

GLADSTONE PLANNING COMMISSION MEETING MINUTES of May 19, 2020

Meeting was called to order at approximately 6:30 P.M. (via Zoom)

ROLL CALL:

Chair Michael Milch, Commissioner Andriel Langston, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, Commissioner Patrick Smith, Commissioner Darren Williams (joined the meeting at approximately 6:39 P.M.), Commissioner Les Poole (joined the meeting at approximately 7:08 P.M.)

ABSENT:

None

STAFF:

Tami Bannick, City Recorder; Joy Fields, Senior Planner; David Doughman, City Attorney

CONSENT AGENDA:

1. Approval of February 18, 2020 Meeting Minutes

Commissioner Patrick Smith asked for clarification regarding comments from Chair Milch, page 1-7, second sentence where he said he hopes in the future the conversations could be a little more regulated from the Chair and a little less free form. Chair Milch said he would like to be able to call on members to speak one at a time on various issues and take a little more leadership of the meeting than what happened the last time. He would like everyone to be able to participate but especially with this plat form it might be helpful to call on people individually and only have one person speak.

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

REGULAR AGENDA:

2. Monthly Planning Reports – February, March, and April 2020:

Ms. Fields went over the planning reports. In February there were 10 contacts with customers over the counter, 66 emails/phone call contacts, 4 building permits with land use reviews, and 1 administrative decision. There was a public hearing held by the Planning Commission on proposed code amendments and they made a recommendation to City Council who then heard the proposed amendments in March. The administrative permit pertained to the Gladstone Civic Center signs and they were approved. The building permits that were reviewed included a car port cover, a patio cover, replacement of rafters, and an installation of a bathroom, and commercial tenant improvements that included the removal of balcony and a reroofing.

In March they continued to have customer contacts at the counter while the lobby was still open, 62 emails/phone calls, 11 building permits with land use reviews, and 1 administrative decision. In April the lobby was closed to the public. There were 3 building permits with land use reviews. The public hearing that had been scheduled for March had to be rescheduled to this meeting. The proposed code amendments were heard by City Council and they adopted them as recommended by the Planning Commission on March 10th. The administrative permits that Planning staff reviewed included New Life Church signs. Building permits included replacement of siding, solar system at the new Civic Center, heat pump, remodeling, repair to fire damage, wall/fence, and certificate of occupancy for the new Civic Center.

Commissioner Natalie Smith said she appreciates that they list out what the administrative decisions are for.

Commissioner de AElfweald made a motion to approve the February, March, and April Planning Reports. Motion was seconded by Commissioner Langston. Motion passed unanimously.

BUSINESS FROM THE PUBLIC:

None.

Chair Milch said a few words regarding the role of the Planning Commission and the process pertaining to public hearings. He said their role is to conduct public hearings and to make decisions about land use matters in Gladstone. In making those decisions they must apply the law as enumerated in the City's Land Use Regulations, which include the Gladstone Comprehensive Plan and Title 17, Zoning and Development, of the Gladstone Municipal Code. The Commission cannot vary from or change that law. State law provides that applications must be judged based on the law that existed when the application is filed. Members of the Planning Commission are to be unbiased. Before the start of the hearing on each item he will ask the members of the Planning Commission if they have any potential conflicts such as family, financial or business relationship with any of the applicants or with regard to the land in question. If such a potential conflict exists he will ask whether the Commissioner in question believes he/she is without actual bias or whether he/she would like to step down from the Planning Commission during the hearing. He will also ask if any of the Commissioners have discussed the application in question with any of the parties or have independent knowledge of relevant facts such as from a visit to the site in question. If any of the Commissioners have had such contacts he will ask them to disclose the substance of that contact. If a Commissioner has independent knowledge of relevant facts he will ask them to summarize those facts. During the testimony a witness may challenge the impartiality of a Commissioner and may rebut the substance of a Commissioner's knowledge of the facts. The Commissioner in question may respond to such a challenge. Copies of the agenda for tonight's hearing and staff reports are available online. He went over the procedures followed during the hearings and the decision process. A decision may be made by the Planning Commission at the close of the hearing or the public hearing or Commission deliberations may be continued to a time and date certain. If the hearing or deliberations are continued to a specific date and time this will be the only notice of that date which you will receive. Regardless of whether the hearing is continued or the record is held open for any other reason State law provides that they must hold open the record for at least seven days after it is closed to all other parties to allow the applicant to submit final written arguments in support of an application unless the applicant waives that right. They must also comply with State law that requires the City to make a final decision, including all appeals, within 120 days after the Planning staff found the application was complete, unless an applicant waives that right. Except in cases where the Commission is making a recommendation to the City Council the Commission's decision will be the City's final decision in this matter unless it is appealed to the City Council. An appeal must be filed within 15 days and in accordance with Chapter 17.92 of the Gladstone Municipal Code. Failure by the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the Commission to respond to the issue will preclude an action for damages in Circuit Court.

