

**GLADSTONE PLANNING COMMISSION AGENDA  
GLADSTONE CITY HALL, 525 PORTLAND AVENUE**

**Tuesday, September 20, 2016**

**6:30 P.M. CALL TO ORDER**  
ROLL CALL  
FLAG SALUTE

**CONSENT AGENDA**

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a commission member or person in the audience requests specific items to be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

1. Minutes of July 19, 2016 Meeting

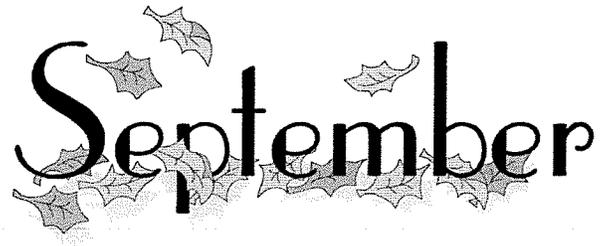
**REGULAR AGENDA**

2. **Public Hearing:** Z0460-16-Z, Z0461-16-SL, Zone Change from R-7.2 to R-5, Single-Family Residential; Subdivision fourteen (14) lots for future residential use. Gladstone Assembly of God, 6460 Glen Echo Avenue, Marnella Homes
3. Discussion of Regulating Marijuana Facilities as Conditional Uses in the Light Industrial Zone

DISCUSSION/BUSINESS FROM THE PLANNING COMMISSION

ADJOURN





September

**CONSENT AGENDA**



## **GLADSTONE PLANNING COMMISSION MEETING MINUTES of July 19, 2016**

Meeting was called to order at 6:30 PM.

### **ROLL CALL:**

The following City officials answered roll call: Commissioner Kirk Stempel, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Richard Hoffman and Chairperson Tammy Stempel.

### **ABSENT:**

None.

### **STAFF:**

Jacque Betz, Assistant City Administrator; David Doughman, City Attorney; Clay Glasgow, City Planner.

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Ms. Betz gave the oath of office to newly appointed Commissioner Randy Rowlette.

Chairperson Tammy Stempel made a few comments regarding the duties of the Planning Commission.

Susan Liston said she has not been able to get much response from the City Council regarding Gladstone's lack of SDC's. She shared hand-outs regarding what other cities charge, etc. Commissioner de AElfweald suggested sharing the information with Mr. Swanson.

### **CONSENT AGENDA:**

#### **1. Approval of June 21, 2016 Minutes:**

*Commissioner de AElfweald made a motion to approve the consent agenda. Motion was seconded by Commissioner Smith. Motion passed unanimously.*

### **REGULAR AGENDA:**

#### **2. Public Hearing: Z0324-16-D; Design Review, new building. Gladstone Park Conference Center, 7,500 square foot building to be used for storage. Subject property is zoned Office Park, OP, and is located between Oatfield Road and the I-205 Freeway. Site is developed with many buildings and uses associated with the conference center. Building Structures, Inc.:**

Chairperson Tammy Stempel opened the public hearing at 6:42 PM and went over the procedure to be followed. None of the Commissioners wished to disqualify themselves. Commissioners Kirk Stempel, de AElfweald, Rowlette and Poole have visited the site.

There were no objections from the audience.

Mr. Glasgow went over the staff report. Commissioner Poole said he has concerns regarding trucks/deliveries.

Applicant Testimony:

Heather Austin from 3J Consulting, Inc. gave some background information on the site, the reason for the storage building, and showed some examples of the siding that will be used. Brian Feeney from 3J Consulting explained that there will be no additional burden on the drainage system.

There was no public testimony.

*Commission de AElfweald made a motion to close the public hearing. Motion was seconded by Commissioner Hoffman. Motion passed unanimously. Commissioner Hoffman made a motion to approve Z0324-16-D. Motion was seconded by Commissioner Kirk Stempel. Motion passed unanimously.*

- 3. Public Hearing: Z0035-16-D; Road Runner Pizza. This proposal had previously been denied by the Planning Commission with that decision being appealed to the City Council. Council reversed the interpretation used by the Planning Commission, and remands it back to that group for further review. Site is located west of Portland Avenue at the end of Duniway and Watts Streets. Zone Designation is LI, Light Industrial. Bart Kearns:**

Chairperson Tammy Stempel opened the public hearing at 7:02 PM. None of the Commissioners wished to disqualify themselves and all but Commissioner Hoffman have visited the site. There were no objections from the audience. Mr. Doughman gave some background information on the application.

