would have allowed. He advised that the Tree Code would apply, but it was not meant to protect tree groves; only individual trees. He concluded that because he thought the public need analysis had not been met and because the Council decision that the property should be sold was not in front of him, the burden was not met. He indicated he had some of the same concerns as Commissioner Bhutani, that the applicant's market analysis did not meet its burden; for those reasons he would vote to not approve the zone change.

Commissioner E. Brockman saw some positives related to economic vitality in that the zone change would allow additional commercial uses very close to the I-5/Highway 217 interchange, which was an important metropolitan area intersection. He noted that close proximity to the interchange meant there was potential for drawing commerce from other places to the site. He questioned whether the economic vitality aspect offset some of the negative aspects. He said it was to the applicant's credit that they put a limit on their own application when they asked for a zone change: 160,000 sf of commercial and only 41 more dwelling units; that was significant and in their favor.

Commissioner A. Brockman related that her major concern was that the analysis had not taken into consideration how this was going to affect the broader community. She was bothered by that and by the fact that the Commission could not impose conditions to address the concerns of people who had testified. Commissioner Bhutani held that the burden of public need had not been met in the analyses of market demand and transportation; and the applicant did not meet what the Comprehensive Plan policies provided for. She agreed with Chair Gaar that the new Comprehensive Plan, particularly some specific criteria in it that limited retail/commercial locations and sizes, would have served as a much better guide for this zoning review. She concluded that the criterion regarding public need analysis had not been met.

The Commissioners considered denial. Chair Gaar suggested they might propose bringing the application back after the updated Comprehensive Plan was adopted. Commissioner A. Brockman asked when the applicant would be allowed to reapply. Mr. Boone indicated he was not aware of any prohibition against reapplying, but he thought it was not likely the applicant would do that unless they were going to modify the application. Commissioner E. Brockman suggested they consider things that had been suggested that night, including applying the Lake Grove Village Center Overlay. Chair Gaar asked if the Overlay would limit GC zone uses. Ms. Andreades indicated it would not. She related the overlay offered a lot coverage bonus for including certain amenities. Mr. Boone clarified that if they approved this application with the limit of 200 dwelling units and 160,000 sf of commercial, it would trump overlay bonus provisions. He advised that in addition, if they decided to move this forward, they could specify that those limits were the absolute cap, notwithstanding any overlay zone provisions.

Commissioner Swinford inquired why this parcel had not been included in the urban renewal district. Mr. Siegel recalled that when the Lake Grove Village Center Plan was in process they had considered including this site in the District but then decided not to. He thought that was because of concerns about having the property in an urban renewal district as a means of diverting urban renewal funds away from planned Boones Ferry Road improvements.

Commissioner A. Brockman **moved to defer action on this until the Comprehensive Plan was adopted; look at it under the policies of the new Comprehensive Plan; and ask that when it came back it addressed matters such as Lake Grove Village Center plan applicability;**

Sensitive Lands; how traffic generated by the site would affect the Lake Grove Neighborhood in particular and also Waluga and Holly Orchard; the issue of whether Daniel Way should be closed; restoration of the creek; the issues Commissioner Bhutani had talked about; the need; and the impacts of the uses allowed in the GC zone. She **withdrew her motion** after Commissioner Bhutani indicated she would be more comfortable with a yes or no vote, given the fact the applicant could always come back.

Commissioner A. Brockman then **moved** to recommend that the City Council deny LU 13-0053. Commissioner Bhutani **seconded** the motion and it **passed 6:0.**

Vice Chair Arthur explained he had supported the motion to deny because he had significant reservations about recommending this in the light of the public testimony and in regard to public need criteria.

Mr. Boone announced the final vote would be on December 9, 2013. Mr. Siegel related that staff would review the recording and draft findings based on the deliberations.

Mr. Boone advised against *ex parte* contacts prior to the final vote. Commissioner A. Brockman indicated she wanted the members of the public who had testified to know that they had done a good job.

7. COMMISSION FOR CITIZEN INVOLVEMENT

A work session was scheduled for December 9. The Commissioners anticipated they would discuss better ways to process applications in which the city was both the applicant and the reviewer. They talked about considering a process that would allow them to impose conditions of approval in response to citizen concerns; traffic reports and market analyses that offered both the plusses and the minuses; how to help the public understand the Comprehensive Plan; and ensuring questions raised at the neighborhood association meeting were answered. Mr. Boone clarified that if a Councilor came to a Planning Commission hearing to help present a proposal he/she would have to declare that ex parte contact at the Council hearing. He advised that the DRC heard development applications from applicants who were the city or a government agency and sometimes those applicants hired independent consultants to do the analyses.

8. SCHEDULE REVIEW

On December 9 the Commissioners were going to consider what to include in their next work program and then meet as the CCI. Chair Gaar encouraged them to think about the Commission's role and what they wanted to work on before the meeting.

9. OTHER BUSINESS – PLANNING COMMISSION

Vice Chair Arthur congratulated Mr. Siegel on becoming the permanent Planning and Building Services Director.

10. ADJOURNMENT

There being no other business Chair Gaar adjourned the meeting at 10:13 p.m.

