

## GLADSTONE PLANNING COMMISSION MEETING MINUTES of March 17, 2015

Meeting was called to order at 7:02 PM.

### ROLL CALL:

The following city officials answered roll call: Commissioner Kirk Stempel; Commissioner Michelle Kremers Commissioner Malachi de AElfweald; Commissioner Elliott Veazey; and Commissioner Les Poole; Chairperson Tammy Stempel; Commissioner Kevin Johnson arrived at 7:06

### ABSENT:

None

### STAFF:

Jolene Morishita, Assistant City Administrator; David Doughman, City Attorney; Clay Glasgow, City Planner

*Chairperson Stempel read and reviewed the Duties of the Planning Commission.*

### CORRESPONDENCE:

None

### CONSENT AGENDA:

1. Minutes of February 17, 2015

*Commissioner Kirk Stempel made the motion to approve the minutes from February 17, 2015. Commissioner de AElfweald seconded the motion. Motion passed unanimously.*

### REGULAR AGENDA:

2. Request for Extension of Design Review Approval, file Z0091-14-D, Armstrong Volkswagen 20000 McLoughlin Blvd.

Clay Glasgow, City Planner said that on April 22<sup>nd</sup>, 2014, the Planning Commission approved Armstrong Volkswagens proposal to remodel their showroom and reception area and one of the conditions was that the work had to commence within one year of approval. We are coming up on the one year date and work has not started yet. The developers are here to request a one year extension, which is allowed by code section 17 at your discretion.

Commissioner Veazey asked if they knew when the work would begin. Kendra Kozak, Axis Design Group A+E, Inc. said they are reviewing financing options right now and it is taking longer than anticipated. The original completion date was supposed to be December 2015 but with the delays in financing they would like to push that out one year to December 2016.

Commissioner Kirk Stempel asked if there was any change in design or is it just an extension of time. Terry Olson No changes just an extension of time. He said that the financing was being done through a family trust and there is a meeting April 15<sup>th</sup> with the trust, Volkswagen and the owners of the store and it's just a matter of getting a-b-c-d-e done to get the money lined up. Commissioner Kirk Stempel clarified that there was no change in design or plan. Terry Olson said there are no changes.

*Commissioner Kirk Stempel made the motion to extend the design review approval of file Z0091-14-D. Commissioner Veazey seconded the motion. Motion passed unanimously.*

3. Consideration of Ordinance to Regulate Medical Marijuana Dispensaries

Commission Chair Tammy Stempel opened a public hearing to consider ordinance to regulate medical marijuana dispensaries, it is 7:10 pm and she called for abstentions from the planning commission, and asked if there was anyone who would like to abstain? None. She continued asking if there any declarations of conflict of interest? None.

City Attorney Doughman gave a recap of where things are right now. Last year around this time there was a lot of discussion and movement in the legislature about medical marijuana dispensaries and about cities and counties to ban or regulate them etc. Gladstone added an ordinance that said if someone wanted to have a business in the city they would have to comply with federal regulations which essentially banned marijuana dispensaries and other cities have done the same. That ordinance is still valid and on the books and it is up to the council to decide what to do with that. For today and the foreseeable future that ordinance will remain.

He continued saying after that ordinance was adopted the legislature gave cities under state law the express authority to have a one year moratorium on any marijuana medical dispensaries and required the city to adopt an ordinance and Gladstone as well as the mass majority of Oregon cities did that as well and that expires on May 1<sup>st</sup> of this year. The question now is with the moratorium ending under state law May 1, what now. The lower case law has been siding with the cities saying they do have the right to ban them and those are making their way up the ladder, so to speak. The larger case that everyone is waiting and watching for will shed some light on this as to whether through state or federal law cities can ban them, and that case is coming out of Cave Junction and that is at the court of appeals right now. There has been a briefing but who knows when that decision will be made, but it definitely won't happen before May 1<sup>st</sup>. We will eventually have clarity on cities rights will be on banning or regulating it in their jurisdiction.

City Attorney Doughman said measure 91 also passed and that, under Oregon law, permits recreational use of marijuana by adults. Part of that takes effect in July and then retail sales and dispensaries won't effectively take effect until early 2016. There is a whole process the state has to go through in drafting rules and the Oregon Liquor Control Commission (OLCC) is the body that is drafting those rules and they are in the process of doing that right now.

He said they're advising all of their clients to take a piecemeal approach to this. There are some cities that are just throwing everything together and aren't distinguishing between medical marijuana or recreational. Their advice is to keep them separate for now and the reason for that is, at last count, there 45 to 50 bills in the legislature this session that are seeking to amend, not only the medical marijuana but also measure 91 legislation. Given the fact that you aren't going to have any retail movement happening for another nine months to a year, he believes it best to wait and see what this legislation brings, then do what may or may not need to be done in regards to measure 91.

City Attorney Doughman said that all the commission is considering tonight is an ordinance that addresses medical marijuana dispensaries. The ordinance he drafted for you is the one they began last year but put on a bench once they had the moratorium in place, and the idea there was just to see what would happen over the intervening 12 months and there is some stuff happening now but not much. Where you are or what you are faced with as far as a decision tonight is, you're making a recommendation to the city council. It's not a decision, it's legislative and council is going to have to have a hearing and then adopt what they may or may not adopt. He said the way the ordinance is drafted it will only be effective if ordinance 1446, the council ultimately repeals that ordinance and that is the one that bans dispensaries. Again, he feels there won't be any clarity before May 1<sup>st</sup>.

City Attorney Doughman said that what the commission has before them is a no frills ordinance and that picks up where they left off last year. It says that in the light industrial area that a marijuana dispensary would be a conditional use. It can go a lot further or it could go no further, that's a call that you as the planning commission and ultimately the city council would make. They will get some answers on what cities can and can't do but their feeling is that cities will have the right to ban them if they want. It's almost civics 101, federal law trumps state law. If the federal doesn't strike down the entire law on medical marijuana they will likely say that cities can if they want to yet are under no obligation to have dispensaries.

With that, he doesn't know that it is really worth spending a lot of time on the details until they know one way or the other. Unless they actually do want them in Gladstone, and that is a different conversation. He then advised that leaving it as a conditional use in light industrial areas gives them a lot of leeway and a lot more options than coming up with a lot of details and restrictions. That is his personal recommendation considering where he feels this will ultimately go.

Commissioner Johnson questioned whether they were going to restrict where they could go in relation to schools, daycares, parks, etc. City Attorney Doughman said they absolutely said they can, he said he hadn't done that in this ordinance. He said they never got that far last year because the moratorium took affect so the conversation died. Commissioner Johnson felt that is what they had discussed when this all started last year. He said there are three light industrial areas in Gladstone and they had discussed only allowing it in one of the three because of the proximity to schools of the other two. City

Attorney Doughman said that state law prohibits dispensaries within 1000 feet of another dispensary. And also prohibits a dispensary within 1000 feet of a K-12 school.

