



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

Tuesday, September 17, 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 August 20, 2019 Meeting Minutes

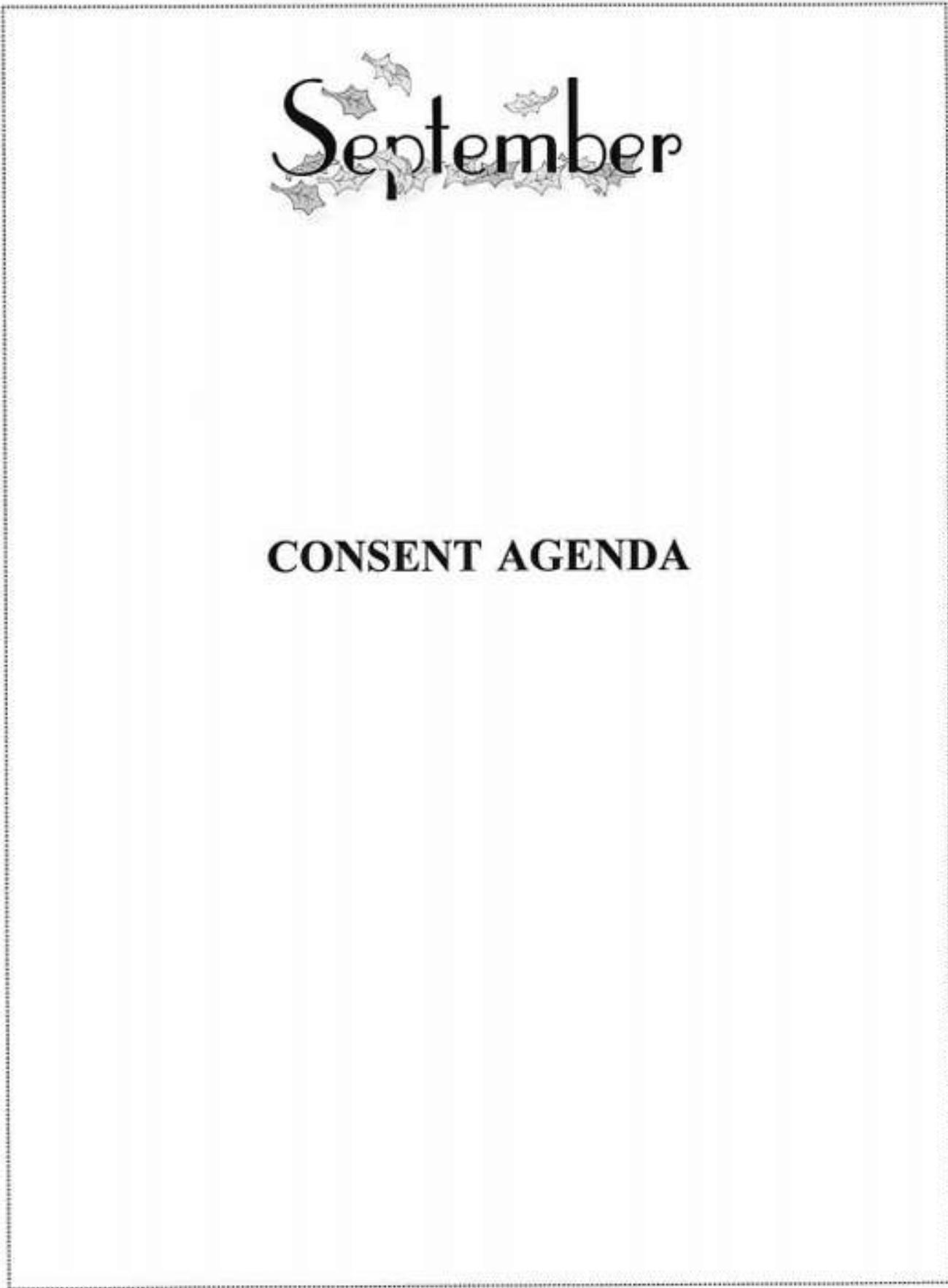
REGULAR AGENDA

2. Monthly Planning Report – August 2019
3. **Public Hearing:** File Z0044-19-D. Design Review for landscaping that has been changed and modified from the previously approved landscaping associated with permit Z0048-17-D. Implementation of the proposed landscaping plan aims to address a land use violation and meet the requirements of the Gladstone Municipal Code. Carz Planet, 19120 McLoughlin Blvd. Well Done Construction – applicant.

BUSINES FROM AUDIENCE - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN

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September

CONSENT AGENDA

GLADSTONE PLANNING COMMISSION MEETING MINUTES of August 20, 2019

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

ROLL CALL:

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

ABSENT:

Commissioner Libby Wentz

STAFF:

Tami Bannick, City Recorder; Melissa Ahrens, Senior Planner; Joy Fields, Senior Planner; Councilor Mersereau

CONSENT AGENDA:

1. Approval of June 18, 2019 Meeting Minutes

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

REGULAR AGENDA:

2. Monthly Planning Reports – June & July 2019

Ms. Ahrens went over the reports. They had quite a few building permits come through. One was the Civic Center, which is now under construction. There were some tenant improvements on Portland Avenue. In July they had some residential building permit work and cell tower upgrades (in-kind replacement of electrical cell tower equipment). They have seen regular customer contacts with an increase in June and July.

Chair Rowlette asked about the project at the old Senior Center/Rehab on Webster Road across from the water tower – Ms. Ahrens said it is County owned now and they are gearing up to do outreach with the community to make sure everyone in the area is informed about their proposal. Commissioner Natalie Smith asked if there was a resolution with Carz Planet – Ms. Ahrens said they anticipate that it will be coming before the Planning Commission in October. They have submitted a landscape plan showing their current landscaping.

Ms. Ahrens introduced Joy Fields, their new Senior Planner at the County – she comes to them with many years of experience in planning. She will take over for Ms. Ahrens while she is out on maternity leave. Ms. Fields went over her background.