Respectfully submitted,

Iris McCaleb /s/
Iris McCaleb
Administrative Support

2600 Park Rd
Lake Oswego OR 97034
January 8, 2014

Catherine Schneider, City recorder
Third Floor, City Hall
380 A Avenue
Lake Oswego, OR 97034

To The City Council:

I write to support the LO Planning Commission's recommendation that the city **deny** the zoning change for the WEB property (4101 Kruse Way) from Office Campus/High Density Residential to General Commercial. In my previous letter to the Planning Commission I listed the points I saw as reasons for retaining the present zoning.

At this time I would like to compliment the Planning Commission on a very detailed, well thought out and well written explanation of reasons for denying the zone change. I support their points and feel the LO City Council should take the Planning Commission's recommendation and deny the zone change for all the reasons listed in the LU 13-0053 Planning Commission Decision.

Sincerely,
Carolyn Knutson

From: Foursky@aol.com [<mailto:Foursky@aol.com>]
Sent: Saturday, December 28, 2013 11:24 PM
To: COUNCIL; Lazenby, Scott; Williams, Brant
Subject: Re: WEB BUILDING

December 30th, 2013

Mayor Kent Studebaker
Councilor Karen Bowerman
Councilor Jeff Gudman
Councilor Jon Gustafson
Councilor Lauren Hughes
Councilor Donna Jordan
Councilor Skip O'Neil

Dear Mayor and City Councilors:

My comments are related to the property that the Kensington company is attempting to have the City rezone. Please accept the following information that I believe is important for you to take into consideration:

1. Kensington should be forthright with the Council... the Planning Commission... the City staff... and the citizens of our city as to what is their intent. The individual from California that appeared at the Planning Commission meeting representing Kensington made many inaccurate statements in that it was difficult to realize she was actually talking about our City of Lake Oswego.

2. It appears as if Kensington is trying to receive a "free pass" from the City Council. When I processed the 300 acres of Westlake, the process took five years to receive zoning approval and I was required to identify the specific plans for every acre. When my wife, Mary Jo Avery, tried to receive approvals of rezoning of the 15,000 sq ft lot she owns on the corner of Kruseway and Carman, almost adjacent to the WEB property, it took her several years to receive the rezoning. Shouldn't Kensington be required to have those same standards?

3. Also I am meeting with the city staff in a pre-ap to proceed in developing my wife's, Mary Jo Avery's property on the corner of Kruseway Blvd and Boones Ferry Road (Avery Park) which I am anticipating will have over 60,000 square feet, a combination of retail and medical offices. Kensington's representative did not take this project into consideration and Mary Jo has owned this property for over ten years.

If Kensington were to proceed with their plans, they would create permanent havoc in traffic congestion on Daniel Way, for the city staff has asked us to use Daniel Way as our Kruseway Blvd access and egress to our project which will be called Avery Park. Kensington's plans will have traffic tremendously backed up on Daniel Way, Kruseway Place and Kruseway Blvd.

Kensington's numbers regarding traffic did not take into consideration the Avery acreage we would be developing... nor the major project that would take place on the westerly acreage adjacent to it. I am referring to the land that was previously owned by the Gregg estate, which has a public hearing scheduled before the DRC next month, which my family and I totally support. Kensington completely ignored all three projects,(two of my family's and the former Gregg property project) in their analysis which are all three right next door to the WEB.

4. Lastly, the price of sixteen and a half million dollars that Kensington is offering the City is unrealistic and unfair to the City. My organization, which is in process of being incorporated as Kruseway Cancer Treatment Corporation, (KCTC), wishes to purchase the WEB for twenty million dollars, and to have our company in that building, which would become our corporation's headquarters.

Our corporation would be working in liaison with Phil Knight of Nike Corporation, Dr. Bryan Druger, the head of cancer development at OHSU,etc. Dr. Denis Burger (who is the chairman of our board of directors, and many of the leading experts in cancer research and development would be located in the WEB Building. We would offer job opportunities for many of our young talented people in Lake Oswego who otherwise are often forced to leave our City and Oregon because of lack of such employment opportunities.

Since we estimate we would only need eventually about 40% of the building, we are willing to allow the city to continue the use of the remaining 60% of the WEB indefinitely.

Regarding the other acreage involved with the WEB property, we would not be seeking a zone change, but would allow it to remain as "office" zoning. We would work with City staff in having this become structures to be built in the future on these sites for possibly a new City Hall, a new police station and a new library etc.

Taking all of the above into consideration, we are requesting that you do not overturn your planning commission's decision that voted 7-0 against the rezoning. Please allow myself and other members of our KCTC board of directors the opportunity to meet with City Manager Scott Lazenby, Bart Williams, your City attorneys, Mr. Powell and Mr. Boone and other members of your staff so we may collectively discuss the needs of the City and its citizens and create together something that we can all be proud of on the Kruseway Corridor.

The City's contract with Kensington has all kinds of "escape clauses" in it for Kensington. Surely it must be have at least one for the City also, or it would be a one sided contract

Respectfully yours,

Nick Bunick

c.c. Scott Lazenby
Brant Williams



TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Debra Andreades, AICP, Senior Planner

SUBJECT: Supplemental Memo (LU 13-0053)

DATE: January 29, 2014

The City Council has scheduled a public hearing for LU 13-0053 on February 4, 2014 to consider amendments to the Comprehensive Plan and Zoning Maps from Office Campus/High Density Residential (OC/R-3) to General Commercial (GC) for the WEB site, located at 4101 Kruse Way.

