



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

Tuesday, April 16, 2019

6:30 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 be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

1. Approval of March 19, 2019 Meeting Minutes

REGULAR AGENDA

2. Monthly Planning Report – March 2019
3. **Request for Extension:** File Z0124-19-TE. Request for an extension of Design Review approval for file Z0118-18-DR – Development of Small Business Park consisting of three (3) distinct buildings and associated site improvements behind an existing single-family home at 740 82nd Drive. Robert Blackmore.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN



CONSENT AGENDA

GLADSTONE PLANNING COMMISSION WORK SESSION MINUTES of March 19, 2019

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

ROLL CALL:

Commissioner Andriel Langston, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Libby Wentz (arrived at approximately 6:56 P.M.), Chair Randy Rowlette

ABSENT:

Commissioner Patrick Smith

STAFF:

Tami Bannick, City Recorder; Melissa Ahrens, Senior Planner; Lizbeth Dance, Planner; Jim Whynot, Public Works Director; David Doughman, City Attorney

CONSENT AGENDA:

1. **Approval of February 19, 2019 Meeting Minutes**

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

REGULAR AGENDA:

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

Ms. Ahrens went over the report. There were approximately the same amount of customer contacts/phone calls/counter visits. They had one pre-application conference for a design review for conversion of a residential building on Portland Avenue to commercial uses. There was one building permit for the Ron Tonkin showroom. The Carz Planet design review should be coming during the April meeting because it is incomplete.

3. **Public Hearing – Files Z0037-19-D, Z0089-19-V, Z0039-19-CMP, Z0038-19-WBV and Z0040-19-HMV – Construction of a one-story 22,177 sq. ft. building and associated site improvements on a 1.97 acre parcel to function as the City’s new Civic Center at 18505 Portland Avenue (2 2E 19AA, TL #02000) at the corner of Duniway Avenue and Portland Avenue, City of Gladstone:**

Chair Rowlette opened the public hearing. Commissioner de AElfweald pointed out (and Ms. Ahrens confirmed) that “Z0040-19-CMP” should be “Z0040-19-HMV”.

Chair Rowlette went over the procedures/rules for public hearings and explained that this is a quasi-judicial 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 – none did. He asked if members had visited this site. Commissioners Langston and Smith have visited the site. Commissioner de AElfweald has visited the site and had a discussion with Mr. Whynot regarding the application. Chair Rowlette has driven by the site many times. Commissioner Poole has visited the site.

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 will be construction of a one-story building and associated site improvements on a 1.97 acre parcel. This would function as the City’s new Civic Center. The dimensional standards for the LI (light industrial) zoning district are met as well as the landscape screening standards. Public noticing was adhered to.

Ms. Ahrens showed the site plan. The proposed development would include the main City Hall, City offices, meeting rooms, Police Operations, records storage, and space to accommodate community meetings, court, and Council hearings. Additionally, 25,848 sq. ft. of new landscaping is proposed on site. On-site improvements include new paved parking areas, concrete pedestrian walkways, storm water treatment swales, interior and perimeter landscaping and lighting. Off-site improvements include new sidewalks and paved streets on Duniway, Portland, and Watts as well as new storm and water lines, street trees, landscaping, and lighting.

The proposed exterior materials would consist of painted concrete, storefront windows, and exposed wood awnings at each entry and would result in an aesthetically pleasing building exterior.

The development would not impact any Title 3 wetlands and no habitat remains on the subject site. The landscaping plan includes 63 new trees along street frontages and in the interior landscaping of the site. The proposed 81 parking spaces meet the minimum and maximum parking requirements of the municipal code, however, special condition #5 is proposed to require that 10% of the parking spaces are dedicated to carpool or vanpool parking per the parking requirements of Section 17.48.030. No traffic impacts are anticipated.

The proposed project will insure adequate provisions are made for proper drainage of surface waters to preserve natural flow of water courses and to prevent soil erosion and flooding of neighboring properties or streets.

The applicants are seeking a variance from Section 17.46.020-B, which states that a parking area shall be separated from any lot line adjacent to a street by a landscape strip at least 10 feet in width. As proposed, the only feasible project alignment along Duniway includes a parking area separated from the street by a landscape strip only 5 feet in width. As such the applicant is requesting a reduction from the 10 foot landscape strip requirement to a 5 foot landscape strip width only along the length of Duniway Avenue. Staff recommends approval of the variance application.

Commissioner de AElfweald asked if “lango.hansen” on page 3-4, #2 was properly formatted for this document. Ms. Ahrens said it was what was on the landscaping plan. Commissioner de AElfweald said in subsection “c” it says “shall be replaced with new plant materials” – he feels it should be “with appropriate plant materials”. Ms. Ahrens said that is only in the case that the plants do not take on the site so you would be replacing it with new plant material – but it does have to be consistent with what was previously approved on their landscaping plan. Commissioner de AElfweald asked about page 3-8, third paragraph that reads “The proposed civic center is not anticipated to result in any increase in ambient noise beyond what currently exists in the surrounding area.” He questions that because of the police station being put there. Ms. Ahrens said the applicant included in their application materials that based upon the police department’s description of the noise sources that it is not exceeding that decibel amount over and above what’s currently there or what has been there in the past – most of the surrounding area is industrial.

Commissioner de AElfweald said on page 3-12, second to last paragraph, it says stormwater “surcharges” and it should probably say “surges”. Ms. Ahrens said that came directly from the feedback from Public Works and she believes that is an accurate term but she will double check.

Ms. Ahrens said that planning staff is recommending approval of the proposed project with five standard conditions and ten special conditions of approval.

Chair Rowlette said on page 3-4, #2, “Interpretation of any condition will be resolved by the Planning Director for the City of Gladstone.” – he asked who that was. Ms. Ahrens said that technically that would be her and Ms. Betz. He wanted to confirm that the 81 parking spots includes 11 on-street spots on Duniway. Ms. Ahrens said that is correct – and there is additional on-street parking available if needed.

Commissioner Poole said he has concerns about the school because it is outside of the notification area. He feels a deeper discussion regarding the traffic flow on Portland Avenue is warranted. He has concerns about the intersection near the high school. Ms. Ahrens said it is her understanding that the applicant incorporated all of the recommendations of the traffic study into the proposed design, which include the peak times of the high school intersection/capacity – it wasn’t anticipated that the use of the civic center would have an adverse impact on the circulation/traffic at the high school. Commissioner Poole said he still sees some public safety concerns that aren’t necessarily addressed in a traffic study. Ms. Ahrens said that Mr. Whynot might be able to weigh in on this topic as well as the applicant. Commissioner de AElfweald said we are going to want a bus stop in front of the building – Ms. Ahrens said it is not a code requirement so it was not something they could require.