Ms. Ahrens shared information from DLCD for Housing Bill 2001 – it goes over some key dates. Their model code is not expected to be released until December 31st, 2020. It is their understanding that the City would not be forced to implement any of the model code until June 20, 2022. The bill is geared to encourage local governments to adopt their own ordinance update to reflect the bill before that timeline.

3. Discussion of Request for a Route Change/Bus Stop for New Civic Center building at 18505 Portland Avenue:

Tom Mills, Manager of Service Planning and Development with Tri-Met, introduced himself. He said if they were to serve the new Civic Center with a bus it would require a route change to the

existing bus, routing the bus off Abernethy to Glen Echo. There are existing customers on Abernethy and this may be their only means of transportation so they would typically do some outreach to those customers if they were to agree to reroute the bus. He shared a map and statistics of the number of ons/offers and lift deployments in the area. City Hall is a likely destination for some folks and it's very possible that they would get more rides by routing the bus to the new Civic Center. He went over some of their issues with the change, including longer rides, possible damage to pavement by the bus along Glen Echo between Abernethy and Addie Road, and a lack of sidewalks. They are trying to make all of their bus stops ADA accessible so they are not looking to add more bus stops that are not. There was discussion regarding the option of a stop in front of the high school. This bus line (#34) would not run late enough to transport people attending public meetings in the evening. There was discussion regarding possible routes, ridership, and the possibility of a bus shelter.

4. Public Hearing: File Z0311-19-D – Design Review for conversion of an existing 1,699 sq. ft. residential structure to a mixed use building with one (1) apartment unit, two (2) office spaces and one (1) leasable commercial space. No additions to the existing structure are proposed, only internal and external remodeling and site improvements including landscaping;

Chair Rowlette opened the public hearing and went over the procedures/rules for public hearings. 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 visited the site.

Commissioner Natalie Smith has visited the site.

Commissioner de AElfweald has visited the site.

Chair Rowlette has visited the site.

Commissioner Poole has visited the site.

Commissioner Patrick Smith has visited the site twice.

Chair Rowlette asked if any members of the public wished to challenge the jurisdiction of the Commission to hear this matter – none did. He asked if any members of the public wished to challenge any Planning Commission member's ability to participate – none did.

Ms. Ahrens went over the staff report. The proposed project would convert the existing duplex into a mixed use commercial and residential building. The applicant has explained that the owner is not yet sure what commercial/office tenants would occupy the available spaces in the building. The property is zoned community commercial and has historically been developed and used for commercial business operations starting in the 1980's. Since the 1990's the structure has been continuously used for residential purposes. Public noticing was sent out prior to this hearing – no formal comments were received. Special condition #2 is recommended to limit future building occupants to only those uses allowed outright in the C-2 zoning district. No additional parking is required by the change of use. The proposed building will retain a residential appearance and will incorporate congruent landscape designs. The landscaping will greatly exceed the 15% landscape coverage requirement. Special condition #3 is recommended to insure compliance with code section 17.46.020 pertaining to continuous landscape maintenance. Staff is recommending

approval of the proposed project with five standard conditions and ten special conditions of approval. Public Works has some additional requirements and the applicant is aware of those requirements and that they need to comply with those prior to building permit issuance. There was discussion regarding trip generation – the test was based on the highest potential use of the commercial spaces. There was discussion regarding the Downtown Revitalization Plan – they cannot use anything in the plan as a legal standard of review for this project. There was discussion regarding parking requirements.

APPLICANT TESTIMONY:

Darrell Mackay, owner, and Todd Iselin with Iselin Architects, said they are not proposing any changes to the structure. They feel there is adequate street parking to serve the occupants. There are two parking spaces alongside the building that will be used primarily for the tenant back there. Commissioner de AElfweald asked for clarification on down lighting.

PUBLIC TESTIMONY:

None.

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

DISCUSSION:

Commissioner Patrick Smith asked if they needed to do anything about requiring the ADA ramp/parking spaces to be paved. Ms. Dance said that usually that is reviewed by their Building Code Department – there is a special condition that requires them to comply with those standards.

Commissioner de AElfweald made a motion to approve File Z0311-19-D with the conditions and special conditions as outlined in the Planning Report. Motion was seconded by Commissioner Patrick Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Patrick Smith – yes. Chair Rowlette – yes. Motion passed unanimously.

Chair Rowlette informed the applicant about the waiting period for appeals.

BUSINESS FROM THE AUDIENCE:

None.

INFORMATION ONLY:

Ms. Bannick said regarding the bus stop and the issue along Glen Echo Avenue – part of that is within City limits and part of it is not. They would have to get clarification and she will follow up with Public Works.

Ms. Bannick went over the update on changes to Extension Compliance (time limits) in the Gladstone Municipal Code. Mr. Doughman advised that he is getting text amendments drafted and they will file with the DLCDC and proceed from there to get the noticing out. The proposed changes are currently scheduled to be on the October 8th City Council meeting agenda.

BUSINESS FROM THE COMMISSION:

Commissioner Natalie Smith:

She attended some awesome training today and learned a lot. Ms. Bannick will follow up with Ms. Betz about the possibility of making the documents available to the public.

Chair Rowlette:

He said the training was one of the best ones he has been to. They appreciated the City spending \$199 for each person who attended. He feels that any new members of the Planning Commission should definitely attend the training. Councilor Mersereau agreed.

Commissioner Poole:

He said he started a Facebook page several months ago, “Gladstone Today” – he is putting events, notices, photos, etc. on it.

Commissioner de AElfweald:

He met with Robert downstairs and he helped him get the Outlook app set up and connected to the City email on his phone. He said if any of the other commissioners wanted help with it that Robert can help them.