- 3. Public Hearing: File Z0018-20-D – Remodeling existing 1,838 sq. ft. building to meet code, ADA requirements and change exterior. Proposal includes site development with the addition of a trash enclosure, bottle storage room, new fuel tanks and increased paving for vehicular circulation and parking. 810 E. Arlington, Peter Kappertz:**

Ms. Fields shared a Power Point presentation pertaining to the project. The applicant informed her today that the fuel tanks will remain as is and are not being replaced. The existing fence will be removed and the pavement will come out to include parking spaces. The site is approximately ½ acre in size and is zoned General Commercial. Vehicle service stations such as this are an allowed use in that zoning district. The properties around it are also zoned commercial so there is no screening requirement for residential properties because it does not abut any residentially zoned properties. Public notice was sent to the applicant, the owner of the subject property is located within 250 feet of the subject property. It was also sent to the City of Gladstone, Public Works Department, Gladstone Fire, Gladstone Police, Engineering, WES (provides storm sewer services), and Tri-City (provides additional water/sewage services). Comments have been received from Public Works, Fire, and WES/Tri-City. The comments from Public Works were incorporated into the special conditions and all of the comments were included in the staff report. The siding of the building meets standards. The use is compatible with surrounding uses, including the adjacent car wash. The mechanical equipment on top of the building is proposed to be shielded by the white walls at the top. She said the Commission needs to consider the design of the building with the exterior materials that are being proposed because it is only allowed if they explicitly approve it (the Gladstone Municipal Code does not allow the use of metal siding unless explicitly allowed by approval from the Planning Commission). The applicant proposes to use a mixture of materials, some of which includes ribbed metal sheeting. This is the third revision of the site plan – it was revised on March 17th to remove two parking spaces and increase the width of the landscaping between the parking spaces and the property boundaries. Section 17.46.020 requires that permits for design review include a ten foot landscaped area between parking areas and the property lines so the plans were revised. That section also requires that 15% of the site shall be landscaped and with the removal of the two parking spaces the amount of landscaping increased to 6,810 sq. ft., which is approximately 26% of the site. There will be plants (shrubs and trees) that will create a visual barrier between the parking and adjacent businesses, as well as parking in the street. The proposal also includes a sign on the building. The free-standing sign and the signs on the fuel canopies were approved through sign permits in December. The addition of the on-building sign is in line with the dimensional standards for signs in the Gladstone Municipal Code. Planning staff is recommending approval of the proposed design review project with five standard conditions and twelve special conditions of approval. The special conditions of approval include lighting to make sure the light from the project does not spill over into adjacent properties. There are too many parking space proposed on the site. The revised site plan, as of March 17th, shows a total of 14 parking spaces, including 13 around the edge and 1 handicapped parking space. The GMC, Section 17.48 allows the Planning Commission to grant an exception to parking standards as long as it does not exceed 25% of the standards. The maximum number of parking spots allowed would be 11, so the 25% increase that could be met through an exception to the standards would bring it up to 14. In the revised site plan that was provided this morning the applicant modified the location of the handicap-accessible parking space and removed two parking spaces – so that makes a total of 12 parking spaces, which is still 1 above the maximum number allowed without an exception granted by the Commission. The Public Works Department made comments regarding water, sanitary sewer, right-of-way, and sidewalks. The final construction plans will be reviewed and will have to be approved per special condition #10. If there any changes to the plan that impact the landscaping or parking/access that would bring it out of compliance with the special conditions the Commission provides or the approval then they will have to go through design review again and the Commission will see the plans.

Commissioner Patrick Smith asked if there was a specific structural reason that metal siding is being used.

Ms. Fields said the applicant can respond to that question.