APPLICANT TESTIMONY:

Andrew Kraus, with Scott Edwards Architects, said the term “surcharge” is a technical term associated with a downward flow of water that develops a head behind it and therefore pressurizes the uphill running water – it is an accurate term and does apply here. In regard to the traffic analysis he encourages them to read it thoroughly – it is well above and beyond what would be required for a project like this, but the conclusions that it draws are open to interpretation. He feels that the civic center isn’t the cause of traffic problems in the area. Commissioner de AElfweald said that we need to figure out what we’re going to do to address the issues on game days at the high school. He asked if there would be battery back-up for the solar energy – Mr. Kraus said there will be a permanent generator that will provide back-up power and a portable generator so that the emergency operations center/incident response center can power itself. Commissioner de AElfweald asked if the ten outside light fixtures would be set up to handle a grid down – Mr. Kraus said yes, the capacity of the generator covers all emergency egress lighting and all major functions of the building. Commissioner de AElfweald asked about a protected walkway between the police department and the court – he said it looked like the only walkway there was the lobby itself. He asked if the intention is that that is what they will be using – Mr. Kraus said yes; there would be internal circulation between those two functions. There will be no isolated connection between them. Commissioner de AElfweald asked if the metal panels that protect the rooftop equipment are going to be painted – Mr. Kraus said they are prefinished metal so it is a baked-on paint that is intended to last the length of the building. Commissioner de AElfweald asked about the feasibility of getting a Tri-Met bus stop at this location – Mr. Kraus could not answer that question – he said the current mass transit plan does not include anything along that portion of Portland Avenue so it is beyond this project’s scope.

PUBLIC TESTIMONY:

Larry Graves lives near the site. He asked if they could get landscaping along Watts – Ms. Ahrens said the area he was referring to is off property and does not pertain to this project. Public Works would have to address that. He asked about the wetlands. Mr. Ahrens said there is definitely a wetland feature nearby, but in earlier years a lot of fill was brought in so at some point the wetland feature ceased to be

present on this property. The Department of State Lands concurred that there is no wetland feature on this property.

Leah Brown asked about Duniway Avenue going through – Ms. Ahrens said the road would not be extending onto any private property.

Commissioner de AElfweald asked why the top parking lot area does not go through to the road – Mr. Kraus said it already has one connection with Duniway and one to Watts; a third one is normally frowned upon.

Commissioner Natalie Smith asked if the variance pertaining to the set-back was requested because of giving up some of the property – Mr. Kraus said yes, because of giving up approximately 8 feet of roadway right-of-way in order to get the parking aisle as well as the two-way traffic.

Leah Brown asked if they were bringing in the utilities from the Duniway side – Chair Rowlette said all the utilities will be underground. Mr. Kraus showed on the map where this will happen.

Rod Willett has concerns regarding increased traffic on Watts Street, such as police cars and fire trucks using it instead of Portland Avenue. Commissioner de AElfweald said the fire department isn't relocating, so that won't be an issue. Ms. Ahrens said she believes the police department just needs a secondary emergency ingress/egress, but their main use would be Portland Avenue.

APPLICANT REBUTTAL:

None.

Commissioner Poole said people are going to assume that the parking lot is open for use after business hours for people attending high school events. He said we need to keep this in mind. Ms. Ahrens said she believes there will be signs that identify it as being for civic center use only.

Commissioner Natalie Smith made a motion to close the public testimony/hearing. Motion was seconded by Commissioner Langston. Motion passed unanimously.

Discussion:

Commissioner de AElfweald said it seems that the biggest concern is traffic. He would like to see a Tri-Met bus stop there. He agreed to contact them to request it. Commissioner Poole said he sees a public safety issue that we're going to exacerbate simply by bringing more people/traffic to this location. He said we need to look at sidewalks on the south side of Glen Echo and address the southeast corner of Glen Echo; but he is not questioning this project because he likes what he sees.

Commissioner Langston made a motion to approve design review Z0037-19-D with conditions and variance Z0089-19-V and environmental overlays as proposed and pursuant to the staff recommendations. Motion was seconded by Commissioner Natalie Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Wentz – yes. Chair Rowlette – yes. Motion passed unanimously.

4. Public Hearing - File Z0079-19, New 4-Unit Office Building, two-story 9,940 sq. ft. on currently vacant land, E. Clarendon at 82nd Drive (2 2E 20AD, TL #03500, 03600, and 03700) – Bob Sanders and Hans Thygeson, Park Place Business Suites, LLC.:

Chair Rowlette opened the public hearing and explained that 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 – none did. He asked if members had visited this site. Commissioner Langston has not been by the site. Commissioner Natalie Smith had visited the site last year. Commissioner de AElfweald went to the site last time but not this time. Chair Rowlette said he is familiar with the site. Commissioner Poole has been by the site. Commissioner Wentz has not been by the site and introduced herself to Mr. Thygeson when they arrived at this meeting.

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. Dance went over the staff report. She said this application was approved last year – it expired December 14th of 2018. The property has been sold since the time of the previous approval. Nothing has changed in the plan as it was submitted. The proposed use is one medical office and three general office spaces. The parking calculations require 25 spaces – the proposed parking is 27 spaces, with 6 of them on street. The landscaping requirement is 15% - the landscaping proposed is 25.3%. The intention is that this project will be completed within the year.

Commissioner de AElfweald asked if they added any additional conditions last time – Ms. Dance said they provided a lighting plan that addresses the issues they discussed. Ms. Ahrens said there is one lighting condition attached to the previous design review approval. Commissioner Langston asked if there was any reason we wouldn't require them to redo the sidewalk around the site – Ms. Dance said there is an existing sidewalk around the site, but they are working with Public Works regarding how improvements need to be made to meet ADA standards.

APPLICANT TESTIMONY:

Hans Thygeson, the owner, introduced Bob Sanders from Park Place Business Suites. Mr. Sanders said they have everything signed off with County Building and are working with Public Works to get their approval so they can move forward quickly. The plans are the same as last time.

PUBLIC TESTIMONY:

Gary Kirk had concerns regarding the lighting, but said it appeared that those issues have been taken care of. He has concerns about drainage from the property onto his property (the apartments next door). Mr. Whynot said they are meeting all of the City's standards. Mr. Kirk asked what the landscaping on the south side next to the fence would be like – Ms. Dance said are two trees and some smaller shrubs along the boundary line.

APPLICANT REBUTTAL:

None.

Ms. Dance said it looks like in her drafting of the decision (page 10 of the staff report) section 5 recommendation is a repeat of conditions of approval so she will be striking that from the final decision.

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

Discussion:

None.

Commissioner de AElfweald made a motion to approve design review Z0079-19-D with conditions pursuant to the staff recommendation as submitted. Motion was seconded by Commissioner Wentz. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Wentz – yes. Chair Rowlette – yes. Motion passed unanimously.

5. Discussion of Planning Commission’s Annual Work Plan:

Chair Rowlette said he met with Ms. Betz and discussed some of things the Commission could and should be working on – they agreed on the following things for the 2019 work plan:

- Review Gladstone Municipal Code Title 17.80.100 to determine extending design review land use approval.
- Implementing elements of the Gladstone Revitalization Plan
- Address affordable housing
- Land use training for the Commissioners

Commissioner de AElfweald said he is a little nervous about the way the first item under Revitalization is worded because it makes it sound like they are just going to implement the recommendations they were given rather than debate them. Commissioner Wentz agreed. Chair Rowlette said that all of these things are things they are going to work on and they will make recommendations to City Council. Ms. Ahrens went over the timeline for the code audit.

Commissioner Wentz made a motion to submit the annual work plan. Motion was seconded by Commissioner Langston. Motion passed unanimously.

BUSINESS FROM THE COMMISSION:

Commissioner Poole:

He said he took some photos of the bridge that will be closed and work done on it. He is glad they are doing it. He said the Oregon City side is a concrete pier and Gladstone’s side has the old wooden trestle. He wanted people to be aware that the bridge will be closed temporarily. Ms. Dance said that the City will be doing public notices. They will probably be starting the bridge work in July.