Chair Rowlette:

He said there is a limit of four missed meetings per calendar year that an appointed person in the City of Gladstone can have. As far as he knows it doesn’t matter what the reason is for missing a meeting. If you miss four meetings you are considered to be resigned. Ms. Bannick said that is correct.

ADJOURN:

Meeting adjourned at approximately 7:45 P.M.

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

Randy Rowlette, Chair

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September

REGULAR AGENDA



City of Gladstone Monthly Report | August 2019

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/Planning Actions	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	August	YEAR TOTALS
Customer Service Counter Contacts	8	4	5	10	6	17	15	7	80
Customer phone/email contacts	48	42	35	45	52	73	68	56	419
Building Permits Issued	0	1	1	1	0	4	3	3	10
Pre-application conferences	3	1	0	1	0	0	0	0	5
Administrative Decisions	0	0	1	3	4	2	0	1	11

PLANNING COMMISSION ACTIONS/DECISIONS

- APPROVAL OF Z0311-19-D; Iselin Architects, Conversion of Existing Duplex to Mixed-Use

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- NONE

PRE-APPLICATION CONFERENCES

- NONE

ADMINISTRATIVE PERMITS

- Approval of Z0341-19-WBV; P&C Construction, Water Quality Resource Area Map Determination for the Placement of Fill.

BUILDING PERMITS

August

Date	Address	Building Permit #	Description
8/7/19	8376 Cason Rd	B0414119	Replace Roof
8/12/19	8330 Cason Rd	B0424919	Replace HVAC

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic	Contact
18085 se Webster Ridge Rd.	Proposed project evolving- current proposal includes amenities for existing apartment complex only. Will still require Comp Plan/Zone change; (Design Review and Conditional Use Permit to follow at a subsequent hearing	Cascadia Planning
6075 Duniway Ave	Proposed building and site development	M Brown Industries LLC

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September

REGULAR AGENDA



Agenda Item No.

PC Meeting Date: 9/17/19
Date Filed:

Staff Report: design review

Application No.: Z0044-19-D

Applicant: Timothy, Well Done Construction

Project Location: 19120 McLoughlin Blvd., Gladstone, OR 97027
Tax Lot 22E19AB00600

Project Description: Landscaping upgrades to an existing auto dealership to include 3200 sq. ft. of grass, shrubs and trees to replace landscaping that was removed. Site improvements required include landscaping between McLoughlin and the car sales lot, the placement of groundcover across the corner of the property between SE Mildred Street and McLoughlin, and shrubs between SE Mildred Street and the car sales lot.

SUMMARY OF STAFF RECCOMENDATION

Staff recommends **APPROVAL** of the Design Review application Z0044-19-D in reference to the following findings and with the following conditions in support of approval: (1) Landscape Screening, (2) Site Landscaping, (3) Sanitary and Sewer, (4) Fire Department Approval, (5) Design Review Plans, (6) Endangered Species Act, (7) Display of vehicles, (8) Compliance with Conditions of Z0048-17-D.

The subject property, is approximately 1.5 acres in size and is part of the McLoughlin commercial corridor, where auto dealerships represent a large part of the commercial businesses. Specifically, this stretch of McLoughlin is “auto row”, made up largely of a series of auto sales/service businesses on both sides of the street along with other strip commercial uses. The subject property is on the east side of McLoughlin Boulevard and extends east to SE Mildred Street and southeast to Glen Echo Ave. Across SE Mildred Street, to the east, is a residential neighborhood. Across Glen Echo Ave, to the southeast, is a gas station. Car sales business has been in place here since 2017.

The existing property currently contains an enclosed vehicle showroom and car lot originally permitted through the Design Review Application Z0048-17-D. The current proposed Design Review application is for the modification of the landscaping on the site due to the removal of over 3,000 square feet of landscaping that was required as part of the approval through the 2017 Design Review Process. Design Review Z0048-17-D approved a change in use on the property from a restaurant to the existing showroom and car lot. The current Design Review proposal would require landscaping that meets all

sections of the Gladstone Municipal Code and is consistent with the Comprehensive Plan. Sanitary sewer, storm sewer and water are in place and serve the property. There are no known significant natural features on site, and no Title 13 Habitat Conservation Areas or Title 3 Wetlands are identified on site.

The 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.	Street Views
Exhibit 4.	Landscaping Plan
Exhibit 5.	Additional Information Email
Exhibit 6.	2017 Design Review Decision – Z0048-17-D
Exhibit 7.	2017 Design Review Summary – Z0048-17-D
Exhibit 8.	2017 Design Review Conditions – Z0048-17-D
Exhibit 9.	Historic 2016 Aerials
Exhibit 10.	2017 Design Review Violation Notice

APPENDIX: SUBSTANSIVE FILE DOCUMENTS

- A. Application Materials**
- B. Incomplete Letter**

I. REQUEST FOR COMMENTS

Sent to: City of Gladstone, Public Works, Gladstone Fire, Gladstone PD, Engineering, Tri-Cities
Responses Received: None

II. STANDARD CONDITIONS

1. **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.
2. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Planning Director for the City of Gladstone,
3. **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.
4. **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.
5. **Building Permits.** The applicant shall obtain any required grading 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 install appropriate landscaping plant materials, and maintain the landscaping between the business activities, parking areas, merchandise display areas and the public street right-of-way along SE Mildred Street which has residential zoning adjacent to the street per 17.20.045, 17.44.020, and 17.46.20 of the code. These plant materials shall not consist of plants prohibited by Ordinance 1333 per Section 17.02.010 of the Gladstone Municipal Code (Code).
2. **Site Landscaping.** Prior to the installation of the plantings, the applicant is recommended to submit a final landscape plan that meets the site specific conditions of the Design Review, for the review and written approval of the City. To meet Chapter 17 of the Code, said plan shall include the following:
 - a. The type, size, extent and location of all trees/shrubs on the site, including the common and scientific names of the plant species covering at least 15% of the site.
 - b. The landscape coverage calculations can include the landscaping area(s) within the SE McLoughlin Blvd right of way if the applicant agrees to relocate the 10 foot strip whenever the right-of-way is improved.
 - c. Sod can be used along McLoughlin Blvd in lieu of the required street trees to separate the commercial use, from the street.
 - d. The landscaping calculations of coverage cannot include hardscaping such as mulch, or rock.

