

**GLADSTONE PLANNING COMMISSION AGENDA
GLADSTONE CITY HALL, 525 PORTLAND AVENUE**

Tuesday, September 17, 2013

**7:00 P.M. CALL TO ORDER
ROLL CALL
FLAG SALUTE**

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a commission member or person in the audience requests specific items to be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

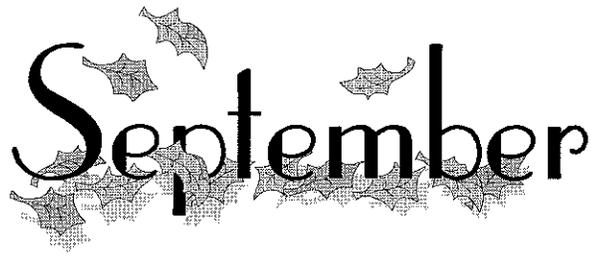
None – (Minutes of July 16, 2013 Meeting will be approved at future meeting)

REGULAR AGENDA

1. Public Hearing:
 - Z0334-13-M, divide property into three (3) parcels, each for future residential use. Subject property is in the R-5 Zone, Single Family Residential, with Habitat Conservation Area/Water Quality Resource/Floodplain overlays. The site is located between 381 & 365 W. Clackamas Blvd, and further described as tax lot #7304 of Clackamas County Assessors Map 2 2E 20CC. Minor partition applications are typically processed at the staff level. In this case applicant has requested the proposal be reviewed by the Planning Commission.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN

The word "September" is written in a large, black, serif font. The letters are partially obscured by a cluster of stylized, textured leaves in shades of gray and black, which are scattered around the text, particularly behind and below the letters.

September

REGULAR AGENDA

City of GLADSTONE

STAFF REPORT LAND DIVISION IN THE WQRA/HCAD DISTRICT

FILE NUMBER: Z0334-13-M
APPLICANT: Clackamas River Properties
DATE: September 11, 2013

I. GENERAL INFORMATION

- A. PROPOSAL: This is a request to divide the subject property (approximately 0.76 acre) into three (3) parcels.
- B. LEGAL DESCRIPTION: T2S, R2E, Section 20CC, Tax Lot 7304
- C. SITE ADDRESS: none
- D. LOCATION: along the Clackamas River, between 381 and 365 W. Clackamas Boulevard.
- E. ZONING DISTRICT: R-5; Single-Family Residential
- F. COMPREHENSIVE PLAN DESIGNATION: Low Density Residential
- G. SITE INFORMATION: The subject property is approximately 33,000 square feet in size and is vacant.
- H. VICINITY DESCRIPTION: The property is located along the Clackamas River in an area generally dedicated to single-family residential use.

II. FINDINGS AND CONCLUSIONS

This application is subject to Chapter 17.12, R-5 – Single-Family Residential District; Chapter 17.25, Habitat Conservation Area (HCA); Chapter 17.27, Water Quality Resource Area (WQRA); Chapter 17.29 Flood Management Area; Division III, Chapter 17.32 Subdivisions; and Division IV, Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@ci.gladstone.or.us
Website:
www.ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 655-8211
Website:
www.ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
Website:
www.ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438
E-Mail: qiref@lincc.lib.or.us

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

Though on its face a simple land division, staff is concerned with conflicting information in the record, particularly with regards to “bankfull stage” of the Clackamas River and slope break determination. These are important bits of information, as it is from that mark that slope measurements begin relative to the WQRA setbacks. Information on water levels including bankfull stage, come from previous land division(s) of the property, grading permits, and information submitted to the State.

Planning staff has reviewed this request relative to the applicable provisions of the GMC. Based on this review, staff makes the following findings and conclusions:

- A. Subsection 17.12.050 of the GMC identifies the dimensional standards of the R-5 zoning district. The proposed lots are shown as satisfying the minimum lot size of 5,000 square feet. Other use and dimensional standards will be applied upon residential development.

