

MINUTES OF PLANNING COMMISSION MEETING – May 20, 2014

Call to Order at 7:02 p.m.

Roll Call: The following Planning Commission members answered the roll call: Vice Chair Kim Sieckmann, Kevin Johnson, Michele Kremers, Pat McMahon, Craig Seghers and Kirk Stempel.

Absent: Chair Tamara Stempel

Staff: David Doughman, City Attorney; and Jolene Morishita, Assistant City Administrator.

Vice Chair Kim Sieckmann lead the flag salute.

Consent Agenda:

1. Minutes of March 18, 2014 Meeting

Correction on page 1-2: change the word “regarding” to “re-grading.”

Commissioner Pat McMahon moved and Commissioner Kevin Johnson seconded a motion to approve the consent agenda consisting of the minutes of April 15, 2014 as revised.

Motion carried unanimously.

Regular Agenda:

2. Work Session: Gladstone Code Review. Vice Chair Kim Sieckmann explained this is a worksession to review, discuss and come to a consensus on the codes being reviewed tonight. The changes will be compiled into a formal recommendation to Council at the next Planning Commission meeting.

Section IV, Title 17 Zoning & Development – Review Section 17.54, Clear Vision Codes

- Question: 25 mph in residential area means 280' site distance at intersection. How far back is the side street that you have to have the 280'; it's not a perfect triangle? Staff was asked to provide a diagram showing the triangle?
- The first chart has the right-of-way in feet, which is not the width of the street. Should it be the width of the street and not the right-of-way? City Attorney David Doughman said you would measure from the right-of-way in order to accommodate any future widening or changes that would potentially measure it from the road. The triangle established is based on the road width.
- If that road width were to essentially get bigger to accommodate all the right-of-way in the future, that triangle may be too small relative to that wider road? If the right-of-way is widened, the clear vision on the lot lines goes down? If the street widens, why wouldn't the right-of-way?
- Who enforces the site lines? Maybe code enforcement if there is a complaint.
- The posted speed limit is a graph. Does it have anything to do with the right-of-way and measurement? On corner lots there should be 40' each way. The clear vision makes more sense.
- Where are the minimum intersection sites distances measured from; center one direction or center both directions? In last month's materials a graph shows the

triangle moves depending on the direction you travel. The site distance would turn depending on which way you are traveling.

- Commissioner Michele Kremers noted Page 5-4 shows Milwaukie's explanation and regulations for clear vision. It is simple and easy to understand.
- Suggestion to use Milwaukie's explanation and Gladstone's text of the code.
- Commissioner Pat McMahon asked for more clarification on what the numbers mean.
- Commissioner Kevin Johnson suggested doing away with first chart altogether.
- Should there be language included for clear vision distance from driveways; RV's, hedges, or other plantings. It may be appropriate to put language in Residential R-7.2 Chapter 7.10.030(3) fences and walls between front lot line and front building line, R-5 fences and the commercial section, page 5-9 definition of site line and clear vision definition of fence.

Request for Staff (City Planner/City Attorney) to bring to June Planning Commission meeting:

- (1) develop a map that meets the criteria with triangles,
- (2) a one-page description on 5-4 of April packet
- (3) an explanation about the two charts with the minimum intersection site distance, posted speed limits, right-a-way in feet measurements, each lot line in feet
- (4) An actual figure that spells out Gladstone's code.
- (5) (City Attorney) Definition for fences/hedges that can be used in all chapters that address this issue.

Section V – Title 8 Health and Safety – Review Section 8.04 Nuisances and Section 8.12 Noise Control. Concerns were raised about the Abatement procedures which have the appeals process going through City Council. It was suggested that the hearings officer should make the final decision. In many instances these enforcement issues are time sensitive (example of waiting over 60 days for Council to hear an appeal because of timing of enforcement.) City Attorney Doughman agrees that taking out the Council's jurisdiction and putting it in municipal court reduces the political aspect of the situation.

