

**GLADSTONE CITY COUNCIL MEETING
AND WORK SESSION
CITY HALL COUNCIL CHAMBERS
July 26, 2016 – 5:00 PM**

5:00 p.m.
ROLL CALL

WORK SESSION AGENDA

1. Gladstone Urban Renewal Plan Update (5:00-5:45 pm)
2. Charter Amendment Proposal (5:45-6:45 pm)
3. Roles & Responsibilities of Council Liaisons, City Committees, Boards and Commissions (7:00-8:00 pm)
4. Public Works Vehicle/Equipment Replacement Policy – no attachments (8:00 pm)

ADJOURN FROM WORK SESSION TO REGULAR MEETING

CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

BUSINESS FROM THE AUDIENCE

Visitors: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the Assistant City Administrator two weeks prior to the Tuesday City Council meeting. Cards are available in the back of the room for anyone who wishes to comment.

5. Appointment to Downtown Revitalization Plan Committee (5 applications received)
6. Ordinance 1468 – Impose a 3% Tax on the Sale of Marijuana Items by Marijuana Retailers and Referring Ordinance to November 8, 2016 Ballot
7. Resolution 1086 – Referral to the Electors the Question of Imposing a 3% Tax on Sale of Marijuana Items by a Marijuana Retailing in the Event Marijuana Facilities are Allowed to Establish in the City

BUSINESS FROM THE AUDIENCE – This is the second opportunity for the Audience to address Council on any item not on the Agenda.

BUSINESS FROM THE COUNCIL

ADJOURN

WORK SESSION

MEMO

TO: Eric Swanson, City Manager, City of Gladstone

FROM: Elaine Howard and Scott Vanden Bos

RE: Urban Renewal Plan

DATE: June 28, 2016

The City of Gladstone has asked for an update on the Gladstone Urban Renewal Plan to provide information on how many acres can be added to the Urban Renewal Area (Area) and to incorporate all past amendments. In doing so a couple of potential issues have come to light.

First, there is the issue of the amount of acreage that can be added to the Area. According to ORS 457.220 (3), "No land equal to more than 20% of the total land area of the original plan shall be added to the urban renewal areas of plan by amendments." As seen in Table 1 the total amount of acreage added thus far is 26.265 acres. 20% of the original area is equal to 56.907 acres, and netting these two numbers leaves a potential 30.642 acres to be added to the Area while still remaining under 20% of the original acreage.

Table 1

Date	Acres added	New acreage		
Original Acreage	-	284.535	Original Acreage	284.535
Feb 8 2005	2.8	287.335	20% of Original	56.907
July 12 2005	2.28	289.615	Sum of Acres added	26.265
December 13 2005	1.585	291.2	Potential Acres to Add	30.642
October 10 2006	1.73	292.93		
March 13 2007	2.62	295.55		
April 10 2007	2.21	297.76		
May 8 2007	1.44	299.2		
June 9 2009	1.05	300.25		
October 12 2010	10.55	310.8		

Second, there are a couple of issues with past amendments.

1. The 16th Amendment (October 12, 2010, Resolution UR 44) was done by minor amendment, but added 10.55 acres, which is more than 1% of the original acreage as seen in Table 2. This means the 16th Amendment should have been a substantial amendment. This needs to be corrected, either the property removed from the URA or the amendment re-done as a substantial amendment.
2. The 16th Amendment also added the Gladstone Public Library as a project, but the amendment is missing a "serves and benefits" statement as required by ORS 457.085 (J), "For a project which includes a public building, an explanation of how the building

serves and benefits the urban renewal area.” This can be corrected by a minor amendment that establishes a serves and benefits statement.

Table 2

Date	Acres added	Percent of Original Acreage		
Feb 8 2005	2.8	0.98%	Original Acreage	284.535
July 12 2005	2.28	0.80%		
December 13 2005	1.585	0.56%		
October 10 2006	1.73	0.61%		
March 13 2007	2.62	0.92%		
April 10 2007	2.21	0.78%		
May 8 2007	1.44	0.51%		
June 9 2009	1.05	0.37%		
October 12 2010	10.55	3.71%		

3. There is a provision to have voter approval for any expenditure on public buildings over \$1M. This is just a reminder for the future expenditures of funds.

What is Urban Renewal?

Urban renewal is a financing program authorized under state law and implemented locally that allows for the concentrated use of property tax revenues to facilitate economic growth in certain designated areas of a city or county. These areas are called “blighted” by state statute and typically contain sections of a city which are underdeveloped and not contributing fully to the local economy. They can have buildings which are in need of renovation, property which should be developed or redeveloped, utilities and street systems in poor repair or needing upgrading.

The underpinning theory of urban renewal is that if these properties and the surrounding infrastructure are upgraded, they will contribute more substantially to the local economy and to the property taxes which support all of the taxing jurisdictions.

How is an Urban Renewal Program Started?

For an area to be designated as an urban renewal area, a city normally completes a feasibility study to determine appropriate boundaries and to analyze the financial feasibility of the area, including the impacts on the other taxing jurisdictions. Depending on the results of the feasibility study, and input from taxing jurisdictions and the public, the city will determine whether they want to proceed with the development of an urban renewal plan. Before a plan can be adopted by a City Council, the city must first establish an urban renewal agency. The urban renewal plan and the accompanying urban renewal report document the blighting conditions in the urban renewal area which qualify it for the use of urban renewal.

An urban renewal plan establishes an urban renewal boundary, goals and objectives for the area, and outlines projects and programs which will help to improve the conditions in the area. The plan also sets a limit on the amount of money which can be used to fund these projects and programs, called a “maximum indebtedness”. The urban renewal plan is accompanied by a technical report which contains the financial feasibility analysis and projects when funding will become available to pursue projects within the area. The urban renewal plan must be adopted by the City Council.

What is the Adoption Process for an Urban Renewal Plan?

The planning for urban renewal typically involves review and input from a citizen committee and city staff. An Urban Renewal Agency will direct the preparation of an urban renewal plan. Once a draft plan is prepared, it must be circulated to the impacted taxing jurisdictions for their review and comment. The plan must be presented to the Urban Renewal Agency, Planning Commission and to the City Council. Any action by the City Council must be by non-emergency ordinance, after a public hearing is held. Notice of the public hearing must be sent to each individual household in the city.

Non-emergency ordinances can be referred to voters within 30 days of adoption.

What types of Programs or Projects are Eligible under Urban Renewal?

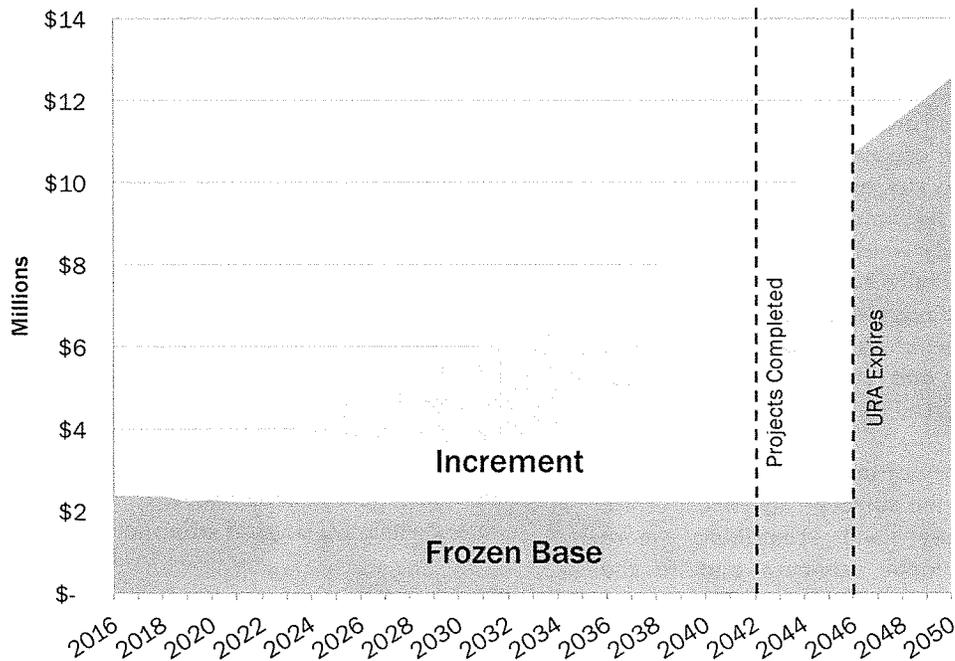
Urban renewal agencies can do certain projects or activities under an adopted urban renewal plan. These activities generally include

- Construction or improvement of public facilities including streets, utilities, parks and other public uses.
- Acquisition and improvement of property
- Participation with developers for property improvement, or the creation of jobs.
- Rehabilitation of existing buildings.

How are Urban Renewal Plans Financed?

Urban renewal is one of the few remaining tools for encouraging local economic development. It is unique in that it has its own funding source, tax increment financing. At the time an urban renewal plan is adopted, the county assessor calculates the total assessed value of the area and establishes this value as the “frozen base” for the area. Growth above the base is called the “increment”. Tax increment revenues are the property tax revenues generated off the increase in the assessed values over the frozen base (not including rates for General Obligation Bonds and Local Levies approved by voters after October, 2001). This concept is shown in the chart on the next page.

Urban Renewal and Tax Increment Financing



How Does Tax Increment Financing Affect Overlapping Taxing Districts?

Taxing jurisdictions gain revenues through the collection of property taxes. Property tax increases come through new development and the statutory limit of 3% increase in assessed values on existing real property. During the use of tax increment financing, the permanent rate property taxes on the **growth** in assessed value in the urban renewal area are allocated to the Urban Renewal Agency and not the taxing district. The taxing jurisdictions still are able to collect the property tax revenues from the assessed value of the frozen base, but increases in revenues are allocated to the Urban Renewal Agency for use within the urban renewal area. In many urban renewal areas, that growth from new investment would not have occurred but for the use of urban renewal which has stimulated the growth. Shared TIF as shown in the chart above refers to meeting thresholds as defined in ORS 457 where TIF revenues must be shared with overlapping taxing jurisdictions.

Once an urban renewal area is terminated, there generally will be an increase in property tax revenues to all taxing jurisdictions. This increase of property tax revenue is a result of the ability to

concentrate funding in a specific area, encouraging the area to develop properly.

How Does Tax Increment Financing Affect Property Tax Payers?

Most property tax payers will **not** see an increase in property taxes as a result of a new urban renewal area. If there is an increase, it is due to bond or local option levies which were adopted prior to October of 2001 and are still collecting revenues. There are very few local option levies still in existence that were issued prior to October 2001. These impacts are typically VERY small. However, once an urban renewal plan is adopted in an urban renewal area, tax payers within that area will see a line item on their property tax statements for urban renewal. This can be quite confusing because even if you are not physically located in the area, you will see an indication of the impact of urban renewal on your property tax bill. Your overall tax bill does not increase, but the allocation of revenues received from your payment is changed as a portion of that payment now goes to urban renewal. This is called "division of taxes" and is the administrative way that assessors must show the calculation of the tax increment revenue.

URBAN RENEWAL PLAN
GLADSTONE URBAN RENEWAL AREA
CITY OF GLADSTONE, OREGON

February, 2007
Revised July, 2016

ACKNOWLEDGEMENTS

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2016 Update: Elaine Howard Consulting, LLC

GLADSTONE URBAN RENEWAL PLAN

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Introduction

The Gladstone Urban Renewal Plan consists of Part One – Text and Part Two Exhibits. The Gladstone City Council acts as the Urban Renewal Agency of the City of Gladstone, Oregon.

This Plan has been prepared pursuant to Oregon Revised Statute (ORS) Chapter 457, the Oregon Constitution, and all applicable laws and ordinances of the State of Oregon and City of Gladstone respectively. All such applicable laws and ordinances are made a part of this Plan, whether expressly referred to in the text or not.

The Urban Renewal Area is a single geographic area with a single contiguous boundary in which a variety of activities and projects are contemplated to eliminate blight and the causes of blight and intended to create an environment in which the private sector may develop uses compatible with the purposes of this Plan.

This Urban Renewal Plan for the Gladstone Urban Renewal Area was originally approved by the City Council of the City of Gladstone on March 13, 1990 by Ordinance No. 1129.

The Plan has been amended since its initial adoption. A history of these Amendments appears below.

