

GLADSTONE PLANNING COMMISSION MEETING MINUTES OF JUNE 20, 2023

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

ROLL CALL:

Chair Natalie Smith, Commissioner Andriel Langston, Commissioner Pat Smith, Commissioner Thomas Mersereau, Commissioner Andrew Labonte

ABSENT:

Commissioner Jennifer Volbeda, Commissioner Jacob Wease

STAFF:

Tami Bannick, City Recorder; Heather Austin, Senior Planner

CONSENT AGENDA:

1. APPROVAL OF APRIL 18, 2023 MEETING MINUTES:

Commissioner Pat Smith 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 Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Chair Smith – yes. Motion passed with a unanimous vote.

REGULAR AGENDA:

2. MONTHLY PLANNING REPORTS – APRIL & MAY 2023:

Ms. Austin said the reports are included in the packet. There were no questions.

3. PUBLIC HEARING: FILE DR-23-04 – DESIGN REVIEW FOR APPROVAL OF A 20,000 SQ. FT. UNENCLOSED CANOPY WITH ATTACHED LEAN-TO OVER AN EXISTING PAVED AREA USED FOR ANNUAL GATHERINGS OF THE OREGON CONFERENCE OF SEVENTH-DAY ADVENTISTS, 19800 OATFIELD ROAD, GLADSTONE PARK CONFERENCE CENTER:

Chair Smith opened the public hearing at 6:35 P.M.

She asked if there were any abstentions from the Commissioners – there were none. She asked if there were any conflicts of interest – there were none. She asked if there were any ex parte contacts – there were none.

Chair Smith said this is an item in which they will be receiving public testimony. If you testify you must raise all issues you wish to address at this hearing. If your issue is not raised at this hearing it cannot be raised later in any appeal. Your comments should state why the application should or should not be approved or include your proposed modifications you believe are necessary for approval according to the standards. Because this is the initial evidentiary hearing, State laws grant 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 any specific issues at the final evidentiary hearing or by 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 (LUBA) 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 issue precludes an action for damages in Circuit Court.

Ms. Austin went over the staff report/Power Point presentation. She explained where the canopy will be located. Nothing is being proposed to change regarding the site topography because the existing location of this cover is already paved. She shared a rendering of the project. The project site is zoned office/park and is 71 acres in size. There are no applicable environmental overlays, no floodplain habitat areas, or sensitive areas on the site. They sent public and agency notice out to everyone who is supposed to get it. They got a few agency comments back that are included in the staff report. She went over the uses that are permitted outright in this zone. The applicant provided a landscaping plan, which is included in the packet. The minimum standards are being met with this proposal. There are some conditions in addition to the standard conditions that are being recommended by staff. Even though the private stormwater system is on the site it does connect into the City's public stormwater system, so they would like to make sure that it is meeting the City's standards. She went over the transit stop improvement requirements for Oatfield Road. Staff recommends approval with the two additional special conditions.

APPLICANT TESTIMONY:

Aaron Clark from Lenity Architecture said they won't be giving a formal presentation but was available for any questions. He said this project was put together to alleviate the hassle of renting a canopy every year.

Commissioner Labonte asked to what extent the canopy can withstand heavy winds. Mr. Clark said the building is a pre-manufactured metal building, so they had consultations with structural engineers. Today they received the geo-technical report, so they are in the process of creating the structural foundation plans for the building permit, which will go along with the building drawings and details and those will be per the current Oregon Structural Specialty Code. There are no considerable landslide concerns on the project site area. Commissioner Langston asked if they were planning on having this completed in time for this year's event – the answer was no. He encouraged them to use good signage on the gate so people don't just walk into the construction site.

PUBLIC TESTIMONY:

None.

Commissioner Pat Smith made a motion to close the public hearing. Motion was seconded by Commissioner Langston. (No vote was taken).

Chair Smith closed the public hearing at 6:48 P.M.

Discussion:

Everyone agreed that the project is exciting for the community and their annual meeting in the case of inclement weather. Everyone agreed that the information provided was very thorough.

