

GLADSTONE PLANNING COMMISSION MEETING MINUTES of July 21, 2020

Meeting was called to order at 6:32 P.M. (via Zoom)

ROLL CALL:

Chair Michael Milch, Commissioner Andriel Langston, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Patrick Smith, Commissioner Darren Williams

ABSENT:

None.

STAFF:

Tami Bannick, City Recorder; Joy Fields, Senior Planner; Jacque Betz, City Administrator; David Doughman, City Attorney; Councilor Mersereau, Council Liaison

CONSENT AGENDA:

1. Approval of June 16, 2020 Meeting Minutes

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

REGULAR AGENDA:

2. Monthly Planning Report – June 2020:

Ms. Fields went over the report. She said the Clackamas County lobby was closed to the public until June 22nd. They are finding that visitation to the counter is lower than it was prior to COVID-19, although they have had lots of emails and phone calls. They had 4 building permits with land use reviews (an interior remodel, shell building, new single-family residence, and revisions to a bonus room that had been approved in 2018). There was discussion regarding the bonus room revisions.

In the future they will be discussing potential amendments to the Gladstone Municipal Code (GMC) pertaining to file TXT-2020-02 and next month there will be a public hearing for a potential Comprehensive Plan and Zoning Map amendment/property line adjustment for the apartments at 18500 Webster Road.

Commissioner Langston made a motion to approve the June Planning Report. Motion was seconded by Commissioner Poole. Motion passed unanimously.

3. PUBLIC HEARING – File TXT-2020-02:

This is to consider amendments pertaining to: 1) parking requirements for the substitution of institutional or civic land uses in Gladstone Municipal Code Chapter 17.18, C-2 Zoning District; and 2) the addition of definitions for vacation rental and vacation occupancy in Gladstone Municipal Code Chapter 17.06, Definitions.

Ms. Fields said there was a public hearing back in February on proposed text amendments that would remove the off-street parking space and owner-occupancy requirement for Accessory Dwelling Units (ADUs) unless they were used as a vacation rental. In the R-7.2 and R-5 single-family residential districts in Gladstone there is no longer a requirement for an additional off-street

parking space or deed restriction unless an ADU is used as a vacation rental. They found that “vacation rental” is not defined in the GMC, so a proposed definition would be: “Vacation Rental” means a dwelling unit, or accessory dwelling unit, providing vacation occupancy. Ms. Fields went over the definitions of ADU and dwelling unit and the proposed definition of vacation occupancy. There was discussion regarding the period of authorized occupancy (45 days) – Mr. Doughman said the intent is that it would be consecutive or at least as it concerns a particular renter. Commissioner Patrick Smith asked what makes a basement unit an ADU. Ms. Fields said the additional smaller subordinate dwelling located within the primary dwelling - it relies on the definitions of ADU and the dwelling unit. If the ADU is to be used by a separate family and there isn’t internal access to the unit then it would be an ADU. There was discussion regarding what happens when a residence is sold, duplexes, size requirements, etc.

Chair Milch opened the public hearing.

Public Comments:

None.

Chair Milch closed the public hearing.

Ms. Fields gave background information regarding consideration for the parking standards for the C-2 zoning district. The City and County are working together to develop a new library that will be built on the site of the old City Hall (C-2). Because the prior and future use of the site are better described as institutional or civic rather than commercial it is not clear whether the County could rely on 17.18.070(1) to build the library without any additional off-street parking if the building was modified. The City Council supported the Planning Commission to consider the following text amendment:

- (1) Where one commercial use allowed outright is substituted for another in an existing building and the building is not expanded by more than ten percent (10%) of the floor area used for commercial purposes on January 1, 1980, no more off-street parking shall be required than was possessed by the previous commercial use. Where successive expansions of a building are proposed, the total area of all expansions shall not exceed the ten-percent (10%) standard.
- (2) If a community service facility or civic use allowed outright is substituted for another on the same property, whether in the same building or a new building, no more off-street parking shall be required than was possessed by the previous facility or use.
- (3) When an existing residence in the C-2 zoning district along Portland Avenue is converted to commercial or mixed use development, additional off-street parking shall not be required, subject to the following standards:
 - a) The new commercial use shall not exceed a “B” occupancy rating as described in the Oregon Structural Specialty Code or its successor and shall be identified in GMC Section 17.18.020(2), (5), or (8);
 - b) Signs shall be on-building and indirectly illuminated;
 - c) The use shall generate low traffic volumes and require minimal off-street parking; and;
 - d) Structures and landscaping shall retain a residential appearance.