- | | |
|-----------------------|---|
| 1st <u>Amendment</u> | August 27, 1991, Added provisions for amending the plan and a latest date for issue of bond indebtedness of ten years following the adoption of the plan. |
| 2nd <u>Amendment</u> | September 10, 1991, adopted revised legal description to delete a few properties in North Clackamas County School District (Ordinance 1154) |
| 3rd <u>Amendment</u> | Selects Option One, establishes Maximum Indebtedness \$23,589,427. (Resolution 786) |
| 4th <u>Amendment</u> | June 9, 1998, Established maximum debt of \$23,589,427. (Ordinance 1260) |
| 5th <u>Amendment</u> | December 10, 2002, Added traffic and circulations improvements project along with water storage and distribution improvements project. (Resolution UR 13) |
| 6th <u>Amendment</u> | August 12 2003, Adding improvements to curb and sidewalk along Portland Avenue near E. Hereford Street (Resolution UR 16) |
| 7th <u>Amendment</u> | September 9, 2003, Adding E. Arlington Street improvements to the Urban Renewal Plan (Resolution UR 17) |
| 8th <u>Amendment</u> | November 9, 2004, A resolution amending the Urban Renewal Plan for the Gladstone Urban Renewal Area amending section I – amendments. (Resolution UR 20) |
| 9th <u>Amendment</u> | November 9, 2004, A resolution amending the Urban Renewal Plan for the Gladstone Urban Renewal Area deleting section L – duration. (Resolution UR 21) |
| 10th <u>Amendment</u> | January 11, 2005, Adding High School Track as a Joint Recreation Project (Resolution UR 22) |

- 11th Amendment February 8, 2005, Adding W. Gloucester Street, Portland Avenue to about Risley Avenue, to the Urban Renewal Plan Area, 2.8 acres, (Resolution UR 23)
- 12th Amendment July 12, 2005, Adding 2.28 Acres to Urban Renewal Plan Area: W. Gloucester Street, Risley Avenue to River Road; Oatfield Road, Kenmore Street North 720 Feet; Cason Road, Ohlson Road North 430 Feet, (Resolution UR 25)
- 13th Amendment December 13, 2005, Adding 1.585 Acres to Urban Renewal Plan Area, (Resolution UR 26)
- 14th Amendment October 10, 2006, Adding 1.73 Acres to Urban Renewal Area, Oatfield Road – Stone Oaks Court to Ridgeway Drive, (Resolution UR 29)
- 15th Amendment March 13, 2007, Added 2.62 acres to the urban renewal plan area, Portland Avenue, Gloucester Street to Berkeley Street, including fire staging. Added project:
Portland Avenue Improvements: Portland Avenue will be improved by providing curbs, sidewalks and paving to meet the City’s minor arterial standards, together with streetscape improvements to enhance the aesthetic and historic character of the area served by Portland Avenue. (Resolution UR 31)
- 16th Amendment April 10, 2007 Added 2.21 acres to the urban renewal plan area: River Road, Highway 99 East to Meldrum Bar Park Road.
- 17th Amendment May 8, 2007, Added 1.44 acres to the urban renewal plan area: River road, Meldrum Bar Road to Rinearson Road. Added Projects:
River Road Improvements: River Road will be improved by providing curbs, sidewalks, and paving to meet the needs of business, residential and recreational traffic and the city’s minor arterial standards.
Install a water line on River Road: This new water line will replace an aging and undersized line with a larger line to improve fire protection to a mixed business and residential neighborhood, including possible inter tie with Oak Lodge Water District facilities. (Resolution UR 33)
- 18th Amendment June 9, 2009, Added 1.05 acres to the urban renewal plan area: East Jersey Street, Portland Avenue to Harvard Avenue. Added Project:
East Jersey Street Improvements: East Jersey Street will be improved by replacing curbs, sub-grade and paving, making drainage improvements, and possible water line improvements, to meet the needs of businesses and residents. (Resolution UR 39)
- 19th Amendment October 12, 2010, Added 10.55 acres located north of the intersection of Oatfield Road and Webster Road to the urban renewal plan area. Added Project:
Gladstone Public Library: The project will provide an enhanced public library which will couple the area’s rich heritage with the most current technology to improve public facilities and services and upgrade the quality of life for area

residents. (Resolution UR 44)

20th Amendment

August, 2012 Conforms with Measure 3-394 and 3-395 voter approval of public building expenditure of \$1M or more - res in file not dated by Wade Byers nor dated for adoption

21st Amendment

August 13, 2013, Added Project:

Sanitary Sewer and Stormwater Improvements: Intent. The City of Gladstone is in the process of developing Sanitary Sewer and Stormwater Master Plans and has also identified several sanitary sewer problems within the Area. These problems are due in large part to the aging of the current facilities. It is the intent of the plan to address these sanitary sewer and stormwater deficiencies so as to serve existing development, to stimulate development of commercial and industrial development, and to increase property values.

Expected Activities and Improvements. The Urban Renewal Agency will participate in the planning, design, construction and improvements to sanitary sewer and stormwater facilities and utility systems in the Renewal Area. These projects include but are not limited to construction, reconstruction, repair, upgrading, and oversizing or replacement of sanitary sewer and stormwater facilities. Identified projects include but are not limited to:

Sanitary sewer maintenance and trenchless repair work: Improvements will be made to certain areas in the Renewal Area including portions of Portland Avenue, East Gloucester, East Fairfield, East Exeter, East Clarendon, East Berkeley and East Arlington Streets. (Resolution UR 49)

A. Definitions

The following definitions will govern the construction of this Plan unless the context otherwise requires.

"AREA" means the area included within the boundaries of the Gladstone Urban Renewal Area.

"CITY" means the City of Gladstone, Oregon.

"CITY COUNCIL" means the City Council of the City of Gladstone, Oregon.

"COMPREHENSIVE PLAN" means the City's Comprehensive Land Use Plan and its implementing ordinances, policies and development standards.

"COUNTY" means the County of Clackamas, State of Oregon.

"DISPLACED" person or business means any person or business that is required to relocate as a result of action by the Urban Renewal Agency to vacate a property for public use or purpose. The methods to be used for the temporary or permanent relocation of such persons living in and businesses situated in the Gladstone Urban Renewal Area shall be in accordance with State Law.

"DISPOSITION AND DEVELOPMENT AGREEMENT" means an agreement between the Urban Renewal Agency and a private developer which sets forth the terms and conditions under which will govern the disposition of land to a private developer.

"EXHIBIT" means an attachment, either narrative or map, to the Urban Renewal Plan for the Gladstone Urban Renewal Area, Part Two – Exhibits.

"OBJECTIVE" means any goal, general or specific, or objective described in Section D of this Plan.

"ORS" means Oregon Revised Statute (State Law) and specifically Chapter 457 thereof.

"PLAN" means the Urban Renewal Plan for the Gladstone Urban Renewal Area, Parts One and Two, as amended.

"PLANNING COMMISSION" means the Planning Commission of the City of Gladstone, Oregon.

"REDEVELOPER" means any individual or group acquiring property from the Urban Renewal Agency or receiving financial assistance for the physical improvement of privately or publicly held structures or land.

"STATE" means the State of Oregon.

"TEXT" means the Urban Renewal Plan for the Gladstone Urban Renewal Area, Part One – Text.

"URBAN RENEWAL AGENCY" means the Urban Renewal Agency of the City of Gladstone, Oregon.

"URBAN RENEWAL AREA" or "RENEWAL AREA" means the geographic area for which this Urban Renewal Plan has been approved. The boundary of the Renewal Area is described in Exhibits made a part of this Plan.

B. Boundary Description

The boundary of the renewal project area is shown in Exhibit 1, attached to this Plan. A legal description of the project boundary is included as Attachment "A" of this Plan.

C. Outline of Development

The renewal project area is characterized by vacant and underutilized light industrial and commercial land. Approximately one-third of the project area is vacant land, owned by the Oregon Conference of Seventh Day Adventists. The land is exempt from property tax and produces no revenue for the City of Gladstone. This land, recently rezoned for Office Park use, has excellent freeway access and represents Gladstone's most valuable potential resource for new commercial and light industrial development.

Activities in this Urban Renewal Plan will make transportation and circulation, water, sanitary sewer, and community facility improvements to allow development in the project area, and most especially, the Seventh Day Adventist site. Property acquisition for street right-of-way and other identified projects in the Plan may be required. No property rehabilitation or relocation activity is anticipated in this Plan. Development in the project area will be controlled by current City of Gladstone Zoning and Land Use regulations and any applicable provisions of this renewal Plan.

Major transportation and circulation improvements are anticipated in early stages of the project. These improvements are expected to result in development of the 82-acre Seventh Day Adventist property for intensive, multi-use commercial uses. The Seventh Day Adventist property is located in the Office Park Zone. The uses proposed for the development are permitted in this zone.

The provision of transportation and utility services, and improvements to the Gladstone Interchange of I-205 are expected to open the area up for further development and result in additional development of light industrial and commercial uses within the project area. While zoning in the area permits residential uses, no new residential development is contemplated.

D. Relationship to Local Objectives

The adopted goals and objectives for this renewal plan, and the project activities proposed herein, are consistent with the Objectives, Policies, and Implementation Strategies of the City of Gladstone's Comprehensive Plan and Capital Improvement Program Plan.

1. Renewal Project Background

The City of Gladstone is burdened by a relatively low total assessed valuation. Total assessed value in Gladstone declined in the 1988 tax year, and total values now are below 1984 levels. If unchecked, this stagnation and decline in Gladstone's assessed valuation will threaten basic community services. A major contributing factor in Gladstone's valuation problem is underutilization of its limited commercial and industrial land supply. Gladstone's most

important resource of vacant land for commercial and light industrial development is in the renewal project area.

The key commercial/industrial land resource in Gladstone is an 80-acre parcel of vacant land owned by the Oregon Conference of Seventh Day Adventists. The primary use made of this land is as a campground for the annual camp meeting of the Oregon Conference. The entire parcel is exempt from property taxation. The parcel was zoned Light Industrial in 1979, but despite that rezoning, and extensive marketing efforts by the Oregon Conference, no development has taken place.¹

Recent market research indicates the SDA property has excellent development potential, but exceptionally high off-site costs for transportation and circulation improvements, and potential development costs resulting from site conditions are likely to prevent the property from being sold and developed to its highest and best use. Gladstone's largest parcel of vacant land for commercial development thus lies fallow, producing no tax revenue for the City and other taxing bodies.

Gladstone policy documents recognize the need to better utilize its inventory of commercial and industrial land. The 1988 review of Gladstone's Comprehensive Plan noted that the percentage of developed commercial land in Gladstone was substantially lower than the average in cities of Gladstone's size and concluded that..."the 82nd/I-205 District is where Gladstone's future lies. Relatively uncommitted and vacant, this land base offers the greatest potential for the City's economic growth."

The Gladstone City Council acknowledged the need for City action in goals adopted early in 1988. The top two priorities among Council goals were:

- Provide a City strategy for development of the Seventh Day Adventist (SDA) property.
- Adopt an off-site development plan for the SDA site.

2. Renewal Project Goal

The overall goal of the project is to improve the quality of life and livability in the City of Gladstone. Improvements to the quality of life in Gladstone will require new investment in the community and major additions to Gladstone's base of property values. Project actions will be directed at increasing property values and enhancing Gladstone's livability.

3. Renewal Project Objectives

- Eliminate blighting conditions in the project area, including inadequate streets and traffic circulation patterns, substandard and obsolete buildings, and underutilized and unproductive land.

¹ In 1989, the City of Gladstone re-zoned a major portion of the Oregon Conference property to Office Park (OP). This action is intended to enhance the market potential for the property and to further the objectives of the Gladstone Renewal Plan.

- Make public improvements necessary to encourage new private investment in the project area.
- Ease Gladstone's tax burden by the addition of substantial new taxable values.
- Encourage development of the project area as a new commercial and employment base for the City of Gladstone.
- Encourage mixed use, high value, non-residential development in the area, such as proposed in the 1988 Market Study conducted for the Seventh Day Adventist property.
- Provide enhanced public facilities and services to upgrade the quality of life for Gladstone residents.
- Promote a high quality of design and development within the project area.
- Encourage citizen participation in the preparation and implementation of the urban renewal plan for the area.
- Encourage preservation and rehabilitation of existing residential and commercial properties in the project area.
- Mitigate traffic and other community impacts caused by new development in the project area.
- Encourage public utilization of, and access to, new developments in the project area.
- Provide community direction for development expected to occur within the Urban Renewal Area.

The activities to be undertaken under this Plan relate directly to these goals and objectives, and to the City of Gladstone's Comprehensive Plan policies.

E. Proposed Land Uses

1. Land Use Plan

The Land Use Plan consists of the Land Use (Comprehensive Plan) Plan Map (Exhibit 2) and the descriptive material and regulatory provisions contained in this section (both those directly stated and those included by reference). This Plan shall be in accordance with the approved Comprehensive Plan of the City of Gladstone and with its implementing ordinances and policies.

The use and development of land in the Renewal Area shall be in accordance with the regulations prescribed in the City's Comprehensive Plan, Zoning Ordinance, Design Review

Ordinance, Subdivision Ordinance, City Charter, or any other applicable local, state or federal laws regulating the use of property in the Urban Renewal Area.

Exhibits 2 and 3 respectively the "Land Use (Comprehensive Plan) Plan Map" and the "Zoning Map" describe the locations of the principal land use classifications which are applicable to the Renewal Area. These classifications are described below.

a. CITY OF GLADSTONE COMPREHENSIVE PLAN.