Commissioner de AElfweald pointed out an error in the last paragraph of page 3-12 pertaining to the total number of parking spaces, but the plans have since been revised.

Chair Milch asked the Commissioners if they want to declare any potential conflict of interest, ex parte contacts, or independent knowledge of relevant facts regarding this project. None did. Commissioners Langston, Natalie Smith, Poole, Williams, Patrick Smith, and Chair Milch have visited the site. Commissioner de AElfweald had not visited the site.

APPLICANT TESTIMONY:

Peter Kappertz, with Petroleum Designs, said the existing building was once a service station so it is a non-combustible sheet metal building that was previously remodeled. The existing exterior is flat sheet metal panels and the owner wanted to give it a more modern look. There is no structural value to the proposed ribbed metal panels; it's simply for aesthetics. The parking spaces are primarily for employees and customers. The owners decided not to replace the existing underground tanks since they are double-wall fiberglass, but they will be replacing the underground piping and upgrading the dispensers so they will have double-wall piping and dispensers with containment sumps under each dispenser. They are requesting one additional parking stall above the maximum required and request approval of ribbed metal siding for this project. He asked what triggers the storm water requirement – Ms. Fields said the requirements are triggered by a certain amount of new impervious surface and the staff report mentions State requirements for storm drainage, but the GMC requires that the Public Works design standards are met. Commissioner Poole asked if there are specific DEQ requirements related to gas stations – Ms. Fields said it's usually triggered by a certain amount of impervious surface, but this is a small amount so the trigger is not met. Mr. Kappertz said since they do not meet that threshold he requested that the condition of approval for storm water management for the entire site is stricken from the condition of approval. Ms. Fields said the storm water/storm drainage was a note for his awareness – it was not included as a special condition. Commissioner Williams asked if the footprint of the parking area increased with the revised plan – Mr. Kappertz does not believe it did. Commissioner de AElfweald asked if there were any road alterations to the sidewalk going from the handicapped space to the front door to reduce traffic going through at a faster pace – Mr. Kappertz said they have only proposed paint striping as opposed to different material. Commissioner Williams asked if there will be a ramp there as well – Mr. Kappertz said there will be and that the entire sidewalk in front of the building is being replaced because it does not meet the minimum width requirement. Commissioner Natalie Smith asked if there were any other styles/types of siding that the owner considered – Mr. Kappertz said they specifically wanted a box rib siding because he likes the appearance of it. He went over the pattern/color scheme.

PUBLIC TESTIMONY:

None.

Commissioner Patrick Smith asked if they needed to deal with the two revisions (parking spaces and the acceptance of the metal siding) prior to making a decision on the existing proposal. Ms. Fields shared her proposed motions.

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

Chair Milch asked if any member of the audience wished to challenge the right of any Commission member to make a ruling on this matter – none did.

Commissioner Patrick Smith made a motion to amend design review Z0018-20-D to reduce the number of parking spaces from 14 to 12 to include the handicapped space knowing that that is one above the maximum limit. Motion was seconded by Commissioner Williams. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Commissioner Langston made a motion to approve design review Z0018-20-D to approve the building material proposed on this project. Motion was seconded by Commissioner Poole. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Commissioner de AElfweald made a motion to approve design review Z0018-20-D with approval of the building materials and exception to the parking standards to allow a total of 12 parking spaces and conditions pursuant to staff recommendations. 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 Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Chair Milch said he appreciates that staff and the applicant could work together to come to a satisfactory conclusion on issues like this.

4. **Public Hearing: File Z0071-20-C. Convert existing 27,000 sq. ft. building to provide 48 residential units that will be a mix of single-room occupancy (SRO) and studios, for older adults as well as space for third party supportive services. Proposal includes site maintenance with the removal of some accessory structures and repairing the parking area. 18000 Webster Road, Housing Authority of Clackamas County:**

