

GLADSTONE PLANNING COMMISSION MINUTES of February 19, 2019

Meeting was called to order at approximately 6:30 P.M.

ROLL CALL:

Commissioner Andriel Langston, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Libby Wentz, Commissioner Patrick Smith, Chair Randy Rowlette

ABSENT:

Commissioner Natalie Smith

STAFF:

Tami Bannick, City Recorder; Melissa Ahrens, Senior Planner; Spencer Parsons, City Attorney

CONSENT AGENDA:

1. **Approval of January 15, 2019 Meeting Minutes**

Commissioner de AElfweald made a motion to approve the Consent Agenda. Motion was seconded by Commissioner Pat Smith. Motion passed unanimously.

REGULAR AGENDA:

2. **Monthly Planning Report – January 2019**

Ms. Ahrens went over the report. Chair Rowlette noted an error – there was an approval that said it was for Auto Town when it should be Tonkin.

3. **Briefings for Administrative Decisions, files Z0030-19-Floodplain Development Permit; Z0031-19-HCA Development Permit; Z0032-19-HCA Map Verification; Z0033-19-WQ Map Verification and Z0034-19-HCA Construction Management Plan – Improvements and Seismic Retro Fit of the 82nd Drive Bridge:**

Lizbeth Dance, who is assisting Ms. Ahrens with planning work, introduced herself. She said all of the applications have been received. The project includes the removal of wooden beams under the bridge and creating a single cement span, seismic retro fits to the main span piers, and upgrade/replacement of the sanitary sewer force main on the downstream side of the river. This property is zoned open space. Water Environment Services is the applicant and Jessica Rinner is representing WES for Clackamas County. Oregon City has done land use reviews/approvals for work on the other side of the bridge. There was an easement approved last year to allow WES to do the work in this section of the bridge. There are five subsequent environmental reviews required because this work is happening near a habitat conservation area, water quality resource area, and the floodplain. She gave a presentation showing the improvement plans, the restoration plan for the area near the river, etc. There will be detour signs posted in the area for bicycle/pedestrian traffic during construction. Commissioner de AElfweald asked that a detour sign be posted for pedestrians at the entrance to the park.

Commissioner Wentz asked why the plants are going to be replaced on the Oregon City side of the river. Ms. Dance said there is nothing in the code that addresses where the restoration area has to be done as far as city limits – it just has to be within a proximity. Ms. Dance said she will work with WES on that. Jessica Rinner said that WES owns the bridge now, but not the property underneath it. She said that they structurally upgraded the bridge to allow for truck traffic in the event of an emergency. Commissioner Poole said he has concerns that while the bridge is closed

for six months it will become an attractive nuisance and graffiti might become an issue. Ms. Dance said they have discussed that issue – the Police and Fire Chiefs were included in the discussions and there will be chain link fencing up. Commissioner Pat Smith asked if the 4,000 sq. ft. of grading/disturbance is earth removed or moved around and put back. Ms. Dance said the 129 cubic yards will be removed from under the span. Commissioner Pat Smith asked if plants are being removed and not replaced what will control water run-off in that area. Ms. Dance said the replacement of grasses will help with erosion, there is also erosion control fencing, and there are additional State requirements in the construction management plan. The project hasn't gone out for bid yet so construction probably won't begin until June. During construction there may be periods of time when the bridge will be open for pedestrian/bicycle traffic.

4. **Public Hearing: File Z0597-18-D and Z0598-18-C – Demolition of an existing single-family residence and the construction of a new tri-plex residential building with attached single car garages and associated site improvements on an existing 7,900 sq. ft. lot at 165 E. Exeter (2E 20CA, TL #07500), Iselin Architects:**

Chair Rowlette said this is a quasi-judicial public hearing. He went over the procedures/rules for the public hearing. He said that a decision may be made by the Commission at the close of the public hearing or the matter may be continued to a time/date certain. Any party may request a continuance of this hearing or may request the record remain open for seven days. If the matter is continued to a date certain this will be the only notice of that date received. The Commission's decision will be final unless appealed to the City Council.

He asked if any members of the Commission wished to disclose any ex parte contacts, bias, or conflicts of interest and asked if members had visited this site. Commissioner Langston has driven by the site. Commissioner de AElfweald went by the site today. Commissioner Poole has been by the site. Commissioner Wentz has been by the site. Commissioner Pat Smith has been by the site and has discussed the removal of the two oaks trees with Commissioner de AElfweald. Chair Rowlette said he received the notification letter because he lives close to the site, he knows the people who used to live there, he has been in the house, he has discussed it with his wife – however, he doesn't feel any of this would make him change his decision and he feels he can make an unbiased/impartial decision so he will not recuse himself from the hearing. Chair Rowlette asked if any members of the audience wished to challenge the jurisdiction of the Commission to hear this matter – none did. He asked if any members of the audience wished to challenge any Planning Commission member's ability to participate – there were none. Ms. Ahrens went over the staff report. The proposed project includes demolition of an existing 1,053 sq. ft. single-family home build in 1940 and the construction of a new tri-plex residential building. The interior of the home is not suited for remodeling/restoration. The zoning of the property is R-5. Public noticing followed code requirements. The proposed tri-plex will contain two 2-story 3 bedroom units and one single-story 2 bedroom unit. The proposed development meets the minimum lot size area of 7,500 sq. ft. for three units, complies with the front, side, and rear set-backs, does not exceed 35 feet in height, and meets all the multi-family design standards. There will be six parking spaces, which meets the code requirements. They are requesting a revised landscaping plan and they have attached other special conditions so they can assure that the screening standards and other requirements are met. There was discussion regarding parking spaces/on-street parking. Ms. Ahrens went over the conditional use findings.