- e. The site shall be separated from the road by a landscape strip at least 10 feet in width along McLoughlin Blvd. The proposed river rock and crushed rock along McLoughlin Blvd needs to be replaced with vegetative material to be considered landscaping per the Code.
 - f. The plan shall depict contiguous plantings that do not contain 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 by Ordinance 1333 and the Gladstone Comprehensive Plan, shall be planted or allowed to naturalize or persist on the site.
 - g. A written commitment by the applicant that all required plantings included in the final landscaping plan 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.
3. **Sanitary and Sewer.** The proposed development shall meet all sanitary and storm sewer requirements pursuant to Oak Lodge and Chapter 17.56 of the GMC.
 4. **Fire Department Approval.** Applicant shall receive approval in writing from the Gladstone Fire department indicating all requirements from that agency have been satisfied.
 5. **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 the permit and a violation of the Gladstone Municipal Code.
 6. **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.
 7. **Display of Vehicles.** Displaying and/or parking vehicles upon landscaping or public right of way is strictly prohibited. Loading and unloading of vehicles within the state highway right-of-way is not permitted. The applicant must provide adequate on-site circulation for the parking and maneuvering of all vehicles anticipated to deliver product (cars/trucks).
 8. **Compliance with Conditions of Z0048-17-D Design Review.** Developer is still responsible for complying with the conditions identified as part of the approval of the change in land use on the property pursuant to the Z0048-17-D Design Review Decision.

IV. FINDINGS AND DECLARATIONS

The Planning Commission hereby finds and declares:

A. PROJECT LOCATION AND PROPOSED DEVELOPMENT

The subject property is approximately 1.5 acres in size and is located within the General Commercial, C-3 zone. The subject property is located on the east side of McLoughlin Blvd., to the west of SE Mildred Street. The surrounding area along McLoughlin Blvd is developed with mostly commercial uses, however, residential uses are present across SE Mildred Street. The subject property is bordered on the southeast side by an existing gas station, on Glen Echo Ave., and on the east by the SE Mildred residential area. The subject property contains 6,000 sq. ft. of interior display and office area, used as part of the Carz Planet business. The proposed Design Review application is for the modification and replacement of a 3,600 sq. ft. landscaping area in front of the existing commercial building, as well as various other areas of landscaping along adjacent streets. A previous Design Review application for the site, Z0048-17-D, was approved in 2017, however, due to removal of landscaping used in the approval process of the previous application, and changes to the screening between the site and adjacent roads, the design plans for this new design review application is required. Z0048-17-D approved the project using the landscaping that was located between the commercial building and the sidewalk along McLoughlin Blvd in addition to the landscaping on the peripheral edge of the property to meet the landscaping requirements. The current Design Review proposal would require replanting approximately 3,600 sq. ft. of landscaped area to meet the requirements of the Gladstone Municipal Code. Sanitary sewer, storm sewer and water are in place and serve the property. The changes in landscaping and the proposed landscaping plan does not increase the impervious surface of the site by more than 5,000 square feet so additional drainage is not required. The City has issued various violation notices to the property owners for the removal of the existing landscaping.

B. CODE CONSISTENCY FINDINGS

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 sales of new and used vehicles as proposed through this application.

Finding: The use of the building and the site are proposed to remain the same allowable in Municipal Code Section 17.20.020 (Uses Allowed Outright) in the C-3 zoning district. The applicant's submittal materials explain that the proposed landscaping will be associated with the existing auto sales business. This criterion is met.

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.

Finding: The subject property is in the C-3 zoning district and requires design review to address site development and landscaping that is required due to the removal of approximately 3,000 square feet of landscaping that was required per Z0048-17-D. This criteria is met.

Section 17.80.061 lists submittal requirements for Design Review.

Finding: The subject application was initially deemed incomplete and only filed as complete after the additional requests for missing information. Information was submitted by the applicant on July 30, 2019. This criteria is met.

Section 17.80.100(1) provides for approved design review to remain valid for one year.

Finding: If landscaping has not been installed within a year of approval, the approval may be renewed once by the Planning Commission for not more than one year. A previous Design Review land use approval (Z0048-17-D) was issued in 2017, for a larger suite of renovations to the existing site. Even though the 2017 Design Review approval is still active, since the current landscaped area is substantially different and was reduced from that approved in Z0048-17-D, this new design review land use approval is required. If Z0044-19-D is approved, the approval will be valid for one year. This criteria is met.

Screening and Clear Vision

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(3) of the GMC addresses compatibility with adjacent developments and surrounding land uses. This subsection requires buffering and/or screening to mitigate adverse visual impacts, dust, noise and pollution, and to provide for compatibility between dissimilar adjoining uses.

Finding: The applicant's submittal materials show that the proposed landscaping will include a Boxwood shrub planted between the car lot and SE Mildred Street that will create a buffer/screen between dissimilar uses. This criterion is met.

Section 17.20.045 establishes screening requirements for the C-3 Commercial District. Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district. Required screening shall be a minimum of six feet (6') high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

Finding: The applicant's submittal shows an existing Arborvitae Hedge and a Boxwood Hedge that provide screening for a portion of the SE Mildred Street property boundary. The plan identifies additional plantings of Boxwood shrubs to address the additional screening that is required along SE Mildred Street. The mature Boxwood shrubs can be pruned to a minimum height of six feet. Section 17.20.045 of the Code is more restrictive than Section 17.46.020. Therefore, the proposed landscaping plan must comply with Section 17.20.045 pursuant to Section 17.04.030. This criterion is met.