Ms. Fields said this is a two part application. Both parts are tied to the property located at 18000 Webster Road. The entire proposal is to convert the existing 27,000 sq. ft. building to provide a mix of meeting rooms, residential units, and kitchen space. The property is zoned R-7.2, it is a single-family residential zone that is approximately 2.2 acres in size. There were no environmental overlays found on this location. There are churches on two sides of the site, a water tower, and a road of single-family residences to the north of the site. Public notice was sent out to the property owner, the applicant, the property owners located within 250 feet of the subject property, the City of Gladstone, Public Works Department, Gladstone Fire, Gladstone Police, Engineering and WES/Tri-City. Comments were received from Public Works, Fire, and the Metropolitan Alliance for Common Good and were incorporated into the Planning Commission packet. They also received comments from a neighbor who provided testimony for tonight's meeting. The first part of the application is to consider an authorization of similar use. The reason is that the zoning district R-7.2 allows homes for the aged but does not allow senior housing centers. Because it is explicitly allowed in a different use and not identified in the section of the GMC that applies to the R-7.2 zoning district the Planning Commission has to authorize whether or not the proposal best fits the home for the aged, the senior housing center, or multi-family housing. If they determine that it best fits the description and requirements of home for the aged then they will move forward with the second piece of the application, which is a conditional use application for the remodeling and change of use. The existing structure was originally built as a nursing home. It was then used as a rehab center for teenagers. This proposal is changing the use to be for people over the age of 55 who are infirm. Because the use is changing they are not able to use the previously approved

conditional use that was allowed for the previous use. She fixed a typo in the last bullet in the PDF that was originally submitted to the website.

Mr. Doughman said it made sense to him that the Commission first look at the similar use issue based on the various definitions that are in the code and proceed from there.

Chair Milch made a motion to approve authorization of similar use pursuant to the staff recommendation. Motion was seconded by Commissioner Natalie Smith.

Discussion: Commissioner de AElfweald said (in reference to the table in the staff report, bottom of page 4-10) it was his understanding that they would not be furnishing the food or personal services and the individuals would be age 55+ so it seems that it would fit into “multi-family housing”.

Mr. Doughman said the Commission should discuss this now, but also allow for public testimony, including the applicant testimony, before they make a final decision on how they are going to interpret this.

Commissioner Natalie Smith said the Housing Authority is trying a new concept in order to provide housing for low income people. She is surprised at what the area is zoned for but they are allowed to make special accommodations.

Chair Milch said that it is “similar use” and not “identical use” so the preponderance of the conditions as the staff report and applicant’s report have both indicated seem to think that “home for the aged” is the appropriate category for this proposal.

Commissioner Poole said that “multi-family” doesn’t have an age limit.

Ms. Fields said the applicant provided the definition of “home for the aged” from the Oregon Revised Statutes in 1990 – “a facility which furnished food, shelter, and personal services for compensation to three or more aged persons who are residents thereof and excludes such persons who require nursing care”. The “aged person” was defined as “a person of the age of 65 years or more who requires personal services or a person less than 65 years who, by reasons of infirmity, requires care”. The applicant proposes that the age limit of 55 with the reason of infirmity being that the people they serve are often suffering from addiction/mental health/physical issues causes that to be meeting the definition of the “home for the aged” or those served by a “home for the aged”.

Commissioner Patrick Smith said if they are going to have common feeding areas and common social interactivity and it’s not just an apartment house for older people then there may be a rush on this that may not be prudent at this point due to what’s been happening in the world recently. Commissioner de AElfweald said he feels this fits into the “multi-family” category the best.

APPLICANT TESTIMONY:

Debbie Cleek, Land Use Planner from The Bookin Group, (representing HACC) said they had to work with some old code definitions that don’t really match the reality of how things work in care facilities now. There is a huge need to provide housing in Clackamas County. They were told that they needed to show that their facility was going to be different than the senior housing facility, which specifically said it was for age 65 and older. “Home for aged” said you could have age 65 and older plus people that were defined as “infirm” so they decided to drop the age to 55 and older. She said their services are much more wrapped around the residents of the facility so there will be

supervision, accountability of people coming and going, personal services provided (healthcare workers, nutritionists, life care skills, etc.), which is different than a typical apartment building. They have to be “a home for the aged” in order to be considered a conditional use in the zone they are in. She said the facility was originally built as a nursing home and the most recent use was for adolescents who had drug and behavioral problems. The last time the Planning Commission went through this exercise to make the determination of whether it was a similar use they determined that adolescents were similar to a nursing home. These are individual units - studio apartments for individuals. There will be two staff members on site 24/7 keeping track of the coming and going of residents, keeping the peace, observing smoking rules, etc.