The applicant (Lake Oswego Redevelopment Agency) has requested the opportunity to submit new evidence in support of the application (attached as Exhibit F-7). Accordingly, on February 4, 2014, the applicant will be requesting the Council remand the application to the Planning Commission for new evidence to be received into the record, and for the Planning Commission to make a recommendation to the Council based upon the record.

The Council has the following options:

- Remand to the Planning Commission
- Decline to remand to the Planning Commission and reschedule the Council public hearing for February 18th

Staff recommends the City Council remand LU 13-0053 to the Planning Commission in order for new evidence to be presented and considered.

EXHIBITS:

F-7 Memo from Brant Williams, Lake Oswego Redevelopment Agency, 01/29/14



**EXHIBIT F-7
LU 13-0053**

TO: Debra Andreades, Senior Planner

FROM: Brant Williams, Redevelopment Director

SUBJECT: Zone Change Application for 4101 Kruse Way (West End Building)
File No. LU 13-0053

DATE: January 29, 2014

One of the questions raised during the Planning Commission's public hearing and deliberations for the zone change application for the West End Building was the type and density of development that would occur if the property were rezoned to General Commercial. The buyer of the property, Kensington Investment Group, is in the process of preparing its conceptual development plan for the property and expects to have this plan completed next month. This development plan should address both the uncertainty of the type of development that will occur on the property, and the impact redeveloping this property will have on adjacent neighborhoods and the transportation system.

As the applicant for the zone change, I would request that this new information be included as evidence in the land use decision. I understand that providing new evidence at this time would require the City Council to remand the application back to the Planning Commission. As such, I would request that I be allowed to submit this additional information as evidence for the proceedings. I would also request that the City Council not conduct a public hearing next Tuesday, but instead remand this matter back to the Planning Commission for further consideration.

Attached is a letter from Kensington stating its desire and intent to provide this information by February 18th, which, as I understand it, would allow enough time for the Planning Commission hearing to be scheduled for its March 10th meeting.

Thank you for your consideration of this request.

January 28, 2014

City of Lake Oswego
Attention: Brant Williams, Redevelopment Director
PO Box 369
Lake Oswego, OR 97034
Facsimile: (503) 697-6594
Email: bwilliams@ci.oswego.or.us

Re: Zone Change Hearing
Property at 4104 Kruse Way, Lake Oswego, Oregon

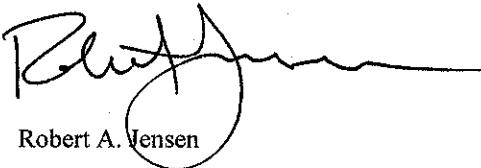
Brant Williams,

It is our understanding that the City Council will be holding the zone change hearing on February 4, 2014. As part of its decision on the zone change, Kensington would like to provide additional information that would better describe our intentions for a potential development at the West End property. This would be a possible concept development plan that illustrates the types of uses and densities we anticipate providing on the site. We believe this information will be very helpful to Council in making its final decision.

It is also our understanding that to include additional information at this point, City Council would need to remand the application back to the Planning Commission for further consideration. If the Council chooses to do this, we will have this information to you by February 18th in preparation for the Planning Commission hearing on March 10.

Feel free to contact me if you have any questions.

Sincerely,



Robert A. Jensen

Draft Council Goals - 2014

Balance community expectations for city services, infrastructure maintenance and facilities within existing resources, adjusting taxes and fees, when necessary, with fiscal prudence and restraint

Short Term

- Review master fees and charges, and establish cost recovery policies of various classes of fees.
- Update the Council's policy on debt; approve a revised investment policy.
- Complete the 2013 Action Plan goal to sell the West End Building.

Balance the goals of community aesthetics and environmental quality with the preservation of property rights and individual freedom

Short Term

- Complete the 2013 Action Plan goals for updating the comprehensive plan.
- Adopt changes to the development code to implement the reform of regulations on "sensitive lands."
- Amend the tree code to more appropriately address large land parcels, both private and public, for forest management.

Long Term

- Convene a community dialog on the tree code to see if there is a better way to meet the goal of a "Tree City USA" while responding to residents' desire for less stringent regulation. Identify a strategy for streamlining development processes while retaining community aesthetic and quality standards.

Improve the city's infrastructure to meet current standards and provide for managed future growth

Short Term

- Invest in a street maintenance program that will, over five years, result in attaining and maintaining a Pavement Condition Index of 70.
- Adopt a design and funding strategy for upgrading the Operations Center.
- Acquire property and complete the design for new or expanded space for Police/LOCOM. Finalize the funding strategy for Boones Ferry Road improvements. Complete the improvements.
- Develop a financially feasible plan for a community facility (library services, meeting rooms, police presence) in Lake Grove in conjunction with the Boones Ferry project.