Low Density Residential-LDR Plan District: This district permits single-family and two-family dwellings, churches, schools, day-care centers, community centers, nursing homes, home occupations, and similar uses. The density permitted ranges from 6.0 units per acre for single-family uses, and 12 units per acre for two-family dwellings. Kraxburger Middle School, the SDA School, and a vacant parcel north of Cason Road are designated LDR within the Renewal Area.

General Commercial-CC Plan District: The Comprehensive Plan permits commercial retail, commercial service and office uses in the General Commercial District. The existing commercial districts on both sides of 82nd Drive west of I-205 and on the west side of 82nd Drive east of the Freeway are designated GC.

Industrial-I Plan District: This district permits light manufacturing, light industrial and distribution uses. Buffering between industrial and less intensive uses is required. The Seventh Day Adventist property and an area along 82nd Drive east of I-205 are designated I within the Renewal Area.

Open Space-OS Plan District: The Land Use Plan map designates natural resource areas, flood plains, wetlands, erodible slopes, unique areas, beaches, trails, and parks as open space. Within the Renewal Area, the area around Chautauqua Lake, High Rocks Park, Cross Park, City Park, and a small park at Clarendon Street and Oatfield Road are designated open space.

b. CITY OF GLADSTONE ZONING CLASSIFICATIONS.

Single Family Residential Zone R-7.2: This zone is used for single-family dwellings with a minimum lot size of 7200 square feet, and for two-family dwellings with a minimum lot size of 3600 square feet per dwelling unit. Multifamily dwellings, churches, community buildings, schools and group homes are permitted as conditional uses.

General Commercial Zone C-3: The C-3 zone permits a variety of general types of business and service establishments including retail trade, office, medical clinics, eating and drinking establishments, hotels or motels, auto sales, schools, community buildings, etc.

Light Industrial Zone LI: The LI zone permits a mix of employee-intensive industrial and office uses with associated services and all uses permitted in the C-3 zone. These uses can be located in relatively close proximity to residential and commercial districts.

Office Park District OP: The OP zone is intended to implement the policies of the Comprehensive Plan for Industrial areas, providing areas for high technology, and other clean, light industry research facilities, and office uses needing sites with high aesthetic standards. Permitted uses are research facilities, business, and professional offices, manufacturing and assembly (except primary processing of raw materials), and retail and service uses permitted outright in the C-2 zoning district.

Open Space Zone OS: The OS zone permits parks, playgrounds, picnic grounds, wildlife preserves, nature trails and bikeways and other similar uses.

2. Plan and Design Review

The City of Gladstone requires that except for single family-dwellings and duplexes in the R-7 and R-5 zones, building permits for new buildings or structures, major remodeling of existing buildings or structures, and sign permits be subject to Design Review. The Design Review ordinance contains standards and criteria for landscaping, building siting and design, pedestrian and vehicular circulation, surface water drainage, utility services, and signs.

The Urban Renewal Agency shall be notified of any building permit, conditional use or other development permits requested within the Area. Redevelopers, as defined in this Plan, shall comply with the Design Review ordinance and Redevelopers Obligations, Section G of this Plan.

F. Project Activities

In order to achieve the objectives of this Plan, the following activities will be undertaken on behalf of the City by the Urban Renewal Agency, in accordance with applicable federal, state, county, and city laws, policies, and procedures.

1. Traffic and Circulation Improvements

Intent. The City of Gladstone has little commercial/industrial development and a relatively high tax rate which may discourage commercial/industrial expansion. The primary opportunity for commercial/industrial development in the City is the Seventh Day Adventist property located within the Renewal Area. An assessment of the market potential for the property concluded that a mixed-use development containing retail shopping, office/business park, hotel and related office are the highest and best uses. In order to attract such a mixed-use development, traffic improvements will be required on local streets near the SDA site and within the site. Existing traffic levels at I-205, 82nd Drive are near capacity, and future traffic predicted without the mixed use development will require improvements to the I-205 interchange, 82nd Drive, Oatfield Road, Gloucester Street; and E. Arlington Street. These street improvements as well as several additional street and access improvements will be necessary to efficiently move future traffic if the SDA site is developed.

Expected Activities and Improvements. The Urban Renewal Agency will participate in the planning, design, and construction of streets, pedestrian facilities and other transportation systems, in order to improve access and circulation throughout the Area. Outlined below are

street and access improvement projects identified for a conceptual development plan for the SDA site.

The list of improvements is based upon serving development as projected in a 1988 market study of the SDA site. As the development program for the SDA site becomes more specific, these street improvements may be subject to further engineering study and revision. Further engineering study also will determine whether acquisition for rights-of-way will be required for street improvement activities.

- a.** REALIGN AND IMPROVE OATFIELD ROAD.
This street realignment and improvement is required to provide better access to the project area west of I-205, and better access to the SDA site.
- b.** CONSTRUCT A NEW ACCESS STREET THROUGH THE SDA SITE.
The street will be designed to carry all traffic generated by SDA site development. Right-of-way to accommodate sufficient travel lanes throughout the site should be provided.
- c.** IMPROVE WEBSTER ROAD.
Improvements and widening of Webster Road are required to accommodate increased traffic flows in the project area and to allow safe and efficient access to the SDA site.
- d.** INSTALL NEW TRAFFIC SIGNALS IN PROJECT AREA.
Traffic Signals will be installed as required for safe and efficient traffic movement through the project area. The exact placement of traffic signals will be determined by further traffic engineering study.
- e.** IMPROVE ACCESS RAMPS TO I-205, AND 82ND DRIVE OVERPASS OF I-205.
Access to and from I-205 must be improved to accommodate increased traffic flows. Improvements to the 82nd Drive overpass will be required to facilitate current and projected traffic flows.
- f.** IMPROVE 82ND DRIVE AND E. ARLINGTON STREET TO IMPROVE CIRCULATION AND ACCESS TO THE PROJECT AREA.
A series of improvements to 82nd Drive and E. Arlington Street, including possible realignment and widening, will be required to improve access to the project area and access to and from I-205.
- g.** RECONSTRUCT GLOUCESTER STREET.
Gloucester Street within the Renewal Area will be improved by providing curbs, sidewalk and paving to meet the City's collector street standards. Priority will be given to improving the area between Oatfield Road and Harvard Avenue.
- h.** *Curb and sidewalk improvements, Union Avenue, both sides between Clarendon and Berkeley streets.*
- i.** *Curb and sidewalk improvements, Columbia Avenue, both sides between Arlington Street and 82nd drive. (Except West side from First Street to 82nd Drive)*
- j.** *Curb and sidewalk improvements, Clackamas Boulevard, north side between Harvard and Cornell Avenues.*
- k.** *Curb and sidewalk improvements, Cornell Avenue, east side between Fairfield and Exeter Streets.*

- l.** *Curb and sidewalk improvements, Fairfield Street, north side between Cornell and Yale Avenues.*
- m.** *Curb and sidewalk improvements, Exeter Street, south side between Cornell and Yale Avenues.*
- n.** *Curb and sidewalk improvements, Harvard Avenue, east side between Gloucester and Exeter Streets.*
- o.** *Curb and sidewalk improvements, Yale Avenue, both sides between First Street and Clackamas Boulevard.*
- p.** *Curb and sidewalk improvements, Cason Road, both sides between where sidewalk ends to Ohlson Road.*
- q.** *Curb and sidewalk improvements, Princeton Avenue, both sides between Berkeley and Arlington Streets.*
- r.** *Curb and sidewalk improvements, Clarendon Street, both sides between Union Avenue and Stocker Park*
- s.** *Curb and sidewalk improvements, Cornell Avenue, west side between Clackamas Boulevard and First Street.*
- t.** *Curb improvements, Portland Avenue, east side between Gloucester and Jersey Streets.*
- u.** *Curb improvements, Portland Avenue, west side between Gloucester and Ipswich Streets.*
- v.** *Curb improvements, Arlington Street, north side between Princeton Avenue and road's end.*
- w.** *Curb improvements, Arlington Street, both sides between 82nd drive and Columbia Avenue.*
- x.** *Curb improvements, Clackamas Boulevard, south side between Harvard and Yale Avenues.*
- y.** *Sidewalk improvements, First Street, both sides between 82nd Drive and Cornell Avenue.*
- z.** *Sidewalk improvements, First Street, both sides between Yale and Harvard Avenues.*
- aa.** *Sidewalk improvements, Exeter Street, south side between 345 and Cornell Avenue.*
- bb.** *Sidewalk improvements, Exeter Street, north side between Yale and Cornell Avenues.*
- cc.** *Sidewalk improvements, Cornell Avenue, west side between Exeter and Fairfield Streets.*
- dd.** *Sidewalk improvements, Fairfield Street, south side between Yale and Cornell Avenues.*
- ee.** *Sidewalk improvements, Berkeley Street, north side between 82nd Drive and Union.*
- ff.** *Sidewalk improvements, Arlington Street, north side between 82nd Drive and Princeton Avenue.*
- gg.** *Sidewalk improvements, Nelson Lane, south side between Portland avenue and easterly school boundary.*
- hh.** *Sidewalk improvements, Portland Avenue, west side from Barclay Avenue to Nelson Lane.*
- ii.** *Sidewalk improvements, Portland Avenue, along high school property.*
- jj.** *Sidewalk improvements, Harvard Avenue, west side along high school property.¹*
- kk.** *Curb and sidewalk improvements, along Portland Avenue near East Hereford Street.²*
- ll.** *East Arlington Street improvements.³*
- mm.** *Portland Avenue Improvements: Portland Avenue will be improved by providing curbs, sidewalks and paving to meet the City's minor arterial standards, together with streetscape improvements to enhance the aesthetic and historic character of the area served by Portland Avenue.⁴*
- nn.** *River Road Improvements: River Road will be improved by providing curbs, sidewalks, and paving to meet the needs of business, residential and recreational traffic and the city's minor*

¹ Projects h-jj are a part of the 5th Amendment

² Project kk is a part of the 6th Amendment

³ Project ll is a part of the 7th Amendment

⁴ Project mm is a part of the 15th Amendment

arterial standards.⁵

2. Water Storage and Distribution Improvements

Intent. The City of Gladstone's Public Facilities Plan identified several water storage and distribution problems within the Area. These problems include lack of storage capacity at the City's Webster Road/Cason reservoir site, and inadequate water lines along Oatfield Road, 82nd Drive, and E. Arlington Street. It is the intent of this Plan to address these water storage and distribution deficiencies so as to serve existing development, to stimulate development of commercial or industrial development, and to increase the City's taxable assessed value.

Expected Activities and Improvements. The Urban Renewal Agency will participate in the planning, design and construction of public facilities and utility systems.

- a. CONSTRUCT ADDITIONAL WATER STORAGE FACILITIES.
Improvements will be made to City owned property at Webster Road and Cason and at E. Arlington Street to accommodate a reservoir to service the City's low pressure water zone. This reservoir also will serve to upgrade the fire protection services in the project area.
- b. INSTALL NEW WATER LINE AND FIRE HYDRANTS ALONG OATFIELD ROAD.
A new water line and fire hydrants will be installed on Oatfield Road to improve water service to the project area, and better service to the SDA site.
- c. INSTALL A WATER LINE ON 82ND DRIVE EAST OF I-205.
This new line will service anticipated growth in commercial uses in the area east of I-205.
- d. *Water main and service line improvements, First Street, from Columbia to Cornell Avenue and from Yale Avenue to Harvard Avenue.*⁶
- e. *Install a water line on River Road: This new water line will replace an aging and undersized line with a larger line to improve fire protection to a mixed business and residential neighborhood, including possible inter tie with Oak Lodge Water District facilities.*⁷
- f. *Sanitary Sewer and Stormwater Improvements: Intent. The City of Gladstone is in the process of developing Sanitary Sewer and Stormwater Master Plans and has also identified several sanitary sewer problems within the Area. These problems are due in large part to the aging of the current facilities. It is the intent of the plan to address these sanitary sewer and stormwater deficiencies so as to serve existing development, to stimulate development of commercial and industrial development, and to increase property values.*
Expected Activities and Improvements. The Urban Renewal Agency will participate in the planning, design, construction and improvements to sanitary sewer and stormwater facilities and utility systems in the Renewal Area. These projects include but are not limited to construction, reconstruction, repair, upgrading, and oversizing or replacement of sanitary sewer and stormwater facilities. Identified projects include but are not limited to:
*Sanitary sewer maintenance and trenchless repair work: Improvements will be made to certain areas in the Renewal Area including portions of Portland Avenue, East Gloucester, East Fairfield, East Exeter, East Clarendon, East Berkeley and East Arlington Streets.*⁸

⁵ Project nn is a part of the 17th Amendment

⁶ Project d is a part of the 5th Amendment

⁷ Project e is a part of the 17th Amendment

⁸ Project f is a part of the 21st Amendment

3. Community Facilities and Public Safety

Intent. When fully developed, the project area is anticipated to produce approximately 2000- 2005 employees. Those employees will become either permanent or daytime members of the Gladstone population and will benefit from and utilize Gladstone's community facilities. Even if they are not permanent residents, employees in a community commonly utilize, and benefit from, that community's parks, recreation, and adult education facilities. The City of Gladstone and the project area are deficient in such community facilities.