Stephen McMurtrey, Director of Housing Development with the Housing Authority of Clackamas County, said their mission is to provide opportunities and to help lift people out of trying times. This was an opportunity for them to provide independent living for folks and allow them to live in dignity and help get themselves back on track. Units would be deeply affordable at 30% or less of area median income. Case management services such as eviction prevention issues, drug/alcohol counseling, food insecurity, etc. would be available to residents.

Commissioner de AElfweald said it sounds similar in scope to the River Glen Apartments because it's targeting the same type of usage, same type of care, and the same type of services.

Mr. McMurtrey said the River Glen Apartments don't have those services within the building and a 24/7 type of setting. Commissioner Natalie Smith asked if this was the first time they have proposed a living vision like this – Mr. McMurtrey said this is the first time they have proposed this type of development. It is 48 units – 12 of which would serve permanent supportive housing and the rest of the units would be served by site-based rental assistance. He said this type of facility has been done throughout the region and country many times before. All units under the low income housing tax credit program must be at 60% or less of area median income and those that qualify then sign a lease and they can stay indefinitely if they so choose. Some people can transition on at some point.

Commissioner Poole said there are a lot of gray areas as to what is going to be going on at this facility and what the reality will be. Mr. Doughman said before they get into the discussions regarding similar use and if it qualifies for conditional use approval they need to see if the applicant has any additional testimony and take any public testimony.

Chair Milch asked the Commissioners if they wanted to declare any potential conflict of interest, ex parte contacts, or independent knowledge of relevant facts regarding this project. Commissioner Langston believed he may have a potential conflict of interest because he has a working relationship with Carleton Hart (Architect) and his organization has provided input on some of the project planning so he recused himself from the hearing. Chair Milch said he had seen a post on social media in December that said the building was going to be leveled for the purpose of new construction. None of the other Commissioners did. Commissioners Natalie Smith, Poole, Patrick Smith, and Chair Milch have visited the site. Commissioner de AElfweald had not visited the site. Commissioner Williams has been past the facility.

Chair Milch asked if any member of the public wished to challenge the ability of any member of the Commission to hear this matter impartially. None did.

Ms. Fields said she wanted to get the decision regarding similar use out of the way before going into more details regarding the plans. She has received testimony from two individuals, but it seems to be more general testimony pertaining to conditional use.

PUBLIC TESTIMONY:

Ms. Fields read email testimony from Bruce Hildreth: “My name is Bruce Hildreth and I live at 7500 Ridgewood Drive. My wife and I are not currently opposed to the project and its use at this time. As close proximity neighbors we can see parts of the property and hear most loud activity. We are hoping that the County will abide by promises to keep the property well maintained and to monitor excess noise, especially during quiet hours of the evening. Since the County has bought the property in 2019 and conducted its first meeting with the public noise has not been a problem. However, the upkeep of the property has been next to nil with lack of suitable outdoor maintenance of the grounds. The property has random junk stored openly in the back, which has become an attractive nuisance. A small shed that has old paint cans which have been broken open and kicked about. There have also been many instances of vandalism to the property, which includes breaking and entering. All of these seemingly minor items do not bode well for a contiguous neighbor with decent people living in nice homes. We understand the process of permitting to begin development and the time it takes to approve but the County has an obligation to follow the ordinances of the City of Gladstone. Currently I believe this property is in violation on many counts and frankly should be reported. We are hoping that this letter of testimony will prompt the County to take a reasonable approach to clean up and maintain this property indefinitely beginning today. Respectfully, Bruce Hildreth.”

Ellen Burns said: “I am here in support of the conditional use application for 18000 Webster Road for the purpose of providing permanent supportive housing for very low-income seniors. I am a Registered Nurse with a Bachelor’s in Gerontology. The health and safety of older community members is a major concern of mine. Without a safe, stable place to call home, it’s nearly impossible to focus on basic health and medical needs. We know that housing is a key driver of health. This is especially true for our seniors, who are often dealing with chronic diseases and other complex health issues. Elders are particularly vulnerable to the high prices in the housing market because many rely solely on Social Security. If they have a savings account, they are getting minimal return on their resources. The added stress of insecure housing takes a toll on their physical, mental, and emotional health. Proposals like the Webster Road project are essential to addressing the critically needed supply of affordable housing. Gladstone has little availability of buildable land. Upgrading and using this empty building for housing one of our vulnerable populations solves two problems for Gladstone, by renovating a decaying building in the city and addressing Gladstone’s housing inequity. The location is well suited for elders with public transportation and walkability. Partnering with the Clackamas County Housing Authority for this project is a win/win for supportive housing. The Housing Authority has experience and expertise in providing supportive housing. The City of Gladstone is relieved of the financial burden of finding a solution for housing inequity on its own. I urge your support of the Webster Road application. Thank you.”