Commissioner de AElfweald asked if the old library location is going to be used as parking for the new facility. Ms. Betz said they don’t know. She suspects that there are not going to be issues with continuing to use the existing parking that is there in addition to what’s being proposed tonight.

It is a goal of the City Council to discuss what they want to do with that property in January of 2021.

Ms. Fields showed a map of the C-2 zoning district. She went over the definition of “community service facility” that is in 17.18.020(9). Section 17.68 establishes the authorization for amendments and zone changes. Section 17.94.060 specifies that the Planning Commission shall hold a public hearing and make a recommendation to City Council. This proposed change touches on different goals within the Gladstone Comprehensive Plan (Transportation and Facilities and Services), as well as statewide planning goals and guidelines.

Commissioner Patrick Smith said he has never seen any off-street parking at City Hall. He asked if they are planning on building a new library without any off-street parking. Ms. Fields said it is unclear in the code and that is why they are discussing this now. She said it would appear that it would be required to have a significant number of off-street parking spaces but she doesn’t know that number – she guessed it would be approximately eleven. Chair Milch said the current code requirement is one space per 400 square feet, so a 6,000 square foot library would need to have 15 spaces and 1 space per 2 employees (there are typically 4 employees on staff) for a total of 17 off-street parking spaces.

Mr. Doughman said the City adopted an amendment to its Comprehensive Plan in 2018 that dealt specifically with downtown. The Downtown Revitalization Plan showed a belief that reducing off-street parking would enhance the goal of making downtown a more vibrant place that would draw in more visitors.

Chair Milch opened the public hearing.

Public Comments:

None.

Chair Milch closed the public hearing.

Discussion:

Chair Milch said the definition of vacation rental completes the amendments the Planning Commission did in February by giving them a legal definition within the code. Commissioner de AElfweald said he has a slight concern about seeing not being well defined just because they’ve been told in the past that if it’s not well defined then there’s no enforcement possible, but since the City attorney recommends keeping it this way he is okay doing that. Chair Milch asked if the period of authorized occupancy not exceeding 45 days definition mirrors the ORS 90.100 definition – Ms. Fields confirmed that it does. She said that the ORS is referenced elsewhere in the GMC but it is not spelled out and has created some uncertainty of what the City means by definition if it’s only defined by the ORS. She felt it was important to include the ORS that presented the definition and then provide that definition so there was no confusion in the future. Commissioner de AElfweald asked if another public hearing is necessary if the State updates their definition and we want to incorporate that – Ms. Fields said yes.

Commissioner Poole made a motion to approve the proposed changes to the Gladstone Municipal Code (GMC) Chapter 17.06 regarding vacation rentals and vacation occupancy, changes to definitions. 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.

Commissioner Langston made a motion to approve the proposed text change to the Gladstone Municipal Code Chapter (GMC) 17.18.070 to support the redevelopment of community service facilities and civic uses in the C-2 zoning district. Motion was seconded by Commissioner Natalie Smith.

Discussion: Commissioner de AElfweald said this code is not specific to the library and he wants to keep that in mind. They have to consider this as being used in the future on some other property. His concern is that as it reads now it would allow for a 200 square foot building to be replaced with a 10,000 square foot building without changing parking requirements. He thinks they need to make some condition on that because it's too lenient. Chair Milch said it would have to be one civic use replacing another civic use. Commissioner Poole said he had some of the same concerns and that it is too ambiguous. Mr. Doughman said it wasn't the intent to be able to substitute a commercial building with what was once a community service facility. He said they could strike "civic use" and say "substituted for another community facility on the same property". Commissioner de AElfweald would like to have some condition/limitation on size. Ms. Fields asked if they wanted to say "substitute for another commercial use" in item #1 – Chair Milch said that would make it more consistent and remove any ambiguity. Commissioner Williams asked what it would do to parking in the area if a future business had many more employees. Commissioner Poole is not comfortable that they don't have to add any parking or give any consideration for parking because it's a civic building. Chair Milch said that City employees used to park on Dartmouth, Portland Avenue, and Exeter. The new civic center has 36 parking spaces plus 10 off-street parking spaces directly adjacent on Dunaway. The Police Department has its own secured parking lot. He said they have dealt with part of the equation by moving a building that had no off-street parking to a facility that now has a great deal of off-street and on-street parking so they've gained a considerable amount of parking in the downtown area. The diagonal parking spaces adjacent to what will be the new library will not technically be on-site or off-street, but they will be close enough for people to use. The existing library parking lot would continue to be available – it wouldn't be on-site but it would be off-street parking in close proximity to the new library. Commissioner de AElfweald said based on the earlier comment they cannot make that assumption. His concern is the number of people who currently park at the library versus how many parking spaces they will have at the new library being less.