This criterion can be satisfied.

- B. Chapter 17.32 of the GMC establishes the submittal requirements and administrative process applicable to subdivisions. The applicant either has or can comply with these provisions.

This criterion can be met.

- C. *Pursuant to Chapter 17.50.020 of the GMC, curbs and sidewalks are required on at least one side of a public street. Curb, sidewalk etc. are in place along the property’s frontage along W. Clackamas Boulevard.*

This criterion is met.

- D. Chapter 17.48 of the GMC regulates off-street parking and loading. This section requires one off-street parking space per single-family dwelling. This requirement will be applied at the time when building permit applications are filed.

This criterion can be met.

- E. Chapter 17.50 of the GMC establishes requirements for vehicular and pedestrian circulation.

Subsection 17.50.020 (1) Impervious Surface. Provide for the least amount of impervious surface necessary to adequately serve the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles.

Apparently individual driveways are proposed. This may be problematic from an emergency services point of view (see comments from Fire Marshal later in this report) and also does not promote “least amount of impervious service necessary to adequately serve....”. This should be discussed by the Planning Commission.

This criterion can be met with conditions.

Subsection 17.50.020(2) Traffic Separation. Provide when feasible, a separation of motor vehicular, bicycle and pedestrian traffic.

Each parcel is shown as having frontage on a public road. As noted previously, sidewalks exist along this portion of W. Clackamas Boulevard (as required through previous land divisions.) Based on expected vehicular traffic from the development, staff if able to find motor vehicles, bicycles and pedestrians will be able to reasonably share the driveways out to the public road.

This criterion is met.

Subsection 17.50.020(3) Curbs and Sidewalks. Provide curbs, associated drainage, and sidewalks within the right-of-way or easement for public roads and streets. As noted, above, curbs sidewalks and drainage control exist along the frontage of Clackamas Boulevard.

This criterion is satisfied.

Subsection 17.50.020(4) Traffic Volume Expansion. Provision shall be made to accommodate any increased volume of traffic resulting from the development. If streets adjacent to or serving the site are inadequate, widening, dedication of property for future widening, or other street improvements may be required. The development shall be designed to minimize traffic volume increases on minor streets and underdeveloped streets. The proposed development will result in three (3) additional dwellings. The Institute of Transportation Engineers Trip Generation, 6th edition manual estimates that single-family dwelling generates 10 one-way trips per day. There is no evidence in the record that indicates that the transportation system cannot accommodate 30 additional one-way trips per day.

This criterion can be met.

Subsection 17.50.40(1) establishes minimum right-of-way and roadway widths. Clackamas Boulevard meets these standards at this location.

This criterion is met.

Subsection 17.50.40(14) Curbs and Driveway. Curb cuts and driveway installations shall be installed, according to City standards. A condition of approval shall require that future curb cuts and driveways to the individual lots be installed according to city standards.

This criterion can be met.

Subsection 17.50.40(15) Sidewalks. Sidewalks shall be installed on both sides of a public street and at any special pedestrian way within a development. The proposed access is to a fully developed public street.

This criterion does not apply.

Subsection 17.50.040.(16) Bicycle and Pedestrian Routes. Bicycle/pedestrian routes shall be required when consistent with Map 5 of the Comprehensive Plan and when necessary to provide a system of interconnecting walkways and safe, convenient access to a transit stop, or a school, park, church, day care center, library, commercial center, community center or similar facility. Map 5 of the Comprehensive Plan identified W. Clackamas Boulevard as a bikeway at this location. Right-of-way width and road development is adequate to support this designation.

This criterion is satisfied.

- F. Subsection 17.56 of the GMC establishes surface water drainage requirements. Any subsequent building permit proposal will be required to comply with the drainage requirements of the plumbing code administered by Clackamas County.

This criterion can be met.