Commission Chair Tammy Stempel asked if they had also added a state certified day care. City Attorney Doughman he answered he believes that has recently been proposed. So right now there is no protection for a preschool or day care so you could absolutely add those to your conditional use ordinance for dispensaries. And it would be good to go with the state law of a state certified child care facility.

Commissioner Poole stated that they aren't there to exclude everyone they just want to follow the spirit of the law. He said he read the state law and its provisions and he recommends everyone reads it because there is a lot of confusion out there. He agrees that the medical marijuana and recreational should be handled completely differently. He imagines that down the road, things will change and wonders if they will come after the medical marijuana people. He read some of the comments online on the OLCC and he isn't going to go through and read 50 bills out there and he doesn't normally like the wait and see attitude but feels sometimes, this being one of them, it's the right thing to do.

Commission Chair Tammy Stempel asked if everyone had heard what North Bonneville is doing, and asked why Gladstone couldn't also do that. She said that by them having their own dispensary they don't have to allow any others in their city, which for them is a 45 mile radius. So if Gladstone did their own could they also have the only dispensary and then not have this battle with allowing or not allowing other dispensaries.

City Attorney Doughman answered saying they could do that. He said that the state won't give them the number of card holders there are in Gladstone but they will give them a number based on a zip code because they don't feel that would reveal any card holders identities. He suggests they get that information to see how many card holders there are in Gladstone to see what that would translate to in a customer base and value of having a dispensary.

Commission Chair Tammy Stempel said it is a unique way to approach it and the cops think it's a good idea. Her concern was that having a dispensary would negate any federal funding for the city and asked for confirmation. City Attorney Doughman answered yes it would. If federal court said we will leave it up to states to regulate and figure it out it would be a very different conversation but right now it is against federal law to use, let alone sell for any purpose, including medical marijuana so unless that changes, there is nowhere to go with this.

Commissioner de AElfweald reiterated that the ordinance is bare bones and that part of it is compliance with state law but then there is additional stuff about zones. He asked why it doesn't just say comply with state law to keep it simple.

Commission Chair Tammy Stempel explained that that is what the commission decided to add that last year to make sure it limits where they can go, to a zone. So they are not allowed anywhere in red on the maps they are looking at. The commission wants to limit

where they can go and they don't want to just go with state law because there is no telling what the state will come up with and this protects Gladstone with that in there.

Commissioner Poole stated that light industrial is where products are usually manufactured and commercial is where products would be sold. He said that the county passed an ordinance already and there are already three on McLoughlin and that may be easier for them to set up shop on McLoughlin and we may not see many of them in Gladstone and he said that they are already pretty limited.

Commissioner de AElfweald said that brings up an interesting point, growing might be light industrial and selling in commercial, and asked if that would make a difference.

Clay Glasgow, City Planner said that what the county is doing is controlling the use with setbacks and are more restrictive than the state and beyond that, it is a commercial use. They are expanding the buffer between dispensaries and big setbacks but other than that they are not distinguishing them from any other commercial use.

City Attorney Doughman said that the state law that allowed the moratorium also said that counties and cities may impose reasonable restrictions on medical marijuana dispensaries and reasonable restrictions include these types of things. He also said that state law does allow them to be in light industrial zones.

Clay Glasgow showed Commissioner de AElfweald where the zones and their boundaries are.

Commission Chair Tammy Stempel said that the other option commission has is to continue with the moratorium and see what happens. She also asked if the moratorium can be extended. City Attorney Doughman said that as of May first it is gone and cannot be extended. He also told them that the ordinance that is in the packet is not the moratorium, this is the ordinance council adopted that essentially banned dispensaries, before the moratorium came into play. Once the moratorium is gone this ordinance will still be effective unless or until we get word from the state supreme court or federal supreme court saying banning dispensaries is illegal.

Commission Chair Tammy Stempel asked if they can recommend that council keeps the ban. City Attorney Doughman said that they can, and wait to see what happens. He warned that the risk is that if Gladstone doesn't have this in place, the moratorium ends and they don't already have the protections setup, it may be too late, they may not be able to once the final decisions are handed down. His feeling is that whoever loses the case in Cave Junction will likely take it to the Federal Supreme Court and that will be the final word and law on the issue. He also said that they are likely, between six to 24 months out on that decision. In the interim the city still has this ban.

Commissioner de AElfweald brought up some conversations that took place in the budget committee meeting. It was said that if the ban was in place they could not tax it. Commissioner Johnson asked if taxes were a part of the Cave Junction case. City

Attorney Doughman said it's not. Commissioner Johnson then stated that's another court battle. City Attorney Doughman said yes, unless the legislature does something with that during this session. He also said they would only need to add three or four words to make it abundantly clear on taxation.

Attorney Doughman said that is a measure 91 issue. Commissioner de AElfweald said that in the budget meeting they discussed whether they would or could tax the medical versus recreational. Attorney Doughman said that was correct and said as a legal matter measure 91 has language in it that seeks to preempt local taxes. It would only take two or three words to fix that but since they aren't, that is the big question for now. He also said that as long as the state doesn't clearly define a restriction or limitation, you can do it, and that includes sales taxes. So there is no reason you couldn't charge sales tax. Policy wise, you can probably come up with reasons why you should and why you shouldn't, but legally he doesn't see any reason you couldn't tax medical marijuana.

Commissioner Poole said he appreciated City Attorney Doughman clarifying all that, it took quite a bit of time but it has really helped him have a much better understanding of how this all works. He stated that the OLCC is the ones making up the rules and knowing how they work it's likely going to be pretty difficult for cities to get any taxes on anything. He thanked him for his help.

Commissioner de AElfweald asked Clay Glasgow, City Planner if he was suggesting that the county's ordinance is more limited than the states. Clay Glasgow, City Planner answered saying yes and no. He feels the county is taking a permissive approach in that they aren't identifying this use separate from any other commercial use. He said they are being stricter on buffers. You will see them in any commercial zones, they will be farther apart from each other, you won't see them near schools but anywhere there is any other commercial use these may also be there. They will be limited to commercial zones and this is medical marijuana only.

City Attorney Doughman said he read an article that was all about the counties, there was even a quote from Jim Bernard, saying they are trying to keep them all on the McLoughlin corridor. Clay Glasgow, City Planner said yes, but that is where he would expect to see commercial uses. He said McLoughlin is the easiest place to have them and they are even using parks as setbacks or buffers.

Commission Chair Tammy Stempel opened the floor to public testimony. First, those who support the amendment and then those who oppose the amendment.