Gladstone's Comprehensive Plan states that there is a need for a multi-purpose center either operated by the private sector such as a YMCA, or by the public sector. The multi-purpose center would need to meet the recreational and community educational needs of all age groups and be large enough to support a swimming pool and gymnasium at a minimum. The City of Gladstone Recreation Department and the Gladstone School District have established a joint Community School/Recreation Program to serve city residents, but indoor facilities are inadequate. The Comprehensive Plan policy is to continue the cooperation in facility use between the School District and the City in order to meet the recreational and educational needs of the area's residents.

The project will require, and directly benefit from, improved public safety services. The City of Gladstone Capital Improvement Plan, an element of the Gladstone Comprehensive Plan, indicates that upgraded fire protection service is needed within the project area to adequately serve anticipated development. It is the intent of this Plan to address these deficiencies so as to serve existing populations and development, to stimulate development of residential, commercial or industrial development, and to increase the City's taxable assessed value.

Expected Activities and Improvements. The Urban Renewal Agency will participate in the planning, design and construction of community facilities and provide required enhancements for public safety.

- a. DEVELOPMENT OF OPEN SPACE AND COMMUNITY RECREATION FACILITIES.
The project will share in the cost of development of new open space and recreation facilities. In order to make best possible use of project funds and existing facilities, it is anticipated that a project or projects will be developed involving joint facility usage with the Gladstone School District. Examples of such joint facilities include, among others, gym facilities, tennis courts, track improvements, parking facilities, and open space.
- b. IMPROVEMENTS TO FIRE PROTECTION SERVICES.
The project will share in the cost of improving fire protection services to the project area, in order to allow maximum development in the project area.
- c. *Gladstone Public Library: The project will provide an enhanced public library which will couple the area's rich heritage with the most current technology to improve public facilities and services and upgrade the quality of life for area residents.*⁹

4. Administration and Planning

Intent. It is the intent of this Plan to provide for the effective administration of the Plan, and to plan for the various activities contained in the Plan.

Expected Activities. The Urban Renewal Agency with funds available to it may participate in the planning and design of public facilities, transportation improvements, measures to ensure a high degree of design quality for public and private developments, activities related to the preparation of this Plan, and the general administration of this Plan.

- a. PLANNING ACTIVITIES.
Project funds may be utilized to prepare an urban renewal plan, design plan, and miscellaneous land use and public facility studies as needed during the course of the Urban Renewal Plan.
- b. URBAN RENEWAL PLAN ADMINISTRATION.
Project funds may be utilized to pay for personnel and other administrative costs incurred in management of the Urban Renewal Plan.

5. Property Acquisition

Intent. At the time of this Plan's adoption, it is anticipated that no acquisition of real property will be necessary to carry out the objectives of this Plan. Further engineering study of traffic and circulation plans may, however, require acquisition of property for right-of-way improvements.

Land acquisition, therefore, is made a part of this Plan, if it is determined that such acquisition is necessary to carry out the Plan objectives.

- a. LAND ACQUISITION WITHOUT RENEWAL PLAN AMENDMENT.

⁹ Project d is a part of the 16th Amendment

Land acquisitions for the following purposes may be undertaken without an Urban Renewal Plan amendment, but only after the City Council has determined that acquisition is necessary to carry out the objectives of this Plan, and has approved the acquisition.

(1) Right-of-way acquisition for streets and other transportation activities. These activities are identified in Section F.1 of this Plan.

(2) Property offered to the Agency or the City via gift or donation by the property owner.

b. LAND ACQUISITION REQUIRING URBAN RENEWAL PLAN AMENDMENT.

Acquisition for any purpose other than those identified in Section F.5 a. (1) and (2) above will require an amendment to this Plan.

G. Property Disposition and Redeveloper's Obligations

The Urban Renewal Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired, in accordance with the provisions of this Urban Renewal Plan.

1. Property Acquired for Public Use

Should property acquisition for public use become necessary, the disposition of property acquired for public use will be retention for rights-of-way, or for the specific public uses outlined in this Plan. Land left over and not needed for such projects may be disposed of as excess property.

2. Property Acquired for Redevelopment

This Plan does not contemplate acquisition of property for private redevelopment purposes.

3. Redeveloper's Obligations

Should it become necessary to dispose of publicly-owned property to a redeveloper, such property shall be disposed of according to terms of a Disposition and Development Agreement between the developer and the Urban Renewal Agency. Such agreements will specify the respective obligations of the Agency and the redeveloper in regard to scale, uses, design, public facilities, approvals and permits, schedules of development, and other issues related to the objectives of this Plan.

H. Relocation

This Plan does not contemplate relocation of land residential or commercial properties.

Should conditions arise which would cause the acquisition of developed and occupied property by the Urban Renewal Agency, the Urban Renewal Agency will provide assistance to persons or businesses displaced in finding replacement facilities. All persons or businesses which may be displaced will be contacted to determine such relocations needs. They will be provided

information on available space and will be given assistance in moving. All relocation activities will be undertaken, and payments made, in accordance with the requirements of state law and any other applicable laws or regulations. Relocation payments will be made as provided in state law. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expenses will be made to residences and businesses displaced.

I. Future Amendments to Plan

It is anticipated that this Plan will be reviewed periodically during the execution of the project. The Plan may be changed, modified, or amended as future conditions warrant. The Plan may be amended as described in this section.

1. Substantial Amendments.

Substantial Amendments are solely amendments:

- Adding land to the Urban Renewal Area, except for an addition of land that totals not more than one percent of the existing area of the Urban Renewal Area; or
- Increasing the maximum amount of indebtedness that can be issued or incurred under the Plan.

Substantial Amendments shall require the same notice, hearing and approval procedure required of the original Plan, including public involvement, consultation with taxing districts, presentation to the Planning Commission and adoption by the City Council by non-emergency ordinance after a hearing notice of which is provided to individual households within the City of Gladstone.¹⁰

2. Minor Amendments.

Minor amendments are amendments that are not Substantial Amendments. Minor Amendments, if adopted, shall be adopted by the Agency by resolution.

3. Amendments to the City of Gladstone Comprehensive Plan, Ancillary Documents and the City's Zoning Ordinance.

Amendments to the City of Gladstone Comprehensive Plan, and the City's Zoning Ordinance that affect the Plan and/or the Area, shall be incorporated within the Plan without any action required by the Agency or the City Council.

J. Owner Participation

Property owners within the Urban Renewal Area proposing to improve their properties and receiving direct or indirect assistance from the Urban Renewal Agency shall do so in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans and procedures of the City.

¹⁰ The Substantial Amendment Section was amended by the 8th Amendment

K. Financing Methods

1. General

The Urban Renewal Agency may borrow money and accept advances, loans, grants and other forms of financial assistance from the federal government, the state, city, county or other public body, or from any sources, public or private for the purposes of undertaking and carrying out this Plan. In addition, the Agency may borrow money from, or lend money to, a public agency in conjunction with a joint undertaking of a project authorized by this Plan. If such funds are loaned, the Agency may promulgate rules and procedures for the methods and conditions of payment of such loans.

The funds obtained by the Agency shall be used to pay or repay any costs, expenses, advances and indebtedness incurred in planning or undertaking project activities or in otherwise exercising any of the powers granted by ORS Chapter 457.

2. Tax Increment Financing

It is contemplated that the project will be financed in whole or in part by tax increment financing, as authorized in ORS 457.420 through ORS 457.450.

3. Prior Indebtedness

Any indebtedness permitted by law and incurred by the Urban Renewal Agency or the City in connection with preplanning for this Urban Renewal Plan shall be repaid from tax increment proceeds generated pursuant to this section.

4. Establishment of Maximum Debt

The maximum amount of indebtedness that may be issued or incurred under this Urban Renewal Plan is \$23,589,427.

L. Citizen Participation¹¹

This Renewal Plan was developed under the guidance of the Gladstone Urban Renewal Task Force. The Task Force drew its membership from the Gladstone City Council, Gladstone Planning Commission, Gladstone School Board, and members of the general public. In the course of formulating the Plan, the Task Force conducted eight public meetings. All meetings of the Task Force were advertised and open to the public for discussion and comment.

¹¹ The former Section L, Duration, was deleted by the 9th Amendment

**GLADSTONE URBAN RENEWAL PLAN
PART TWO**

EXHIBITS

Exhibit 1	Plan Boundary
Exhibit 2	Existing Land Use
Exhibit 3	Existing Zoning
Exhibit 4	Proposed Street Improvements
Exhibit 5	Water Improvements & Community Facilities

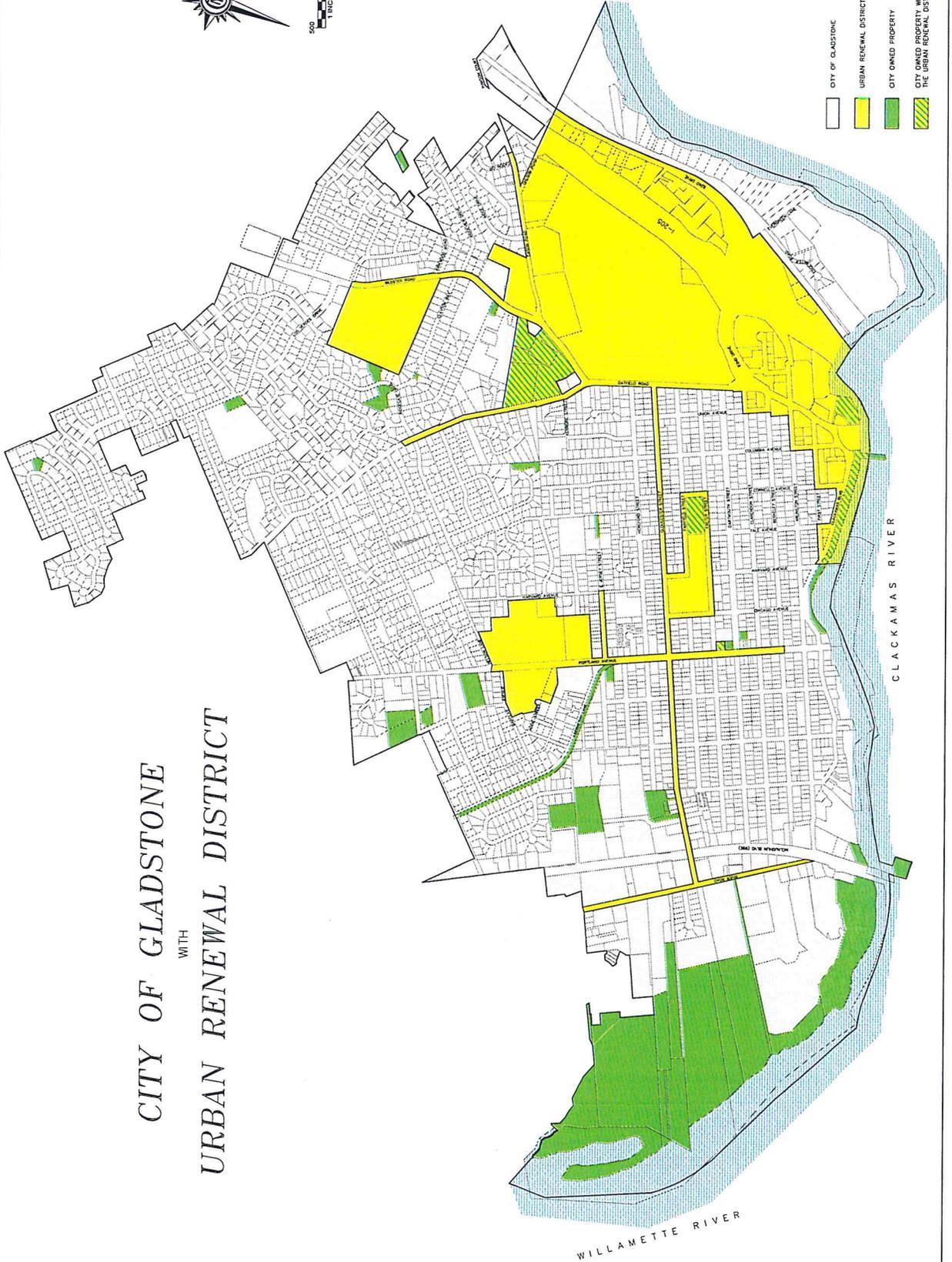
ATTACHMENTS

Attachment A	Legal Description of Project Boundary
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SCALE
0 250 500
1 INCH = 500 FEET

CITY OF GLADSTONE
WITH
URBAN RENEWAL DISTRICT



- CITY OF GLADSTONE
- URBAN RENEWAL DISTRICT
- CITY OWNED PROPERTY
- CITY OWNED PROPERTY WITHIN THE URBAN RENEWAL DISTRICT