- G. Chapter 17.58 of the GMC establishes standards for grading and fill and requires enforcement of Chapter 70 of the Uniform Building Code (UBC). The city contracts with Clackamas County for administration of grading permits. The county enforces its own Excavation and Grading Ordinance in lieu of Chapter 70 of the UBC. The applicant has already submitted an application for a grading permit to Clackamas County.

This criterion can be met.

- H. Chapter 17.60 of the GMC establishes requirements for utilities. Adequate services exist at this location for the proposed use. New utilities, such as electricity, are required to be underground unless the utility provider prohibits this. Condition of approval will require that water and sanitary sewer improvements be constructed to city and OLSD (Oak Lodge Sanitary District) standards, respectively, that plans be submitted to the city for approval prior to construction and that utilities be developed in accordance with the requirement of Chapter 17.60.

This criterion can be met.

- I. *Chapter 17.64 of the GMC* identifies the design standards for land divisions. The proposed lots generally comply with the minimum lot width and depth requirements of this chapter. At 17.64.030(2) the code states that, a lot shall have a minimum frontage of twenty feet (20') on a street other than an alley. As currently shown this criterion is not met. The Planning Commission should discuss this issue at hearing.

This criterion is not satisfied.

- J. Chapter 17.27 of the GMC establishes application requirements and development standards relative to the Water Quality Resource Area District, of which the subject property is part. Much of this Chapter deals with actual development on property, e.g. siting residences. Those standards would be applied to development on the new lots created through this proposal if approved. Subsection 17.27.030(4) is of particular concern. Relative to siting homes: to establish the width of the vegetated corridor for purpose of setback from the protected feature, slope shall be measured

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in 25-foot increments away from the water feature until slope is less than 25% or a point 150 feet from the starting point of measurement, whichever occurs first. For setbacks see Table I in Chapter 17.27. Information available from previous actions on the subject property, including two (2) previous land divisions, grading permits and information submitted to the State varies with regards to both bankfull stage and slope break. Depending on which data is used, approval of this partitioning may result in creation of three (3) un-buildable lots. This would be inconsistent with Title 17 of the GMC generally, and not allowed.

This should be discussed by the Planning Commission.

- K. Subsection 17.27.050 specifically discusses subdivisions and partitions, such as is being reviewed through this current proposal: *subdivision and partition plats shall delineate the water quality resource area as a separate tract or part of a larger tract that meets the requirements of this subsection. The water quality resource area shall not be part of any lot or parcel used for construction of a dwelling unit. Prior to final plan approval, the water quality resource area tract shall be identified as either private open space or public open space where the tract has been dedicated to a governmental unit by mutual agreement.* The tract can be conditioned.

This criterion can be satisfied through conditions of approval.

- L. Chapter 17.25 establishes application requirements and development standards with regards to the Habitat Conservation Area District (HCAD). Essentially the entire property is shown as being high value habitat for this purpose. Subsection 17.25.100(A)(3) and (4) deal specifically with land divisions. This proposal is being looked at as a subdivision, rather than a three-parcel partition due to the requirement of the Water Quality Tract. 17.25.100(A)(4) becomes the starting point here. Though the language of the entire Chapter can appear somewhat cluttered.....eventually it becomes evident this proposal is subject to 17.25.100(B). This subsection intends to limit development in the HCA to the extent practicable, in this case by minimizing building and development footprint and maximizing use of native landscaping materials. If approved, conditions of approval should be as listed in 17.25.100(B)(3).
- M. Chapter 17.29 deals with the Floodplain Management District. The purpose of this district is to *promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions.* Most of the standards in this section relate to construction with the FMD. The property is shown as being entirely within the 100 year regulatory floodplain. Criteria relative to subdivision are found in 17.29.120 and consist of: *subdivisions shall have public utilities and facility such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage; subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and development of subdivisions, including development on newly created lots shall comply with the standards of this Chapter.*

Conditions of approval could ensure compliance with applicable portion of Chapter 17.29.