Ms. Fields asked for a consensus. Commissioner Williams said he still has concerns about parking. Commissioner Patrick Smith said most people who go to the library either walk or drive. He said this is a code issue and not a single building permit issue and it seems way too broad brushed to work long term. He said parking needs to be considered. Ms. Fields asked if they would like to request that staff discuss this one more time and bring back more information. Commissioner Williams agreed to that. Chair Milch had a concern that the way the amendment would be written would be to treat commercial and civic uses the same – he was pleased to see that Mr. Doughman had separated it out - minimized the change in the code to the smallest change that could be made that would address the issue we have and did not broaden it to make a more substantial change that would have a much greater impact on the community. As much as he understands the concerns about the overall parking situation in the downtown area, he is happy with the limits of this particular proposed amendment.

Commissioner Poole made a motion to table consideration for this amendment for some further consideration and finish this up at the next meeting.

There was discussion regarding public hearing/noticing procedures. Mr. Doughman said they might want to discuss size conditions/limitations. Commissioner Natalie Smith said she is on the same page as Commissioner de AElfweald. Commissioner Williams said his concern is not so

much the size of the building but its intended use and how many employees/customers there would be.

Motion was seconded by Commissioner Patrick Smith. Motion passed (5-2) (Commissioner Langston and Chair Milch voted no).

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE COMMISSION:

Commissioner Langston:

He said he has sold his home but they have procured another home in Gladstone so he will still be a resident of the City.

He said at the corner of Abernethy and Glen Echo on the trolley trail the entrance (south side) onto the walkway is a little off-centered and he has witnessed a couple of bicycle accidents from people hitting the curb because the ramp doesn't go directly to the path.

He has noticed a lot of people out and moving around now – and an increase in pet droppings. He hopes everyone will be responsible for their pets and clean up after them.

Commissioner Natalie Smith:

She asked, in regard Carz Planet - the old Tebo's site, if there is a mechanism that lets the Planning Commission know when an individual or company has responded/rectified whatever complaints/problems there were. Ms. Fields said she is supposed to get a final landscaping plan from them. Commissioner Smith said it has been several months and asked what their next step is to insure that they follow through with what they were supposed to do. Ms. Fields will send them an email and request they provide that and go from there.

Commissioner de AElfweald:

He apologized for his internet connection issues tonight because he missed quite a bit that was said over the last half-hour or so.

Commissioner Poole:

He said on Thursday Metro moved forward with the three-billion dollar transportation T-2020 bond measure so that's going to be on the ballot in November. He said there are some good projects in there, such as the trolley bridge and extending Highway 212 out toward 172nd. The outcome of that is certainly going to effect our future here. He asked that everyone get up to speed on what Metro will be putting on the ballot.

Commissioner Williams:

He apologized for arriving late to the meeting. He said it's nice to be talking and sharing his information and listening to others.

Commissioner Patrick Smith:

He thanked Ms. Betz and Ms. Fields for working hard to put on meetings. He had issues seeing the entire PowerPoint presentation screens and asked if printed versions could be included in their packets. He said in regard to the last meeting – he believes everyone felt it was moving a little more quickly than it ought to. He realizes that they have to play well with Clackamas County and Metro but he also thinks that if they come to a position where they are just doing what they tell them to do or recommend they do there's really

no need to have a Planning Commission and they aren't doing the citizens of Gladstone a service. He felt the conversation about parking tonight was good and he feels they will come out of it with something better than what they went into it with tonight.

Councilor Mersereau:

He said he can see that the Commission has a huge challenge and they worked hard tonight to try to make things right in their minds. He recommended that Chair Milch consider working hard to allow the rest of the Commissioners to share their ideas versus making his opinion over the others. Chair Milch said he would give consideration to that comment.

Chair Milch:

He thanked Mr. Doughman, Ms. Betz, and Ms. Bannick for being present and helping them tonight. He thanked Mr. Doughman for his hard in preparation for the meeting. Commissioner Natalie Smith thanked Ms. Fields for all of her work.

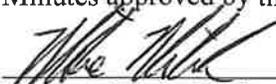
Chair Milch apologized if he got more involved than he should have. The issues they discussed are very important to him. He hopes everyone comes to the next meeting well prepared with questions and that they make sure he allows them to share their points of view and have a good, equitable discussion of these issues and act in the best interest of our City and community.

Commissioner Natalie Smith made a motion to adjourn the meeting. Motion was seconded by Commissioner Williams. Motion passed unanimously.

ADJOURN:

Meeting adjourned at approximately 8:48 P.M.

Minutes approved by the Planning Commission this 18th day of August, 2020.



Michael Milch, Chair