Commissioner Langston made a motion to approve Design Review 23-04 with the standard conditions and two special conditions of approval.. Motion was seconded by Commissioner Mersereau. Ms. Bannick took a roll call vote: Commissioner Mersereau – yes. Commissioner Pat Smith – yes. Commissioner Labonte – yes. Commissioner Langston – yes. Chair Smith – yes. Motion passed with a unanimous vote.

4. **PUBLIC HEARING: FILE DR-23-05, DESIGN REVIEW FOR CONSTRUCTION OF A NEW 6,528 SQ. FT. 2-STORY WONG'S BUILDING SUPPLY COMMERCIAL BUILDING FOR CABINET & STONE COUNTERTOP SHOWROOM AND DISPLAY AREA. THE EXISTING PIZZA HUT BUILDING WILL BE DEMOLISHED. A VARIANCE IS ALSO REQUESTED FOR THE LOCATION OF THE LOADING AREA; 19640 MCLOUGHLIN BLVD. :**

Chair Smith opened the public hearing at 6:50 P.M..

She asked if there were any abstentions, conflicts of interest, or ex parte contacts. There were none.

Chair Smith said this is an item in which they will be receiving public testimony. If you testify you must raise all issues you wish to address at this hearing. If your issue is not raised at this hearing it cannot be raised later in any appeal. Your comments should state why the application should or should not be approved or include your proposed modifications you believe are necessary for approval according to the standards. Because this is the initial evidentiary hearing, State laws grant 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 any specific issues at the final evidentiary hearing or by 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 (LUBA) 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 issue precludes an action for damages in Circuit Court.

Ms. Austin went over the staff report/Power Point presentation. The proposed project is an approximately 6,528 sq. ft. building, a portion of the building is two stories in height with some office space above a showroom area. It will be used as a cabinet and stone countertop showroom and display area. There's also a proposed minor exception to the code that the applicant put in a variance request, but the design review criteria also allows the Planning Commission to designate a minor exception from a standard, so whichever pathway the Planning Commission would like to look at that through, she has included findings for both the minor exception and for the variance in case one was preferable to the other. This pertains to the loading area in the rear of the property. She went over renderings of this. The applicant is proposing to keep the existing fencing along the property line so there is a separation between the site and residential property. The loading dock is not anticipated to be used outside of regular business hours. There is landscaping surrounding the parking area, including mature trees. A concrete walkway on the north side of the building that comes from the sidewalk on McLoughlin Blvd. connects to the ADA accessible parking spaces closest to the entrance to the building. The trash enclosure was shown to be screened. The site is zoned C-3, which is general commercial zoning along McLoughlin Blvd. Property size is just over ½ acre in size with no environmental overlays. The applicant, owner of the site, and agencies received public notice, as did all property owners within 200 feet of the site. They received comments from most agencies. The property is two tax lots. Landscaping is pretty much staying in the same locations – it changes a bit on the north side of the site to accommodate the ADA parking area. It gets a bit thicker to buffer the loading dock area. There will not be windows on the south side of the building, which faces the residential area. The entrances are covered for weather protection. It is up to the Planning Commission whether the metal paneling along the front of the building over the windows is permitted.

Staff recommends approval of the application with eight special conditions of approval. The first three are ODOT requirements. Finance raised the issue that there's an outstanding utility billing

on this site from previous ownership, but the City does have the ability to require that all past bills be paid to bring the site up to date. Storm drainage and construction plans are being requested by the Public Works Department and are standard. Fire access and water supply came from Clackamas County Fire and erosion control came from Water Environment Services.

Commissioner Pat Smith asked if tax lot 1200 is the closest to residential property – that is correct. He asked if the second story on the building is going to be in the back end of the building where it would be overlooking that residence – it doesn't have any windows along the south side. He asked if the residents of the Gloucester Apartments were notified – Ms. Austin said the property owner should have been notified, but not necessarily the individual residents.