Applicant Testimony:

Bart Kearns, applicant, said he would be willing to do everything the Weaver property had to do and can write in the fact that he would remove the watchman's quarters if he were to ever sell the property. Commissioner de AElfweald confirmed that the person living there would go through the DPSST certification (unarmed). Mr. Kearns explained that it would not be 24-hour security. Mr. Kearns answered questions regarding security cameras, lighting, building design, energy codes, landscaping/buffering, trash/recycling disposal, etc.

There was no public testimony.

Applicant Rebuttal:

There was discussion regarding what happens if/when the property is sold.

*Commission de AElfweald made a motion to close the public hearing. Motion was seconded by Commissioner Poole. Motion passed unanimously.*

The following requirements were agreed upon: unit to be re-sided using T-111 or better, satisfy Gladstone's dark sky code, provide a landscape plan that complies with Gladstone code and addresses screening on the east side, complies with all DPSST requirements/licensing/certifications, and the removal of building and land use authorization upon sale of the property.

*Commissioner de AElfweald made a motion to approve Z0035-16-D with the conditions set forth by this meeting and staff report. Motion was seconded by Commissioner Smith. Motion passed unanimously.*

- 4. Continued Public Hearing: Z0185-15-C; Conditional Use/Design Review, tri-plex. Subject property is zoned R7.2, Single-family Residential and located at 19105 SE Oatfield Road between Heather Way and Kenmore Street. This proposal was originally considered at the June 16, 2015 Planning Commission hearing. At that time application did not provide sufficient detail and the item was tabled to the June Planning Commission hearing. Tabled again to July. Dale Crittenden:**

Chairperson Tammy Stempel opened the public hearing at 7:38 PM and went over the procedure to be followed. None of the Commissioners wished to disqualify themselves and all but Commissioners Smith and Hoffman had visited the site. There were no objections from the audience. Mr. Glasgow gave some background information and read the response from the Fire Marshal.

Applicant Testimony:

Dale Crittenden gave additional information regarding fire truck access.

There was no public testimony.

*Commissioner Smith made a motion to close the public hearing. Motion was seconded by Commissioner Poole. Motion passed unanimously.*

*Commissioner Poole made a motion to approve Z0185-15-C with the additional Fire Department requirements. Motion was seconded by Commissioner de AElfweald. Motion passed unanimously.*

- 5. Public Hearing: Z0363-16-D; Design Review, retail pad at Clackamas Crossing II, minor modification to Master Plan for the site (restaurant to retail); OLCC Liquor**

**Store. Subject property is south side of Arlington Street east of McLoughlin Blvd./adjacent to Walgreen's site. Seven Hills Properties:**

Chairperson Tammy Stempel opened the public hearing at 7:46 PM. None of the Commissioners wished to disqualify themselves and all had visited the site. There were no objections from the audience. Mr. Glasgow gave some background information. Commissioner Hoffman shared some information regarding the number of OLCC establishments in the area.

Applicant Testimony:

Dana Krawczuk, attorney from Perkins Coie, said that this will not necessarily end up being a liquor store. Bill Ruecker from Baysinger Partners and the property owner gave a slide show and answered questions regarding the site/landscaping, windows, building materials, trash enclosure, square footage, roof screening, traffic, etc. Commissioner Poole suggested that any trees that are planted don't get out of control.

Opponent Testimony:

Susan Liston asked the Planning Commission to honor the original Master Plan and not amend it. She feels Gladstone is being taken advantage of and is afraid of what will happen if we allow this to go ahead.

Barbara Nizich had questions regarding the process. She has concerns regarding having another establishment that serves or sells liquor in the area.

Applicant Rebuttal:

Dana Krawczuk said there is a hearing tomorrow at the City Council meeting regarding the type of tenant that will be using the building.

*Commissioner Kirk Stempel made a motion to close the public hearing. Motion was seconded by Commissioner de AElfweald. Motion passed unanimously.*

*Commissioner Kirk Stempel made a motion to approve Z0363-16-D with the removal of suggested condition item #22 and with the addition of the street trees as approved by County arborist. Motion was seconded by Commissioner Smith. Motion passed unanimously.*

There was a brief discussion regarding access to the construction area.

**BUSINESS FROM THE COMMISSIONERS:**

A back-up liaison is needed for the discussions that City Council is having with Clackamas County. Commissioner Rowlette volunteered.

Commissioner Rowlette:

He gave some background information on himself. He will not be able to attend next month's meeting. He apologized for missing his first meeting.

Commissioner Poole:

He said tomorrow evening at 6:00 at the County Commissioners' meeting there will be a discussion regarding possible gas tax and/or vehicle registration fee for the County. He encouraged everyone to attend.