Long Term

- Complete the Operations Center upgrade (by 2017); Boones Ferry Improvements (by 2019); Police/LOCOM facilities (by 2016).
- Build funds through a set-aside in the operating budget to complete major repairs to the exterior walls and windows of City Hall. Identify strategies for making it safer and easier to walk in neighborhoods.

Build the tax base by supporting business investment in Lake Oswego

Short Term

- With the involvement of property owners and surrounding residents, develop a plan for the southwest industrial area.
- Complete property acquisition and actively market the North Anchor properties. Plans for development should involve nearby residents and other community members, as well as those with expertise in the market for commercial real estate.

Long Term

- Streamline the development code to make it more business-friendly, while still maintaining community standards.

Improve the effectiveness of Lake Oswego's city government

Short Term

- Review and change as necessary the role and scope of city advisory boards.
- Inventory the availability of community meeting spaces in Lake Oswego.
- Inventory available recreation facilities and activities (public and private) available to residents.
- Adopt a procedure for filling council vacancies.
- Propose to the voters a charter amendment that would modify or remove the provision for street widening elections.
- Consider the provision of volunteer coordination services, particularly for projects in natural areas.

From: [Goodman, Tim](#)
To: [Council Distribution](#)
Subject: Request to Pull Item 3.1.1 From Council Agenda for Discussion
Date: Tuesday, February 04, 2014 9:09:26 AM

Mayor Studebaker and Council Members:

The cable franchise extension between the City and Comcast is placed under your Consent Agenda for action at tonight's Council meeting. Comcast is respectfully requesting the item be pulled from the Consent Agenda and moved under Item 4 of tonight's agenda, to allow a short presentation by Comcast prior to the Council voting on the issue. Comcast is not opposed to the franchise extension, but we are opposed to the formal process the MACC has initiated – we merely want to get our opposition to the formal process stated and in the City's records.

If you have any questions please feel free to contact me at your convenience, and I will be at your Council meeting this evening.

Regards,

Tim

Tim Goodman

Manager, Government Affairs
Oregon/SW Washington Region
9605 SW Nimbus Avenue
Beaverton, OR 97008
(503) 605-6357 – Office
(503) 319-9304 – Mobile
(503) 605-6229 – Fax
Tim_Goodman@cable.comcast.com



MMA

Multi-modal Mixed use Area

Policy language construct with required map(s)

Birdshill CPO / NA Resolution 2013.17.08.15

– *Expunge MMA from 2013 Revised Comp Plan*

Bottom Line: MMA: “Clear and Present Danger”

Due to License for Cut-Through-Traffic Routes [CTTR(s)]

Website: [Foothills District Framework Plan Issues](#) (FDFP)

**Metro 2035 RTP2035 No Build 2 hour PM Peak
Extract of Area Representing Lake Oswego
Segment of OR Hwy 43 Corridor**



Issue Description:

From documents posted to webpage of Metro [2035 Regional Transportation Plan](#)

Metro forecasts in 2035 that Oregon Highway 43 (OR 43) corridor will experience a downgrade in Level of Service (LOS), a mobility standard for roadways (2005 = Base Year):

This downgrade of the LOS along OR 43 [State Street in Lake Oswego (LO)] may mean it will be expensive to add new developments like the LO Foothills District Refinement Plan (FDRP). Because Oregon Transportation Rule (TPR) OAR 660-12-0060 requires a developer of record for projects requiring access to state administered roadways to assess congestion conditions and provide plans with funding for mitigation of new development effects. This is to protect existing adjacent roadway property owners, schools and neighborhoods from being overwhelmed by new development.

**Source: Metro 2035 RTP, Chapter 5 - Performance,
Page 27 PDF Screen 395 of 476**

Metro File: 03_22_10_2035_rtp_final_web.pdf

**BH: REPT_MTRO_2035_RTP_Mobility_2010_03Mar_22Mo_1700U.pdf
2035 No Build (Map)**

Metro File: 2035 with no improvements.pdf

BH: MPUE_MTRO_2035_2PNoBuild_2010_03Mar_09Tu_1028U.pdf

Brief Legislative History of MMA at state level 2009 - 2011

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Summary (Download Link): [Recommendations Final](#) (See Page 2)

Lake Oswego City Council (LOCC) 2013 – 2014

– [2013 Consolidated LO Comprehensive Plan](#) [p. 70]

Hearing Date: 2014 February 18 Tuesday

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Lake Oswego Planning (LOPL) Case File: [LU 13-0068](#)

**LO Planning response: MMA policy & map to relax
Oregon Transportation Rules [TPR(s)] applied to
OR Hwy 43 (State Street), to allow development**

2013 Revised LO Comp Plan

Multi-modal Mixed use Area (MMA)

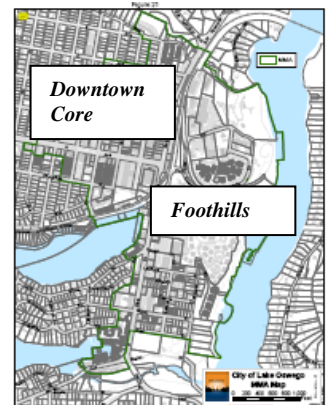
Goal 6. Livability, Policy 8, [p. 80]
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Glossary [p. 84]