III. Discussion

What appears at the outset to be a relatively simple three-parcel partition is complicated by overlay zones associated with the Clackamas River, namely the Habitat Conservation Area District and the Water Quality Resource District. Development restrictions, setbacks, etc come into play here that would not apply in areas away from the River. This situation is further clouded by conflicting information in the record relative to slopes and bankfull stage – both important data sets when determining development potential.

Comments received in response to notice:

Oak Lodge Water District, comments dated 7-24-13: Oak Lodge Water District has no issues with the proposal.

Water Environment Services (WES), Don Kemp in comments dated 9-5-13: Tri-City sanitary district has an outfall easement within the westerly boundary of the proposed partition. The easement should be noted on any future partition plat. We will want to look at the site plans just to make sure they are not planning any retaining walls, excavation or fill over the outfall pipe.

Fire Marshal, Michael Funk: The access to each of the newly proposed lots is the main concern. The concern is long and narrow thus limiting fire department access in the event of an emergency. The fire department is not suggesting denying this application but rather being up front and very clear with the developer on the access concerns. The new access to each property is approximately 18 and one half feet. If a car is parked at any area along this narrow access point, it will most likely block fire department emergency access. The fire engine can be placed on Clackamas Blvd. for firefighting purposes but then the placement of the new home will be limited. All points of the exterior of the home shall be not more than 150' from where the fire engine is parked on the street. Other concerns arise if the home is placed legally within the 150' maximum travel distance, but there is second or third story on the home. Again fire protection would be difficult. I would encourage the developer to sprinkler the new homes as a fire safety measure due to difficult accessibility issues.

Chief of Police, Jim Pryde: The Gladstone Police Department has no concern with this proposal.

No other responses received.

IV. RECOMMENDATION

Staff believes public hearing is the best venue for this proposal, as it will allow the Planning Commission better opportunity to carefully consider this request relative to the approval criteria. If the Planning Commission decides to approve the proposal, staff suggests, at a minimum, the following conditions of approval:

1. Compliance with Oregon Revised Statutes, Clackamas County Surveyor's Office and Clackamas County Clerk's Office requirements for completion of a plat shall be required.

2. The driveways for the new lot shall be installed to city standards prior to final inspection of a building permit for each new lot.
3. If required by Clackamas County's Excavation and Grading Ordinance, the applicant shall obtain a grading permit form the county for cut and fill on the subject property.
4. All development shall satisfy requirements of the Gladstone Fire Department, to include residential sprinkler systems in each new home as discussed by the Fire Marshal.
5. Water and sanitary sewer improvements shall be constructed to city and Oak Lodge standards, respectively. Plans shall be submitted to the city for approval prior to construction.
6. Development to satisfy concerns and conditions of Water Environment Services (WES). Tri-City sanitary district has an outfall easement within the westerly boundary of the proposed partition. The easement should be noted on any future partition plat. Prior to recoding of final plat, WES to review the site plans to ensure there are no retaining walls, excavation or fill over the outfall pipe
7. Surface water issues relative to the new street and other improvements shall satisfy Section 17.56 of the Gladstone Municipal Code.
8. All utilities shall be developed pursuant to Chapter 17.60 of the GMC.
9. Prior to approval of the final partition plat, any required right-of-way improvements shall be installed and existing streets and other public facilities damage during development shall be repaired or the applicant shall file a financial guarantee of performance in a form acceptable to the city attorney. The financial guarantee must be valid until the improvements are complete, as determined by the city.
10. The water quality resource area shall be platted as a tract, and be identified as either private open space or public open space if the tract has been dedicated to a governmental unit by mutual agreement.
11. Each parcel shall have a minimum lot size of 5,000 square feet and the actual square footage of each shall be on the final plat.
12. Mitigation within the HCAD shall be accomplished as discussed in Subsection 17.25.100(B)(3).
13. Satisfaction of applicable requirements of Chapter 17.29, Floodplain Management Area District, specifically at 17.29.120 of the Gladstone Code.