Commissioner Kirk Stempel:

He would like to be notified of every house that's being built in the City. All of the Commissioners agreed. Mr. Glasgow will comply.

There was a discussion regarding zoning and cell towers.

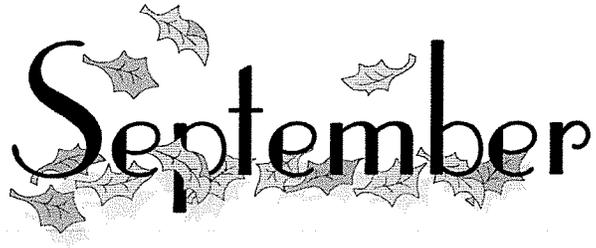
**ADJOURN:**

*Commissioner Kirk Stempel made a motion to adjourn. Motion was seconded by Commissioner Poole. Motion passed unanimously. Meeting adjourned at 8:45 PM.*

Minutes approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Tamara Stempel, Chair





September

**REGULAR AGENDA**



# City of GLADSTONE

## STAFF REPORT/RECOMMENDATION TO PLANNING COMMISSION

Files: Z0460-16-Z

Date: September 9, 2016

Hearing(s): September 20, 2016 (PC), September 27, 2016 (Council)

### I. GENERAL INFORMATION

- A. Proposal: Zone change from Residential, R7.2 to Residential, R5.
- B. Legal Description: T2, R2E, Section 17CC, Tax Lots 3900, 4000
- C. Location: 6460 Glen Echo Avenue
- D. Current/proposed Plan designation: Single Family Residential
- E. Current/proposed Zone designation: R7.2, Single Family Residential/R5 Single Family Residential
- F. Site Description: Total property size (two separate, adjoining parcels) is approximately 4.40 acres. A church and associated buildings/uses are in place. This proposal involves adjusting the common boundary between the two pieces such that the church and classroom buildings are on one parcel. A zone change is proposed for the other parcel, from R7.2 to R5 to allow for subdivision into fourteen (14) new lots for future single-family residential use.

The site is approximately 600 feet east of the Portland Avenue Corridor. Gladstone High School lies to the southwest. Predominant land use in the vicinity of the subject is single-family residential structures on individual lots.

### II. INTRODUCTION

The subdivision proposal and property line adjustment applications are dealt with through separate staff reports and decisions. There is no Comprehensive Plan

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amendment requested or required, as the proposed zone change remains within the Residential Plan category. This zone change request is subject to Chapter 17.68, Amendments and Zone Changes, of Title 17 of the Gladstone Municipal Code.

The applicant has submitted information to address the applicable criteria. Those materials are incorporated by reference herein.

### III. FINDINGS AND CONCLUSIONS

Planning staff has reviewed this request in reference to the applicable provisions GMC. Based upon this review, staff makes the following findings and conclusions:

#### A. Zone Change

1. Chapter 17.68 establishes the approval criteria for a zone change. Chapter 17.68 requires that the applicant “must show by a preponderance of the evidence” the following:

*17.68.050(1) Granting the request fulfills a public need, the greater departure from present development policies or land use patterns, the greater the burden of the applicant.*

As noted, this proposal does not involve a change in land use categories. The site is currently planned for residential use. It is the minimum lot size that is the subject of this request. Current zone requires 7,200 square foot minimum lots size. The proposed R5 zone would allow for lot size of 5,000 square feet. Given the 1.90 net acres proposed for change – an additional three (3) lots would be allowed by changing from R7.2 to R5.

Applicant responds to this criterion as follows: “....fulfills a public need by assisting the larger region in addressing its housing shortage. The Portland region’s increasing housing demand has outpaced the community’s ability to produce supply and, as a result, it has significantly driven up housing costs. Allowing the property owners to build homes at slightly higher densities will help the community produce additional supply to meet demand and reduce costs to a more affordable level. Though this change on its own will not have a major impact on the region’s overall housing supply and costs, it will contribute to the greater effort of addressing the housing shortage affecting the community and the region.” Applicant further notes that “....R7.2 to R5 would be a minor departure from present development policies/land use patterns.” See application materials for complete responses to this and other applicable criteria.

Generally speaking, staff is in agreement with applicant on these points. Housing, particularly that of the affordable variety is becoming more of a concern in the metro area. That said, staff is of the opinion this proposal would result in relatively significant departure from present land use patterns, in this case typical lot size. Yes, the area in question is generally residential in nature, but that residential use appears to be occurring on properties averaging closer to 7,200 square feet, e.g. what the current zone allows.