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WITH required map of:

City of Lake Oswego MMA
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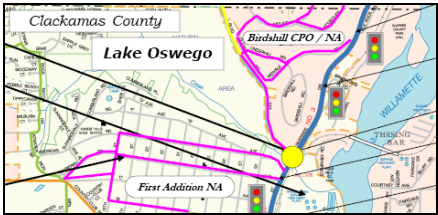
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Brief Legislative History 2013 November – 2014 January

Date	Body+ Mtng	Action + Document
	LOCC	Expunge MMA [Minutes Motn p. 6]
2013 Nov 05 Tue	Video at: TVCTV	Ctzn Cmnt: 01:15:00 - fwd 55 min LOCC Actn: 02:25:00 - fwd 5 min
2013 Dec 03 Tue	LOCC	2013 Consolidated LO Comp Plan [p70]
2014 Jan 09 Thu	LOCPU_CAC	Resurrect MMA + Map [p. 4 and 5]
2014 Jan 13 Mon	LOPC	Recommend MMA + Map [p. 6]

Effects of MMA Policy on Stakeholders

North to South along OR Hwy 43 (State Street in Lake Oswego)

Ref	Stakeholder Class and Google Earth (GE)Coordinates	Primary Contact	Effect(s) of MMA Policy Imposition
1.	Riverdale School District 51J Facility: Riverdale Grade School  GE: 45°26'23.84"N, 122°39'20.77"W, Elev 274 ft OR Hwy 43 / Military Road MP 04.45 GE: 45°26'29.59"N, 122°39'17.32", Elev 217 ft W	Terry Brandon Superintendent Riverdale School District 51 J (Joint Mult Co / Clack Co) District Headquarters Breyman Ave / Military Rd SW 11733 SW Breyman Avenue Thms_gde PDXM / 0656 / G3 Portland OR 97219-8409 GE: 45°26'23.84"N, 122°39'20.77"W, Elev 274 Ft ABSL Ph: 503.262.4840, Fax: 503.262.4841, Admin: 503.262.4840 Wb: http://www.riverdaleschool.com/ Em: tbrandon@riverdale.k12.or.us Jurisdiction: Multnomah County	1.1. NO Notification required or given for imposition of MMA policy by City of Lake Oswego in Comp Plan. 1.2. Licensed Cut-Through-Traffic-Routes [CTTR(s)] in front of Riverdale Grade School on Breyman Avenue. 1.3. NO mitigation plan for development effects by developer to be associated with LO project(s). 1.4. NO compensation by developer to be associated with LO project(s).
2.	Riverdale NA Facility: Residential Homes  Note: Purple = Cut-Through-Traffic-Route(s) North: OR Hwy 43 / Palatine Hill Road MP 04.14 GE: 45°26'44.59"N, 122°39'24.60"W, Elev 178 ft South: OR Hwy 43 / Mult-Clack Line MP 05.19 GE: 45°25'56.71"N, 122°39'18.48"W, Elev 203 ft	For Referral to Riverdale NA Contact Charles B. Ormsby (Skip) OR Robb Wolfson Citizen Involvement Coordinator Office of Citizen Involvement Multnomah County Oregon Hawthorne Headquarters Bldg Grand Av / Hawthorne Bv NE 501 SE Hawthorne Blvd Suite 192 Thms_gde PDXM / 0596 / G7 Portland OR 97214-3587 Google Earth: 45°30'44.25"N, 122°39'37.50"W Ph: 503.988.3450, CL: 503.780.8923, Fax: 503.988.5674 Wb: http://web.multco.us/oci Em: robb.wolfson@multco.us Jurisdiction: Multnomah Co and Portland	2.1. NO Notification required or given for imposition of MMA policy by City of Lake Oswego in Comp Plan. 2.2. Licensed Cut-Through-Traffic-Routes [CTTR(s)] on following: 2.2.1. Palatine Hill Road 2.2.2. Breyman Avenue 2.2.3. Edgecliff Road 2.2.4. Greenwood Road 2.2.5. Iron Mountain Blvd 2.3. NO mitigation plan for development effects by developer to be associated with LO project(s). 2.4. NO compensation by developer to be associated with LO project(s).
3.	Birdshill CPO / NA Facility: Residential Homes  Note: Purple = Cut-Through-Traffic-Route(s) North: OR Hwy 43 / Mult-Clack Line MP 05.19 GE: 45°25'56.71"N, 122°39'18.48"W, Elev 203 ft South: OR Hwy 43 / Tryon Cr Culvert MP 05.79 GE: 45°25'26.72"N, 122°39'38.98"W, Elev 095 ft	Charles B. Ormsby (Skip) Co - Chair (2013 – 2014) Amy Marks Co - Chair (2013 – 2014) Birdshill CPO / NA (Joint) <BHCN> Clackamas County Community Planning Organization (CPO) City of Lake Oswego Oregon Neighborhood Association (NA) Clackamas County Birdshill Rd (LP) / Outside 170 SW Birdshill Road Thms_gde PDXC / 0656 / G4 Portland OR 97219-8502 GE: 45°25'46.48"N, 122°39'40.02"W (Midvale Rd / Underhill Rd) Ph: 503.636.4483, CL: Not Specified, Wb: https://sites.google.com/site/fdfpissu/ Em: birdshillcpona@gmail.com Jurisdiction: Clackamas Co and Lake Oswego	3.1. NO Notification required or given for imposition of MMA policy by City of Lake Oswego in Comp Plan. 3.2. Licensed Cut-Through-Traffic-Routes [CTTR(s)] on following: 3.2.1. Edgecliff Road 3.2.2. Iron Mountain Blvd 3.2.3. Glenn Road (UNSAFE) 3.2.4. Midvale Road 3.2.5. Underhill Road 3.2.6. Terwilliger Blvd 3.3. NO mitigation plan for development effects by developer to be associated with LO project(s). 3.4. NO compensation by developer to be associated with LO project(s). Download: TSTM 2013 Apr 22 Mo – LOPC Ex G-4 Download: TSTM 2013 Sep 09 Mo – LOPC Ex G-7 Download: TSTM 2013 Nov 05 Tu – LOPC Ex G-19