### **In Support:**

Mindy Garlington, 7000 Debbie Court, Gladstone  
She is all for it and she has looked at it all and measured it all out and said that the light industrial is a great place for it and commends the commission for what they are doing.

A couple of residents came forward to look at the zoning map to get a better picture of where they are talking about. Clay Glasgow, City Planner put up a large map so everyone can see it.

Amy Peradotta 5725 Duniway Ave. Gladstone, Oregon

She asked for clarification. So the areas in grey are where dispensaries would be allowed. Commission Chair Tammy Stempel answered yes. Amy asked if Gladstone is trying not to have them at all. Commission Chair Tammy Stempel answered they are currently banned in Gladstone. Amy asked why. Commission Chair Tammy Stempel said the city council placed that ban a year ago. City Attorney Doughman stated that the state law allowed a moratorium because of the conflict between state and federal. There were too many questions and not enough answers so they are waiting for more answers from legislation and/or higher courts to know what they can and can't do.

Amy Peradotta said she would like to see dispensaries in Gladstone, medical marijuana is real and patients need more access to it. It helps with a lot of conditions, not that there's not abuse in the system because there is abuse in every system. There is legitimate medical research that is out there and she supports that. She feels as a responsible parent there are responsible ways to not attract children or draw attention to themselves. She feels especially in Gladstone, it is not a particularly affluent area and access is very important. A lot of people don't have vehicles and she would really like to see them in Gladstone.

City Attorney Doughman stated that there are processes in place that can rewrite code and that make recommendations to city council. He feels that how the members of the commission feel about it and whether it should or shouldn't be regulated, that should factor into it and then it goes to council and they weigh in. He feels that if the ultimate consensus of the city is that they want to continue to prohibit them but eventually don't have the basis to do that anymore then there needs to be something in place to regulate them. That is fine, it's a policy call. Even if you just wanted to go with whatever the state comes up with, you can do that too.

Commissioner de AElfweald asked Amy Peradotta about her desire for accessibility and asked if the grey areas on the map are accessible enough. Amy Peradotta said it depends. She said that if you totally rely on public transportation she said they would work. She also asked if they were talking about taxing it as well. Commission Chair Tammy Stempel said no, they are not they are only talking about the zoning.

Commission Chair Tammy Stempel called for more testimony and none came forward.

Commissioner de AElfweald pointed out two sections, the second whereas and the second to last one, in the ordinance in their packet that he feels conflict with each other. Commission Chair Tammy Stempel agreed and said that one says you can put it in commercial and every place else and the other says just light industrial.

City Attorney Doughman said that the second whereas could be clearer, and that what that is stating is that under state law those facilities must be located within, so he can certainly add that.

Commission Chair Tammy Stempel added “under state law” to the second whereas and “in Gladstone” on the fifth whereas, on her copy.

Commissioner Johnson said he doesn’t have a problem with the ordinance with the one change of “under state law”.

Commission Chair Tammy Stempel asked if someone needs to make a motion. City Attorney Doughman said yes, he would make a motion to recommend the ordinance with that change that the council consider and adopt.

*Commissioner Johnson made a motion to recommend that council adopt ordinance with the addition of “under state law” to the second whereas. Commissioner Poole seconded. Commissioner de AElfweald said he doesn’t feel they should limit it to light industrial. Motion passed with one nay from Commissioner de AElfweald.*

#### 4. Work Session: Gladstone Code Review

Commission Chair Tammy Stempel stated that the city council wants the planning commission to continue with their code review. The next section they were supposed to work on was the commercial zone, but because of the telecommunications issue that came up in the last meetings, she asked if they could delve more deeply into that code first. She also said that the city attorney’s office has someone in their office that specializes in the telecommunications industry, they had asked the city attorney to get more information to see if there is any more that they can do to regulate it more, to prohibit it, to give them more control.

City Attorney Doughman said that Nancy, from their office, did a number of those and most recently for the city of Salem and there is a copy of their currently adopted ordinance in front of you. One of the questions that was asked at the last meeting was can they ban cell towers outright. The answer is no. This is another example of federal law coming into play. The Telecom act of 1996 basically says that cities get to worry about aesthetics, and that they can place reasonable regulation on them but you cannot prohibit them. He stated that the city has an ordinance in place that, relative to some jurisdictions that isn’t all that bad. They have an ordinance in place that does encourage this concept of co-location, which basically says if you are putting in a new tower you try to put it on an existing equipment, whether it is a tower, building, power pole, etc.

He said they found out that there were some things the commission would like to have done, with respect to the application they recently heard and weren’t in a position to do anything. He said he found out today that that application is in appeal in council, so he would like to avoid, as much as they can, the specifics of that application because Councilor Sieckmann will be hearing an appeal on that sometime soon.

City Attorney Doughman said but with respect to the general topic, the Salem ordinance you'll notice a number of things. It has a much more robust and detailed description section that really goes into a lot of specificity about various aspects of these types of facilities. He said again, for you it would be a policy issue. In Salem they felt that their right of way was getting cluttered, not just with cell towers, but in general, so they gave some carrots, as you will, for people to look outside of the right of way and made it a little bit easier.

He started pointing out some of the ways that Salem's is organized and laid out. He said it really started on page 4 and how it talks about, with more strength and clarity than Gladstone's does. Gladstone's requires that you must seek to co-locate and if not you must report in great detail why you can't. It doesn't say they can't do that but it is a last resort to do that. But they have to go through a very laborious process for the applicant to show this is the only way we can provide the service they need to provide and essentially there is no other way.

He said that if you start looking at how this ordinance is structured relative to Gladstone's you can start to see the differences. He pointed out that Salem breaks theirs down into priorities, in terms of where the city is looking to site them from their first to last priority. Don't look at what they want to see, it's more about the structure and how yours could be structured as well. And encouraging them by making the processes easier if they choose to locate in the places where you really want them to go.

City Attorney Doughman said a type one review is a ministerial review, it would hardly even be noticed. Gladstone wouldn't have to do it that way but Salem figured that if we are confident that if people are doing it this way that it's going to be a quick process and they can get the permit quickly.

Commission Chair Tammy Stempel questioned that the quick process is how Gladstone's is currently, they didn't really have to see it. Clay Glasgow, City Planner said that he works with several jurisdictions, not Salem, but the county also requires co-location but after that it is a streamlined process, if you are co-locating in a commercial zone, etc., it can be over the counter. He said that Gladstone's isn't clear like that, unfortunately it's fuzzy, when it comes to co-locating as far as who needs to review it. He brought that directly to the commission because it's of interest and people wanted to talk about it, but he could have done that by staff. City Attorney Doughman questioned it still would have been noted as a type two decision. Clay Glasgow, City Planner said it would have been, but that it needed to be talked about. On the other hand he didn't have to bring it to the commission he could have done it ministerially.