Chair Rowlette:

He said everyone needs to get their statement of economic interest done by April 15th.

He encouraged the Commissioners to contact him or Ms. Bannick if they have questions because the City Attorneys will charge the City for their time.

ADJOURN:

Meeting adjourned at approximately 8:21 P.M.

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

Randy Rowlette, Chair



REGULAR AGENDA



City of Gladstone Monthly Report | MARCH 2019

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/Planning Actions	JANUARY	FEBRUARY	MARCH	APRIL	YEAR TOTALS
Customer Service Counter Contacts	8	4	5		17
Customer phone contacts	48	42	35		125
Building Permits Issued	0	1	1		2
Pre-application conferences	3	1	0		4
Administrative Decisions	0	0	1		1

PLANNING COMMISSION ACTIONS/DECISIONS

- APPROVAL OF Z0037-19-D; CIVIC CENTER
- APPROVAL OF Z0079-19-C; CLARENDON BUSINESS PARK

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- NONE

PRE-APPLICATION CONFERENCES

- NONE

BUILDING PERMITS

MARCH

Date	Address	Building Permit #	Description
3/14	1205 COLUMBIA AVE	B0064019	NEW SINGE FAMILY HOME

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic	Contact
82 nd Ave Bridge	Approved: Retrofits and structural improvements to 82 nd ave bridge, suite of staff administrative decisions	County WES
18085 se Webster Ridge Rd.	Comp Plan/Zone change; (Design Review and Conditional Use Permit to follow at a subsequent hearing) for a multi-family apartment complex development	Cascadia Planning
19120 SE McLoughlin Blvd	CarzPlanet Design Review application to modify previously approved landscaping; Tentatively scheduled for May Planning Commission meeting	CarzPlanet



REGULAR AGENDA

Re: Design Review Time Extension

Bob Blackmore

Thu 3/14/2019 6:54 PM

To: Ahrens, Melissa <MAhrens@co.clackamas.or.us>;

Thank you Melissa. Pursuant to your direction, this is to confirm a formal request for an extension to the design review approval for High Rocks Small Business Park LLC. I will deliver a check in the amount of \$162 payable to the County to the County office tomorrow. I trust this will be a one year extension.

FYI, I have been diligently pursuing the application and the engineer's are working on the many elements of the grading, sewer, water, storm water, etc. We have completed the geo tech work, and the detailed topography. The buildings are designed and permit submission ready, pending the engineering on the other issues. Grading and other infrastructure permits should be forthcoming shortly, but it is good news that everyone is very busy. Financing is also in place.

Please confirm the extension, email is fine, for my records, and so I can sleep at night.

Best,

Bob

Bob Blackmore | Attorney

Innova Legal Advisors PC

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Office: (503) 479-7175 x103 | Cell: (503) 740-8186

bob.blackmore@innovalegaladvisors.com

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From: Ahrens, Melissa <MAhrens@co.clackamas.or.us>

Sent: Thursday, March 14, 2019 12:52 PM

To: Bob Blackmore

Subject: Design Review Time Extension

Hi Bob,

So we do not have a formal extension application for the City, we would just need you to pay a \$162 fee (25% of \$650, the design review fee you paid) and submit a written request (email is fine) to us asking for an extension to your design review application. Payment should be made to the County. Thank you!

Melissa

Melissa Ahrens

Senior Planner

Clackamas County Planning and Zoning Division

150 Beavercreek Road

Oregon City, OR 97045

MAhrens@co.clackamas.or.us

Direct Ph: 503-742-4519 | Fax: 503-742-4550

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

Design Review Time Extension

Ahrens, Melissa <MAhrens@co.clackamas.or.us>

Thu 3/14/2019 12:52 PM

To: Bob Blackmore <bob.blackmore@innovalegaladvisors.com>;

Hi Bob,

So we do not have a formal extension application for the City, we would just need you to pay a \$162 fee (25% of \$650, the design review fee you paid) and submit a written request (email is fine) to us asking for an extension to your design review application. Payment should be made to the County. Thank you!

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Agenda Item No. 3

PC Meeting Date: 5/15/18

DECISION: DESIGN REVIEW

Application No.: Z0118-18-DR

Applicant: Robert Blackmore

Project Location: 740 82nd Avenue, Gladstone, OR

Project Description: Development of a small business park consisting of three (3) distinct buildings totaling 11,528 sq. ft. and associated site improvements to be located behind an existing single family residence. The new buildings are proposed to accommodate only those business uses allowable in Municipal Code Section 17.20.020 (Uses Allowed Outright) in the C-3 zoning district.

SUMMARY OF PLANNING COMMISSION DECISION

The Planning Commission APPROVES the Design Review application Z0118-18-DR and adopts the following findings and following conditions in support of approval: (1) Landscape Screening (2) Mechanical Equipment, (3) Lighting, (4) Energy Efficient Design, (5) Trash, (6) Traffic, (7) Site Landscaping (8) Signage (9) ADA Access, (10) Sanitary and Sewer, and (11) Fire Department Approval, (12) Non Residential Construction, (13) Final Occupancy, (14) Design Review Plans, (15) Financial Guarantee, (16) Endangered Species Act, (17) Parking.

The proposed project includes the construction of three commercial buildings, 1,320 sq. ft., 4,928 sq. ft., and 5,280 sq. ft. in size, to be located behind the existing residence on the property in the rear yard area. The proposed project also includes the provision of 29 parking spaces and 2 bike parking spaces, site landscaping, and roadway and access paving improvements. The proposed buildings would be constructed primarily of metal siding material and would be 18 ft. high at the roof line, with a 28 ft. high roof peak. Portions of the buildings facing 82nd ave would be covered with wood siding and Special Condition No. 1 is adopted to ensure than an existing row of evergreen trees along 82nd ave is maintained in order to visually buffer the proposed buildings from the public roadway.

The proposed commercial uses would be consistent with the outright permitted uses of the C-3 zoning district and would be compatible with the uses in the surrounding area. As proposed and

conditioned, the Planning Commission is able to find this Design Review application consistent with all applicable standards from Title 17 of the Gladstone Municipal Code (GMC).

The standard of review for the proposed project is the City of Gladstone's Municipal Code Zoning and Development Title 17. As conditioned, the proposed project is consistent with all applicable Title 17 Code sections.

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EXHIBITS

- Exhibit 1. Location Map
- Exhibit 2. Project Area
- Exhibit 3. Site Plans

APPENDIX: SUBSTANSIVE FILE DOCUMENTS

- A. Application Materials
- B. Fire Department Comment Letter

I. REQUEST FOR COMMENTS

Sent to: City of Gladstone, Public Works, Gladstone Fire, Gladstone PD, Engineering, Tri-Cities
Responses Received: Gladstone Fire (Appendix B)

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The Design Review approval is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the City.
2. **Expiration.** This approval shall remain valid for one year following the date of approval. If use has not commenced by that date, this approval shall expire unless the Planning Commission pursuant to Section 17.80.100 of the GMC grants an extension prior to expiration of approval. 5.15.18
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Planning Director for the City of Gladstone,
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the City Planning Department an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
6. **Building Permits.** The applicant shall obtain required building permits from Clackamas County. The applicant shall comply with requirements of the permits.