Chapter 17.54 of the GMC establishes clear vision requirements. On property at any corner formed by the intersection of two streets, or a street and a railroad, it is unlawful to install, set out or maintain, or

to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstructions to the view higher than three feet above the level of the center of the adjacent intersection with that triangular area between the property line and a diagonal line joining points on the property lines at the distance from the intersection specified in this regulation.

Finding: The proposed landscaping plan submitted by the applicant shows the planting of groundcover on the property located at the intersection of SE Mildred Street and SE McLoughlin Blvd. The groundcover proposed includes *Rubus calcynoides* (Creeping Raspberry) and the prohibited species *Vinca minor* (Bowles Periwinkle). Special Condition 2(f) addresses the plant species proposed in this location. Neither of these proposed species grow taller than a foot in height. The proposed landscaping plan submitted by the applicant also shows the use of river rock and a water feature on the property located at the intersection of Glen Echo and SE McLoughlin Blvd. The river rock in the required landscaped areas shall be replaced with landscaping plantings that meet the height limitation of Section 17.54. This criterion is met with the submitted plan and implementation of Special Conditions 2b, 2c, 2d, 2e and 2f.

Landscaping

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

Finding: The project is subject to design review per Chapter 17.80 of the GMC. This criteria is met.

Subsection 17.46.020(1) requires a minimum of 15 percent of the lot area to be landscaped, except when a greater percentage is required elsewhere in this title.

Finding: The applicant is replacing approximately 3,600 square feet of landscaping to meet the coverage requirement and comply with the conditions of Z0048-17-D. According the calculations by the applicant, the landscaped area will cover 23% of the property and includes the landscaping in the right-of-way along McLoughlin Blvd.. Special Condition 2a applies. This criteria is met.

Subsection 17.46.020(2) includes the following landscape requirements that shall apply to off-street parking and loading areas:

(a) An off-street parking and loading area providing 10 or more parking spaces shall be improved with defined landscaped areas totaling no less than ten square feet per parking space;

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least five feet in width;

(c) A landscaped strip separating a parking or loading area from a street shall contain:

(A) Street trees spaced as appropriate to the species, not to exceed 25 feet apart, on the average,

(B) Low shrubs not to reach a height greater than three feet spaced no more than five feet apart, on the average, and

(C) Vegetative ground cover;

(d) If a fence or wall is required or proposed, it shall be located behind required landscaped strips where such strips are adjacent to a street;

(e) In parking areas three acres and larger intended for use by the general public, pedestrian walkways shall be raised or separated from parking, parking aisles, and travel lanes by a raised curb, concrete bumpers, bollards, landscaping, or other physical barrier. If a raised pathway is used, curb ramps shall be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines.

Finding: According to the materials submitted in 2017, there will be more than 10 parking spaces. The proposed landscaping improvements meet the minimum coverage required for the number of customer and employee parking spaces on site. The proposed shrub plantings between the parking areas and McLoughlin Blvd are spaced about 18 feet apart and are separated by approximately 16 feet of crushed rock. To meet the landscape type and spacing requirements of having shrubs spaced no more than five feet apart, the crushed rock will need to be replaced with either sod, or shrubs. With Special Conditions 2b, 2c, 2d, 2e, and 2f these criteria are met.

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

Finding: The applicant plans to use the existing irrigation system, per information provided on 7/30/2019. This criteria is met.

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

Finding: The applicant plans to use a Garden Service to care for the plants twice a month, per information provided on 7/30/2019. This criteria is met.

Subsection 17.46.020(5) requires plant species are appropriate for the site. The general characteristics of tree species shall be considered when planting under overhead utility lines or near sidewalks or curbs to assure that damage will not result when maturity is reached.

Finding: The landscape plan provided by the applicant provided on 7/30/2019 showed that the existing trees will remain on the property and the additional plant species planted will be shrubs, herbs, or groundcover. This criteria is met.

Subsection 17.46.020(6) requires the natural form of the site be preserved during grading.

Finding: The information provided by the applicant on 7/30/2019 showed that individual plantings will be installed and grading will not be required. This criteria is met.

Subsection 17.46.020(7) requires that land within the public road right-of-way, not developed as sidewalks or driveways, shall be landscaped and maintained by the abutting property owners. Landscaping will be of the variety that would not create a road hazard or impair sight distance.

Finding: The landscape plan provided by the applicant on 7/30/2019 showed that landscaping plantings will be installed in the right-of-way along SE Mildred Street and McLoughlin. One of the species proposed in the right-of-way landscaping includes Heavenly Bamboo (*Nandina* sp) which is on the Gladstone Prohibited Plants list found in the Comprehensive Plan cited in Section 17.020. The landscaping plan for the right-of way also identifies the replacement of the existing English Ivy (a prohibited species), with Creeping Raspberry (*Rubus calcynoides*). This criteria is met with Special Condition 2b, 2c, 2d, 2e and 2f.

Subsection 17.46.020(8) Street tree planting may be required of any development and, if planted, shall be according to city requirements and of a species compatible with the width of the planting strip, and nearby street tree species.

Finding: The landscape plan provided by the applicant on 7/30/2019 showed that the existing trees shall remain and landscaping plantings will be installed in the right-of-way along McLoughlin Blvd. Those plantings are subject to *Subsection 17.46.020(9)*. With Special Conditions 2b, 2c, 2d, 2e and 2f this criteria is met.

Subsection 17.46.020(9) identifies the following exceptions apply to properties with frontage on McLoughlin Blvd.:

- (a) The use of sod along McLoughlin Blvd. shall be encouraged in landscape plans for development of McLoughlin Blvd.;*
- (b) The use of sod along McLoughlin Blvd. may be allowed in lieu of required street trees;*
- (c) The 10-foot-wide landscape strip along McLoughlin Blvd. may be allowed in the right-of-way if applicant agrees to relocate the 10-foot strip whenever the right-of-way is improved. This strip may be included in total landscape area calculations.*

Finding: The landscape plan provided by the applicant on 7/30/2019 showed that the existing trees shall remain and landscaping plantings will be installed in the right-of-way along McLoughlin Blvd. The plan identifies shrubs and rock instead of the required street trees or sod. With Special Conditions 2 this criteria is met.