Geographic Information Systems
168 Warner-Milne Rd
Oregon City, OR 97045

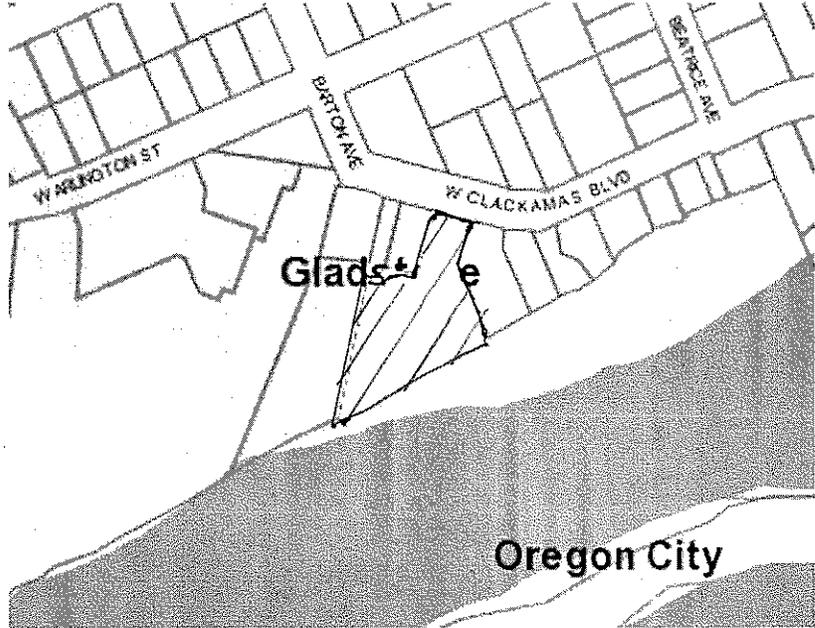
Property Report

SMELSER LESLIE A
385 W CLACKAMAS BLVD
GLADSTONE, OR 97027

Site Address: **NO SITUS**
Taxlot Number: **22E20CC07304**
Land Value: **115537**
Building Value: **0**
Total Value: **115537**

Acreage: **0.76**
Year Built:
Sale Date: **04/10/2013**
Sale Amount: **1**
Sale Type: **S**

Location Map:



Land Class:

Building Class:

Neighborhood:

Clackamas River Front 100,
Taxcode Districts: **115040**

Site Characteristics:

UGB: **METRO**
Flood Zone: **100yr Flood**

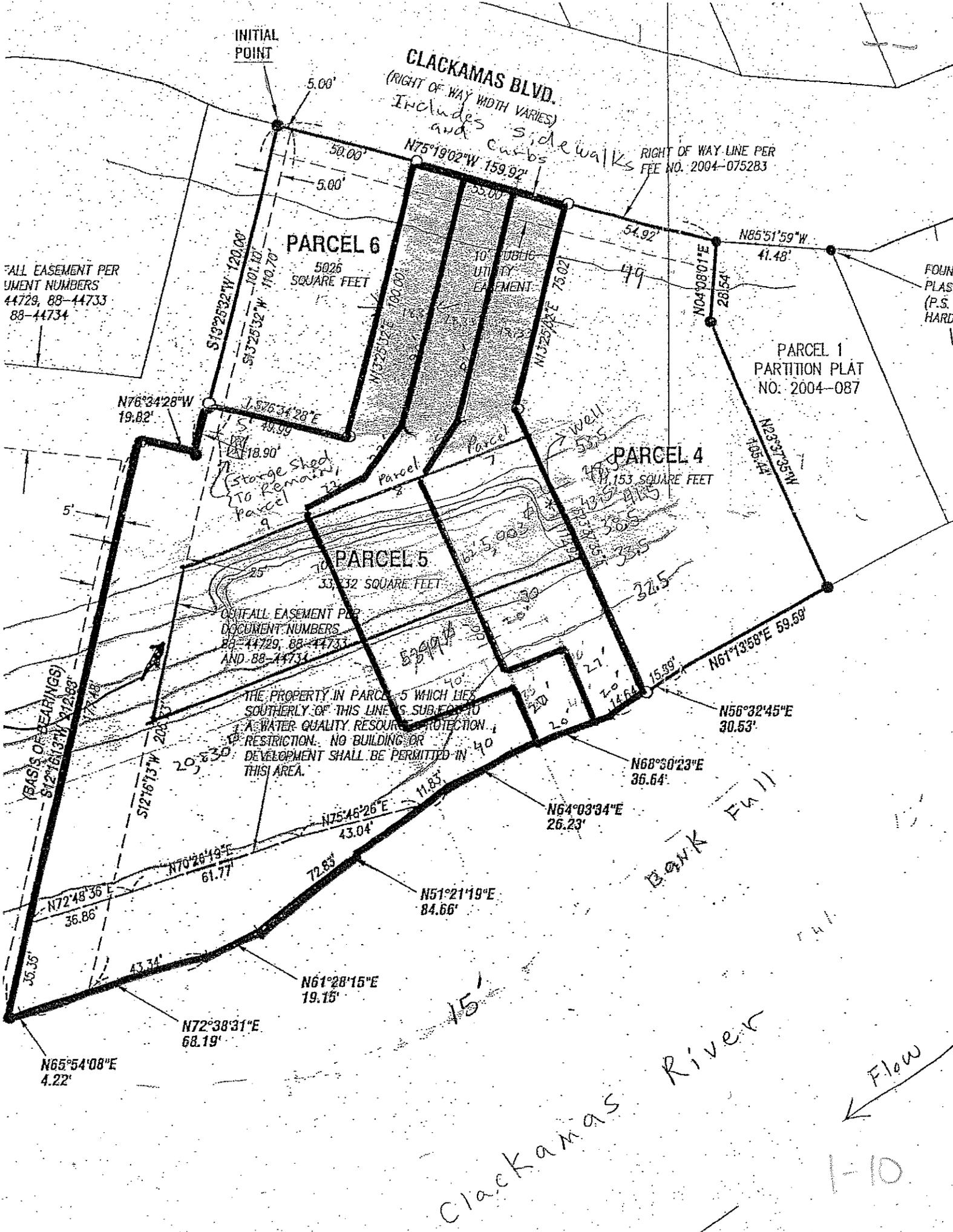
Zoning Designation(s):

Zone	Overlays:	Acreage:
R5		0.76

Fire: **Gladstone**
Park: **N/A**
School: **SCH 115 GLADSTONE**
Sewer: **TRI-CITIES**
Water: **N/A**
Cable: **City**
CPO: **City**
Garb/Recyc: **Gladstone Disposal**
City/County: **Gladstone**

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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INITIAL POINT

CLACKAMAS BLVD.
 (RIGHT OF WAY WIDTH VARIES)
 Includes side walks
 and curbs

RIGHT OF WAY LINE PER
 FEE NO. 2004-075283

FULL EASEMENT PER
 DOCUMENT NUMBERS
 44729, 88-44733
 88-44734

FOUND
 PLAS1
 (P.S.
 HARD)

PARCEL 6

5026
 SQUARE FEET

PARCEL 1
 PARTITION PLAT
 NO. 2004-087

PARCEL 4

153 SQUARE FEET

PARCEL 5

33,32 SQUARE FEET

FULL EASEMENT PER
 DOCUMENT NUMBERS
 88-44729, 88-44733
 AND 88-44734

THE PROPERTY IN PARCEL 5 WHICH LIES
 SOUTHERLY OF THIS LINE IS SUBJECT TO
 A WATER QUALITY RESOURCE PROTECTION
 RESTRICTION. NO BUILDING OR
 DEVELOPMENT SHALL BE PERMITTED IN
 THIS AREA.

BANK HILL

Clackamas River

Flow

1-10