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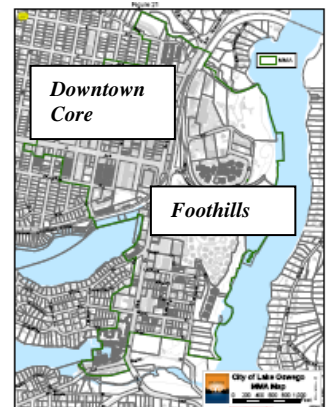
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North to South along OR Hwy 43 (State Street in Lake Oswego)

Ref	Stakeholder Class and Google Earth (GE)Coordinates	Primary Contact	Effect(s) of MMA Policy Imposition
1.	First Addition Forest Hills NA Facility: Residential Homes Multiple Dwelling Units  Note: Purple = Cut-Through-Traffic-Route(s) North: OR Hwy 43 / Tryon Cr Culvert MP 05.79 GE: 45°25'26.72"N, 122°39'38.98"W, Elev 095 ft South: OR Hwy 43 / A Avenue MP 06.13 GE: 45°25'9.39"N, 122°39'46.48"W, Elev 113 ft	Carole Ockert Chair First Addition Neighbors / Forest Hills NA <FANA> <FA> City of Lake Oswego City of Lake Oswego Cumberland Rd / Sunningdale Rd 910 Cumberland Rd Thms_gde PDXC / 0656 / F4 Lake Oswego OR 97034 GE: Not Specified Ph: Not Specified, CL: 503.720.2305, Fax: Not Specified Wb: http://www.sites.google.com/site/fanforesthill S Em: fanfh-carole@europa.com Jurisdiction: Lake Oswego	1.1. NO Notification required or given for imposition of MMA policy by City of Lake Oswego in Comp Plan. 1.2. Licensed [CTTR(s)] on following: 1.2.1. E Avenue 1.2.2. First Street 1.2.3. D Avenue 1.2.4. B Avenue 1.3. Possible mitigation plan for development effects by developer to be associated with LO project(s). 1.4. Possible compensation by developer to be associated with LO project(s). 1.5. Evolution of "Parking Creep" and overflow of surface parking into neighborhoods due to MMA and allowing min off street parking for apartments, condos & town homes. Download: TSTM 2013 Sep 09 Mo – LOPC Ex G-8
2.	ODOT-Oregon Department Transportation Facility: OR Hwy 43 aka State Street  Concern by ODOT testimony (TSTM) LOPL Case File: LU 12-0032 – Create Foothills Download: TSTM 2012 Oct 02 Tu – Ex G-1 1. OR 43 / Public Storage Driveway <MP_05.83> Also referred to at North Portal to Foothills GE: 45°25'24.03"N, 122°39'41.06"W, Elev 097 ft 2. OR 43 / A Ave <MP_06.13> GE: 45°25'9.39"N, 122°39'46.48"W, Elev 113 ft 3. OR 43 / Foothills Road <MP_06.25> Also referred to at South Portal to Foothills GE: TBD, Elev 113 ft 4. OR 43 / McVey Avenue <MP_06.70> GE: 45°24'39.26"N, 122°39'52.64"W, Elev 101 ft Coordinate on 5. OR 43 / Tillamook Branch Line (TBL) <MP_06.19> GE: 45°25'5.83"N, 122°39'47.29"W, Elev 113 ft	Gail E. Curtis Senior Planner Region 1 (Portland Metro) Manager Oregon Department of Transportation (ODOT) ODOT Regional Building Third Av / Everett NE 123 NW Flanders Thms_gde PDXM / 0596 / F5 Portland OR 97209-4012 GE: 45°31'34.02"N, 122°40'19.62"W Ph: 503.731.8206 Fax: 503.731.8259 Wb: http://www.oregon.gov/ODOT/TD/Pages/index.aspx Em: gail.e.curtis@odot.state.or.us Jurisdiction(s) – North to South 1. City of Portland 2. Multnomah County 3. Clackamas County 4. City of Lake Oswego 4. City of West Linn 6. Oregon City	2.1. Address safety conditions of left turn que lanes for intersections listed as item 1 – 4 to left. following: 2.1.1. OR 43 / Public Storage Dr 2.1.2. OR 43 / A Ave 2.1.3. OR 43 / Foothills Road 2.1.4. OR 43 / McVey Ave 2.2. Coordinate with ODOT wrt North and South Portal(s) to Foothills District. Items 1 and 3 to left 2.3. Coordinate with ODOT Rail and Union Pacific RR (Lessee PWRR) wrt Tillamook Branch Line (TBL) crossing of OR 43. Item 5 to left 2.4. ODOT desires LO be "upfront" with affected stake holders and jurisdictions wrt MMA "trade offs" . Mentioned: Clackamas Co, West Linn and Oregon City. No mention of Neighborhoods of: Riverdale NA or Birdshill CPO / NA or school district of Riverdale 51 J. Also of note in opinion of Birdshill CPO/NA 1. OR 43 / Terwilliger Blvd <MP_05.74> GE: 45°25'27.58"N, 122°39'38.35"W, Elev 095 ft 2. OR 43 / B Ave <MP_06.04> Left turn que lane OR 43 NB to B Ave WB Affects TriMet Line 35 on-time performance GE: 45°25'13.91"N, 122°39'45.50"W, Elev 113 ft