Commissioner de AElfweald asked if Ms. Ahrens could work with City staff to start including a link to the PDF on the City's website so the public can download it if they choose to. He also asked that if this is approved he would like the demo crew to be aware that there are cats living under the house right now. He asked the difference between B and D at the top of page 4-4. Ms.

Ahrens said that was a typo – it got included twice. He asked why a 7,900 sq. ft. lot is not R-7.2. Ms. Ahrens did not know the answer. There was discussion regarding possible reasons. He asked what she wanted them to change in the landscaping design. Ms. Ahrens said it will change because the driveway/curbs are going to change pursuant to Public Works requirements. There was discussion regarding screening requirements.

Commissioner Pat Smith said on page 4-6, building materials, it says screening for roof mounted equipment is also discussed in this section – but that’s the only mention of it. Ms. Ahrens said that is a typo – it should just end after that code section.

APPLICANT TESTIMONY:

Jessica Iselin from Iselin Architects wanted to clarify that the comments they received from Public Works were on a very preliminary proposal – the design they are looking at tonight shows the consolidated driveways. They are still working on some of the storm water issues with Public Works so there may be some minor modifications as part of the building permit review process. She gave some background information on the project. A relative of the owners will be living in the single-story unit and it will be designed to meet the ADA accessibility requirements. Chair Rowlette asked if the two oak trees will be removed – Ms. Iselin said that unfortunately they have to be removed. Commissioner Pat Smith asked if any consideration was given to a single-level construction – Ms. Iselin said there was discussion, but a duplex was not allowed in that area so in order to fit three units on the property they had to go with a second level.

PUBLIC TESTIMONY:

Linda Cosgrove said she supported a petition in 1998/99 to remove duplexes from the R-5 areas. The only reason tri-plexes weren’t included in the petition is because no one thought it would happen. She feels that the property would be ideal for a single-family home with an attached dwelling unit. She said the school population is down and one of the reasons is because there isn’t the available space for a young family to come in and purchase a home and invest in the community.

Mary Hanson had questions regarding what type of fencing will be put up. She asked if she is going to need permission in order to bring a truck onto the property to remove their cedar trees that are dying on her property. She said last summer they had sewer issues because there are 5-6 houses in that square block that are on one line. She asked if they will have a new sewer line put in. The City Attorney said the permission for truck access would have to come from the property owner, not the City. Ms. Ahrens said it is her understanding that the sewer capacity has been looked at and it can accommodate the proposed development but she does not know if it is on the same connection that Ms. Hanson is on. Chair Rowlette explained that the proposed development does not abut Ms. Hanson’s property. It was determined that the property in question belongs to the Community Club so Ms. Hanson will be contacting them with the assistance of Ms. Bannick.

APPLICANT REBUTTAL:

Ms. Iselin said the owners did consider a family home because of the proximity of the school – and that is part of the reason why they specifically wanted to create three-bedroom units because they could accommodate a young family better than a two-bedroom unit.

Commissioner de AElfweald made a motion to close the public hearing. Motion was seconded by Commissioner Poole. Motion passed unanimously.

Commissioner de AElfweald said he feels there is enough room for an extra car to park on the street. He is okay with the two entrances and getting six-off street parking spots. He believes

that is better than increasing the parking requirements off street. Commissioner Wentz agreed. Commissioner Poole is concerned about the parking and asked for clarification on the requirements. Ms. Ahrens said it meets the code requirement for parking spaces for multi-family. Commissioner Poole said it seems like we are losing on-street parking with every application. He sees the parking/access as being problematic. Ms. Ahrens said that this project did not require a traffic impact study because the threshold is 1,000 trips/day generated. There was further discussion regarding parking issues in Gladstone. Commissioner Poole wanted to make a clear concern about the loss of parking on this application to satisfy the change. Commissioner de AElfweald said the Commission needs to decide if they support the plan with Mr. Whynot's waiver.

Commissioner Wentz made a motion to accept the waiver as the Public Works Director suggested. Motion was seconded Commissioner de AElfweald. Motion passed unanimously.

Commissioner Poole asked if the Planning Commission is giving valid consideration to City parking in this situation because we are losing a City asset to make this happen. City Attorney pointed out that there are two conversations going on – one regarding this particular application and parking issues in general. He said the second conversation wouldn't necessarily be in the context of the quasi-judicial application because the criteria that the Planning Commission has to evaluate the application on are the adopted standards that the City has now with the exception of the waiver. Ms. Ahrens said that the parking standard for a multi-family unit is 1.5 parking spaces per dwelling unit so they are exceeding the standard. The trade-off for not going with the Public Works recommendation and waiving their standard would be to lose two off-street parking spaces.