City Attorney Doughman said that on page 8 with regards to sighting standards under 030 subsection they talk about right of way, they even start prioritizing right of way. Not to be done on the busiest streets all the way down to a local street where they would least like to see it. He said something along these lines might be good. He has no vested interest in Salem's ordinance but it is well laid out and it's current, it was adopted about a year ago. He said they will be making some little tweaks to it. Commissioner Johnson asked if he

knew what the tweaks would be. City Attorney Doughman said they aren't helping them with their tweaks but his understanding is that it mostly has to do with a particular set of streets that they are concerned about and they would like to dissuade further. It wouldn't really apply to Gladstone.

City Attorney Doughman explained that in Salem they have clear specifications on their telecommunications industry for every detail and they feel confident that the majority of those applying for new towers, etc. follow the guidelines and as long as they do, the process will go quickly and smoothly. They do have the right to deviate from that but if they do then the process gets much more arduous with a lot of justification and much more work. He said they could do something similar with many less zones to worry about but he would have to look at it more closely and he can bring other examples as well. He said that Gladstone's code does encourage co-location but does nothing about where you want them to be and where you don't want them to be. He also said they cannot ban them.

Commission Chair Tammy Stempel asked if they could put up their own towers and then companies could co-locate on their towers and they could decide where they will be. Commissioner Poole said he likes the N. Bonneville approach. She said she is very concerned that Verizon has saturation levels are down to a four block radius and with their contract with PGE that means they could put them up every four blocks and they can't do anything about it.

Commissioner de AElfweald said with PGE only allowing one carrier per pole that means there have to be a lot more towers on a lot more poles.

Commissioner Poole said he was thinking the same thing and wondering how they can address that and not end up with a Christmas tree because at some point they start getting pretty top heavy.

Commission Chair Tammy Stempel stated that Jacob, Verizon Representative, said that they have an exclusive contract with PGE and it that's the case where are all of the other carrier's going to put their poles. And it's not just the poles, it's everything that has to go in with them. They are also going to want to have the same coverage as Verizon.

City Attorney Doughman said he didn't know that it was exclusive with PGE and if that is the case that's a pretty prize contract. As stated, it's not just the poles, its buildings and other structures, etc. and people can get pretty creative. He said it all has to do with topography and he has no clue about that stuff, but it doesn't need to be a very tall building. He said they have clients that lease out a portion of their city halls for towers and that is a money generator.

Commissioner de AElfweald said that to the point Attorney Doughman made earlier, they could put stuff in their ordinance that could make it an easier process and to co-locate with a building as opposed to building a new tower.

Commissioner Johnson said they already have that to a degree. Commission Chair Tammy Stempel said they already have that to a degree but they really make it tighter with some teeth in it and to push them to co-location.

Commissioner Johnson said his concern is this pole is Verizon, this pole is AT&T, and this pole is T-Mobile. He asked if there is a way to limit how many co-locations can be in a certain distance, like a mile, half a mile, or whatever.

City Attorney Doughman is baffled with Verizon having an exclusive contract with PGE, which seems to conflict with the telecom act of 96, the equal and open access to as many poles as they want.

Commissioner Johnson said he may have misunderstood but he remembered it to be one carrier per pole, not an exclusive contract with PGE. Commissioner de AElfweald said maybe they should have asked PGE that question, not Verizon.

City Attorney Doughman said it's an important point though and that would make more sense if PGE's policy is to lease to anybody if it makes sense, technologically and financially, and say they will only allow one carrier per pole. It's a very different situation with that than to have an exclusive contract with one carrier. He said the benefit to that is that other carriers will come in and add towers to the PGE poles but that is a much better scenario than them coming in and saying we can't co-locate on a PGE pole so they have to build the big towers.

Commissioner Poole said that is a better option and a less expensive option as well. He stated that it's not about money and not only do they not want that, but they do want to change Portland Avenue and aesthetics is going to matter. He asked if it is possible to require battery backups and not allowing generators on Portland Avenue.

Commission Chair Tammy Stempel said they did that on the one they just had and said if the technology is available.

Commissioner Poole said he has seen them in Portland and in fact in Sellwood they did one of these right on Tacoma Street. He said it's not pretty because there was no place to hide the generator and it is on a platform about 15 feet up the pole.

City Attorney Doughman said he will check on that and he wouldn't be surprised if the telecom act says a city can't mandate the backup power source but he will check into that. The whole idea is to be blanketing the air with radio waves.

Commissioner Poole said he grew up in rural areas where the power outages were much longer and electric backup batteries don't work in severe cold, so the only real option was generators, which aren't an issue in the mountains but it is an issue here. He hopes that they can have a lot of control over the aesthetics.

City Attorney Doughman said it is totally clear to him that they could have at least one work session on nothing but this issue, at least one. He is suggesting that at the next meeting or earlier, better sooner than later, getting more familiar with the Salem ordinance get some other examples, but maybe we can start pulling out things that we like about it and start formulating it into a Gladstone ordinance.

Commission Chair Tammy Stempel asked if it would be worth contacting some of the larger carriers to find out what they are looking for. City Attorney Doughman answered sure.

Commissioner de AElfweald also suggested calling PGE to find out exactly what their requirements are instead of taking it from a third party.

Commission Chair Tammy Stempel said she would really like to find out what the carriers plans are, how many antennas, are they coming up with some stealth options knowing that their saturation levels will be so high so it isn't so obvious. That's becoming a huge concern, not just for the city but for everybody. What else is out there that will make it look better.

City Attorney Doughman said he doesn't know as technology advances things continue to change, they will probably get smaller.

Commission Chair Tammy Stempel said that is what they said a few years ago, that they would be able to use small boxes and they tried that at Providence Park and they didn't work and they went back to antennas. There is technology out there but the carriers just aren't in a position to invest in these new technologies. They know this technology, they know how they work, what they cost, the longevity of the antennas, etc.

City Attorney Doughman said he does know that one of the carriers was very involved with Salem's ordinance, he doesn't know which one but they were very instrumental in putting it together. He said they probably weren't happy with all of it but there was no appeal. He said he thinks a good idea to reach out to the carriers and PGE to get their input and perspectives. He said that they really need to have at least one work session dedicated to just this issue.

Commission Chair Tammy Stempel said that it is an important issue that they need to give it the time. She asked if that is what the commission would like to do. To do more research and take the time to go through the Salem ordinance and then dedicate a whole work session to this ordinance.

The consensus was yes.