III. SPECIAL CONDITIONS

1. **Landscape Screening.** By acceptance of this permit the Applicant agrees to maintain the existing landscaping that currently screens the property from 82nd Drive, as well as the vegetation screening the property from the neighboring properties to the north west and northeast, pursuant to the following specifications:

- a. The existing trees and/or shrubs shall be maintained in good growing condition to visually screen the proposed commercial buildings from the public roadway and, ~~whenever necessary, shall be replaced with new plant materials to ensure continued~~ compliance with applicable landscape screening requirements
 - b. Any replacement screening vegetation will provide similar or improved visual screening and shall comply with the City of Gladstone's Native Plant List. No invasive or noxious plant species will be used.

2. **Mechanical Equipment.** Any new mechanical equipment and garbage receptacles shall be screened as required by the GMC.

3. **Lighting.** Any new on-site lighting shall comply with Subsections 17.44.020(4) and (5) of the GMC, including compliance with IES standards. "Dark sky" fixtures shall be used to the extent possible. Developer to submit final lighting plan showing compliance prior to issuance of final occupancy permit.

4. **Energy Efficient Design.** PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, the three commercial buildings will be designed in a manner conducive to energy efficiency and conservation, using techniques including, but not limited to, those listed below which are most appropriate to the development:
 - a. Concentrate window areas on the south side (within twenty degrees of true south) of buildings where there is good southern exposure, and provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains;
 - b. Use architectural features, shapes or buildings, fences, natural landforms, berms and vegetation to catch and direct summer breezes for natural cooling and minimize effects of winter winds;
 - c. Provide skylights or clerestory windows to provide natural lighting and/or solar heating of interior spaces.

5. **Trash.** PRIOR TO ISSUANCE OF A FINAL OCCUPANCY PERMIT, the applicant shall submit a letter to the city from the franchise hauler indicating approval of a plan for trash/recycling storage and collection. Alternatively, the applicant may submit calculations demonstrating compliance with the minimum standards method described in GMC Subsection 17.44.020(8). Trash/recycling enclosure to be fully enclosed and compatible with design of main building.

6. **Traffic.** The businesses on site that occupy the proposed commercial buildings shall not cumulatively generate more than 1,000 daily trips based on the most recent edition of Institute of Transportation Engineers Report on Generation.

7. **Site Landscaping.** PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, the applicant shall submit a final landscape plan for the review and written approval of the City. Said plan shall include the following:
 - a. A plan showing the type, size, extent and location of all trees/shrubs on the site including the proposed irrigation system and other landscape features to include a minimum of 4,574 sq. ft. of landscaped area;
 - b. No plant species listed as Invasive Non-Native or Noxious as listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System, or as

may be identified from time to time by the State of Oregon, shall be employed or allowed to naturalize or persist on the site.

~~c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.~~

8. **Signage.** All signs shall meet the provisions of Subsection 17.52 of the GMC.
9. **ADA Access.** This approval is subject to the development complying with the provisions of the Americans with Disabilities Act (ADA), including provisions for curb ramps.
10. **Sanitary and Sewer.** The proposed development shall meet all sanitary and storm sewer requirements pursuant to WES and Chapter 17.56 of the GMC.
11. **Fire Department Approval.** PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, Applicant shall receive approval in writing from the Gladstone Fire department indicating all requirements from that agency have been satisfied.
12. **Nonresidential Construction.** If the final plans indicate that uses other than warehouse or manufacturing will occupy any of the proposed commercial buildings, that the building, or buildings, will incorporate the nonresidential design standards of GMC Section 17.44.024.
13. **Final Occupancy.** PRIOR TO ISSUANCE OF A FINAL OCCUPANCY PERMIT, all conditions of the design review approval shall be met.
14. **Design Review Plans.** Any changes in the approved design review plans shall be submitted and approved prior to execution. Any departure from the approved design review may cause revocation of building permits or denial of the final certificate of occupancy.
15. **Financial Guarantee.** PRIOR TO ISSUANCE OF A FINAL OCCUPANCY PERMIT, required improvements shall be installed or the developer 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 or the damages repaired, as determined by the city.
16. **Endangered Species Act.** The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusions by the county concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsibility for the administration and enforcement of the ESA, who must ensure that the approved activities are designed, constructed, operated and maintained in a manner that complies with the ESA.
17. **Parking.** No more than 50% of the parking spaces shall be compact parking space size and 24 ft. parking aisle widths shall be maintained.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND PROPOSED DEVELOPMENT

The subject property is approximately 0.70 acres in size and is located within the General Commercial, C-3 zone. The subject property is located on the West side of 82nd Avenue, between 82nd and the 205 Freeway. The surrounding area is developed with a mix of residential and commercial uses. The subject property is bordered on the south side by an existing 3.16 acre self-storage business, on the west by the Gladstone Racquet Club, and on the north side by a single family residence. The subject property contains an existing single family residence and residential use has been occurring on the property for several decades. The current proposal involves converting a portion of the site for use as a mixed business park operation through the construction of three new commercial buildings. The property owner's son currently resides in the existing residence on the property and the property owner stated in a phone conversation on 5/4/18 with City Planner Melissa Ahrens that his son will likely continue residing on the property to manage and oversee the commercial business park operations on site. However, no commercial uses are proposed within the existing residence itself. The proposed development consists of three (3) distinct buildings totaling 11,528 sq. ft. and associated site improvements to be located behind an existing single family residence. The new buildings are proposed to accommodate only those business uses allowable in Municipal Code Section 17.20.020 (Uses Allowed Outright) in the C-3 zoning district. These uses include the following:

(1) Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles, (2) Business, governmental or professional office, (3) Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility, (4) Eating or drinking establishment, (5) Financial institutions, (6) Funeral home, (7) Hotel or motel, (8) Medical clinic, (9) Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio, (10) Recreation vehicles sales, services, rental, (11) Recycling center, (12) Retail trade, (13) Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility, (14) School and associated buildings, structures and facilities, (15) Small appliance repair including radio, television and electronics repair, (16) Small parts wholesaling or retailing, and (17) Veterinary clinic or small animal hospital, but not including a kennel or a cattery.

The applicant stated in an email to City Planner Melissa Ahrens on April 24 2018, that the proposed commercial buildings would only function to serve for the uses allowed outright by the C-3 zoning district. However, the applicant clarified in his submittal materials that no noise sources are anticipated to occur from any of the businesses that would occupy the proposed buildings that would exceed the current ambient noise levels of the surrounding area. Depending on the types of businesses that are interested in occupying the proposed building space, the property owner may internally partition off building areas for discrete businesses, each space with its own bathroom. Minor interior remodeling is also proposed to the existing single family

residence and exterior painting and maintenance. City planning staff have confirmed that the existing residence is not a listed historical resource in the Clackamas County Cultural Resource Inventory.

B. DESIGN REVIEW CONSISTENCY FINDINGS

Design Review

Chapter 17.80 of the GMC establishes the requirements for design review. Pursuant to Subsection 17.80.021(1), site development in the C-3 zoning district is subject to design review.

Section 17.80.061 lists submittal requirements for Design Review. The subject application was initially deemed incomplete and only filed as complete after the additional requested information was submitted by the applicant on April 11, 2018. As such, the application as submitted satisfies these requirements. *Section 17.80.100(1)* provides for approved design review to remain valid for one year. If construction has not begun by that time, the approval may be renewed once by the Planning Commission for not more than one year. A previous Design Review land use approval (Z0408-17-D) was issued in 2017 for a different commercial development. That Design Review application was submitted by a different applicant and included a contractor's business, to include a new building (5,000 sq. ft.). Even though this Design Review approval is still active, since the currently proposed development and business use is substantially different from that approved in Z0408-17, this new design review land use approval is required.