Commissioner Labonte asked what street connects to the back of the building – deliveries would come in from McLoughlin Blvd., drive into the parking area, and back into the loading bay. He asked what the issue is with metal – the development code limits metal in design review in order to keep from having a lot of industrial looking buildings in commercial areas, but it states that the Planning Commission can say that it makes sense.

APPLICANT TESTIMONY:

Peter Kappertz, from Architecture Northwest P.C., and Carey Sheldon, Developer/Property Owner said they are excited to make it here. They explained that the metal is similar to architectural design of the dealerships and other buildings in the area. They wanted to clarify that this is not a two-story building by definition – it's a one-story building with a mezzanine. They said the building material is concrete block colored – not tilt up concrete. They pointed out that they do not have a loading dock – they have a ramp so that a truck can drive up to/into the building overhead door, so loading activities would occur within the building. The loading ramp is also providing a legal exit for egress from the building – they will have to make the ramp three feet wider in order to accommodate required egress. The three feet will be on the south side, but it's not part of the loading area – it's going to be segregated by a concrete curb.

They request that the past utility bill be limited to the period of time that the client has owned the property, which was November, 2021. They strenuously object to the full condition #4.

Ms. Austin said the full amount should have been satisfied prior to purchase of the property, but it was not. The City could work with the present owner. There was discussion regarding options. They said that the building has been vacant, so utility usage should be near zero.

Chair Smith asked who will be demolishing the building – it will be Sheldon Development. She is concerned since it is an older building. They said there is no asbestos or lead paint.

PUBLIC TESTIMONY:

Bree Marcoe said this is in her backyard. Her concern is the fence line – the current privacy fencing is “icky” and very old and provides almost no privacy. She asked if it will be freshened up with this project. She asked how the widening will effect the property line/fencing (tax lot 1200). Mr. Kappertz said that no property line is being moved/changed.. He said they hadn't planned on making improvements to the fencing, but if it isn't providing the necessary screening then they can upgrade it. More than likely they will replace all the fencing around the property and upgrade it. He usually goes door to door and asks for permission to rebuild the fence.

Ms. Austin said staff would recommend updating special condition #4 to add the statement “as determined with the Finance Director” so that allows the first step of talking with the City before needing to decide whether it goes to Council. She also recommends adding condition #9, prior to

certificate of occupancy the applicant shall install a new sight obscuring fence along at least the southern boundary from the building to the eastern property line. That would also address any issues related to allowing that five-foot reduction in the loading ramp to the property line – it would provide sight obscuring protection there as well.

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

Public Hearing was closed at 7:23 P.M.

Discussion:

Commissioner Langston said they need to figure out if they want to do the variance on the two items. He said without moving the building to the back it is the most feasible way out. The other Commissioners don't see a problem with that. The metal is pretty standard – everyone agreed. Everyone agreed that replacing the fence is a fair agreement. It was agreed to let the Finance Director handle #4.

Commissioner Langston made a motion to approve #DR-23-05 with the eight special conditions already presented, allowing an exception for the metal façade and proximity of loading ramp to the property line, adding a special condition for a new sight obscuring fence along at least the southern property line from the new building to the eastern end of the property, and adding the language of “as determined with the City Finance Director” to condition #4 for utility billing. Motion was seconded by Commissioner Pat Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Chair Smith – yes. Motion passed with a unanimous vote.

There was a five-minute recess. Meeting was reconvened at 7:37 P.M.

5. PUBLIC HEARING: FILE TXT-23-01 – GLADSTONE MUNICIPAL CODE AMENDMENTS TO CHAPTER 17.14 – MR – MULTI-HOUSEHOLD RESIDENTIAL DISTRICT:

Chair Smith said this is a legislative land use hearing. She went over the order of business.

