

MINUTES OF PLANNING COMMISSION MEETING – September 17, 2013

Call to Order at 7:00 p.m.

Roll Call: The following Planning Commission members answered the roll call: Craig Seghers, Pat McMahon, Kim Sieckmann, and Chair Tamara Stempel.

Absent: Michele Kremers, Sean McDonald (second absence in a row), and Kirk Stempel

Staff: Clay Glasgow, City Planner; David Doughman, City Attorney (by phone); and Jolene Morishita, Assistant City Administrator.

Regular Agenda:

2. 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 Area, and Floodplain overlays. The site is located between 381 and 365 West 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. Chair Tamara Stempel opened the hearing at 7:02 p.m. She explained the hearing format and asked if there were any ex-parte contacts or conflicts of interest to declare. Commissioner Kim Sieckmann reported he pulled information off Google maps. He was contacted by a local resident regarding this proposal but was unable to offer any information. Commissioner Craig Seghers went to the County offices to get maps and talked with the employee as to why he needed the maps. Commissioner McMahon printed Google maps and talked with a person at the site who answered some questions he had about the property. Commissioner Sieckmann reported his mother has a small apartment complex in the noticing area. He does not feel this will influence his vote on this matter.

Commissioners were asked if they visited the site. Commissioners Patrick McMahon, Craig Seghers, Kim Sieckmann, and Chair Tamara Stempel visited the site. Chair Tamara Stempel asked the audience if they wished to make a challenge of any commission member's impartiality or ability to participate. There was no response. She asked if there were any objections to the commission's jurisdiction to consider this matter. There was no response.

Staff Report: City Planner Glasgow submitted a staff report for Commission review. He displayed a current map of the site. The applicant is applying to divide the subject property into three parcels. The property is located along the Clackamas River between 381 and 365 W. Clackamas Boulevard, zoned R-5, Single-family Residential. There are several overlay zones including the Habitat Conservation Area and Water Quality Resource Area in the Floodplain. The applicable criteria include 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 Subdivision; and Division IV, Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

Areas to be discussed include:

- Designs of the lots don't meet the minimum requirement of 20-feet of frontage (I.)
- Chapter 17.27, Water Quality Resource Area deals with setbacks and buffers. He questions whether the three lots created could have houses on them.
- Chapter 17.25, Habitat Conservation Area (HCA), the site has been significantly altered over the years with significant fill. Currently it doesn't look like high-value habitat.
- How is the bank-full stage measured? You don't want to create lots that may cause problems when people come in to build a house.

Applicant Presentation: Rick Givens, Planning Consultant for the Applicant, 18680 Sunblaze Drive, Oregon City 97045 reported the criteria are complex and the applicant is trying to get the information to the City as he understands it. The applicant is asking for an adjustment to the 20-foot frontage setback. They are just a few feet short and there is an allowable 20% adjustment in the code. He asked that the adjustment be approved as part of the deliberations tonight. If not, the applicant does own the adjoining property and could provide additional frontage.

Mr. Givens submitted a map with additional information showing the new lots superimposed on a drawing from Compass Engineering back in 2005 with the bank-full line that was delineated by Professional Engineer, Bruce Goldson. The map shows the relationship of the slope break to the location of the lots; it clearly meets the standards of the slope break to the lots.

Bruce Goldson, Proprietor of Compass Engineering, P.O. Box 1385, Lake Oswego previously worked for Compass Engineering and has been associated with the subject property for about 15 years. They received a grading permit for this property and Danielson's about the same time. Over the years there have been hundreds and thousands of yards of fill dumped on the site. Other projects have been approved where part of the work was to establish the line and he did so using the applicable criteria (sediment, woody vegetation, bare rocks, washed rock, etc). The surveyors mapped the line and it was used for the Danielson's project and subsequently when the first partition came along, they worked on the vegetative corridor calculations. Based on these calculations they calculated at various points of the property, the slope for the first 25 feet. The code requires if the slope exceeds 25% in the first 25 feet you are obligated to go another 25 feet and so on and so on until you get to the top of the bank or less than 25%. In this case all areas are less than 25% for the first 25 feet and therefore the vegetative corridor is set at 50 feet. The slope is less than 25%. They feel this met the criteria of the code. He was down there a week ago and there has been little change.