Mindy Garlington, 7000 Debbie Court, Gladstone

She said she is not trying to push but she is very concerned about the time issue, how long will it take to do the research, study and contact the carriers. They could potentially

already have applications ready to put up more towers. She asked how much time they reasonably have.

City Attorney Doughman explained the process and the most optimistic timeline, the quickest it could get done. They have to give a 35 day advance notice to the state of Oregon that the hearing will take place with the planning commission. Then the planning commission has to hold the hearing and then make a recommendation to the city council. Then the city council would have to adopt it and then the regulations are generally effective in 30 days after adoption. Best case scenario, with one hearing, then council hearing, then adoption, it's at least a four month process.

Mindy Garlington asked how long does it take for the application process to go through. Clay Glasgow answered that whatever the ordinances are the day that application is received is the process that will occur. It doesn't matter what the commission is working on, only what it is at the time it is received.

City Attorney Doughman reiterated that if an application came in tomorrow, it could take four months, give or take, and the current process would be what is stipulated in the current ordinance.

Mindy Garlington said that really concerns her and she has another question. She said that when they are talking about putting small restrictions on the boxes and poles, etc., she suggested they consider getting smaller diesel fuel tanks so they don't have 77 gallons of diesel sitting in the middle of their city. She acknowledged that it's protected and double firewalled, but it's there and how many of those do they want.

Commissioner de AElfweald he stated that fits right in with their comments on the generator.

Clay Glasgow, City Planner said that from the planners standpoint, he works with those all the time, city, county, borough, you name it, is dealing with this all the time. He said they aren't carving stone tablets, there is a lot of information out there, and in fact he may be the only person in the room that isn't part of the demand cause for this. Everyone uses cell phones, you can't say no to them, the best you can do is guide them to places you want them to go, co-locate them, hide them to the extent you can so you can continue using them.

City Attorney Doughman said he is the messenger here, and stated that if the hope is that this process will keep them out, then that is an unrealistic hope. You can make it as discouraging as you want for these people but at the end of the day they will come and if they can produce a report saying the only way they can get the coverage they need is with a monstrosity pole, they have the legal right to do it.

Commission Chair Tammy Stempel said they do this every day and they come up against this argument all the time.

Clay Glasgow, City Planner said yes, however generally speaking, the days of the big gigantic tripods or even the big tall monopoles, are, if not gone, are certainly numbered. It's cheaper for them to co-locate, it's cheaper for them to stick it to something that's already standing instead of building something else. They are getting smaller.

City Attorney Doughman said it's the confluence of better technology and an understanding that, they don't exist in a vacuum, it's a delicate balance, they don't want to have all of these hearings where people are upset about it and it's not good for business. He said he can only imagine that, even with increased demand, which is happening, he doesn't feel they will see a sea of new poles, but he feels it is good to have more control over where they go.

Commissioner Veazey said he would like to encourage them to use the smallest of technology, instead of brick phone lets install a smart phone, and let's try and think 10 years down the road and they can use the battery backups and incentivize them. Maybe there are things we can do to encourage the smaller and more streamlined and aesthetically pleasing technology, and make that part of their approach as well.

Commission Chair Tammy Stempel said that she knows that Bloom Box is talking to some of them about their fuel cells but she doesn't know where they are on that.

Commissioner Poole said that things are changing, look at the Dish original six foot round antenna and now they are quite small and discreet. He feels the sooner they can have a work session the better and he is available to do that.

Commission Chair Tammy Stempel said that she has been in one of the shelters but can't remember where it was, maybe the Lloyd Center area, she thinks it's a 10 foot by 20 foot concrete bunker and it was so full of racking, wires and switches and they had two huge air conditioners running all the time just to keep that thing cool. So they are limited on how much more they can put in those structures. So there are some physical limitations. On how many can co-locate equipment and even with the two air conditioners running full time it was like a sauna in there.

Commissioner Veazey said he's been out to the Sand & Sea condominiums in Seaside and they have AT&T and T-Mobile co-located on their facility and you can see downsizing even there. They used to have two racks for it and now there are only two. So he feels that they can come up with incentives to encourage latest, greatest and smallest.

Commission Chair Tammy Stempel asked Clay Glasgow, City Planner if the black fiber ring have any impact on the cell carriers at all, is that going to be an advantage to them, to limit how many wires they're going to have? Clay Glasgow said he doesn't know enough about the technology to answer.

Commission Chair Tammy Stempel asked the commission where they would like to go from here, they can't do anything concrete tonight because they all need to study over the

Salem ordinance and start looking at things they would like to glean from it. And there is more research to do as well.

Commissioner de AElfweald asked to have some discussion about the smart code you mentioned.

City Attorney Doughman asked what they would like to see at the next meeting. Chair Stempel asked if they need to wait till the appeal is complete to see if there is anything else that needs to be fixed. City Attorney Doughman said they don't need to wait because this ordinance is a four month process so if there is anything from that they need to address there will be time to fit that in. He suggested that the commission take the time and really go through the Salem ordinance so that at the next meeting they will have a work session and figure out what they would like to take from Salem's and put into theirs, then they can send the notice to the state, schedule the hearing and go on from there.

Chair Stempel asked if the commission want her to contact the carriers and get their input on what their future intentions are. Commissioner Poole said either her or a family member would be fine with them.

Glenda Scherer 1525 Columbia Avenue

She first wanted to thank them for volunteering their time and doing this. She then questioned that the city council said they have given authorization for the commission to do additional meetings above the normally scheduled meeting for a work session. Chair Stempel answered yes. Glenda Scherer said she strongly, strongly recommends the commission do a work session as soon as possible and not wait for next month's meeting. She said that time is of the essence and she feels they really need to get this going ASAP. She doesn't want them to call the other carriers, she feels that telling them that Gladstone is making some changes and gives them the idea that they will want to get some towers in much sooner and quicker and not wait to see what the changes are. She thanked them for their time.

Clay Glasgow, City Planner suggested the commission goes online and look at the ordinances of West Linn, Lake Oswego, Sandy and Wilsonville's and not Portland's.

City Attorney Doughman agreed and said the reason he brought Salem's is because it was the most recent road tested example. He said that Salem's might be more than they need and agreed with Clay Glasgow and recommended looking at Sandy's and others as well.

Clay Glasgow, City Planner said they probably won't get much from the carriers, it would get into proprietary stuff pretty quickly so they won't talk. The new technologies coming out so quickly. They will be out with 6G and 7G soon and it's moving too quickly to keep up.

Commissioner Veazey stated he's always had a very hard time trying to talk to anyone at a carrier. He was doing project at the Sand & Sea and they needed the carriers to come and move their box or coax and it took him six months to talk to someone at AT&T.