Drainage and Stormwater

17.56.010 [Drainage] Applicability.

The development standards for surface water drainage shall apply to all new or redevelopment activities in the City of Gladstone that result in the creation or disturbance of 5,000 square feet or more impervious surface except for substantial improvement or lesser remodel or reconstruction of existing single-family or two-family dwellings.

Finding: The proposed site development includes 3,600 sq. ft. of landscaping, which would be less than the 5,000 sq. ft. of disturbance that is the threshold cited in Section 17.56.010 of the GMC. As such, the drainage standards of the GMC, Chapter 17.56 would not apply to the proposed project. However, the

initial design review that approved the first automotive car sales business on the site, Z0048-17-D, included the following special condition:

Special Condition No. 9: Sanitary and storm sewer requirements as per OLSD.

OLSD (Oak Lodge Sewer District) has not provided any comments for design review application Z0044-19-D. This criteria is met.

EXHIBITS



EXHIBIT 1
Location Map
from Google Maps
Z0044-19-DR



EXHIBIT 2
Project Area
2018 Aerial Image
from Pictometry
Z0044-19-DR



October 2018

Mc Loughlin Blvd.



September 2018

Glen Echo Ave.

EXHIBIT 3
2018 Street views of
Site
Z0044-19-DR

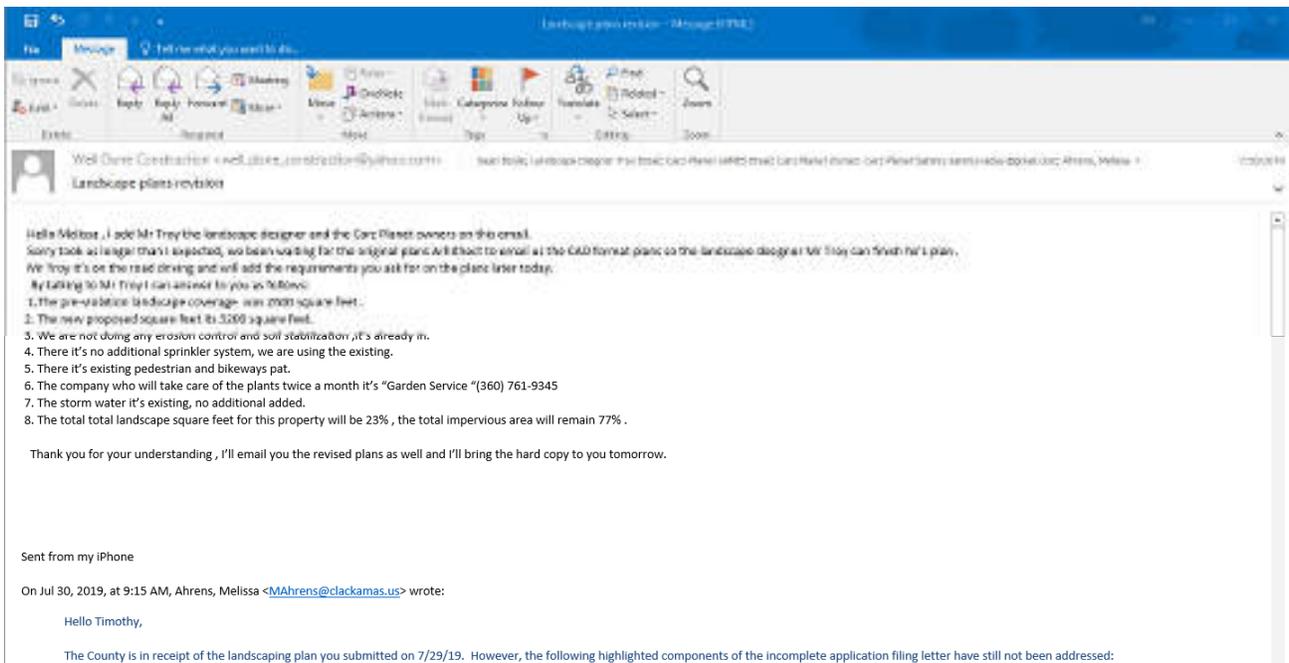


EXHIBIT 5
7/30/19 Email from
Applicant with
Additional
Information.
Z0044-19-DR

DECISION

GLADSTONE PLANNING COMMISSION

File: Z0048-17-D
Applicant: Sarah Bahrami
Hearing Date: February 21, 2017

I. GENERAL INFORMATION

- A. Proposal: retail auto sales. Property has long been occupied by Tebo’s Restaurant. This proposal involves converting the building into office and showroom space, with the existing parking area used for inventory display. The proposal is for auto sales only, no repair or maintenance facilities. The subject property is located in the northeast corner of the intersection of SE McLoughlin Blvd. and SE Glen Echo Avenue. Approximately one and a half (1.50) acres in size, the site is within the General Commercial, C-3 zone.
- B. Legal Description: T2S, R2E, Section 19AB, Tax Lot 600
- C. Location: 19120 SE McLoughlin Boulevard, at Glen Echo Avenue
- D. Zone: C-3; General Commercial
- E. Comprehensive Plan Designation: Commercial
- F. Site Information: The subject parcel is approximately 1.50 acres in size and used for restaurant/associated parking.
- G. Vicinity Description: The property is in the McLoughlin commercial corridor. A variety of commercial activities occur in the area including auto sales. Directly across Mildred Street, to the east, is in residential use. All necessary infrastructure is in place to serve the proposal.