- City Attorney Doughman stated it is possible to change Section Chapter 8.04.160 and to reflect "municipal court" rather than "City Council." Assistant City Administrator Morishita she will make the changes and send it to the City Attorney for approval. City Attorney Doughman stated he will do a global search on Chapter 8.04 and 8.12 to see if there are any other instances that need to be changed for consistency.
- Vice Chair Sieckmann asked if 8.04.10, General Provisions applied to compost bins. It was the consensus that if did become a problem there are other independent reasons in the code that would address it (rubbish, smell, animal attraction).
- Vice Chair Sieckmann questioned whether yard debris should be added in the description of Section 8.04.10.2. He suggested yard debris as it would cover vegetative trimmings of any kind. It was the consensus of the Commission to leave as is.
- Vice Chair Sieckmann suggested changing Section 8.04.020, Scattering of Rubbish as there is a list of things that can be removed and use the term solid waste. City Attorney

Doughman stated he didn't see any reason for changing it. It was the consensus of the Commission to leave it as is.

- Vice Chair Sieckmann suggested changing Section 8.04.060(3), "...stagnant water that affords a breeding place for "mosquitoes and other insects" to "mosquitoes or other insects." City Attorney Doughman agreed it should be "or." It was the consensus of the Commission to make that change.

Michele Kremers left the meeting at 8:10 p.m.

- Vice Chair Sieckmann asked if Section 804.070, Abandoned Iceboxes, refrigerators or similar container which has an airtight door which may not be released from the inside should be expanded to include microwaves, stoves, and other appliances. City Attorney Doughman stated that "similar container" covers all concerns. It was the consensus of the Commission to make no change. Vice Chair Sieckmann asked if Section 804.100(3), Sidewalk Repair..."or as determined by the City Administrator." Does the City Administrator have the authority to allow a 1-1/2 foot vertical up-lift? City Attorney Doughman stated he will bring something to the next Commission meeting that would address this issue.
- Vice Chair Sieckmann asked in Section 804.141(E), Noxious Vegetation, if the vegetation listed does not harbor rodents, are they okay to have. The section also includes, "...contributes to noxious pollen, constitutes a fire hazards or unreasonably interferes with the use and enjoyment of abutting or private property. City Attorney Doughman suggested changing the text to read, "...uncontrolled or uncultivated growth of weeds, brush, berry vines, poison oak, poison ivy, ragwort, or grasses. For the purposes of this subsection, uncontrolled or uncultivated (examples...)." City Attorney Doughman will prepare clearer text for this section.
- Section 804.141.2(1), "...the term noxious vegetation does not include vegetation that is part of natural topographical conditions of city or state parks are greenway areas." Why do the city and state have different regulation rules than a private property owner? He would like the see the second sentence removed. Assistant City Administrator Morishita explained the City owns vacant lands in the City and if this is changed, tax dollars will have to be used to maintain these lands. It was the consensus of the Commission to leave the text as stated.

Section 8.12 – Noise Control – Review

- In Code Enforcement Boyle's email he recommends noise variance requests not go through Council. He feels the process should go through staff with an appeals process through a designated hearings officer. Assistant City Administrator Morishita explained the turn-around time is not really feasible for Council.
- It was suggested that Vice Chair Sieckmann attend the Adjourned Council meeting and ask Council to review 8.12.070 to see if there are specific reasons that the variance process needs to be so detailed and whether it can be an administrative decision rather than a Council decision.

- It was suggested to reword 8.12.070.1(i), Sound Stage Entertainment and Music Performances; 2(A), Variances; and 2(L) to reflect the event permit rather than the festival.
- Vice Chair Sieckmann noted 8.12.070(E) references document ORS-483.499 and OAR-340-35030 asked if staff to include these documents as part of the code. It was the consensus of the Commission to include the documents.

Other Business: Recently there was a hearing on the reimbursement of a sewer problem that the city took care of. Assistant City Administrator Morishita explained there was an issue with the process that the Code allows. Which process is followed in the Code determines if: (1) The City is reimbursed for all charges in connection with the repair and (2) The City only is reimbursed the cost of the repair. City Attorney Doughman stated he would look into the sewer incident to see what part of the process needs to be changed so that all costs incurred by the City is reimbursed.

Upcoming Commission Considerations: None.

Business from the Commission: None.

Adjourn:

Commissioner Pat McMahon moved to adjourn the May 15, 2014 Planning Commission meeting. Commissioner Kevin Johnson seconded the motion. Motion carried unanimously.

Vice Chair Kim Sieckmann closed the Planning Commission meeting of May 15, 2014 at 9:35 p.m.

Minutes approved by the Planning Commission this 15th day of JULY, 2014.



Kim Sieckman, Vice Chair

TALARA STEIPEL, CHAIR