He stated that they already know what they can do. He appreciates the comments but they already know their rights and their rights are to co-locate. They are engineering and planning months ahead of them. He said the gentleman he talked to had many projects of many different technological levels across the state, so they know what they have here, and he didn't think contacting them would tip them off to anything. He feels they can get the information they need online and by looking at the ordinances elsewhere.

Commissioner Johnson said he's a little more curious about the PGE part of it. Commissioner de AElfweald said he was too.

City Attorney Doughman said he has a couple of contacts at PGE and he would be happy to call them. Commissioner de AElfweald asked if he could find out what their requirements are so they can coordinate based on that. City Attorney Doughman said absolutely they need to find out exactly what their policy is.

Commission Chair Tammy Stempel said that it would take some time to gather the information so asked if the commission feels they should put the work session as agenda item one and get this hammered out first. The answer was yes. Commissioner de AElfweald asked if the zoning would be item number two. Chair Stempel said yes.

Commissioner Kirk Stempel asked if it was going to be a planning meeting or work session. Chair Stempel said it would be a planning commission work session. Commissioner Johnson said unless there is something else. Chair Stempel agreed and said if they don't it would just be a work session.

Clay Glasgow, City Planner said at this point it would be a work session because there isn't anything else. Commissioner Kirk Stempel said he doesn't want to end up doing business and then finding out there isn't enough time to have a work session.

Chair Stempel said this will be a priority.

Commissioner Veazey asked Clay Glasgow, City Planner if an application came in tomorrow for a co-location would you bring that to the planning commission. Clay Glasgow answered yes. Commissioner Veazey acknowledged that he didn't have to and they appreciate that he did and will.

Commissioner Veazey stated that for the next few months, until the ordinance is created, heard and adopted, they will have to continue seeing them and adding their conditions on a case by case basis. Chair Stempel agreed and said the only thing they can really address is the aesthetics for now.

City Attorney Doughman said even though public hearings are not required it can yield those things, you have community members with concerns and are voicing those concerns. The applicant would rather not have to address any of those concerns but are forced to in a public hearing setting, accommodating those kinds of things is usually not that big of a deal for the applicant, and you're talking million dollar corporations or so. He thinks it's way to get things you may not otherwise get. The outcome probably won't be much different.

Commissioner Johnson asked if there a way to restrict how many can go in a certain radius. City Attorney Doughman said no, it's more of a qualitative exercise and not quantitative. He said they can try and dissuade them from going on Portland Avenue and encourage them to go elsewhere, by making the process very laborious for Portland Avenue but you can't really stop them from it. You may be able to say only four in this area and no more because if they can show that the only way they can get the necessary coverage is to be on Portland Avenue then they have the right and you can't stop them.

Commissioner Johnson questioned they can co-locate anywhere. Clay Glasgow, City Planner said no, they are controlling it through zoning, they can be anywhere in a commercial zone. Clay Glasgow said that it is allowed outright in a C2 zone. In other zones it may be a conditional use which may be denied. You do control them somewhat through land use.

Commission de AElfweald asked if they can have a zone on Portland Avenue that is different than commercial. Clay Glasgow answered yes. In fact you have this whole Portland Avenue plan that requires all utilities be underground. There are a variety of planning issues that come into play including the underlying zone, as far as how or if it is allowed at all on a certain property. Commercial zone just happens to allow co-locate cellular towers as an outright use.

Commissioner Poole said the last thing he would add, like you said we aren't reinventing the wheel here. He said that if there was a way to limit the number there would be something somewhere, they would have survived a court case or something. City Attorney Doughman said he can confirm that, he is sure there is one. Commissioner Poole said in case you stumble across something in your research there has to be something out there, it would be interesting.

Commissioner Poole also asked that with the health issues that come with cell towers and them having to be a certain distance above the ground, is there something about the number of towers in an area that equates to having eight cell phones around your head.

Clay Glasgow, City Planner said it has been studied to death and there is so much other electromagnetic radiation from all that other crap along Portland Avenue, particularly the old electric trolley line with a bazillion volt line. That's the one I'd be afraid of if I lived close.

City Attorney Doughman the lawyer answer is you have all that stuff out there, the feds have said it's a matter of law that you don't get to consider it. The other thing is that the telecom industry did a whopper with this act that was lobbying at its finest. The other thing he pointed out is that the FCC issued a proposed rule recently which basically says, that for co-locations, you have to make a decision on those within 60 days and that includes any appeals. This is a proposed rule, and on day 61 if the ruling hasn't been made, the telecom provider can just go do it. This proposed rule is being appealed right now. The deck is stacked and you have a narrow amount of authority in regulating these things and even that is shrinking.

Commissioner Veazey said he is stuck on using the most modern technology and asked if you can regulate their upgrades. He said driving up and down I-5 you see some of these old towers that are 25 years old with the huge arrays, and that is some of the issues I've had on some of the projects, obviously there is better technology. He asked if they could build into their ordinances that every three to five years the technology has to be upgraded. So if you have an array that is big and five years later they are half that size, you are obligated to upgrade. And on the power supply too.

City Attorney Doughman said he doesn't know the answer and he will check into it but his feeling is that they couldn't. He understands why they would want to, but his concern is that would be a regulation on the telecom industry and wouldn't be allowed. It's a good idea to get rid of the monstrosities and down size the eyesores. He will check it but his gut is saying that they can't.

Commissioner Poole said he feels that without getting too loose, they might have to provide some incentives. He doesn't feel they will get anywhere, and ultimately whether not they like it, the applicants can legally challenge it and say that they are prohibiting them or effectively prohibiting them from putting in their tower.

City Attorney Doughman agreed and said that with the language in there they can actually say effectively prohibiting it by putting so many conditions or making it so difficult, and they have done just that and won their cases. He said he understands them not wanting the telecom industry there but they can and will pull you into court if they feel any of the ordinance is hurting their bottom line. Generally, at some point in the process, they will invite them in because they won't advise you to do anything you may get sued over, and they will advise you before you end up in federal court.

Commission Chair Tammy Stempel said that would not be nice. She said they will discuss it at the work session at the next planning meeting next month.

Commission Chair Tammy Stempel said the next thing is the commercial zone. She said she doesn't even know where to start on that one and said that Clay Glasgow, City Planner is the smart code guru. Chair Stempel stated that the reason she threw the smart code in there is she felt it was a good example of something that could be easier for people to understand, it's more visual, and easier to navigate. She said this isn't necessarily what she would like to see but there are pieces she would like them to

consider. She also informed them that she and Assistant City Administrator, Jolene Morishita just submitted a grant application for \$175,000 to help us pay for codes, code review and design standards for Portland Avenue. The hope is that it will help them to put together some good plans, and standards that has some meat to it, and have those who are professional at this help guide them through the process. She said the decision is made and awarded in June.