From: [Birdshill CPO/NA](#)
To: [Studebaker, Kent](#); [Gudman, Jeff](#); [Bowerman, Karen](#); [Gustafson, Jon](#); [Hughes, Lauren](#); [Jordan, Donna](#); [O'Neill, Skip](#); [Schneider, Catherine](#); [Birdshill CPO/NA](#)
Cc: [PUBLIC AFFAIRS](#); [Council Distribution](#); [Siegel, Scot](#); [Owings, Amanda](#); [tomlf@comcast.net](#); [karenb@co.clackamas.or.us](#); [gail.e.curtis@odot.state.or.us](#); [pworth@kittelson.com](#); [Williams, Brant](#); [Donaldson, David](#); [Graham, Guy](#); [carlotta.collette@oregonmetro.gov](#); [ina.zucker@oregonmetro.gov](#); [jludlow@co.clackamas.or.us](#); [tsmith@co.clackamas.or.us](#); [psavas@co.clackamas.or.us](#); [JBernard@co.clackamas.or.us](#); [mschrader@co.clackamas.or.us](#); [bccadminstaff@co.clackamas.or.us](#); [stevewhe@co.clackamas.or.us](#); [camgil@co.clackamas.or.us](#); [Smolak, Barbara](#); [ccichair@yahoo.com](#); [barbara.guthrie@co.multnomah.or.us](#); [district1@co.multnomah.or.us](#); [Kathleen.m.todd@co.multnomah.or.us](#); [sylvia@swni.org](#); [lgard@swni.org](#); [mayorcharliehales@portlandoregon.gov](#); [cevero.gonzalez@ci.portland.or.us](#); [Nick Fish](#); [Mila Greisen](#); [Allred, David](#); [dave.green1@ch2m.com](#); [Linda Macpherson](#); [rspetter](#); [Dan Vizzini](#); [David Beckett](#); [nancybignell@comcast.net](#); [joy_strull2002@yahoo.com](#); [fanfh-carole@europa.com](#); [chris@ckrlaw-proptax.com](#); [glenmorrie@aol.com](#); [Manz, Jackie](#); [milesinor@comcast.net](#); [turnock.mary@yahoo.com](#); [turchij@msn.com](#); [salorenzen@aol.com](#); [rereamer@comcast.net](#); [chestnuts@q.com](#); [pklaebe@comcast.net](#); [david.roche](#); [Robert Ervin](#); [Cheryl Uchida](#); [Dave Sengenberger](#); [Jack Lundeen](#); [twberridge@fontier.com](#); [creightonhelenyoung@gmail.com](#); [Sally Visser](#); [Charles Ormsby](#)
Subject: Critique of LO Boards and Neighborhood Interface 2013-2014
Date: Tuesday, February 04, 2014 5:00:09 PM
Attachments: [SHIS_BHCN_RVSD_MMA_2014_01Jan_26Su_1700U.pdf](#)
[SHIS_BHCN_FNFH_MMA_2014_02Feb_04Tu_1600U.pdf](#)

Birdshill CPO / NA Co-Chair, Charles Ormsby (Skip) critiques lack of interface and involvement between City of Lake Oswego Advisory Boards and the Birdshill CPO / NA for the year of 2013. This is despite public testimony requesting such communication at the annual Lake Oswego City Council (LOCC) review of 2013 Jan 22 Tuesday.

There are obviously issues of standing and stature that need to be addressed immediately between advisory boards and neighborhood organizations within the area of the Lake Oswego Comprehensive Plan. I hope that task will become the number one priority of advisory boards and committees. Details of critique distilled, and summarized below with example issue attachments.