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

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

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
E-Mail: (last name)@ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438

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

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

EXHIBIT 6
2017 Design
Review
Z0044-19-DR

II. FINDINGS

This request is subject to Chapter 17.20, C-3 General Commercial District; Chapter 17.80, Design Review; and Division IV, Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

III. SUMMARY

Approximately 1.50 acres in size, the site is within the General Commercial, C-3 zone. Tebo's has been in place here for several decades. Current proposal involves converting to auto sales, using the existing building for associated offices and showroom. A roll-up door is proposed to allow entry of autos. No particular site changes are planned beyond using the existing parking lot for display of vehicles. Application materials indicate no automobile service is proposed at this time. The property exists as part of the McLoughlin commercial corridor. Auto sales is a typical use in the area.

EXHIBIT 8
2017 Design
Review Summary
Z0044-19-DR

Page **18** of **23**

IV. DECISION

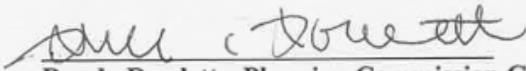
The Gladstone Planning Commission is authorized to approve applications pursuant to *Subsection 17.94.060(2)(c) of the GMC*. The Planning Commission **APPROVES** this application for Design Review, to convert from restaurant to auto sales, subject to the following conditions:

1. 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 permit.
2. The applicant shall obtain required building permits from Clackamas County. The applicant shall comply with requirements of the permits.
3. Any new mechanical equipment and garbage receptacles shall be screened as required by the GMC.
4. 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, and light spillover to adjoining properties limited as required through this subsection. Developer to submit final lighting plan showing compliance prior to issuance of final occupancy permit.
5. 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. Landscaped areas to continue to be maintained as such.
7. All signs shall meet the provisions of Subsection 17.52 of the GMC.
8. This approval is subject to the development complying with the provisions of the Americans with Disabilities Act (ADA), including provisions for curb ramps.
9. Sanitary and storm sewer requirements as per OLSD.
10. Applicant to submit letter to the city from the Fire Department indicating all requirements from that agency have been satisfied.

11. Final certificate of occupancy shall not be granted until all conditions of the design review approval have been met.
12. 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.
13. 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.
14. 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.

Approved at public hearing on February 21, 2017

Signed this 23 day of February, 2017



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.



EXHIBIT 9
Historic 2016 Aerial
from Clackamas PlanMap
Z0044-19-DR



GLADSTONE POLICE DEPARTMENT

535 Portland Avenue | Gladstone, OR 97027

Business Office: (503) 557-2760 | Fax: (503) 650-8938 | www.ci.gladstone.or.us

Emergency: 911 | Non-Emergency: (503) 656-8211

May 8th, 2018

Sammy Vaday
1115 Lake Front Road
Lake Oswego, OR 97034

CC: Sean Boyle, City of Gladstone Police Department

Violation File Number: 18-013411
Property Location: 19120 SE McLoughlin Boulevard, Gladstone OR

Violation: (1) Display of vehicles in areas previously used for landscaping. (2) Rock/gravel is being used for surfacing, in violation both of the approved Design Review itself, along with requirements from Oak Lodge Water Services regarding surface water standards.

Dear Mr. Vaday,

City of Gladstone Planning staff previously sent you a violation letter outlining the activities/development on your property that is in violation of the Design Review application that was approved through Z0048-17. The approved use involves converting use of the site from restaurant to auto sales and was based on information you provided.

We have received concerns from the public regarding display of vehicles in areas previously used for landscaping, inconsistent with the approved Design Review land use approval. A site visit indicates that not only are vehicles being displayed in these areas, but rock/gravel is being used for surfacing. This appears to be in violation both of the approved Design Review itself, along with requirements from Oak Lodge Water Services regarding surface water standards.

We would like to resolve these issues as quickly as possible. We believe that this can be accomplished without the need for additional permits, by ceasing the above described actions and resurfacing the area in compliance with the approved Design Review approval. Since the violation has not been remediated as of the date of this letter, over 8 months from the date the first notice of violation letter was sent out, City planning staff, in conjunction with the Gladstone Police Department, have determined that it is appropriate to implement Municipal Code Section 17.98(2), which will require the property owner (yourself) to pay a daily \$500 fine until such a date that the violations (described above) are remediated. Please consider this letter to be "written notification" of our intent to pursue administrative penalties. We will be implementing this daily fine, pursuant to Municipal Code Section 17.98(2) on Monday June 11th.

EXHIBIT 10
Violation of 2017 Design
Review Conditions
Z0044-19-DR

Page 22 of 23



GLADSTONE POLICE DEPARTMENT

535 Portland Avenue | Gladstone, OR 97027

Business Office: (503) 557-2760 | Fax: (503) 650-8938 | www.ci.gladstone.or.us

Emergency: 911 | Non-Emergency: (503) 655-8211

2018. While we are hopeful we can resolve this matter amicably, please be advised that, in addition to the administrative penalty authority described above, the City Attorney, upon the request of the City Administrator, can institute any necessary civil proceedings to enforce compliance with the terms of this section.

In order to resolve this matter, please immediately contact our office to discuss resolution, which, at a minimum, will require that you notify our office (within 30 days of receiving this written notice), in writing, with confirmation that you have remediated the violations described above. Additionally, you will need to provide photographic evidence and confirm in writing that you have remediated the violations. A final site inspection will need to be completed to verify the above. If you have questions related to zoning you can reach Melissa Ahrens with the City's Planning Department at 503-742-4519.

You can reach me at the contact information below for any other questions.

Thank You,

A handwritten signature in blue ink that reads "Sean Boyle".