Chair Milch noted that there is a letter of support dated March 17th from Metropolitan Alliance for Common Good (MACG) included in the packet.

APPLICANT REBUTTAL:

Mr. McMurtrey said since they took possession of the property in 2019 they have done a tremendous amount of clean up, especially the grounds of that site. They have cleared a lot of the undergrowth. They have suffered a few break-ins. They have contracted evening/weekend security services. The Housing Authority is thrilled to be taking a building that is currently in disarray and bringing it up to be a beautiful new asset for the City of Gladstone, their own portfolio, and the people they will serve. They will double down on their efforts to clean up the site and to make sure they are removing the debris that may still be there.

Discussion: Commissioner de AElfweald said he likes the idea of providing the housing but his main concern is that we're not providing some of the services that are expected of the similar use. Ms. Fields explained they can only look at applications for things that are explicitly allowed in the R-7.2 zone. That zone allows homes for the aged as a conditional use application. The pre-application meeting between Melissa Ahrens and the applicant provided discussion that led the applicant to try to find a way to meet the home for the aged definition based on what the applicant was proposing with housing, residents that were age 55 and up, who were infirm, and who had extremely low incomes, it seemed the most applicable route to go. The way the project was described it did not seem similar to an apartment building (multi-family housing) because it has the protection services, wrap-around services, etc. – those are not often brought to the site of people's homes. Ms. Cleek said to use the similar use requirements in the zone they have to show that they are not similar to a use that's allowed in another zone. Multi-family housing is allowed outright in the MR zone. Senior housing is allowed outright in the business park zone. So they needed to provide information that shows that they were neither senior housing nor multi-family housing because those were both uses that were allowed outright in other zones. Multi-family housing is not allowed in the zone that this site is in (R-7.2). Commissioner Natalie Smith said this is very similar to when the building was used as a nursing home, which is providing care and services, and then the last tenants provided services and care to adolescents with behavioral/mental health issues. She is fine with it being considered similar use. Commissioner Poole agreed. He feels they can make the definition work.

Chair Milch made a motion that the Commission approve authorization of similar use pursuant to the staff recommendation. Motion was seconded by Commissioner Poole. Ms. Bannick took a roll call vote: Commissioner Natalie Smith – yes. Commissioner de AElfweald – no. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – abstained. Chair Milch – yes. Motion passed (4-1, one abstention and one recusal).

Ms. Fields went over the rest of the staff report. She said the GMC provides the Planning Commission with the authority to grant or deny a conditional use and it can be pursuant to the authorization of similar use that they just provided for this proposal. When they consider a proposal they are supposed to consider whether it is suitable for the proposed site considering the size, shape, location, topography, existence of improvements, and natural features. They are supposed to consider whether it is timely considering the adequacy of transportation systems, public facilities, and services existing or planned for the area that are effected by the use of the property for what is being proposed. The location size and functional characteristics of the proposal are such that it can be made reasonable compatible with and have minimal impact on livability and appropriate development of properties in the area and satisfies the policies of the Comprehensive Plan that apply to the proposed use. It also says that they can apply conditions to their granting or denial of a conditional use application.

She went over the renderings of the site modifications that were provided by the applicant. There were special conditions from Public Works and the Fire Department pertaining to the sanitary sewer system, storm sewer, sidewalks, etc. – all of them will require investigation. The proposal includes maintenance of the existing landscaping with the addition of a walkway and picnic area and removal of the basketball court. They propose adding a few parking spaces behind the site where there are currently accessory buildings that are in disrepair. They are proposing to repair and update the parking in the front. The special conditions include parking signage but the applicant did not provide a description of the signs they will have. She went over the site plans/visuals. The applicant pointed out the timeliness of the application – there is a housing crisis in Gladstone and Clackamas County and a need for additional affordable housing units that is documented in the

Housing Needs Analysis and the Regional Housing Needs Analysis. The Comprehensive Plan identifies goals that are in line with this application, including remodeling existing structures, preserving existing structures, adding additional housing to the supply, and protecting natural resources.