EXHIBIT	
CITY OF GLADSTONE URBAN RENEWAL DISTRICT	
CITY OF GLADSTONE	CLACKAMAS
CLACKAMAS	JANUARY 7, 2016
DRAWN BY	CHECKED
SCALE	CLACKAMAS
CMT SURVEYING AND CONSULTING 918 W 5 TH AVENUE, SUITE J CLACKAMAS, WA 98015 PHONE (206) 885-4171 FAX (206) 885-4199	

CITY OF GLADSTONE

LEGAL DESCRIPTION OF URBAN RENEWAL DISTRICT BOUNDARY

Revised 3-3-2016

A tract of lands within the corporate limits of the City of Gladstone, Oregon, situated in the southwesterly quarter of Section 16 and in the southeasterly quarter of Section 17 and in Section 20 and in the westerly quarter of Section 21, T2S, R2E, of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

BEGINNING at a point of intersection of the easterly line of Cason Road and the northerly line of Rivergate School Road (Ohlson Road), said point also being the most westerly point of Lot #11, Cason Vista Subdivision, said point also described as S 85°56'30" E, 1189.98 feet from the county surveyor's monument for reentrant corner of Fendal Cason D.L.C. #50;

- 1) THENCE, S 85°56'30" E along the northerly line of said Rivergate School Road and the north line of said Fendal Cason D.L.C., a distance of 948 feet, more or less, to a point on the easterly right-of-way line of SE 82nd Drive (Market Road No. 16);
- 2) THENCE, southerly along said easterly right-of-way of said S.E. 82nd Drive, 3025.00 feet, more or less, to a point on the intersection of said right-of-way with the northerly right-of-way line of Evergreen Lane, said point also being on the westerly line of the Southern Pacific Railroad right-of-way;
- 3) THENCE, southeasterly 70.00 feet, more or less, to a point on the southerly right-of-way line of Evergreen Lane, said point also being on the easterly line of Southern Pacific Railroad right-of-way;
- 4) THENCE, 131.17 feet southwesterly to a point along said easterly railroad right-of-way line;
- 5) THENCE, 102.09 feet to a point along said railroad right-of-way line;
- 6) THENCE, 108.00 feet to a point along said railroad right-of-way line;
- 7) THENCE, 500.00 feet, more or less, southwesterly along said railroad right-of-way line to a point;
- 8) THENCE, 149.00 feet southwesterly to a point on the easterly line of said railroad right-of-way;
- 9) THENCE, 549.00 feet southwesterly along said easterly railroad right-of-way line to a point on the north bank of the Clackamas River;
- 10) THENCE, extending said railroad right-of-way line to the center of the Clackamas River;
- 11) THENCE, westerly (downstream) following the center of said river, 2600.00 feet, more or less, to a point on the easterly line of Harvard Avenue if it were extended into the river;
- 12) THENCE, northerly along said extended easterly line of Harvard Avenue, 300.00 feet, more or less, to the southwesterly corner of Lot #9, Block #52, Gladstone, said point also being the most westerly point of intersection of Harvard Avenue with First Street;
- 13) THENCE, 70.00 feet southeasterly along the northerly right-of-way line of First Street to a point;

- 14) THENCE, 410.00 feet along said northerly line of First Street to the most southerly point of Lot #90, block #54, Gladstone, said point being the northeasterly point of the intersection of Yale Avenue and First Street;
- 15) THENCE, southeasterly along the easterly right-of-way line of Yale Avenue, 160.00 feet to the most southwesterly point of Lot #8, Block #53, Gladstone, said point being the northeasterly point of the intersection of Yale Avenue and Clackamas Blvd.;
- 16) THENCE, 414.00 feet along the northerly right-of-way line of W. Clackamas Blvd. to the most easterly point of Lot #16, Block #53, Gladstone, said point being the northwesterly point of the intersection of W. Clackamas Blvd. and Cornell Avenue;
- 17) THENCE, 260.00 feet north along the west right-of-way line of Cornell Avenue to the most easterly point of Lot #16, Block #54, Gladstone, said point being the northwesterly point of the intersection of Cornell Avenue and First Street;
- 18) THENCE, 460.00 feet along the northerly right-of-way line of First Street to the most easterly point of Lot #16, Block #75, Gladstone, said point being the northwesterly point of the intersection of First Street and Columbia Avenue;
- 19) THENCE, 260.00 feet along the westerly right-of-way line of Columbia Avenue to the most easterly point of Lot #16, Block #74, Gladstone, said point being the northwesterly point of the intersection of E. Arlington Street and Columbia Avenue;
- 20) THENCE, 410.00 feet northeasterly along the northern right-of-way line of E. Arlington Street to the most easterly point of Lot #15, Block #80, Gladstone;
- 21) THENCE, 200.00 feet northwesterly along the most westerly line of Lot #16 and Lot #1, Block #80, Gladstone, to a point on the southerly right-of-way line of E. Berkeley Street;
- 22) THENCE, northeasterly along said southerly line of E. Berkeley Street, 50.00 feet to the most northerly point of Lot #1, Block #80, Gladstone;
- 23) THENCE, 320.00 feet northwesterly along the westerly right-of-way line of Union Avenue to the most easterly point of Lot #16, Block #82, Gladstone, said point being the northwesterly point of the intersection of Union Avenue and E. Clarendon Street;
- 24) THENCE, 260.00 feet along the northerly right-of-way line of E. Clarendon Street to the most easterly point of Lot #11, Block #97, Gladstone, said point being the northwesterly point of the intersection of E. Clarendon Street and Oatfield Road (Market Road No. 34);
- 25) THENCE, 100.00 feet northwesterly along the westerly right-of-way line of said Oatfield Road to the most southerly point of Lot #3, Block #97, Gladstone;
- 26) THENCE, 12 feet, more or less, easterly along the southerly lot line of Lot #3, Block #97, Gladstone, to a point on the westerly right-of-way line of said Oatfield Road ;
- 27) THENCE, 822 feet, more less, northwesterly along the westerly right-of-way of said Oatfield Road , said point also being the most northerly point of Lot #2, Block #94, Gladstone, said point also being the southwesterly point of the intersection of said Oatfield Road and E. Gloucester Street;

- 28) THENCE, southwesterly along the southerly right-of-way line of E. Gloucester Street, 2141 feet, more or less, to the most westerly point of Lot #8, Block #46, Gladstone, said point also being the southeasterly point of the intersection of E. Gloucester Street and Harvard Avenue;
- 29) THENCE, 200.00 feet southeasterly along the easterly right-of-way line of Harvard Avenue to the most southerly point of Lot #9, Block #46, Gladstone, said point also being the northeasterly point of the intersection of Harvard Avenue and E. Fairfield Street;
- 30) THENCE, 920.00 feet northeasterly along the northerly right-of-way line E. Fairfield Street to the most southerly point of Lot #9, Block #69, Gladstone, said point being the northeasterly point of the intersection of E. Fairfield Street and Cornell Avenue;
- 31) THENCE, southeasterly along the easterly right-of-way line of Cornell Avenue, 320.00 feet to the most westerly point of Lot #8, Block #71, Gladstone, said point being the southeasterly point of the intersection of Cornell Avenue and E. Exeter Street;
- 32) THENCE, southwesterly along the southerly right-of-way line of E. Exeter Street, 1440.00 feet to the most northerly point of Lot #1, Block #28, Gladstone, said point also being the southwesterly point of the intersection of E. Exeter Street and Chicago Avenue;
- 33) THENCE, northwesterly along the westerly right-of-way line of Chicago Avenue, 520.00 feet to the most northerly point Lot #1, Block #26, Gladstone, said point also being the southwesterly point of the intersection of Chicago Avenue and E. Gloucester Street;
- 34) THENCE, southwesterly along the southerly right-of-way line of E. Gloucester Street, 400.00 feet to the most westerly point of Lot #8, Block #26, Gladstone, said point also being the southeasterly point of the intersection of W. Gloucester Street and Portland Avenue;
- 35) THENCE, southeasterly along the easterly right-of-way of Portland Avenue 520 feet to the point at the southeasterly intersection of Portland Avenue and E. Exeter Street, said point also being the most westerly point of Lot 8, Block 26, GLADSTONE;
- 36) THENCE, northeasterly along the southerly line of E. Exeter Street 100.00 feet to the most northerly point of Lot 7, Block 28, GLADSTONE, said point being the most westerly point of Lot 6, Block 28, GLADSTONE;
- 37) THENCE, southeasterly 100.00 feet along the easterly line of Lot 7, Block 28, GLADSTONE to the most easterly point thereof;
- 38) THENCE, southwesterly along the southerly lines of Lot 7 and Lot 8, Block 28, GLADSTONE, 100 feet to a point on the Portland Avenue right-of-way, said point being the most southerly point of Lot 8, Block 28, GLADSTONE;
- 39) THENCE, southeasterly along the easterly right-of-way Portland Avenue, 680.00 feet to the point at the southeasterly intersection of E. Berkeley Street and Portland Avenue, said point also being the most westerly point of Lot 8, Block 31, GLADSTONE;
- 40) THENCE, southwesterly along the westerly extension of the southerly line of E. Berkeley Street, 80.00 feet to the point at the southwesterly intersection of W. Berkeley Street and Portland

Avenue, said point being the most northerly point of Lot 1, Block 9, GLADSTONE (Blks 1 to 21 Incl. & Frac. Blks A & B);

41) THENCE, northwesterly along the westerly right-of-way of Portland Avenue, 1300.00 feet to the point at the southwesterly intersection of W. Gloucester Street and Portland Avenue, said point being the most northerly point of Lot 1, Block 4 of said GLADSTONE;

42) THENCE, southwesterly along the southerly line of W. Gloucester Street 2593 feet, more or less, to the common southeasterly point of intersection of W. Gloucester Street and River Road (Milwaukie & Rinerson Road), said point also being the most westerly point of Lot 36, APPERSON'S ADDITION TO GLADSTONE, a duly recorded subdivision in Clackamas County;

43) THENCE, southeasterly along the easterly right-of-way line of said River Road South 33° 30' East, 1230 feet, more or less, to the common northerly point of intersection of said River Road and East Portland – Oregon City Supper Hwy, US 99E (McLoughlin Blvd.);

44) THENCE, southerly along the westerly line of said East Portland – Oregon City Super Hwy US 99E, 145 feet, more or less, to the common southerly point of intersection of said East Portland – Oregon City Super Hwy US 99E and said River Road;

45) THENCE, North 33° 30' West along the westerly line of said River Road, 1675 feet, more or less, to the northeasterly point of Lot 1 RIVERDALE, a duly recorded subdivision in Clackamas County, said point also being the southwesterly common intersection of said River Road and Meldrum Bar Park Road;

46) THENCE, continuing North 33° 30' West along the westerly line of said River Road, 1045 feet, more or less, to the southwesterly point of intersection of Rinearson Road and said River Road;

47) THENCE, perpendicularly across said River Road, North 56° 30' East, 60.00 feet to a point on the easterly right-of-way of said River Road;

48) THENCE, South 33° 30' East along the easterly line of said River Road, 1300 feet, more or less, to the most southerly point of Block I, APPERSON'S ADDITION TO GLADSTONE, said point being the common intersection of the north line of W. Gloucester Street and the east line of said River Road;

49) THENCE, northeasterly along the north line of said W. Gloucester Street, 2593 feet, more or less, to the common northwesterly point of intersection of said W. Gloucester Street and the aforementioned Portland Avenue, said point is also the most easterly point of Lot 16, Block 3, GLADSTONE, BLKS. 1 to 21 and FRAC. BLKS. A & B;

50) THENCE, northwesterly along the westerly right-of-way line of Portland Avenue, 1275.00, more or less, to a point on the westerly line of the Portland Avenue right-of-way which is the most easterly point of the Gladstone High School property located on the west side of Portland Avenue;

51) THENCE, S 64°29'00" W, 179.72 feet to a point;

52) THENCE, S 88°17'00" W, 244.40 feet, more or less, to a point;

53) THENCE, N 1°43'00" W, 137.00 feet to a point on the north right-of-way line of Addie Street (Division Street);