Clay Glasgow, City Planner asked who the granting authority is. Chair Stempel said it's an ODOT grant, and they called it their refinement grant. Clay Glasgow asked if it was a Transportation and Growth Management (TGM) grants and the answer was yes. Chair Stempel said they paid for the first plan, the Portland Avenue Development Plan so this one is a follow up. This money is for planning only, for the plan and only the plan.

Clay Glasgow, City Planner said that with that kind of money they could get Andres Duany himself to come and talk about his smart code. Chair Stempel said she doesn't want to spend all the money on big guns, she wants to spend it on plans, schematics and the froufrou stuff. She asked Clay Glasgow to give his spiel on smart codes.

Clay Glasgow educated the commission on zoning codes and said that what they have is a conventional zoning. Land use zoning has been around for many years, and in fact he recently saw some from the late 1700's for Philadelphia. At the end of World War II, when everyone came home they all got cars and it was at that time zoning became car centric. And that is what you still have, it's based on everyone having their own vehicle to drive around in. So that is what allows you to have different zones for different uses. So Home Depot is over there and the schools are east of that, and you don't have to worry about these conflicts with a wood mill and a kindergarten next to it. He said there is a town in Ohio called Euclid, the name Euclidian zoning comes from that town from a supreme court case in the 1920's that said yes you can segregate uses with land use regulations. And that is still what we use today.

He explained how form-based coding looks at things completely differently than conventional. It doesn't look at different uses, what's important is how things work together. Form-based zoning is based on the public realm, on public space, on the streets, the parks, the open areas, and how everything else works around that. You don't segregate, you mix things together. He suggested they read the smart code, it's hard to explain, it was created by Andres Duany and his team and it is a form of form-based zoning. If you look at form-based zoning you won't see what is and isn't allowed, it's happier zoning. It's not what you can do it's how you can do it. Conventional zoning is unhappy zoning, it's what you can't do, and why things have to be this way and that, and it's strict separation of things. Ultimately form-based ends up a very mixed use type of development where you've got a store on the first floor and you've got apartments above that. It just naturally creates a situation where you never have to get into your car because everything is close and convenient.

Clay Glasgow, City Planner said it was based on something called a transfect, boy this is really, really complicated to explain.

City Attorney Doughman said the way it was explained to him that made it easier to understand it. He said to think of modern society in terms of where we are going with manufacturing and industrial uses. We're not really the pig farm, the oil refinery, and the steel mill, yes they exist but more and more the industrial uses isn't necessarily dirty things, and they may be totally compatible with what we consider commercial use. It's more about what form do those things take, and no longer splitting them to different areas of town when some of them may easily coexist. It becomes more about what are your parking standards, what does your building look like.

Clay Glasgow, City Planner stated it's really all about how things look and work together. It allows for a great deal of creativity, even though it looks like it wouldn't because it requires some very specific building design standards, very specific. On the other hand it's doesn't really care about what's going on in those buildings. There are some uses that still need to be segregated, a lumber mill, a tannery, a feed lot. Some things still need to be pushed out but transect deals with that too, it just gets pushed out to the sides, but there's no lines on a map where you put Thomason car lot here, houses here, and a school here. That doesn't happen with form-based zoning because it doesn't need to. Chair Stempel said that she feels it bring communities together instead of dividing them.

Clay Glasgow said that one of the best examples are neighborhoods in Brooklyn, not so much Manhattan, but the Bronx. He said it is a massive boroughs of city with millions of people and yet there is an infinite number of neighborhoods and communities within these large cities, it's almost like small cities within cities. To him that is form-based. They have the benefit of incredible mass transit and that helps, but that to him is a natural occurring form-based situation, the really dense cities like that. He said when you get out west we are very auto centric. He said if you've ever been to Houston or Atlanta, it's just these concentric circles of 50 lane highways, if you go form-based you don't get that. The closest we have to that in Clackamas is the Sunnyside Village. He said in his mind was a failed experiment, but a good experiment to try. They never got the commercial aspect of that enough, it's too close to Portland. It's a different philosophy and if you can keep that in mind and go into it with that in mind, and get everything else out of your brain while you're reading it, it makes sense. Particularly the transect approach.

Commissioner de AElfweald said that he and Clay Glasgow had talked about this ahead of time, and there was a comment that it doesn't limit the choices it expands them and he had asked you to clarify that because he was looking at that and where it was talking about 30% opacity on the windows or specific or number of trees being specific, he asked him to talk about that.

Clay Glasgow, City Planner said that is because form-based planning cares what it looks like and conventional doesn't. Conventional zoning cares about what it is, is it a school is it a car lot is it a hospital. Form-based is what does it look like, not about what's in it, but what does it look like. It naturally allows for a lot of mixing whereas in conventional it is strictly prohibited. The goal is to create neighborhoods, it doesn't matter how big, like in

New York City has 11,000,000 people there and you have all these cool little neighborhoods, right in the middle of the city and a lot of these people never leave their neighborhood, or if they do it's like a vacation and it's only couple of blocks away. He said he is exaggerating a little bit but not a lot, if you've ever spent any time there. Boston, there are some really great neighborhoods in the middle of Boston.

Commissioner Johnson asked where all of the businesses on McLoughlin will go. Clay Glasgow said they stay where they are, they are where they belong. He said they have a really big opportunity to do something really cool with Portland Avenue, it's already zoned C2. They've got this Portland Avenue development plan with all of these grandiose whatever's, focus on your little downtown. Commissioner Johnson said so you don't care about what goes in the building. Clay Glasgow said you care less about what goes in the building, than you care about what the building looks like and how it interacts with the building around it. Commissioner Johnson said so as long as we have a beautiful building and it fits in with the buildings around it, we could have a strip club on Portland Avenue. So in response to his question, yes you could have a strip club in every building. He said it is a commercial use and he feels the same way about the marijuana.

City Attorney Doughman said it's not immune to market reality. He said that Sandy did some of this, they've got three commercial zones and three industrial zones, and they took an industrial district and a commercial district, and for all intents and purposes they are exact same zone. They really went to, less about this category of permanent uses and conditional uses, etc., there were certain things that aren't allowed, and said by in large, any commercial or industrial use is allowed in those areas, but they're subject to really strict design standards. If you're going to do that, fine we don't care if you're going to do manufacturing or if you have retail, but you're going to have to have a building that has design elements that has this amount of parking, that has these amenities. The reality is that when you setup that prescriptive, or must do, there are a lot of uses and businesses that are going to go there because it makes a lot of financial sense to go there, and there are others that don't and won't.

Clay Glasgow, City Planner said that the reality of the market is what ultimately drives it no matter what you do with it. You could have a strip club here right now and the reason there isn't one is there isn't a market for it, and that's the only reason. He would argue that the form-based zone would actually discourage that because of the way it has to work with and fit in with the neighbors around it.

