

GLADSTONE PLANNING COMMISSION MEETING MINUTES OF MAY 17, 2022

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

ROLL CALL:

Chair Natalie Smith, Commissioner Michael Milch, Commissioner Andrew Labonte, Commissioner Thomas Mersereau, Commissioner Jennifer Volbeda, Commissioner Andriel Langston, Commissioner Pat Smith

ABSENT:

None

STAFF:

Jacque Betz, City Administrator; Joy Fields, Senior Planner; Spencer Parsons, City Attorney; John Southgate, Consultant; Tami Bannick, City Recorder;

OATH OF OFFICE – COMMISSIONER PATRICK SMITH:

Ms. Bannick performed the oath of office for Commissioner Patrick Smith.

CONSENT AGENDA:

1. Approval of April 19, 2022 Meeting Minutes

Commissioner Langston said on page 1-3, fourth paragraph, it says Commissioner Langston asked about parking credit, then about clarifications regarding historical buildings – it was actually Commissioner Labonte who asked those questions. Ms. Bannick will make those corrections.

Commissioner Milch made a motion to approve the Consent Agenda. Motion was seconded by Commissioner Langston. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

REGULAR AGENDA:

2. MONTHLY PLANNING REPORT – APRIL 2022:

Ms. Fields went over the report.

In April they had one member of the public come to the customer service counter, responded to 68 phone calls/emails, reviewed eleven building permits that required land use review, no pre-application conferences, and held one administrative action (sign permit for Hollywood Beverage).

3. PUBLIC HEARING: FILE Z0024-22-D – WEBSTER RIDGE APARTMENTS – CONSTRUCTION OF 16 NEW PARKING GARAGES, 26 PARKING SPACES, AND 4,000 SQ. FT. OF LANDSCAPING WITH WALKING PATHS AND A PLAYGROUND – 18181 WEBSTER ROAD:

Chair Smith opened the public hearing.

She asked the members of the Planning Commission if they needed to declare any conflicts of interest – there were none. She asked if there were any ex parte contacts and if they had visited the site. There were no ex parte contacts. Commissioner Volbeda has driven by the site.

Commissioner Milch has driven through the site. Commissioner Langston has been to the site. Commissioner Pat Smith has driven through the site. Commissioner Labonte has driven through the site. Commissioner Mersereau has driven through the site. Chair Smith has driven around the site.

Chair Smith said because this is the initial evidentiary hearing State law grants any party the right to request a continuance of this hearing or ask that the record remain open after the hearing is closed. If you do not raise specific issues at the final evidentiary hearing or by the close of the record or fail to provide statements or evidence to allow the local government or its designee to respond to the issue, you will not be able to appeal the decision to the Land Use Board of Appeals based on that particular issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issues precludes an action for damages in Circuit Court.

Ms. Fields went over the staff report (included in the packet). The application was over 400 pages. The site has no known environmental overlays. In 2020 they went through a rezone application and property line adjustment application for 1.04 acres that was previously zoned low density residential and owned by the church to the north. This is a design review for the proposed garages, additional parking, and playground. She went over the map - the location is just above the Gladstone Nature Park, to the west and north of the existing apartment parking area. When the apartments were built they met the required amount of 1.5 parking spaces per unit – they want to expand that. The code does not have a maximum number of spaces for multi-family residential parking. The entire parcel is now zoned multi-family residential (a total of approximately 5.12 acres). Public noticing was sent to the City departments, WES, Clackamas Fire, and property owners within 250 feet of the property. The parking garages are an allowed use outright in the zoning district. The property meets the dimensional standards. The setbacks are met with the proposed additional development, as well as the existing development. The lot area meets the size requirements. The building height is met. The minimum vegetation requirement is 20% - there is a suggested special condition of approval about landscaping to insure that the previous 20% requirement, as well as the current 20% is met with the proposed development. The applicant provided additional documents this morning – she went over those (updated landscaping plan to include screening, design of the wall, etc.). She went over the special conditions for approval. Commissioner Milch asked for clarification regarding special condition #3 – if there are plans for a similar design on the west-facing wall. Ms. Fields said that would be up to the Planning Commission. There are currently trees and an open space as a buffer between the garages and the low-density residential development - that wall was not included because of those trees. Commissioner Langston asked about the elevation of the garages in relation to the neighbors.