- 54) THENCE, northwesterly along the northerly line of the said Addie Street right-of-way, 43.76 feet to a point;
- 55) THENCE, westerly along said Addie Street right-of-way line, 37.27 feet to a point;
- 56) THENCE, southwesterly along said Addie Street right-of-way, 59.56 feet to a point;
- 57) THENCE, S 88°17'00" W along said Addie Street right-of-way, 60.00 feet, more or less, to the southeast corner of Lot 2, CURRY ESTATES, Plat No. 3217, a duly recorded subdivision in Clackamas County;
- 58) THENCE, N 34°04'55" W along the easterly line of said CURRY ESTATES, 144.57 feet to an angle point in the southeasterly line of Lot 3 of said CURRY ESTATES;
- 59) THENCE, N 49°37'00" E, 14.31 feet to the most easterly corner of said Lot 3;
- 60) THENCE, N 45°55'00" W along the northeasterly line of said Lot 3, 120.68 feet to a point on the south line of the Barclay Avenue right-of-way;
- 61) THENCE, northeast along said right-of-way, 165.00 feet to an angle point on the right-of-way;
- 62) THENCE, along said right-of-way N 62°28'30" E, 382.00 feet, more or less, to the most northerly point of Block #4, Meldrum, a duly recorded subdivision in Clackamas County, said point also being the southwesterly point of the intersection of Barclay Avenue and Portland Avenue;
- 63) THENCE, northwesterly along the westerly right-of-way line of Portland Avenue 140.00 feet to the most northerly point of Lot #5, Sellers No. 2, a duly recorded subdivision in Clackamas County;
- 64) THENCE, 80 feet, more or less, easterly to a point on the easterly line of Portland Avenue, said point also being the southeasterly point of the intersection of Portland Avenue and Nelson Lane;
- 65) THENCE, northeasterly along the southerly right-of-way line of Nelson Lane, 414.66 feet to a point;
- 66) THENCE, southeasterly, 165.63 feet to a point;
- 67) THENCE, northeasterly, 151.90 feet to a point;
- 68) THENCE, southeasterly, 208.71 feet to a point;
- 69) THENCE, northeasterly, 182.21 feet to a point, said point being on the westerly right-of-way line of Harvard Avenue (Co. Rd. 1956-J);
- 70) THENCE, S 25°28'10" E, 539.90 feet to a point on the westerly line of said Harvard Avenue;
- 71) THENCE, southwesterly, 105.02 feet to a point;
- 72) THENCE, southeasterly, 15.00 feet to a point;
- 73) THENCE, southwesterly, 109.75 feet, more or less, to a point;
- 74) THENCE, southeasterly, 375.00 feet, more or less, to the most northerly point of Lot #7, Block #1 of the Schooley Addition, Plat No. 312, a duly recorded subdivision in Clackamas County;

75) THENCE, S 64°00'00" W along said northerly line of Block #1, Schooley Addition, 510 feet to the most westerly point of Lot #19, Block #1, Schooley Addition, said point also being on the easterly right-of-way line of Portland Avenue;

76) THENCE, S 26°00'00" E, 860 feet to the most southerly point of Lot #9, Block #25, Gladstone, said point also being the northeasterly point of the intersection of Portland Avenue and E. Gloucester Street;

77) THENCE, northeasterly along the northerly right-of-way line of E. Gloucester Street, 3065 feet, more or less, to the most easterly point of Lot #14, Block #93, Gladstone, said point also being the northwesterly point of the intersection of E. Gloucester Street and Oatfield Road (Market Road No. 34);

78) THENCE, northwesterly along the westerly right-of-way line of said Oatfield Road , 1033.00 feet, more or less, to a point at the northwesterly intersection of Kenmore Street and said Oatfield Road, said point also being the most easterly point of Parcel 3 of Partition Plat 2006-130, Clackamas County, Oregon;

79) THENCE, continuing northwesterly along the westerly right-of-way of said Oatfield Road, 1977 feet, more or less, to the most easterly point of Lot 1, Block 2, FROHLICH ADDITION, Plat #1716, a duly recorded subdivision in Clackamas County, said point also being the most northerly point of Lot 2, Block 2, of said FROHLICH ADDITION;

80) THENCE, northeasterly, 75 feet, more or less, diagonally across said Oatfield Road to the southerly point of Lot 70, RIDGEGATE NO. 2, Plat #2273, a duly recorded subdivision in Clackamas County, said point is also the southeasterly point of Lot 11 of RIDGEGATE, Plat #2168, a duly recorded subdivision in Clackamas County;

81) THENCE, southeasterly along the easterly right-of-way of said Oatfield Road, 1249 feet, more or less, to the most southerly corner of Parcel 1, ~~Partition~~Partition Plat No. 2000-44, a duly recorded partition in Clackamas County, said point being on the northerly line of that tract of land conveyed to conveyed to R.B. Oberson and R.H. Oberson by Deed recorded August 29, 1947 in Book 395, Page 522, Clackamas County Deed Records;

82) THENCE, North 76° 32' East along the north line of said Oberson tract 1065 feet, more or less, to a point on the westerly line of relocated Webster Road;

83) THENCE, northerly along the westerly right-of-way line of said Webster Road, 358.00 feet, more or less, to the most southeasterly point of vacated Swanson Lane;

84) THENCE, N 20°33'00" E along said westerly right-of-way line of Webster Road, 150.00 feet to a point ;

85) THENCE, northeasterly along said westerly right-of-way line of Webster Road, 210 feet, more or less, said point being E 107.70 feet from the southeasterly point of Lot #1, Block #2 Lynnwood Park, a duly recorded subdivision in Clackamas County;

86) THENCE West, 10.01 feet to a point;

- 87) THENCE, northerly along the westerly right-of-way line of said Webster Road, 346.00 feet, more or less, to the most northeasterly point of Lot 1, Block 1, Lynnwood Park;
- 88) THENCE, East, 10.00 feet to a point on the westerly right-of-way line of Webster Road;
- 89) THENCE, west on the north line of DLC #50, 1215.37 feet to the most northerly common point of intersection of Lots #40 and #41 Ridgeway, a duly recorded subdivision in Clackamas County;
- 90) THENCE, N 1°9'44" E, 907.13 feet to the most southerly southwest corner of Lot #4, Los Verdes Estates, a duly recorded subdivision in Clackamas County, said point also being on the centerline of 3rd Avenue as plotted in HYDE PARK, a duly recorded subdivision in Clackamas County, vacated by Ordinance No. 706, recorded in Book 688, Page 512, Clackamas County Deed Records;
- 91) THENCE, N 88°28'28" E along said centerline of 3rd Avenue, 774.79 feet, more or less, to a point on the easterly right-of-way of Webster Road;
- 92) THENCE, southerly along the easterly right-of-way line of said Webster Road, 1421.53 feet, more or less, to the most southwesterly point of Lot #6, Curwick Park, a duly recorded subdivision in Clackamas County, said point also located on the easterly right-of-way line of said Webster Road;
- 93) THENCE, continuing southerly along said easterly right-of-way line, 409.76 feet to a point;
- 94) THENCE, N 80°23'40" E, 392.96 feet to a point;
- 95) THENCE, N 3°6'40" E, 300.00 feet to a point, said point being on the southerly line of Lot #4, Curwick Park;
- 96) THENCE, S 89°55'50" E, 211.00 feet, more or less, to the most northwesterly point common to Lots #4 and #5, REPLAT OF RIDGEWOOD NO. 2, Plat No. 2002, a duly recorded subdivision in Clackamas County;
- 97) THENCE, S 3°44'00" W, 412.88 feet to the most southerly point of Lot #1, of said REPLAT OF RIDGEWOOD NO. 2, said point also being on the northerly right-of-way line of said Cason Road (County Road No. 417);
- 98) THENCE, northeasterly along the northerly right-of-way line of said Cason Road, 757.00 feet, more or less, to a point;
- 99) THENCE, northeasterly along the northerly right-of-way of said Cason Road, 430 feet, more or less, to the most easterly point of Lot 2, Block 2, of said REPLAT OF RIDGEWOOD NO. 2, which is also the most southerly point of Lot 1, Block 2, of said REPLAT OF RIDGEWOOD NO. 2;
- 100) THENCE, perpendicularly across said Cason Road, 60.00 feet to a point on the southerly line of said Cason Road:
- 101) THENCE, southwesterly along the southerly line of said Cason Road, 338 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM, the following described property which was not included as part of Gladstone Urban Renewal Agency Resolution UR 26 and was not included in property acquired by the City of Gladstone from Oakridge Development Co. recorded in Instrument No. 86-07115 on February 27, 1986 Clackamas County Deed Records, and was excluded from property acquired by the City of Gladstone in a Stipulated Judgment No. CCV 9904342 dated January 21, 2000: property at 18275 Webster Road, known as tax lot 1500 of Clackamas County Assessor Map 2-2E-17DC containing approximately 0.41 acres and further described as BEGINNING at the northeast corner of that tract of land conveyed to Valentina M. Oberson, recorded in Book 636, page 517, Clackamas County Deed Records, said point also being in the center of Webster Road and being South 561.64 feet and West 267.55 feet of the re-entrant corner of the North boundary line of Fendal C. Cason Donation Land Claim; thence along the North line of said Oberson Tract, South 78°20'13" West, 33.7 feet, more or less, to a point on the Westerly line of the relocated Webster Road as indicated on O.D.O.T. Map No 9B-19-17, dated July 1981 and filed at Clackamas County Surveyor's Office , said point also being 40.0 feet, when measured at right angles, from the center line of said relocated road; thence along the Westerly line of said relocated Webster Road, South 0°12'30" East, 112.00 feet to the true point of beginning of this description; thence South 61°44'16" West, 140.00 feet; thence South 13°40'00" West, 91.17 feet; thence South 70°02'09" East, 28.00 feet; thence North 9°33'54" East, 112.31 feet; thence North 86°52'21" East, 100.20 feet; thence North 0°12'30" East, 48.22 feet, more or less, along the Westerly line of said relocated Webster Road to the true point of beginning.

ALSO EXCEPTING THEREFROM, the following described property which is not included as part of the Gladstone Urban Renewal Agency Resolution UR 44 and was not included in property acquired by the City of Gladstone in a Stipulated Judgment, CCV 9904342 dated January 21, 2000: property at 18800 Oatfield Road, known as tax lot 1400 of Clackamas County Assessor Map 2-2E-17DC containing approximately 0.37 acres, and 18805, 18809, and 18815 Webster Road, known as tax lot 1202 of Clackamas County Assessor Map 2-2E-17DC containing approximately 0.40 acres and further described as BEGINNING at the northerly intersection of Webster Road and Oatfield Road; thence northwesterly along the southwesterly right-of-way line of said Oatfield Road, 240 feet, more or less, to the most westerly corner of that tract of land conveyed to Shane T. Sears and Shannon E. Sears in Instrument No. 2005-005430, Clackamas County Deed Records; thence North 42°21'30" East along the northwesterly line of said Sears tract, 153.43 feet, more or less, to an iron pipe; thence South 43°38' East along the northeasterly line of said Sears tract, 114.92 feet to an iron pipe; thence South 57°07'33" East along the northeasterly boundary of a tract of land conveyed to Bok Jin Lee in Instrument No. 2016-014981, Clackamas County Deed Records, 122.38 feet to the northwesterly right-of-way of Webster Road; thence southwesterly along the northeasterly right-of-way line of said Webster Road, 135 feet, more or less, to the point of beginning.

MEMORANDUM

TO: Gladstone City Council and Charter Review Commission

FROM: Chad A. Jacobs  and David F. Doughman,  City Attorney's Office

SUBJECT: Draft New City Charter

DATE: May 24, 2016

Please find enclosed a draft of a new city charter, which is the result of numerous meetings of the Gladstone Charter Review Commission. Members of the commission will present this draft to the council for its consideration during a special joint meeting to be held on Wednesday, June 1, 2016 at 5:30 p.m.

Background

The draft charter would repeal and replace the current Gladstone charter. The draft is based on the model charter from the League of Oregon Cities. It simplifies and modernizes the language and procedures set forth in the charter, while still maintaining some of the unique provisions of the existing Gladstone charter such as requiring councilors to run for specific council positions.

Significant to the model charter is the distinction in how the council conducts business. The model charter expressly sets forth that the council conducts legislative business by ordinance, administrative business through resolutions and quasi-judicial business through orders. This distinction is important in that only legislative matters are subject to a referendum petition. The lack of such clarity in previous model charters led to confusion and litigation over this issue, and cities that have followed the new model charter and provided for these distinctions have had much less controversy to deal with on such issues.

The Charter Review Commission reviewed and discussed each section of the proposed charter. Members of the Commission will be available to answer questions at the upcoming joint meeting about each section, but below is an overview of some of the more significant proposals found in the draft charter (in order of section number – not based on any opinion of significance):

- §13 adds a provision to permit the council to use preferential voting when confronted with two or more choices on an issue;

- §25 changes the mayoral term to two years so that the mayor is elected at the same time councilors are on the ballot – because the council is elected in staggered terms, currently only half of the council positions ever appear on the same ballot as the mayor;
- §31 clarifies when vacancies occur and requires a council declaration before vacancies occur for reasons other than death, adjudication for incompetence or recall, thereby providing some additional discretion on the part of the council to determine when a vacancy occurs – of particular interest and discussion by the commission was the ability to create a vacancy for the conviction of a public offense punishable by loss of liberty;
- §32 sets forth two processes for filling vacancies – (1) by council appointment if less than 17 months remain in the vacated term, which avoids the need to hold an election to fill the vacated seat when only two months would be left in the term at the time of the election, and (2) by election at the next available November election if more than 17 months remain in the vacated term – the council would fill the vacancy by appointment for an interim period until a special election may be held to fill the remainder of the unexpired term;
- §33 – changes the city administrator position to city manager and expressly sets forth the duties and powers of the city manager – in essence it is formalizing the practice currently followed by the city, but it does provide that the city manager has exclusive authority over most personnel decisions subject only to the employment policies adopted by the council;
- §33(i) includes language from the model charter, which is also found in many charters across the state, that precludes the mayor or councilors from attempting to coerce the city manager into taking certain administrative actions related to personnel issues and contracting – the language proposed by the committee attempts to clarify what constitutes coercion and what actions are otherwise permitted – some of this language is based on an amendment to a similar section recently approved by the voters in Troutdale;¹
- §40(b) – carries over the debt limitations that were recently added to the charter through the initiative process;
- §41 – carries over the voter approval requirement for the construction of certain public building that was recently added to the charter through the initiative process; and
- §46 – creates the requirement for a charter review commission every eight years.