Questions from the Commissioners:

- Will there be a shared driveway? Answer: Mr. Givens stated yes, the common access easement (driveway) back to the point where the driveway branches out to the individual lots. This will satisfy the Fire Department concerns.

- Lot lines are designated as the ordinary high water mark. Bank-full is defined as one foot measured vertically above the ordinary mean high water line. This is ordinarily under water in the winter. Why is the bank-full line in some places substantially lower than what the surveyor laid out as the ordinary high water mark? He feels the bank-full water line is low. Answer: Mr. Goldson stated the line shown on the map represented the two-year event (edge of vegetation or edge of drift that came in that represented the normal high water mark). There could be timeframes where the high water mark could be up to the line for periods of time (winter). It was his professional opinion at the time that it was the bank-full line based on the criteria he was given to use. Mr. Givens explained the criteria are specified in the code as to how this line is to be determined and Mr. Goldson used all the criteria to site the bank-full line. The slope remains constant at 25% even if you moved up on the site 5 feet.
- In Chapter 17.64.030.1 the minimum width of the lot is 50 feet and depth 60 feet. Are these lots 50 feet wide? Answer: City Planner Glasgow said they are not. The width of the necks going out to the road will require an adjustment. The depth has been met. Mr. Givens stated he will extend the application to include an adjustment to the width of the lots.
- Is there any other information to use to determine the criteria of the bank-full line and slope break? Answer: City Planner Glasgow stated information from the grading permits can back up the bank-full line. He feels Mr. Goldson's explanation of the bank-full line is correct. Mr. Givens noted that this calculation has been used consistently in all the applications that have been approved on this land.
- Based on the information he has that is not in the packet and based on the professional opinion tonight (the map) is it within the realm of meeting the criteria? Answer: City Planner Glasgow stated Mr. Goldson's testimony clarifies the situation for him. He was confused over the two slope breaks; however, based on working with Mr. Goldson in the past and knowledge of his professional opinion, he is satisfied.
- There is a 50-foot minimum lot width in the R-5 zoning. The 50-foot requirement is not met due to the narrowing of the southern end of two lots. Would this be interpreted as the entire lot needs to be 50 feet, or an average of 50 feet? Answer: Mr. Doughman stated that Chapter 17.25 indicates if all else fails, try to mitigate to the maximum extent practical. City Planner Glasgow noted this gets into the High Value Habitat to protect as much as possible and make the developed area as tight as possible. Chapter 17.25.100.B.1 indicates the development in the HCA should be avoided to the extent practicable, minimizing development footprint. City Attorney Doughman noted the interpretation of the 50-foot lot width should/would achieve some amount of development on the property. City Planner Glasgow agrees there is flexibility built into the code. The R-5 zone can allow up to 6 lots on this site; however, the applicant is not looking for what the zone allows. Mr. Givens quoted Section 17.06.315 which defines lot width as being the average horizontal distance between side lot lines. The applicant could square off the lots (where the 50-foot width ends) and grant access easements to the River for the two lots. The applicant wants to keep ownership of the property to the River.

Les Smelser, Property Owner stated he likes the backyard the way it is; however, he would like to allow the neighboring lots a way to get to the water. They would rather control everything themselves but to be fair to the neighbors they would like to give them access. He is agreeable with squaring off two lots, adjusting the side lot lines, and allowing the easement to the river.

- Is it possible to approve all of the requests of the applicant tonight? Answer: City Attorney Doughman said yes.