Sean Boyle

Community Service Officer
Gladstone Police Department
535 Portland Ave.
Gladstone, OR 97045
Direct Phone: 503-557-2763
sboyle@gladstoneoregon.us

EXHIBIT 10
Violation of 2017 Design
Review Conditions
Z0044-19-DR

Page 23 of 23



Gladstone planning services are provided by Clackamas County. Submit all land use applications and correspondence to: Clackamas County Planning Division, 150 Beavercreek Road, Oregon City, OR 97045
Phone: 503-742-4519 Fax: 503-742-4550 E-Mail: mahrens@clackamas.us

NOTICE OF INCOMPLETE APPLICATION

ORIGINAL DATE SUBMITTED:	<u>1/31/19</u>
FILE NUMBER:	<u>Z0044-18-DR</u>
APPLICATION TYPE:	<u>Design Review</u>
STAFF CONTACT:	<u>Melissa Ahrens</u>
DATE OF THIS NOTICE:	<u>2/21/19</u>

IMPORTANT

Failure to respond to this request by **March 1st, 2019 will be deemed a refusal to comply with this written request. At such time the city will treat the application as complete for purposes of ORS 227.178(2) and render a final decision on your application based on available information at the time.**

MAILED TO APPLICANT: Well Done Construction, 19120 SE McLoughlin, Gladstone OR

OWNER: Bahrami Shoeleh, 19120 SE McLoughlin Blvd., Gladstone OR, 97027

MISSING INFORMATION REQUIRED FOR COMPLETE APPLICATION:

1. Please revise your project description to include information regarding (1) the pre-violation landscape coverage square footage, (2) the proposed new landscape square footage
2. Please revise the submitted landscaping plan to include the following information Pursuant to Municipal Code section 17.80.61 (1)(e):
 - (A) Lot lines and adjacent rights-of-way;
 - (B) Proposed structures and existing structures to remain;
 - (C) Parking and loading areas and driveways;
 - (D) Locations of proposed plants and existing plants to remain, keyed to a legend identifying botanical names, common names, sizes at planting and numbers;
 - (E) Description of soil conditions and plans for soil treatment such as stockpiling of topsoil. Include plant selection requirements relating to soil conditions;

- (F) Erosion controls, including plant materials and soil stabilization, if any;
- (G) Irrigation systems;
- (H) Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.;
- (I) Boundaries of open space, recreation or reserved areas to remain, access to open space and any alterations proposed;
- (J) Locations of pedestrian and bikeway circulation within landscaped areas;
- (K) Method of planting and maintenance.

3. Please quantify the area of existing and proposed impervious surfaces. Will any storm water management improvements be included in the proposed project?

Applicant, please check one of the following and return this notice to the above address.

- Yes, I will be submitting all of the missing information within _____ calendar days or my application will be processed in its present state.
- I will submit some of the missing information (describe as follows:
_____) within _____ calendar days.
- No, I will not be submitting the requested information. Please accept the application as submitted.

Signature

Date



DESIGN REVIEW LAND USE APPLICATION

Gladstone planning services are provided by Clackamas County.
Submit all land use applications and correspondence to:
Clackamas County Planning Division, 150 Beavercreek Road, Oregon City, OR 97045
Phone: 503-742-4519 E-Mail: mahrens@clackamas.us

• FOR STAFF USE ONLY •

File No: 20044-19-D
Pre-app: Staff _____ Date _____
Date Received: _____ Fee _____
Hearing Date: _____
Staff Member: Melissa Ahrens
Zone: C3
Comp. Plan: _____

Other Related Permit Applications: _____



PAID
1/31/19
M. Ahrens

• APPLICANT INFORMATION •

PLEASE TYPE OR PRINT IN BLACK INK ONLY

WHAT IS PROPOSED: Re planting on pavers 10 feet strip along the front building 10 feet from sidewalk
NAME OF APPLICANT: LAST TIMOTHY PAUL FIRST TIMOTHY well done construction
MAILING ADDRESS: 19120 S.E. McLoughlin CITY Gladstone ST ST ZIP 97267
APPLICANT IS: LEGAL OWNER CONTRACT BUYER OPTION BUYER AGENT contractor
NAME OF CONTACT PERSON (if other than applicant): same
MAILING ADDRESS OF CONTACT: same
PHONE NUMBERS OF: APPLICANT: WK _____ HM _____ CONTACT PERSON: WK _____ HM (503) 209-4006
SITE ADDRESS: 19120 S.E. McLoughlin Blv TOTAL LAND AREA: 10,000 sq feet
LEGAL DESCRIPTION: T 25 R 2E SECTION 19AB TAX LOT(S) 00600
ADJACENT PROPERTIES UNDER SAME OWNERSHIP: T _____ R _____ SECTION _____ TAX LOT(S) _____
CAEZ PLANET
PRESENT USE OF PROPERTY: CDV Dealership well done - construction @ yahoo.com
METHOD OF SEWAGE DISPOSAL: _____
WATER SUPPLY: existing
OTHER PERSONS (IF ANY) TO BE MAILED NOTICES REGARDING THIS APPLICATION:
Shoolehu 19120 S.E. McLoughlin Blv. — owner

NAME ADDRESS ZIP RELATIONSHIP

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge

OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

OWNER'S NAME (Print)

APPLICANT'S NAME (Print)

• SUPPLEMENTAL QUESTIONS •

Describe your proposed development. Identify the number of people associated with the use (employees, students, congregation members, clients, etc.); days and hours of operation; building materials, including type and color, unless no new buildings or modifications of existing buildings are proposed; and buildings, vehicles, equipment and materials associated with the use:

General Contractor - Landscaping workers

Identify where in the GMC the use is listed as a conditional use in the underlying zoning district or explain why the use may be authorized pursuant to GMC Chapter 17.74 (authorization of similar uses).

Explain why the use is suitable for the proposed site, considering size, shape, location, topography, existence of improvements and natural features.

existing

Explain why the use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Explain why the use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying zoning district.

Explain how the proposed use satisfies the policies of the Comprehensive Plan that apply to it.

We do the existing

(Use additional sheets to answer questions if necessary)