¹ At its last meeting on May 18, 2016, the committee voted to propose the same language that was enacted by the voters in Troutdale. After having had more time to review the actual language, the City Attorney's Office believes the language from Troutdale creates additional ambiguities, and would recommend a revision to address the concerns identified by the commission without creating such ambiguities. To that end, we recommend changing replacing the last three sentences of section 33(i) with the following: *Nothing in this section prohibits the mayor or a councilor from discussing or suggesting anything with the manager relating to city business in council meetings or at any other time, provided that such discussions or suggestions are made in a non-coercive manner and are otherwise made in conformance with the requirements of law.* After discussion with Councilor Johnson, it was decided not to make this change without first presenting the actual language adopted by the commission.

Next Steps

A new charter such as the one being proposed must be approved by the voters before it may take effect. Accordingly, after receiving the presentation from the commission on June 1, 2016, the council will have the opportunity to deliberate whether to refer the proposed charter to the voters as presented, with amendments or not at all.

One issue the council may want to consider is whether to propose a new charter and separate amendments to the new charter, which contain more controversial changes, at the same time. For example, under the existing charter, the mayor serves a four year term. The commission has proposed a two-year term for the mayor. The council could keep the existing four-year mayoral term in the new charter proposed to the voters and propose a separate amendment to the new charter at the same time, which would change the mayoral term to two years. This process may be used for any provision of the proposed new charter that the council believes would be controversial, and is a process used by cities so as not to defeat the entire proposal due to one controversial issue.

If the council decides to propose a new charter (with or without amendments), the council would need to take action to do so no later than August 19, 2016 in order to meet state election filing deadlines.

Please let us know if you have any questions regarding this memorandum, the commission's work and/or if there is anything else we can do to be of assistance with this project.

C.A.J./D.F.D.

Gladstone Draft Charter City Council Work Session 07/26/16
Draft Charter Sections for Discussion

- 7. Council
- 8. Mayor
- 12. Quorum
- 13. Vote Required
- 16. Ordinance Adoption
- 19. Resolution Approval
- 22. Order Approval
- 24. Councilors
- 25. Mayor
- 31. Vacancies
- 31b9 and 33i. Removal under section 33i and Section 33i
- 32. Filling Vacancies
- 33. City Manager
- 33b. "Without Regard for Political Consideration"
- 40. Debt
- 40b. Rules to enact measures?
- 41. Construction of Public Buildings
- 45. Amendments and Revisions
- 46. Charter Review Committee
- 47. Time of Effect

CITY OF
GLADSTONE
DRAFT 2016
CHARTER

June 1, 2016 Update

PREAMBLE

We, the voters of Gladstone, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2016 Gladstone City Charter, which must be made available to the public online and at City Hall.

Section 2. Name. The City of Gladstone, Oregon, continues as a municipal corporation with the name City of Gladstone.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the city boundaries.

Chapter II POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

Chapter III COUNCIL

Section 7. Council. The council consists of a mayor and six councilors. The council appoints members of commissions and committees that are established by ordinance or resolution. Such appointments must be made in a manner prescribed by council rules.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a

voting member of the council and has no veto authority. The mayor appoints members of council committees established by council rules. Unless the council or this charter provides otherwise, the mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties or when a vacancy in the office of mayor occurs.

Section 10. Rules. In every odd-numbered year, the council must adopt rules to govern its meetings. The rules must be made available to the public online and at City Hall.

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules.

Section 12. Quorum. A quorum of the council is required to conduct business, but a smaller number may meet and compel attendance of absent members to create a quorum as prescribed by council rules. Four members of the council are a quorum.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council. If more than two options are available to the council in any single vote, the council may use preferential voting to achieve the required majority. The council must prescribe procedures for using preferential voting in the council rules.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Gladstone ordains as follows:”.

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(e) After adoption of an ordinance, the designated city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances take effect 30 days after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or on another date less than 30 days after adoption if it contains an emergency clause.

Chapter V ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Gladstone resolves as follows:".

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the designated city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Chapter VI QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Gladstone orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the designated city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII ELECTIONS

Section 24. Councilors.

(a) Councilors are elected from the city at large, provided that each council position bears a number from one through six, and all candidates for council must be nominated for a specific council position. Candidates for council must designate on their nomination petition the number of the council position to which they seek election. No candidate may run for more than one council position at an election.

(b) The term of a councilor in office when this charter takes effect is the term for which the councilor was elected. Council position numbers 1, 3 and 5 will be elected at the general election in 2018 and every four years thereafter for a four year term. Council positions 2, 4 and 6 will be elected at the general election in 2020 and every four years thereafter for a four year term.

Section 25. Mayor. The Mayor is nominated and elected from the city at large. The mayor will be elected at the general election in 2018 and at every general election thereafter for a two-year term. The term of the mayor in office when this charter takes effect continues until the first council meeting in January 2019 at which time the mayor elected at the general election in 2018 shall assume office.

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, reside within the city for at least one year immediately before election or appointment to office and remain a resident of the city during their entire term of office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members based upon this charter.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city council position, provided that any such ordinance must require that all nominating petitions be signed by at least 25 city electors.

Section 29. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States, Oregon and the City of Gladstone.

Section 31. Vacancies: The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 45 days without council consent,
- (3) Absence from all council meetings within a 60-day period without council consent,
- (4) Ceasing to reside in the city,
- (5) Ceasing to be a qualified elector under state law,
- (6) Conviction of a public offense punishable by loss of liberty,
- (7) Conviction of the offense of unlawful destruction of public records;
- (8) Resignation from the office, or
- (9) Removal under Section 33(i).

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled as follows:

(a) If less than seventeen months remains in the term of the person who held that vacant office, the vacancy shall be filled by appointment by a majority vote of the remaining council members. The appointee shall serve the remainder of the unexpired term.

(b) If more than seventeen months remain in the term of the person who held that vacant office, the vacancy shall be filled at the next available November election. The person elected shall serve the remainder of the unexpired term. A majority of the remaining council members must fill the vacancy by appointment for an interim period until a special election may be held to fill the remainder of the unexpired term.

(c) If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) The council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council.

(e) The manager must:

- (1) Attend all council meetings unless excused in the manner provided for by council rule;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city utilities and property;
- (8) Encourage regional and intergovernmental cooperation;
- (9) Promote cooperation and transparency among the council, staff and citizens in developing city policies,
- (10) Encourage building a sense of community;
- (11) Perform other duties as directed by the council;
- (12) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem

has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. No manager pro tem may serve for more than six months unless reappointed by the council.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. For the purposes of this subsection the term coerce means an attempt to influence the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts through the use of force or threats. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business. Nothing in this charter restricts the authority of the mayor or any councilor to discuss the strengths, weaknesses, or need for city staff, nor to discuss any city contract or property that either exists or is contemplated, with the manager. Such discussions may be held privately, at the discretion of the participants, but shall conform to the requirements of law.

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The city attorney must be a member in good standing of the Oregon State Bar. Notwithstanding Section 33(e)(4), the attorney must appoint and supervise, and may remove any employees of the office of the city attorney.

Section 35. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. The municipal judge must be a member in good standing of the Oregon State Bar. The municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;

- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem. Municipal judges pro tem must be members in good standing of the Oregon State Bar.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX PERSONNEL

Section 36. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 37. Merit Systems. The council, by resolution and after consultation with the city manager and city attorney, will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Chapter X MISCELLANEOUS PROVISIONS

Section 40. Debt.

(a) City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

(b) The City shall incur no debt in financing any public project except through the issuance of municipal bonds by bond measure duly approved by a majority of voters in a regularly scheduled election set forth in ORS 221.230 or special election.

Section 41. Construction of Public Buildings. Unless approved by a majority of voters in a regularly scheduled election set forth in ORS 221.230, or special election, no public building shall be constructed by or for the City if such construction will require the actual or reasonably projected expenditure of \$1,000,000, or more, from existing City funds or current or future City revenues, including those of any of its departments, service districts or agencies. In calculating whether the project will involve the actual or reasonably projected expenditure of \$1,000,000 or more, the calculation shall include the fair market value of any real estate to be utilized or committed to the project, based on current market appraisal performed by a certified real estate appraiser.

Section 42. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 43. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 44. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 45. Amendments and Revisions. No amendment, revision or repeal of this Charter shall take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. Only the Council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.

Section 46. Charter Review Commission. A charter review commission must be convened in 2024 and at least once every eight years thereafter to review and recommend, if necessary, updates to this charter. The council establishes membership of and makes appointments to the charter review commission, provided that every charter review commission must contain at least two members who are residents of the City and who are not elected or appointed city officials.

Section 47. Time of Effect. This charter takes effect January 15, 2017.



REGULAR AGENDA

City of Gladstone
Staff Note

Report Date: July 20, 2016
Meeting Date: July 26, 2016
To: City Council
From: Eric Swanson, City Administrator

AGENDA ITEM:

Appointment to the Downtown Revitalization Plan Committee

History/Background:

The Downtown Revitalization Plan kick off team is meeting July 21, 2016 (after this packet has been published) to review the five applications in your packet. A recommendation will be made to City Council on July 26th.

Please return your application to: Eric Swanson,
525 Portland Avenue, Gladstone, OR
or e-mail to swanson@ci.gladstone.or.us, Thank you.



**APPLICATION FOR COUNCIL APPOINTMENT TO
DOWNTOWN REVITALIZATION PLAN COMMITTEE**

Thank you for your interest and willingness to serve on a citizens' advisory committee in your community. Following are some questions that will help Council when making their appointments.

1. Name Sharon Alexander
2. Address 145 E. Hereford St, Gladstone
3. Phone # (S) 503 - 655-7700 home 503 3142508
(Please identify as home, office, mobile, etc) cell
4. E-mail address Alexdeik@comcast.net
5. Are you a Gladstone resident (reside within the City limits)? yes
6. How long have you been a resident of Gladstone? 37 yrs
7. What organization(s) do you belong to or participate in as a Gladstone resident? (Also, please state how long you participated in each).

I've worked in Gladstone for over
36 yrs and have volunteered at the elementary
school for many years and participated
in Kraylger and high school activities.

8. What are your major areas of interest in regards to participating on a Committee in Gladstone?

To help get our community up to date and more involved with each other and maybe re construct the parking down town to accommodate more cars. I'm also very good at communication with people and getting things done.

9. Please include or attach any other information you would like to provide.
(No more than one 8.5x11 size page please)

Please return your application to:
525 Portland Avenue, Gladstone, OR
or e-mail to info@gladstoneor.gov, Thank you.



**APPLICATION FOR COUNCIL APPOINTMENT TO
DOWNTOWN REVITALIZATION PLAN COMMITTEE**

Thank you for your interest and willingness to serve on a citizens' advisory committee in your community. Following are some questions that will help Council when making their appointments.

1. Name Linda M. Cosgrove
2. Address 190 W. Dartmouth
3. Phone # (S) 503-557-0796
(Please identify as home, office, mobile, etc)
4. E-mail address Cosgrove.glad@outlook.com
5. Are you a Gladstone resident (reside within the City limits)? since 1977
6. How long have you been a resident of Gladstone? since 1977
7. What organization(s) do you belong to or participate in as a Gladstone resident? (Also, please state how long you participated in each).
Traffic + Safety Committee + Parks Board

8. What are your major areas of interest in regards to participating on a Committee in Gladstone?

The quality of living in the city is very important to me. We are a family oriented community and our main st should reflect that. We should have businesses which fit our community. Our main street should look fresh & clean.

9. Please include or attach any other information you would like to provide. (No more than one 8.5x11 size page please)

Please return your application to: Eric Swanson,
525 Portland Avenue, Gladstone, OR
or e-mail to swanson@ci.gladstone.or.us, Thank you.



APPLICATION FOR COUNCIL APPOINTMENT TO
DOWNTOWN REVITALIZATION PLAN COMMITTEE

Thank you for your interest and willingness to serve on a citizens' advisory committee in your community. Following are some questions that will help Council when making their appointments.