Nursing homes and homes for the aged is a conditional use allowed in this zoning district. With the authorization of similar use that the Planning Commission provided tonight this application can be considered in this zoning district. No changes are planned to expand the footprint of the structure. The dimensional standards for the zoning district are met.

Ms. Fields went over excerpts from the Comprehensive Plan pertaining to this application. Staff found that this is an appropriate use for the residential areas and the proposed use meets the needs of the Comprehensive Plan and the City.

Commissioner Williams said he has questions regarding age, curfews, etc.

There was discussion regarding whether to close the public hearing, continuing the discussion or holding it over to the next meeting. It was agreed to have Commissioners ask their questions now. Mr. McMurtrey said they anticipate that there may be some tenants that qualify or meet the criteria to live in this housing but it is not restricted to between age 55 and 64 – it is 55 and older. There are significant needs for those who are 65 and older for this type of housing.

Commissioner Patrick Smith asked who will ultimately be responsible for the property so that it's a valued member of the community. Mr. McMurtrey said the underlying ownership would remain with the Housing Authority of Clackamas County. He said they will maintain this building to a very high level – he said it's a requirement of the financial investment in it from the State and those providing low income tax credits. They want to be good neighbors and good shepherds of the housing they build. Commissioner Poole asked what guarantees they have that they aren't going to have maintenance issues – will there be a third party doing the actual property management? Mr. McMurtrey said they will have a third party management company working in conjunction with the Housing Authority staff, which may include their own maintenance staff, for the long term operation of this building. They are required to put money aside for things like maintenance of the building as well as landscaping.

Chair Milch said that it appeared that the Commissioners want to continue this matter and continue to hear testimony from the applicant, staff, and members of the community at a later date. The next normal meeting date would be Tuesday, June 16th. Commissioners were asked if they had their questions answered satisfactorily.

Commissioner Patrick Smith said he knows and respects both points from the people who testified earlier. He said that the Housing Authority can't be held responsible for criminal activity on the property, but you can be held responsible for not cleaning up paint cans. He wanted to be sure that that isn't going to happen – that the grounds will be maintained in the same standard as the rest of the community. Commissioner de AElfweald said they have required maintenance as a condition of approval in the past. Ms. Fields said they could add building and landscaping maintenance in perpetuity while HACC maintains ownership of the property.

Commissioners agreed to continue the hearing now.

Chair Milch asked Ms. Fields if there were any aspects of the conditions that raise any red flags for her. Ms. Fields said a couple of easements that are required to meet the City of Gladstone

requirements, verification that the water and sewer systems are in good use and that the fire suppression is adequate to meet the current requirements. She said she didn't see anything out of the ordinary.

Chair Milch asked if there were any other members of the public who wished to testify – there were none. He asked if the applicant felt the need to rebut any of the other comments made earlier – they did not.

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

Commissioner de AElfweald made a motion to approve Conditional Use Z0071-20-C with conditions modified during the public hearing and pursuant to staff recommendation. Motion was seconded by Commissioner Natalie Smith.

Discussion: Chair Milch asked if they needed any different kind of vote – Ms. Fields said this provides them with a section of a code that they are acting within. Section 17.94.060 (2H) of the GMC gives the Planning Commission the right to approve conditional land use applications.

Ms. Bannick took a roll call vote: Commissioner Langston – recused. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – abstained. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed (5 in favor, 1 recusal, 1 abstention).

Chair Milch said he is pleased that our city is going to be involved with a project that's this important. This Commission has stated in its own goals the importance of addressing the housing shortage in our community and some of them weren't sure how much the County was going to get involved in our city when they began to work on this issue. They didn't think they'd ever have an opportunity to be this much involved and make this significant a roll in what's happening. They are pleasantly surprised to be playing a part in this important work that HACC does. They are hopeful that HACC will live up to what they've told them tonight and this is something they can all be proud of and that will meet a real need in our community. He thanked the applicants for coming tonight. Commissioner Natalie Smith hopes they will allow the Planning Commissioners to take a tour of the new facility prior to opening.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE COMMISSION:

None.

ADJOURN:

Meeting adjourned at approximately 9:43 P.M.

Minutes approved by the Planning Commission this 19th day of June, 2020.



Michael Milch, Chair