Ms. Austin went over the Power Point presentation. This is a proposed code text amendment to the MR (Multi-Household) residential zoning districts. They discussed this in a work session in April. She met with Kelly Reid, our DLCDC representative, and discussed how Gladstone compares to other jurisdictions as far as densities in the higher density residential zoning district and got valuable feedback. They have updates to both what's permitted to do in the zone as well as to the dimensional and density standards. Currently you can do a duplex or a multi-family (condos, apartments, or a larger development) outright without having to come before the Planning Commission for design review, but there's a whole range of housing types in between duplex and multi-family that right now requires a conditional use permit, so it would have a review before the Planning Commission, including tri-plex, quad-plex, townhouses, ADU's, and cottage clusters. They would like to say “all middle housing” instead of “duplex”. She corrected the language from multi-family because now they are saying “multi-household” dwellings. To focus the MR zoning district on those higher density housing types they want to prohibit new single-household dwellings from being located in that zone. So anything that's already there can stay and doesn't become non-conforming and you can change/remodel/rebuild it because it is a permitted use in the current code.

They don't want to see a whole lot more subdividing of MR land into single-family detached because we have our 7.2 in R-5 available for that. They cleaned that up so it would be clear and objective how to review those household types and they looked at the dimensional standards. She went over what is currently in the code relating to dimensional standards and the changes they recommend. She went over the zoning map. Because they are changing that there can't be any new single-family residential in that zone they were required by State law to send notice to property owners in the zone (Measure 56 Notice). She had some nice phone conversations with people who own property in that zone – they agreed that it makes sense to not have single-family homes in this zone.

There was discussion regarding the zoning map.

The staff report submitted to DLCDC today has responses to Oregon Statewide Planning Goals, the Gladstone Municipal Code, Metro Functional Plan, and the Transportation Planning Rules so those all need to be addressed to be able to move forward a recommendation on a code text amendment, which is a Comprehensive Plan text amendment. Staff recommends that the Planning Commission recommend approval of the proposed text amendments to City Council for a public hearing at their meeting on July 11th.

PUBLIC TESTIMONY:

None.

Chair Smith asked if there were any abstentions or conflicts of interest. There were none. There has been no correspondence received.

Chair Smith closed the public hearing.

Discussion:

Ms. Austin said these are very much the industry standard for what they are seeing in higher density zoning. The maximum minimum was a bit high, so they are recommending that come down just a little bit. She has comparisons from local jurisdictions.

Commissioner Langston made a motion to approve TXT-23-01 MR Zoning District amendments as proposed. Motion was seconded by Commissioner Pat Smith. Ms. Bannick took a roll call vote: Commissioner Mersereau – yes. Commissioner Pat Smith – yes. Commissioner Labonte – yes. Commissioner Langston – yes. Chair Smith – yes. Motion passed with a unanimous vote.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Langston:

He said he really appreciates the staff – they do an amazing job and make this fun for the Commissioners.

Commissioner Mersereau:

He agreed with Commissioner Langston.

Commissioner Labonte:

He questioned if the Planning Commission packets were printed out by the City – that is correct. He asked if the larger formats are given to them by the developers – that is correct.

Commissioner Pat Smith:

He said he was listening to an MPR program recently regarding electronic vehicles. Currently there are 55,000 EV's registered in Oregon. Approximately 95% of the vehicles are charged at home. The professor on this program said that as electronic vehicles become more popular they are going to become more widespread and that buildings that rent to people are going to have to have the capability to charge an EV. The cities are going to have to get involved in public charging, either in lots or curbside. Ms. Austin said with the Climate Friendly and Equitable Communities rules that have just been adopted, one piece that was included was 40% of all new multi-family parking spaces have to be plumbed for EV's. That is something we could locally determine as a requirement in the development code. Chair Smith would like to see this topic included in their discussions with the City Council.

Chair Smith:

She said it's a pleasure to work with everyone – the staff is very supportive and she loves that all the Commissioners come to the meetings prepared so they are able to work through a lot of hearings and a lot of data.

ADJOURN:

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

Meeting was adjourned at approximately 7:54 P.M.

Minutes approved by the Planning Commission this 15th day of August, 2023.



Natalie Smith, Chair