1. Name Richard Hoffman
2. Address 255 E. Berkeley St., Gladstone, OR 97027
3. Phone # (S) Home: 503-723-8884 Cell (Mobile) 971-344-2260
(Please identify as home, office, mobile, etc)
4. E-mail address hoffman43210@msn.com
5. Are you a Gladstone resident (reside within the City limits)? Yes!
6. How long have you been a resident of Gladstone? 15 years
7. What organization(s) do you belong to or participate in as a Gladstone resident? (Also, please state how long you participated in each).
Gladstone Planning Commission - just appointed
(Gladstone Charter Advisory Committee)
(HPSO - not a Gladstone alone organization -
Hardy Plant Society of Oregon - 5 years?
- only open garden in Gladstone

-
-
8. What are your major areas of interest in regards to participating on a Committee in Gladstone?

Make Gladstone the most livable and attractive community possible to serve its residents! Gather information from Gladstone residents to gain a vision of their ideal community!

9. Please include or attach any other information you would like to provide. (No more than one 8.5x11 size page please)

Background in architectural history while in college; helped other people to design their own gardens
Did research as a Business Education Compact intern with Intel - constantly doing research on my own about community innovations

Please return your application to: Eric Swanson,
525 Portland Avenue, Gladstone, OR
or e-mail to swanson@ci.gladstone.or.us, Thank you.



**APPLICATION FOR COUNCIL APPOINTMENT TO
DOWNTOWN REVITALIZATION PLAN COMMITTEE**

Thank you for your interest and willingness to serve on a citizens' advisory committee in your community. Following are some questions that will help Council when making their appointments.

1. Name Michael Milch
2. Address 545 Welter Circle, Gladstone
3. Phone # (S) 503-387-3818 (home) 503-358-6902 (cell)
(Please identify as home, office, mobile, etc)
4. E-mail address MichaelMilch@comcast.net
5. Are you a Gladstone resident (reside within the City limits)? yes
6. How long have you been a resident of Gladstone? one year (6/10/15)
7. What organization(s) do you belong to or participate in as a Gladstone resident? (Also, please state how long you participated in each).
Volunteer at G.C.C.F. (2010-2011) and at John Wetten Elementary (2011-2016). Coach for Gladstone Youth Soccer (kinder/micro) in 2010 + 2011.

Volunteer (2015-16) with New City Initiative, a faith-based support network to end the intergenerational cycle of homelessness and poverty.

8. What are your major areas of interest in regards to participating on a Committee in Gladstone?

Engaging Gladstone residents of all ages in shaping a vision of what a revitalized central business district (including library, civic buildings, and public spaces) could do to enhance the quality of life and promote economic, social, and cultural renaissance to our city.

9. Please include or attach any other information you would like to provide. (No more than one 8.5x11 size page please)

As part of a three-generation family living in Gladstone, I recognize and appreciate the importance of our schools, parks, library, and other community services, along with commercial, professional, and recreational/dining businesses, in creating a vibrant and viable city that serves the needs of all its residents.

Please return your application to: Eric Swanson,
525 Portland Avenue, Gladstone, OR
or e-mail to swanson@ci.gladstone.or.us, Thank you.



**APPLICATION FOR COUNCIL APPOINTMENT TO
DOWNTOWN REVITALIZATION PLAN COMMITTEE**

Thank you for your interest and willingness to serve on a citizens' advisory committee in your community. Following are some questions that will help Council when making their appointments.

1. **Name** Kirk Stempel

2. **Address** 6960 Winfield Court Gladstone, OR 97027

3. **Phone # (S)** Cell (503)710-1444
(Please identify as home, office, mobile, etc)

4. **E-mail address** rsqdiver103@comcast.net

5. **Are you a Gladstone resident (reside within the City limits)?** Yes

6. **How long have you been a resident of Gladstone?** 16 Years

7. **What organization(s) do you belong to or participate in as a Gladstone resident? (Also, please state how long you participated in each).**

Gladstone Fire Department, Gladstone Planning Commission, Gladstone Traffic Safety Committee

8. What are your major areas of interest in regards to participating on a Committee in Gladstone?

Community involvement and Outreach, Community Safety (roads, trails and rivers), Outdoor Activities

9. Please include or attach any other information you would like to provide. (No more than one 8.5x11 size page please)

I have been involved with the city for sometime now and see the need for a vibrant and functioning downtown core. The community has made it very clear that this is a top priority. For years the possibility of what Portland Avenue could be has been discussed and it is time to put boots on the ground and make it happen. We need to connect our community and draw people here in ways that do not solely depend on vehicles, so incorporating alternate transportation options is required.

MEMORANDUM

TO: Honorable Mayor and the Gladstone City Council

FROM: Ashley Driscoll, City Attorney *AD*

SUBJECT: Marijuana Sales Tax

DATE: July 20, 2016

Agenda Item

Ordinance imposing a 3% tax on the sale of marijuana items by a marijuana retailer if no prohibition is in place and resolution referring the issue to voters.

Background

Any tax the City imposed prior to the state legislature adopting HB 3400 (now codified as ORS chapter 475B) is presumptively preempted by state law and therefore invalid.

Under ORS 475B.345, cities in Oregon may adopt ordinances imposing up to a 3% tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election and the City does not have a prohibition on marijuana facilities in effect.

In the event marijuana facilities are allowed to establish in Gladstone and Gladstone wished to impose and collect a tax or fee, the City either must do so at the statewide general election in 2016 or wait two additional years to get the tax approved by voters.

Because of this situation, many cities that have adopted a prohibition are also adopting an ordinance imposing a tax or fee and referring both measures to the voters in November 2016. The tax would only take effect if the voters do not approve the prohibition or marijuana facilities or the facilities are allowed to establish in the future.

In order to refer a potential tax to the voters, the Gladstone City Council should adopt an ordinance imposing the tax and a resolution referring the tax to the voters no later than August 2016.

Proposal

The attached ordinance 1468 imposes a 3% tax on the sale of marijuana items by state-licensed marijuana retailers if no prohibition is in place. The attached resolution refers ordinance 1468 to voters as required by state law and provides the ballot title and explanatory statement to appear on the ballot.

Options

1. Approve Ordinance 1468
2. Do not approve Ordinance 1468.
3. Approve Resolution 1086.
4. Do not approve Resolution 1086.

Cost Impact

Potential tax revenue from the 3% sales tax.

Recommended Staff Action

Approve Ordinance 1468

Approve Resolution 1086

Suggested Motion

Move to approve Ordinance 1468.

Move to approve Resolution 1086.

ORDINANCE NO. 1468

AN ORDINANCE REPEALING AND REPLACING SUBCHAPTER 5.65 OF THE
GLADSTONE MUNICIPAL CODE TO IMPOSE A THREE PERCENT TAX ON THE SALE
OF MARIJUANA ITEMS BY MARIJUANA RETAILERS AND REFERRING ORDINANCE
TO NOVEMBER 8, 2016 BALLOT

WHEREAS, the City Council adopted Ordinance No. 1453 in 2014 imposing a tax on the sale or transfer of marijuana and marijuana-infused products within the city; and

WHEREAS, the Oregon state legislature subsequently enacted ORS 475B.345, which purportedly preempts the City from imposing any tax or fee on the sale of marijuana items other than imposing up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city if such a tax is approved by the voters of the city; and

WHEREAS, consistent with ORS 475B.345, the City Council wishes to impose a three percent tax on the sale of marijuana items by a marijuana retailer in the city if such marijuana facilities establish in the city; and

WHEREAS, the City Council desires to repeal the previously adopted tax, which is now purportedly preempted by state law.

NOW, THEREFORE, THE CITY OF GLADSTONE ORDAINS AS FOLLOWS:

Section 1. Subchapter 5.65 of the Gladstone Municipal Code, which was enacted by Ordinance 1453, is hereby repealed and replaced to read as follows:

3.22.010. Definitions.

Marijuana Item, has the meaning given that term in ORS 475B.015(16).

Marijuana Retailer, a person who holds a license under ORS 475B.110 and sells marijuana items to a consumer in this state.

Retail Sale Price, the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

3.22.020. Tax Imposed.

As authorized by ORS 475B.345, the City of Gladstone hereby imposes a tax of three percent on the retail sale price of all marijuana items sold by a marijuana retailer in the city.

3.22.030. Collection.

The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. If approved by voters, the Council shall take actions necessary to implement the tax.

Section 2. This ordinance shall be referred to the electors of Gladstone at the next statewide general election on Tuesday, November 8, 2016.

Section 3. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs or clauses.

Section 4. In order to protect the health, safety, and welfare of the community, this Ordinance shall become effective immediately, provided that the tax imposed by section one shall take effect only if approved by the voters at the next statewide general election on Tuesday, November 8, 2016.

First approval of the Council on this ____ day of ____, 2016.

Second approval and adoption by the Council on this ____ day of ____, 2016.

Approved by the Mayor this ____ day of ____, 2016.

ATTEST:

Thomas Mersereau, Mayor

Jacque Betz, Interim Assistant City Administrator

RESOLUTION 1086

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF GLADSTONE THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY IN THE EVENT THE MARIJUANA FACILITIES ARE ALLOWED TO ESTABLISH IN GLADSTONE

WHEREAS, under ORS 475B.800(5), cities that prohibit the establishment of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers or recreational marijuana retailers may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated; and

WHEREAS, under ORS 475B.345, cities that allow the above listed marijuana facilities may impose a tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city if such a tax is approved by the voters of the city; and

WHEREAS, the City of Gladstone adopted Ordinance No. 1467 imposing a tax of three percent on the sale of marijuana items by a marijuana retailer in the city and, pursuant to ORS 475B.345, has referred the ordinance to the electorate at the statewide general election on November 8, 2016; and

WHEREAS, the city council also referred to the voters of the City of Gladstone at the statewide general election on the November 8, 2016 the question of prohibiting medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers and recreational marijuana retailers; and

WHEREAS, if the voters approve the prohibition in the statewide election on November 8, 2016, Gladstone may not impose any tax or fee while the prohibition is in effect, but the city council desires to provide the voters with the option to tax retail marijuana sales if they are permitted in the city.

NOW, THEREFORE, THE CITY OF GLADSTONE RESOLVES AS FOLLOWS:

Section 1. An election is hereby called in and for the City of Gladstone, Clackamas County, Oregon, to submit to the legal voters of the City the following question:

Shall Gladstone impose a three percent tax on the sale of marijuana items by a marijuana retailer?

Section 2. Tuesday, November 8, 2016 is hereby designated as the date for holding the election for voting on the measure.

Section 3. The election shall be conducted by the Clackamas County Elections Department.

Section 4. The precincts for said election shall be and do constitute all of the territory included within the corporate limits of the City of Gladstone.

Section 5. The ballot title to appear on the ballots shall read as follows:

CAPTION: Authorizing tax on recreational retail sales of marijuana items

QUESTION: Shall Gladstone impose a three percent tax on the sale of marijuana items by a marijuana retailer?

SUMMARY:

Under a state law, cities may adopt ordinances imposing up to a three percent tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election. State law prohibits the city from imposing such a tax or fee if a prohibition on marijuana facilities in the city is in effect. This measure seeks the required voter approval for a three percent tax on recreational marijuana sold in the city by state-licensed marijuana retailers.

If this measure is approved and no prohibition on marijuana facilities is in effect, the City would be authorized to impose a three percent tax on recreational marijuana sales in Gladstone. No tax will be collected if voters approve a companion measure on the ballot seeking to prohibit marijuana facilities in the City.

Section 6. The City Recorder is hereby authorized to submit an impartial explanatory statement for the Clackamas County Voters' Pamphlet on behalf of the City to read something substantially similar to the following:

EXPLANATORY STATEMENT:

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the City. There are no restrictions on how the City may use the revenues generated by this tax. However, this measure will become operative only if the ballot measure prohibiting the establishment of certain marijuana registrants and licensees fails or if marijuana facilities are allowed to establish in the City in the future.

Under Measure 91, adopted by Oregon voters in November 2014, codified in ORS chapter 475B and amended by the Legislature in 2016, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include

marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The Gladstone City Council adopted an ordinance imposing a three percent tax on the sale of marijuana items by a retail licensee in the City, and, as a result, has referred this measure to the voters.

Under state law, if the city prohibits the establishment of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, recreational marijuana processors, or recreational marijuana retailers, the city may not impose a tax or fee on the sale of recreational marijuana. The tax proposed by this measure will be operative only if the City does not have a prohibition in place on any of the marijuana facilities described above.

Under state law, prohibitions on marijuana facilities must also be approved by the voters. The City has also proposed a measure to prohibit the marijuana facilities described above. If that measure is approved at this election, the tax proposed by this measure will not be operative unless or until that prohibition is repealed.

Section 7. The City Recorder shall take any and all steps necessary to place this measure on the ballot at the November 8, 2016 statewide general election including but not limited to publishing a copy of the ballot title in the next available edition of a newspaper of general distribution in the City as well as notice of the seven day challenge ballot title challenge period as required in ORS 250.296.

Section 8. This resolution is effective upon its adoption by the City Council.

ADOPTED BY THE CITY COUNCIL FOR THE CITY OF GLADSTONE this __th day of July, 2016.

ATTEST:

Thomas Mersereau, Mayor

Jacque Betz, Interim Assistant City Administrator