APPLICANT TESTIMONY:

Bob Sanders, Creations Northwest (property owner), said they do plan to plant additional trees. They will provide their lighting plans. They have met the ADA requirements. The sidewalk on the south side (around building #2) will be connected to the new parking area. He went over some issues that will be worked out with Public Works.

PUBLIC TESTIMONY:

Nels Rurey – lives at 1105 Stonewood Court, which looks onto the property. He asked if there will be anything in addition to the arborvitae on the north side of the development – Mr. Sanders said there will also be a fence. Mr. Rurey has a concern regarding the proposed recreational area – that area currently has poisonous weeds/hemlock on it that needs to be sprayed in order to get rid of it.

Staff recommends approval with the special conditions of approval.

Commissioner Langston made a motion to close the public hearing. Motion was seconded by Commissioner Milch. Ms. Bannick took a role call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

The Public Hearing was closed.

Commissioner Milch made a motion to approve the design review application Z0024-22-D with the thirteen special conditions of approval provided by staff. Motion was seconded by Commissioner Mersereau. Ms. Bannick took a role call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

4. CONTINUED PUBLIC HEARING – FILE TXT-2022-01 – AMENDMENTS TO HOUSING IN CHAPTER 17 OF THE GLADSTONE MUNICIPAL CODE (GMC):

The proposed amendments are intended to bring the code into compliance with House Bill (HB) 2001.

(Chair Smith neglected to open the public hearing.)

Jon Pheanis, Project Manager with MIG, the consultant team assisting the City. He gave a presentation regarding recommendations. He gave a recap of the last meeting – they are looking at growth needs by creating more opportunities for housing choice. They are updating various chapters of the zoning code specifically to take on this need for housing choice, as well as meeting recent State rules for middle housing. They have involved the community, stakeholders, Planning Commission, and City Council in this process. Their goal is to adopt the changes to the code by June 30th, 2022. He gave a recap of what was discussed at the last meeting and went over the comments received from DLCD (included in the packet). He went over amendments that would be needed related to HB 4064/manufactured dwellings. He went over possible options/recommendations that were discussed at the last meeting.

Ms. Fields gave a presentation identifying more details and follow up items that were discussed at the last meeting – manufactured homes, sidewalks, and conditional uses.

Chair Smith asked if the setbacks would still apply to ADU's. Ms. Fields said currently there is a setback exception for accessory uses in the low-density residential zoning districts if they are 450 sq. ft. or less. The proposed amendments do not change that. So if it's an 800 sq. ft. ADU they would have to meet the setbacks. If they want to go smaller, then they could fall into that exception for the side or the rear, unless there's already a detached accessory structure using that exception. Commissioner Milch pointed out the difference between 82nd Avenue and 82nd Drive. He asked if sidewalks and pedestrian access are the same thing. Ms. Fields said not always – pedestrian access may be a raised platform, markings, etc.

Ms. Fields gave a presentation regarding options going forward. By June 30th, 2022 they have to make amendments to come into compliance with HB 2001. Primarily anywhere they allow a single-family home as an outright primary use they now have to allow middle housing as an outright primary use with just a building permit. However, that has some ramifications for the existing code.

She went over the requirements for sidewalks and possible options. There is not staff capacity in Public Works currently to manage a “fee in lieu of” program. Chair Smith asked which option would be closest to what other cities have. Ms. Fields said Clackamas County requires sidewalks - they have an exception if there’s not sidewalks within 200 feet and certain topographic issues are there - then there is a fee in lieu of option for single-family, duplex, and tri-plex. She believes that all the surrounding jurisdictions require sidewalks. Commissioner Pat Smith asked if these changes apply only to new construction or to conversions. Ms. Fields recommends that it only apply to new construction. Commissioner Milch asked if there is anything in the stormwater master plan that would identify areas where curbs to sidewalks would enhance the stormwater system or if that could be incorporated in an exception like this. Ms. Fields said she is not familiar with the stormwater master plan well enough to speak to that. Ms. Betz said that Public Works has reviewed the draft language.