Commissioner Poole asked why their codes are so restrictive, what if they didn't have such finite codes in the first place couldn't more of this automatically happen. Clay Glasgow said that the whole Oregon land use system back in the 70's, was for the time and its time was very forward looking. He would argue that time has come and gone.

City Attorney Doughman said it forces you to analyze industrial land and set aside a certain amount of industrial land, and look at your commercial land base and set aside a certain amount of commercial land, and make sure your residential land has these needs

met. And it's all well-intentioned but you end up with everything split up into its own individual zones.

Clay Glasgow, City Planner said that if they want to look at something a little more forward thinking go to Los Angeles and go to their zoning code. Frankly they are miles ahead of the Portland area or Oregon, they just came into the game a little bit later. He said it is way too big of a topic to talk about this late at night but he really hopes and encourages them to really take a look at it and give it a chance. Because what you have right now is from the stone ages. And you've zoned yourself into little boxes and it limits creativity, it's not pretty, and you've got an amazing opportunity, particularly with Portland Avenue and the timing might be right. He said there are parts of this city that just isn't realistic to do that. He said that Portland Avenue with all of its buffers back a couple of hundred feet, this would be a perfect place to try it and see if the market will support it, and it would really open things up.

Commissioner Kremers has a concern about something he mentioned, the word built, he had said there've been many developments built around the smart code plan. So that's something that's new but here we have an existing city, and she asked if this is something that may generate interest in someone coming in.

Clay Glasgow, City Planner said he thinks it would. He said Portland Avenue is already leaning this way. He said it's fairly unique in the area, it's a cozy little downtown main street that you've got to work with, right in the middle of Portland, and to him that's a bit unusual. It presents an opportunity to allow somethings that aren't currently allowed or specifically allowed. And it would allow the market and creativity to take a little bit more of the lead rather than putting a leash around everybody with zoning everybody into a box.

Commission Chair Tammy Stempel said that with the development coming up in Oregon City, that Gladstone is in the right place at the right time to tell people come home to Gladstone. Go ahead and work at the Willamette Falls legacy project, work in downtown, but come home to Gladstone because we have this small town feel to us and we've got this great downtown core.

Clay Glasgow said I'm sorry but your C2 zone is leaning towards form-based zoning. He said that their C3 zone blows but it needs to be there and where it is.

Commission Chair Tammy Stempel said she has a question that is a bit off topic. She was at the economic development commission meeting a couple of weeks ago and everybody was up in arms about this new legislation they were pushing through that will give all municipalities an additional 500 acres of industrial land. She asked what came of that and where are we going to get our 500 acres.

Clay Glasgow, City Planner said that Gladstone has the least amount, at least percentage wise, of industrial land in all of the solar system. Chair Stempel asked if they are taking it from somebody. Clay Glasgow said it depends if you want to build an industrial base that

you don't have. He said that they can create the conditions that when the market is ready it will come, it will happen.

Commission Chair Tammy Stempel said they have a lot to digest and work on and said she is very thankful that Clay Glasgow is so knowledgeable on it.

Commissioner de AElfweald said that one thing on the smart code that caught his attention was about succession and he asked Clay Glasgow if he could talk about it. Clay Glasgow said he could not sensibly talk about it in the time they have available.

Clay Glasgow, City Planner said everyone really needs to study through this stuff and they can talk about it at the next meeting. He said because it is so different and you really need to be in the right mindset to absorb it. It will require much more time and it will be easier once everyone is more familiar with it and he will bring examples next month and it will be much easier to understand being able to see it.

Commissioner de AElfweald said that the two main things he thought about that was, Portland Avenue for example if it was intrinsic, according to that in 20 years they would have to bump it up to the next level.

Commission Chair Tammy Stempel said they don't have to take all of that, and that is a piece they wouldn't need.

Clay Glasgow, City Planner said that smart code word for word will never be applied anywhere. It's a set of guidelines and you take what you need and what will work and you make it very specific to your community and that's one of the best things about form-based zoning, you can really tailor it to Gladstone. Chair Stempel added, fairly easily too, which is what she likes about it because instead of having to reinvent the wheel from scratch the commission has something that kind of walks them through it and they can adopt it, tweak it, toss it, do whatever they want to with it.

Commissioner Kremers asked if he considers Orenco Station a co-development. Clay Glasgow said that because of the mass transit aspect, that is one of the ways they sold it. City Attorney Doughman noted that it has a solid mix of residential and commercial. But that's not unique anymore. Commissioner Kremers mentioned Intel being nearby as well. Clay Glasgow said that was fortuitous timing and location, is why that one worked a little bit better than some of the other ones, although that one did and still does have significant issues. He feels they took too big of a bite as well.

Chair Stempel said she is a Disney Land fan and they have that city in Florida that was based on transect. Clay Glasgow said that was probably the first. Commissioner Poole said he thought that was Disney World. Chair Stempel said it's not, it's actually a city and she thinks it's called Celebration. Clay Glasgow said it is actually a community not a city, and it kind of worked, at least well enough to try to apply it elsewhere, but again the best way to do this is to tailor it, make it a Gladstone form-based code. It's not going to

look like smart code 9.2 but it's going to have a lot of the elements. Chair Stempel said she loves the format because it's so easy to follow.

Commissioner Kirk Stempel said he's got something for Councilor Sieckmann. He would like council to look at and straighten out the city boundaries. He feels they are ridiculous. The lines are so cut up and all over the place, they don't make sense.

Councilor Sieckmann said in answer to his question what he is actually asking would require annexing property into the city and most of that is done by request by the property owners. Once a property owner requests to be annexed in, they are welcomed in and it is almost impossible to stop. He believes the reason it's currently chopped up is because this property owner wanted to be annexed because if I'm in Gladstone it's cheaper. So a lot of that has happened that way. In order to bring in a large section like that would take a lot of work. City Attorney Doughman said it's a difficult process without buy-in from the property owner.

Councilor Sieckmann said he knows they have some real hot topics to deal with but the council would like the commission to try and come up with a timeline for the code review as soon as possible.

Chair Stempel asked if Councilor Sieckmann is going to the Main Street Convention. Councilor Sieckmann he said he believes he is, he was told he was but hasn't got the information on it yet. Chair Stempel said it is at the end of the month.

#### **BUSINESS FROM THE PLANNING COMMISSION**

Not attended

#### **ADJOURN:**

*Commissioner Poole moved to adjourn the meeting. Commissioner Kremers seconded. Motion was passed and the meeting was adjourned at 9:32 pm.*

Minutes approved by the Planning Commission this 21 day of July, 2015.

  
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Tamara Stempel, Chair