2014 February 04 Tuesday 16:55 U (4:55 PM PT)

Charles B. Ormsby (Skip)
Birdshill CPO / NA, Co-Chair 2013 – 2014
Phn: 503.636.4483 Residence
E-mail: birdshillcpona@gmail.com

Kent Studebaker, Mayor (2013 – 2016)
Karen Bowerman, Councilor (2013 – 2016)
Jon Gustafson, Councilor (2013 – 2016)
Skip O'Neill, Councilor (2013 – 2016)
Jeff Gudman, Councilor (2011 – 2014)
Lauren Hughes, Councilor (2013 – 2014)
Donna Jordan, Councilor (2011 – 2014)
Lake Oswego City Council (2013 – 2014)
City Hall, 380 A Avenue Lev 1 NE 4th St / "A" Avenue SE

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Wb: <http://www.ci.oswego.or.us/planning/12-0014-13150-riverside-drive>

Copies:

Birdshill CPO / NA Board 2013-2014 Board of directors
LO Comprehensive Plan Chairs
and concerned parties

Subject: Critique of LO Boards and Neighborhood Interface 2013-2014

Where

LO = Lake Oswego

Forward as you see fit

Good Afternoon:

I will be unable to attend the Lake Oswego City Council meeting this evening of 2014 February 04 Tuesday as I am homebound with care giving functions. Baring evolution of issues I will be watching via a live webcast at: <http://www.ci.oswego.or.us/citycouncil/watch-meetings-online-and-cable-tv>
Due to fact half of Birdshill CPO / NA west of the OR Hwy 43 centerline has a cable conduit source from SW Portland. Thus public access channels that are to be an integral part of public involvement process are unavailable for viewing. This fact has been noted before during the trials and tribulations of the Metro LOPTTAAS and LOPT studies to extend Portland Streetcar Inc service to Lake Oswego from its current terminus in the Portland South Waterfront District.

According to the minutes of the Lake Oswego City Council meeting held on 2013 Jan 22 Tuesday under Agenda Item 5 – Citizen Comment on page 4 of 12 I made the following summary of statements:

"Mr. Ormsby, among several issues he plans to bring to Council, highlighted traffic congestion problems that will result from the Multimodal Mixed-use Area designation in Foothills. He disputed earlier statements of the Planning Commission because the Birdshill neighborhood has not had a seat at the table and no vote on the CAC. They also have no seat on the Tryon Creek Wastewater Treatment Plant CAC, and secret meetings are a concern. Several requests for information from the City have gone unfulfilled and TriMet accessibility issues of the West End Building (WEB) remain. It would be desirable for members of the City Advisory Boards to meet with neighborhood chairs, particularly as his neighborhood has never been contacted by the Sustainability Advisory Board about the Tryon Creek Wastewater Treatment Plant."

Most of the above stated concerns still remain. Board and CAC communication is a prime concern especially in light of recommendations without consultations with neighborhoods on the issues of the establishment of the MMA exist in numerous planning documents.

Please see and download documents from the following webpages:

1. Email to Clackamas County Board Chair John Ludlow
<https://sites.google.com/site/bhpbestbgs/home/31emccbc>
2. Webpage with respect to the Foothills
<https://sites.google.com/site/fdfpissu/home>

Please also review AT01 and AT02 with respect to the MMA
AT01: Edition for Riverdale SD, Riverdale NA and Birdshill CPO / NA
AT02: Edition for First Addition

I hope this adversarial state of communication between advisory boards,
citizen advisory committees and neighborhoods can be improved in 2014.

I am not satisfied with current communication attempts or results.

I can be contacted by the means in my signature block below. I can also
meet most anyone between Monday and Wednesday. Thursday – Sunday
I am home bound but drop by for coffee or coca.

Thanks

Skip
Charles B. Ormsby (Skip)
Birdshill CPO / NA, Co-Chair 2013 – 2014
A Joint Clackamas County Community Planning Organization
City of Lake Oswego Oregon Neighborhood Association (NA)
Google Earth GPS Coordinates: 45°25'46.48"N, 122°39'40.02"W
Clackamas County
170 SW Birdshill Road
Portland Oregon 97219-8502
Phn: 503.636.4483 Residence
E-mail: birdshillcpona@gmail.com
Web: <http://birdshillcpona.shutterfly.com/> (Not Open Yet)

Attached Documents (ATnn) Two (02) total:
AT01

Title: Issue Sheet: MMA, Oregon Hwy 43 Congestion & Effects of MMA Policy on Stakeholders (RVSD)
<NOT Annotated>
File BHCN: SHIS_BHCN_RVSD_MMA_2014_01Jan_26Su_1700U.pdf, Size: 295 kb, Page(s): 2
Dc_Access: NOT POSTED AT THIS DATE
Hlink_Prd: SHIS_BHCN_RVSD_MMA_2014_01Jan_26Su_1700U.pdf

AT01

Title: Issue Sheet: MMA, Oregon Hwy 43 Congestion & Effects of MMA Policy on Stakeholders (FNFH)
<NOT Annotated>
File BHCN: SHIS_BHCN_FNFH_MMA_2014_02Feb_04Tu_1600U.pdf, Size: 207 kb, Page(s): 2
Dc_Access: NOT POSTED AT THIS DATE
Hlink_Prd: SHIS_BHCN_FNFH_MMA_2014_02Feb_04Tu_1600U.pdf

Cross Referenced Documents (CRnn) Zero (0) total:

Note these documents are related to the subjects presented in the email

CR00