Ms. Fields went over proposed amendments and options related to manufactured dwellings. Commissioner Milch and Ms. Fields went over the definition of manufactured dwelling. Ms. Fields said that sidewalks are not a requirement of HB 2001, but they would be impacted by the HB 2001 deadline of July 1st.

Commissioner Volbeda asked if they pursue the conditional use changes in the future what does that do now with the passing of HB 2001 with conditional use of single-family housing in the MR zone that automatically allows middle housing as it stands with no changes. Ms. Fields said HB 2001 does not require that we change our multi-family residential zoning district. Currently single-family housing is a conditional use of the MR zone. With HB 2001 we have to treat middle housing the same as we would a single-family. If you allow single-family homes outright as a permitted primary use, you would automatically have to allow middle housing.

There was further discussion regarding making a decision on sidewalks.

Commissioner Langston made a motion to close the public hearing. Motion was seconded by Commissioner Mersereau. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

DISCUSSION:

Everyone agreed to go with option B with the exceptions. Ms. Betz said if they want to carry this forward to City Council but need clarity on whether or not we should include language referencing the stormwater master plan, that would be a recommendation they could provide tonight. Everyone agreed. Commissioner Milch brought up the issue of accessory dwelling units that appears in both the R-5 and R-7.2 sections – he proposed that the minimum square footage be amended to 250 square feet rather than 400 square feet. He would also like language added to this same section with an exception for a basement conversion. He also wanted to discuss the language “an accessory dwelling unit shall not contain more than one bedroom” – he thinks a larger ADU could potentially have two bedrooms. Ms. Fields said we can’t require parking spaces for ADU’s. She isn’t sure why they would need a minimum size requirement. Commissioner Milch said there was discussion regarding “tiny homes” being used as ADU’s and that was where the minimum size came up.

Commissioner Milch made a motion to amend the Gladstone Municipal Code, Chapters 17.10.030 and 17.12.030, Accessory Uses Allowed, (5) (b) to change the minimum square footage requirement to 220 square feet and add language that allows a basement conversion to be exempt from the maximum square footage, so long as no additional square footage is added by the conversion, and

also amend (5) (c) to change one bedroom to two bedrooms. Motion was seconded by Commissioner Pat Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

Commissioner Milch made a motion that the Gladstone Planning Commission recommend that the City Council approve the draft amendments proposed for the Comprehensive Plan and Gladstone Municipal Code (GMC) as found in the Planning Commission packet and amended by the Planning Commission File TXT-2022-01. Motion was seconded by Commissioner Langston. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

Commissioner Langston made a motion to recommend the City Council review sidewalk design standard as written in the packet, sidewalk option B, with the exceptions and also determine if stormwater master plan language be considered in that proposal. Motion was seconded by Commissioner Volbeda. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Milch:

He spoke about the possibility of conflicts of interest in relation to legislative action that they take. All of the amendments they are making as a result of HB 2001 affect virtually all homeowners and even renters. Those who are homeowners could potentially benefit financially from being able to have the freedom to develop our property in ways they weren't able to do prior to this legislation. He said that every city will adopt language of this type and he hopes that with whatever benefits or negative impact it has on us economically that no one will come back and say they voted for this because you were going to do better or worse.

The City Attorney said in a legislative context the standard of conflicts of interest is much different than in the context of a quasi-judicial hearing, because when policy is being implemented there are always going to be certain beneficiaries of it.

Chair Smith:

She said the next meeting will be a work session. She asked if anyone wanted to make any additions to their 2022 work plan. No one did.

Ms. Betz said the Planning Commission has done an outstanding job on their work plan.

ADJOURN:

Commissioner Milch made a motion to adjourn the meeting. Motion was seconded by Commissioner Pat Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Chair Smith – yes. Motion passed with a unanimous vote.

Meeting adjourned at approximately 8:36 P.M.

Minutes approved by the Planning Commission this 19th day of July, 2022.



Natalie Smith, Chair