Commissioner Poole made a motion to close the discussion regarding parking. Motion was seconded by Commissioner de AElfweald. (There was no vote taken)

Ms. Ahrens said she was given a verbal description of the proposed lighting plan but they haven't seen a plan yet, which is typical, but they will get one before building permits are issued. Commissioner de AElfweald asked that the applicant be provided with the City's timeframes for the noise ordinances. He said that the images they were given for the new property are a lot better than what it looks like today.

Commissioner Langston made a motion to approve the design review application Z0597-18-D and conditional use application Z0598-18-C and recommend the following findings of the conditions of support of approval for lighting, Public Works requirements, landscaping, Fire Department approval, design review plans, and Endangered Species Act. Motion was seconded by Commissioner Wentz. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Wentz – yes. Commissioner Pat Smith – yes. Chair Rowlette – yes. Motion passed unanimously.

NEW BUSINESS:

Ms. Bannick said that Ms. Betz asked her to follow up with the Commission regarding an ordinance adopting the appointment to boards, commissions, and committees - Chapter 2.10.050, Organization and Operation, an annual work plan, that states each board, commission and committee shall prepare an annual work plan which will have elements of the City's strategic plan. These work plans shall be discussed with and approved by the City Council in a joint work session. Ms. Betz wanted the Commission to be aware that she is planning to schedule a meeting with City Council Liaison Mersereau and Chair Rowlette before the March meeting to talk about a work plan. It will be coming to the City

Council at a work session scheduled in March. Chair Rowlette said that would be a good time to discuss parking, changing the code, etc.

Chair Rowlette asked about time limits on approvals. Ms. Bannick said that Ms. Betz wanted to bring up the explanation for discussion of a one year extension for time limits for conditional use. She shared copies of the current language for time limits on conditional use approvals. The City is asking the Planning Commission if they want to consider extending design review approval to two years instead of one. If they do, then they can bring that information back to the Planning Commission to discuss in April or May. If the Commission wants to leave it as the one year there will be no further discussion. Ms. Betz wanted them to be aware that they have had two approvals expire in the past year. Chair Rowlette asked if the Commission wanted to discuss changing it to two years or leaving it at one year with an extension. Commissioner de AElfweald wanted to remind everyone that they added it specifically because a certain company was using the expiration and continuing without the permit with the assumption that they could because the City didn't have that kind of language in there. He said when this first came up the code changed during that year window and because they let it expire they had to comply with the new code. He said if we are looking at doing substantial code reviews/changes that is going to have an impact on this. It was agreed to discuss this issue at a future meeting.

BUSINESS FROM THE COMMISSION:

Commissioner Pat Smith:

He said they all received a nice note from Ms. Betz regarding old lots being built on that didn't have to go back through the Planning system. He said there's a duplex going up on Oatfield Road near Webster – he has never seen anything discussed about it. Ms. Ahrens said it was just a building permit – it's in the R-7.2 zone where duplexes are allowed.

Commissioner Pat Smith said Ms. Ahrens' presentations are always excellent. He said he found one statement in there to be very arbitrary. He said that Ms. Ahrens said that the proposal tonight "fits the neighborhood". He wondered what criteria she uses to decide if something does or doesn't fit the neighborhood. Ms. Ahrens said it is subjective. It is in the conditional use approval criteria. You want to find that it's suitable for the neighborhood - that it matches community character. She said they made the finding because there is an apartment complex next door, it's down the block from Portland Avenue, and there's a single-family dwelling on the other side – that it's a gray transition use between single-family and higher density apartments. Commissioner Pat Smith said he respectfully disagrees that it fits the neighborhood. He related this to the Webster Road Apartments scenario and said the building a two-story apartment in a layer of single-level homes, and the apartments are all single-level, it doesn't seem to him that it fits the neighborhood. He said that making sure that multi-family homes fit the neighborhood is the first criteria in making sure it's acceptable to the rest of the community. City Attorney said those criteria that have that kind of open-ended language is very deliberately written to be open-ended to allow the Planning Commission to exercise its discretion where it's allowed to. He said that if the Commission disagrees with the findings of staff they are free to pinpoint that criterion and say that the proposed finding in the staff report isn't exactly what we had in mind and we either don't feel that that criterion's met or it's met because of "blank". He said that as things change over time and as the composition of a decision-making body changes over time an interpretation can change with both of those.

Commissioner Poole:

He said he hopes the community, the City and the staff do a little more research of our tolling plan and how it's going to effect Gladstone because with the Abernethy Bridge and our configuration, the river, we're a choke point and there's a lot of concern about the volume of traffic that will be diverted off the freeway.

ADJOURN:

Meeting adjourned at approximately 8:26 P.M.

Minutes approved by the Planning Commission this 16 day of APRIL, 2019.


Randy Rowlette, Chair