Chapter 17.20 of the GMC establishes basic requirements for the General Commercial, District. Section 17.20.020 identifies uses permitted outright in the District, and includes retail sales as proposed through this application.

The new buildings are proposed to accommodate only those business uses allowable in Municipal Code Section 17.20.020 (Uses Allowed Outright) in the C-3 zoning district. These uses include the following:

(1) Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles, (2) Business, governmental or professional office, (3) Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility, (4) Eating or drinking establishment, (5) Financial institutions, (6) Funeral home, (7) Hotel or motel, (8) Medical clinic, (9) Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio, (10) Recreation vehicles sales, services, rental, (11) Recycling center, (12) Retail trade, (13) Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility, (14) School and associated buildings, structures and facilities, (15) Small appliance repair including radio, television and electronics repair, (16) Small parts wholesaling or retailing, and (17) Veterinary clinic or small animal hospital, but not including a kennel or a cattery.

The applicant stated in an email to City Planner Melissa Ahrens on April 24th that the proposed commercial buildings would only function to serve for the uses allowed outright by the C-3 zoning district. This criterion is met.

General Siting and Design

Section 17.44.020(3) of the GMC addresses compatibility in building design. This subsection encourages the arrangement of structures and use areas to be compatible with adjacent developments and surrounding land uses.

Section 17.20.045 establishes screening requirements. Section 17.20.050 discusses dimensional standards.

Chapter 17.52 of the GMC establishes sign requirements.

Chapter 17.54 of the GMC establishes clear vision requirements.

Section 17.44.020(5) of the GMC establishes lighting standards. 17.44.020(6) establishes illumination level standards. It requires all on-site lighting to be designed, located, shielded or deflected so as not to shine into off-site structures or impair the vision of the driver of any vehicle.

Section 17.44.020(2) requires buildings to have energy efficient designs. Section 17.44.020(7) regarding equipment and facilities establishes that all utility lines shall be placed underground. All roof-mounted fixtures and utility cabinets or similar equipment, which must be installed above ground, shall be visually screened from public view.

Chapter 17.44 of the GMC identifies standards for building siting and design. These standards apply to all development that is subject to Design Review.

Section 17.44.020(4) of the GMC deals with building materials. That Section requires buildings be constructed using high-image exterior materials and finishes such as masonry, architecturally treated tilt-up concrete, glass, wood or stucco. Screening of roof-mounted equipment is also discussed in this section. Metal siding is only permitted to be used for buildings, or the portions of buildings, that are not visible from a road or adjacent property.

The proposed buildings are consistent with the required dimensional standards for the C-3 Zoning district. The C-3 zoning district implements a maximum height of 35 ft. and the buildings would be a maximum of 28 ft. at the peak roof line, and 18 ft. at the roof line. The C-3 zoning district allows for a zero side yard and rear yard setback and requires a 20 ft. front yard setback. The buildings would be set back a minimum of 4 ft. from the rear and side property lines and more than 20' back from the front yard setback. Off-street parking meets required setbacks from property lines. As such, all dimensional standards are met.

The proposed commercial buildings are 1,320 sq. ft., 4,928 sq. ft., and 5,280 sq. ft. and would be located behind the existing residence on the property in the rear yard area. The existing property contains all of the utility connections and infrastructure that would be necessary to serve the existing development. Power poles serving the property are located along 82nd Drive and the applicant has stated in his application materials that he will work with the power provider to determine the best method for providing power to the two new buildings on the site. The property is also already served by existing water and sewer connections and the applicant will work with the service providers on determining the best method for providing services to the new buildings. The property owner also confirmed with the sewer provider for the subject site

that capacity exists for the proposed project. The subject property is located adjacent to an existing commercial self-storage facility, to the south, and a commercial racquet club to the northwest. ~~The properties abutting the subject site to the north east (750 82nd street and 780 82nd street)~~ appear to potentially be in residential use, however, they are both zoned for commercial uses as C-3. The proposed commercial use of the property would be consistent with the character of development in the area and the intent of the C-3 zoning district. Additionally, the applicant clarified in his submittal materials that no noise sources are anticipated to occur from any of the businesses that would occupy the proposed buildings that would exceed the current ambient noise levels of the surrounding area.

The proposed commercial buildings would be sited on the subject property consistent with all applicable design standards and will include wood siding on the building facades that are potentially visible from 82nd Drive. New building is shown as being generally aligned parallel to the west and east property lines, within twenty degrees of true south. No roof mounted utility boxes or equipment are proposed and any new utility lines that may be required would be placed underground or screened from public view. However, to ensure energy efficient designs are incorporated, Special Condition No. 4 is adopted, to ensure the final building plans that are approved by the County are consistent with the Municipal Code design requirements. Similarly, Special Conditions No. 3, Lighting, Special Condition No. 8, Signage, Special Condition No. 5, Trash, Special Condition No. 2, Mechanical Equipment, and Special Condition No 7, Landscaping, are adopted to ensure that the final building and site design is consistent with the relevant Municipal Code sections.

The proposed buildings would be constructed primarily of metal siding material and would be 18 ft. high at the roof line, with a 28 ft. high roof peak. However, the subject property is visually screened from public view along 82nd Drive by a row of existing evergreen trees. Despite this row of trees that would block most views of the metal buildings, potential could still remain for some sliver views of two of the proposed metal buildings on the south side of the property. As such, the applicant has agreed, via a telephone conversation with City Planner Melissa Ahrens on May 4th, 2018, and via an email sent on the same date, to add wood siding on the front of the 1,320 sq. ft. building and the front of the 4,928 sq. ft. building. Existing trees that line the main access driveway would be removed due to fire department access requirements, however, the row of trees currently abutting 82nd ave. would remain in place and continue to visually buffer the subject property from the public roadway. Other existing screening includes buildings/uses adjacent to south and west with the 205 Freeway further to the west, and the existing residence on the eastern portion of the subject property. Existing buildings and/or vegetation would substantially block any views of the metal sided buildings, consistent with Municipal Code Section 17.44.020(4), however, Design Review Condition No. 1, landscape screening, is adopted to ensure that if any of the existing trees screening the property from 82nd Drive or the shrubs abutting either the rear or north east property lines are removed or die that replacement vegetation is added that will function to screen the proposed buildings and commercial uses from the public roadway. As conditioned, Planning Commission is able to find applicable standards from Chapter 17.20 of the GMC are met with this proposal.

Nonresidential Design Standards

Section 17.44.024 establishes design standards for nonresidential construction. These provisions require that new, non-residential buildings, with the exception of buildings housing

institutional, warehouse or manufacturing uses shall be subject to the following design standards:

(1) Ground floor windows. Ground floor windows shall be required on walls fronting a public street and shall comply with the following standards:

(a) The windows shall cover at least 50% of the length and 25% of the ground level wall area. Ground level wall areas include all exterior wall area up to nine feet above the finished grade. The bottom of required window shall be no more than 4 feet above the adjacent exterior finished grade.

(b) Required windows shall be windows that allow views into work areas or lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside wall shall not qualify.