City Planner Glasgow explained Section 17.27.050 discusses land divisions; Subdivision partition plat shall delineate the water quality resource area as a separate tract or part of a larger tract that meets the partitions of this requirement. Condition #10 states "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. He asked if the applicant for comments on this condition." Mr. Givens stated his client would like to retain ownership of the plat.

There were no further questions from the Commission.

Public Testimony: None, there was one person in the audience; however, he left.

Applicant Rebuttal: None

Commission Discussion:

Commissioner Sieckmann asked if the 120-day clock has expired. There have been new information tonight and several changes. He would like to see everything discussed tonight on paper. Commissioner Seghers stated he too would like to see a continuance; he is not comfortable with the bank-full water line. Answer: City Planner Glasgow reported this is day 66 on the clock. Mr. Smelser stated he would like to retain ownership of the plat. On the deed the property line is the ordinary high water mark. The reason it was marked the way it is on the survey was to match the lines that were in existence on both sides of the property at the time. He lives there and visually watches it every day and he would say the ordinary high water mark is closer than what is shown as the bank-full stage.

Mr. Smelser was asked if he would be willing to extend the 120-day period. He noted that they started talking with staff regarding this application five months ago.

*Commissioner Kim Sieckmann moved and Commissioner Pat McMahon seconded a motion to close the public hearing at 8:08 p.m.
Motion carried unanimously.*

It was asked that Condition #4 regarding sprinkler systems be deleted. City Planner Glasgow stated he would add the statement, subject to the Fire Department. When the application for development is made the Fire Department will then comment on the requirements.

Chair Tamara Stempel moved and Kirk Stempel seconded a motion to approve File # Z0334-13-M, to divide property located between 381 and 365 Clackamas Boulevard into three (3) parcels, each for future residential use to include staff's conditions of approval as presented tonight with the following changes:

- Condition #4 changed to read, "All development shall satisfy requirements of the Gladstone Fire Department.
- Add Condition #14 to change the frontage from 20 feet to 18-1/3 feet
- Add Condition #15 to change the lot width from 50 feet to 40 feet
- Add Condition #16 to delete the south small piece of river frontage in parcels #2 and #3, add them to parcel #1, and keep them as an easement.
- Add Condition #17 to include the map "Exhibit A" submitted into the record this evening as part of the submittal.

Motion carried unanimously.

Other Business: None.

Upcoming Commission Considerations:

- A possible date and time for a joint City Council/Planning Commission meeting.
- City Planner Glasgow reported he took in an application for a conditional use application with the existing cell tower by the dog park. They would like to increase the tower from its 100-foot height to 110-feet.
- It was asked if the development for the Mental Health facilities for Western Clackamas Holdings has been started. Assistant City Administrator Morishita stated the applicant have a building permit and have paid their SDC fees. They started excavation this past month.
- The City Attorney was asked if there can be a discussion on the Koontz vs. St. John's Water Conservation situation at the next Planning Commission meeting. He will send copies of the power-point to staff and they can make sure that the Planning Commissioners get a copy and bring the power-point presentation to the meeting.
- City Attorney Doughman counseled staff to contact Sean McDonald who has missed two consecutive meetings and find out the reason for the absences and whether he would like to continue being on the Commission. He can show up at the next Council meeting to speak on his behalf about the absences.

Business from the Commission:

- Commissioners Tamara Stempel and Kim Sieckmann attended a workshop and most of the information was very pertinent to what the Planning Commission does. There was a lot of valuable information shared.

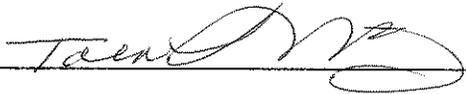
Adjourn:

Commissioner Kim Sieckmann moved to adjourn the Planning Commission meeting. Commissioner Pat McMahon seconded the motion.

Motion carried unanimously.

Chair Tamara Stempel closed the Planning Commission meeting of September 17, 2013 at 8:24 p.m.

Minutes approved by the Planning Commission this 21st day of NOVEMBER, 2013.

 Tamara Stempel, Chair