The proposed new buildings will be used for commercial warehouse or manufacturing purposes and will be exempt from the nonresidential design standards of Section 17.44.024. However, if the applicant decides that the buildings will be used for commercial uses other than warehouse or manufacturing then the final building plans would need to comply with the design standards of Section 17.44.024. This requirement is included in Special Condition No. 12, Nonresidential design.

Landscaping

Chapter 17.46 of the GMC identifies landscaping standards and states that these standards are applicable to all developments subject to design review.

Subsection 17.46.020(2)(a) requires that a parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than ten square feet per parking space.

Subsection 17.46.020(3) requires that provisions for irrigating planting areas be made where needed.

Subsection 17.46.020(4) requires landscaping to be continuously maintained.

Subsection 17.46.020(1) requires a minimum of fifteen percent of the lot area be landscaped.

The submitted landscaping plan shows that more than 15% of the property is currently in mature landscaping and that a majority of the existing landscaping will remain in place. Existing trees that line the main access driveway would be removed due to fire department access requirements, however, the row of trees currently abutting 82nd ave would remain in place and continue to visually buffer the subject property from the public roadway. The municipal code requires a minimum of 4,574 sq. ft. of landscaping on the subject property and the submitted landscaping plan appears to provide approximately 7,000 sq. ft. of landscaping area. However, further detail, and a scaled landscaping plan, will be necessary prior to issuance of any building permits. As such, a Special Condition No. 7, Site Landscaping, is warranted to require submittal of final landscape plan. The applicant has indicated that he intends to fulfill all applicable landscaping requirements and will incorporate them into the building plans submitted to County Building staff. City planning staff will review the required landscaping plan prior to signing of on the building permits.

Additionally, Special Condition No. 1, Landscape Screening, is required to ensure that the row of trees currently abutting 82nd ave would remain in place and continue to visually buffer the subject property from the public roadway. As such, City planning staff will be able to ensure consistency with these applicable landscaping standards.

Parking and Access

Chapter 17.48 of the GMC regulates off-street parking and loading. At time of construction, enlargement or change of use of any structure or development subject to Design Review (and except as provided for in the C-2 District), off-street parking spaces shall be provided as described in this Chapter unless greater requirements are otherwise established in the Gladstone Code.

Section 17.48.040(1)(a) requires parking and loading areas to be paved with asphalt and/or concrete meeting city standards, maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.

Section 17.48.040(2)(a) states that required parking spaces must be located within two hundred feet of the building or use they are required to serve.

Section 17.48.040(2)(d) requires groups of more than four parking spaces to be permanently marked and so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Section 17.48.040(2)(f), (g) and (i) establish the minimum width of access aisles and the minimum dimensions of parking spaces.

Section 17.48.050 establishes requirements for bicycle parking.

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

Subsection 17.50.020(1) requires that provisions be made for the least amount of impervious surface necessary to adequately service the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles.

Subsection 17.50.020(3) requires curbs, associated drainage and sidewalks within the right-of-way or easement for public roads and streets.

Subsection 17.50.020(5) requires provisions to be made for the special needs of the handicapped.

Subsection 17.50.020(6) pertains to pedestrian access.

Subsection 17.50.020(7) deals with new development requiring full site design review that, when completed, generate an average daily traffic count of 1000 trips or greater. In such case, a transit stop shall be provided.

Section 17.50.040, Streets and Roads Generally:

The proposed project has been substantially designed to be consistent with the access and parking requirements of the Municipal Code. As such, all parking requirements are met and the amount of impervious (paved) surfaces has been limited to the minimum area necessary to serve the proposed development. The proposed project also includes the provision of 29 parking spaces and 2 bike parking spaces, minor landscaping, and roadway and access paving improvements. This proposal meets the municipal code requirement for 20 parking spaces and two (2) bicycle spaces. The side of the property abutting 82nd Drive is already improved with curbs and sidewalks, and, as such, no new curbs or sidewalks are proposed, and pedestrian circulation and access will not be adversely affected as part of the project. Additionally, ADA access requirements will be met as part of the final building permit approval, as required by Special Condition No. 9.

The proposed project would be located adjacent to a public roadway, identified as a minor arterial road on the City's Comprehensive Plan Map No. 5, Streets Map. The proposed project is not anticipated to result in levels of traffic that would exceed the capacity of 82nd Avenue or adversely impact existing traffic flow in this area of the City. However, to ensure that the final businesses occupying the proposed buildings do not cumulatively generate more than 1,000 daily trips (based on the most recent edition of Institute of Transportation Engineers Report on Generation), Special Condition No. 6, Traffic, is adopted. As conditioned, the proposed project would meet all applicable traffic and circulation requirements of Municipal Code Title 17, Chapter 17.50.

The applicant has been actively coordinating with Mike Funk of the City of Gladstone's Fire Department, regarding the fire access way requirements. Mr. Funk has reviewed the proposed development and has been to the site to conduct measurements, pursuant to fire access requirements. Mr. Funk has submitted comments to the Applicant and City planning staff (attached in Appendix B) explaining that the proposed project does not meet the access requirements outlined in the adopted 2014 Oregon Fire Code. However, Mr. Funk sent an email to City Planner Melissa Ahrens, dated 5/4/18 stating that despite the proposed draft road's width deficiency, the Fire Department supports the concept of the development and are not opposed to working with the applicant to make this work. Mr. Funk recommended that a condition of approval be added to the Design Review approval requiring that the applicant meet all Fire Department access requirements prior to the issuance of any building permits. As such, Planning Commission adopts Special Condition No. 11, Fire Department Approval, to ensure that the proposed development meets the Fire Department's access way requirements.

Approved at public hearing on May 15, 2018

Signed this 23 day of May, 2018



Randy Rowlette, Planning Commission Chair

Pursuant to Section 17.92.020 of the Gladstone Municipal Code, the decision of the Planning Commission may be appealed to the City Council within 15 days of the mailing of the Planning Commission's written decision. In order to appeal a decision of the Planning Commission, a party must have appeared orally or in writing before the Planning Commission. The filing fee for the appeal is \$250.00. If no appeal is filed within 15 days, the decision of the Planning Commission shall be final.

EXHIBITS

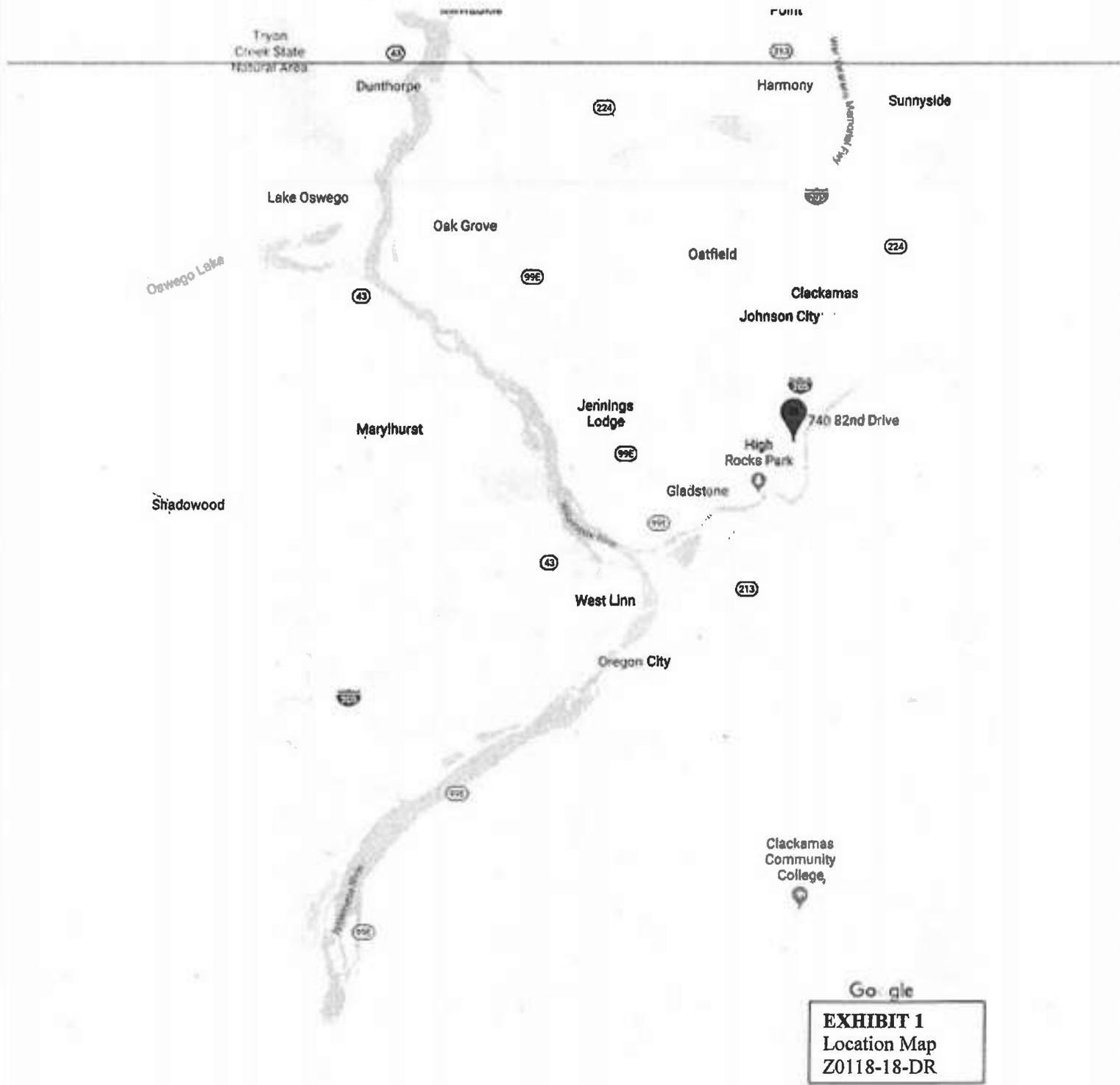




EXHIBIT 2
Project Area
Z0118-18-DR

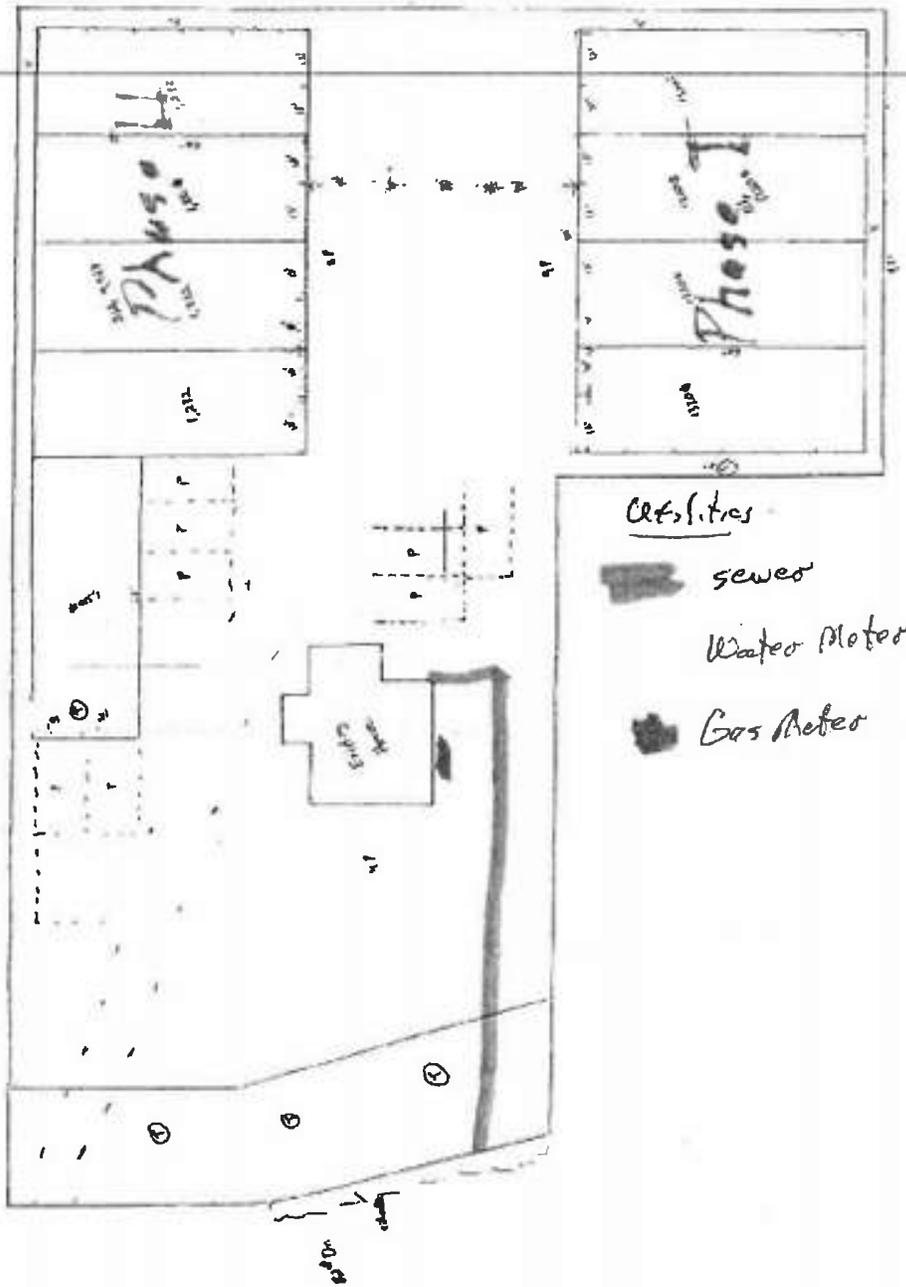
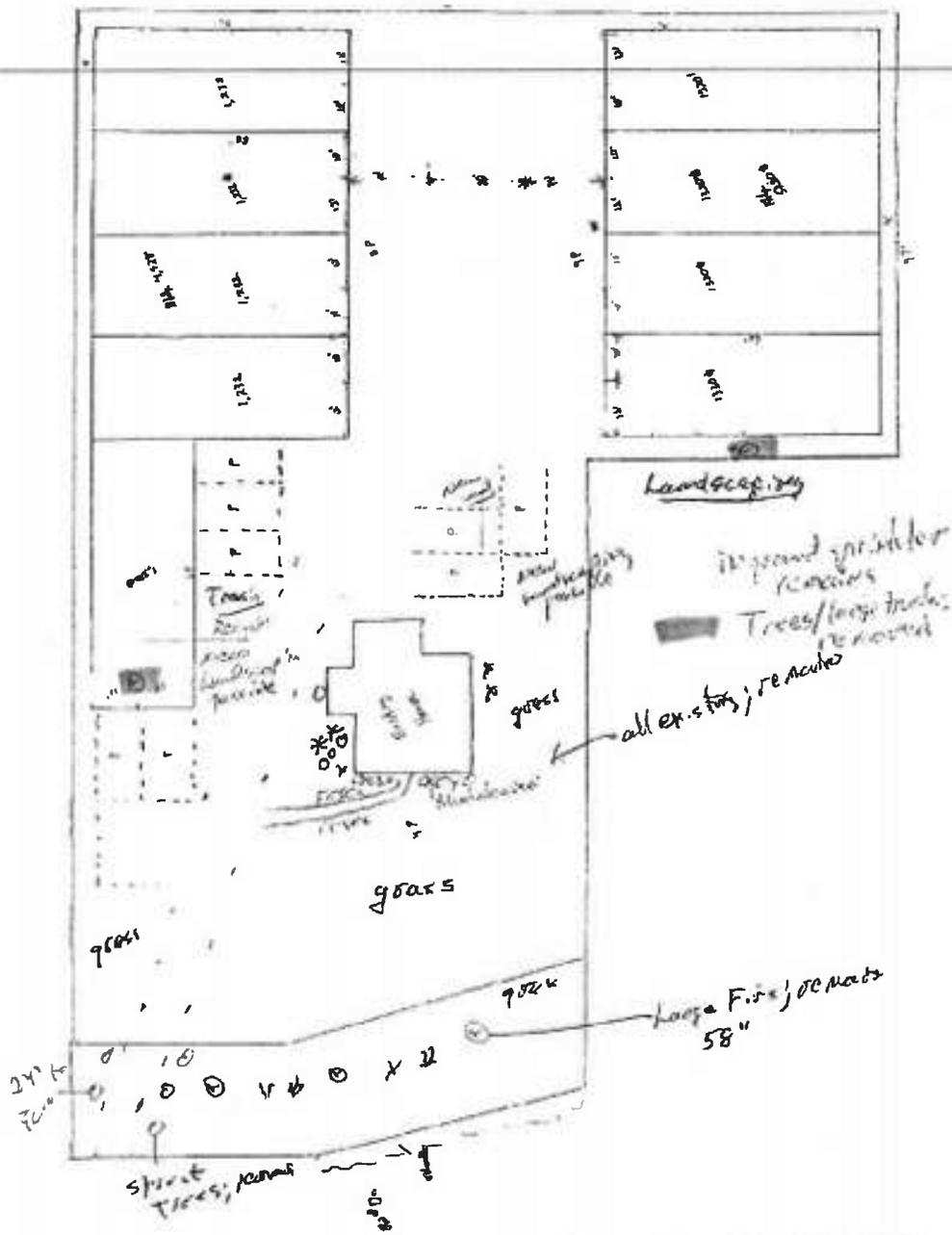
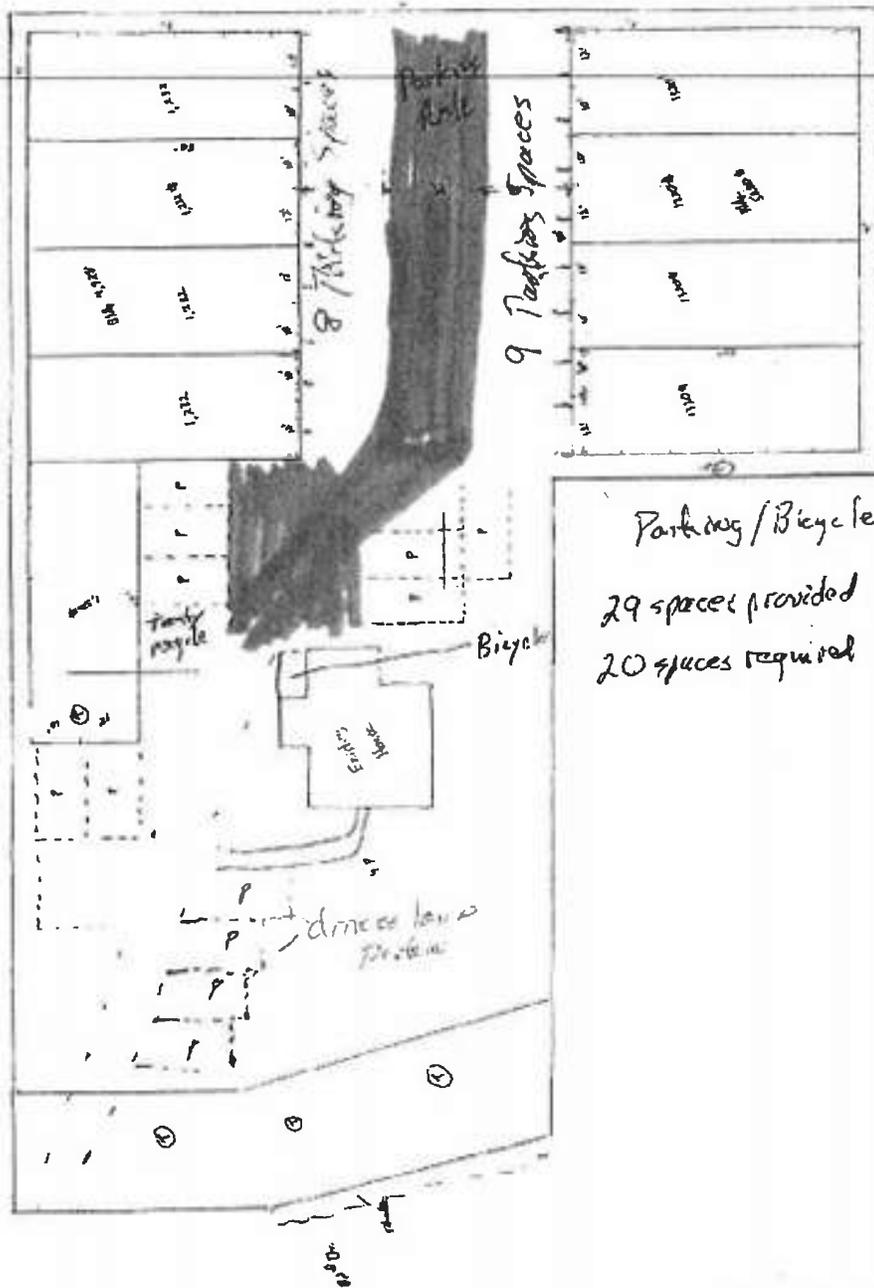


EXHIBIT 3
 Site Plans
 Z0118-18-DR





RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: Z0124-19
Application Type: Planning/PD-HO-Ministerial/NA/NA
Address: 740 82ND DR
GLADSTONE, OR 97027

Receipt No.	1283309					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	105	\$162.00	3/18/2019	MSALO	PAID BY: HIGH ROCKS SMALL BUSINESS PARK LLC 19208 35TH PLACE LAKE OSWEGO, OREGON 97034	HIGH ROCKS SMALL BUSINESS PARK LLC
		<u>\$162.00</u>				

Owner Info.: HIGH ROCKS SMALL BUSINESS PARK LLC

19208 35TH PL
LAKE OSWEGO, OR 97034

Work Description: Time Extension