- While the applicant may have established there is a public need for more housing - whether the applicant has met their burden to support allowing lots of 5,000 square feet in this area of predominantly 7,200 square foot properties is a question to be considered by the Planning Commission. Based on information existing in the file staff is unable to arrive at that finding.

**This criterion requires further consideration.**

*17.68.050(2) The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.*

Applicant presents discussion on this criterion in the submitted materials, to include – “This application contributes to the greater regional effort to produce more housing supply to help meet the rising housing demand and reduce costs. This need is best served by granting the petition now because recent shortages across the metro areas have already driven up costs according to recent data provided by the Regional Multiple Listing Service and reported in a May 2016 article by the Portland Tribune. Additionally, regional population projections produced by Metro show continued growth in the years to come, with 725,000 more people and a total population of 3 million by 2035. Therefore, all communities within the region should work now, in any small manner, to expand the housing supply, helping to ensure a more affordable housing market in upcoming years.”

Staff does not disagree with the applicant’s contention additional housing stock is and will continue to be necessary in the metro area. Other factors are involved, however. Whether or not any of that additional housing potential should be located *on the subject property* is the issue at hand with this application. **This criterion requires further consideration.**

*17.68.050(3) The proposed action is consistent with the Comprehensive Plan and Metro’s Functional Plan (Metro Code 3.07).*

The Gladstone Comprehensive Plan identifies the subject property as Residential. No change in land use category is proposed at this time. The Housing section of the Land Use Planning Element provides policies and implementation strategies for residential use in Gladstone. This to ensure meeting the ultimate housing goal of the City: *“To meet the housing needs of all segments of the population through optimum utilization of housing resources for the construction, rehabilitation and maintenance of a diversity of housing types at appropriate locations, price ranges and rent levels, while preserving and enhancing the integrity and identity of existing residential neighborhoods.”* Policies (4) and implementation strategies are listed. Applicant provides discussion (see application materials.)

Of the four Policies listed, it is the first that appears to most apply relative to this request. “Provide a choice of housing type, density and price range.” This proposal appears to support that policy. Combined with the fact there is no land use category change;

**The proposal is consistent with the Comprehensive Plan.**

Applicant discusses the request relative to Metro’s Functional Plan. Please review submitted materials.

The Metro Functional Plan provisions relevant to this proposal are as follows:

*Title 1, Housing and Employment Accommodation:* The proposed zone change will provide for potential increase in residential density. Title 1 is met.

*Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation:* The site in question is not identified as a Water Quality or Flood Management Area, nor are there any Fish and Wildlife overlays. Title 3 is noted here for purpose of recognizing such overlays do not exist on the subject property.

*Title 7, Affordable Housing:* The general intent of this Title is to ensure housing is provided for households of all income levels. This application involves a Zone change request to increase potential density of single-family residential homes on individual lots. No change in housing type is proposed (e.g. no apartments, etc.) By providing for additional lots/home, potential for different prices of home is increased.

*Title 12, Protection of Residential Neighborhoods:* This Title deals with protecting residential neighborhoods from air and water pollution, noise and crime and to provide adequate public services. The subject proposal

would result in increased density in the area, and the removal of many trees. The Planning Commission should discuss how this proposal furthers “Protection of *Residential Neighborhoods*.”

**With satisfaction of Title 12, this criterion can be met.**

*17.68.050(4) Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.* Applicant contends a significant increase in housing demand has occurred in the Portland metro area in recent years, and further discusses housing costs. It is applicant’s contention that in order to temper rising housing costs increased densities are warranted. Applicant further notes that a zone change on the subject property from R7.2 to R5 will help address the public need while maintaining the surrounding neighborhood’s single-family residential character.

Generally speaking staff agrees with applicant’s discussion on this point. A significant change has occurred: housing demand in the metro area has increased over that projected originally and along with it costs have gone up for available housing. The trend is expected to continue.

**This criterion is satisfied.**

*17.68.050(5) The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, transportation systems.* The subject property is an area served by adequate public facilities, including adequate transportation systems. **This criterion is met.**

Notice of this proposed zone change was sent to affected agencies as well as area property owners, dated August 31, 2016. At time of this staff report no comments have been received. Staff understand the relatively short time-line between notice and first public hearing and expects comments to be available at or prior to the Planning Commission hearing.

#### **IV. RECOMMENDATION**

The Planning Commission is authorized to make a recommendation to the City Council on Zone changes, pursuant to Subsections 17.94.060(1)(b) and (c) of the GMC. At time of this report staff is unable to recommend approval. Applicant may present additional information during the hearings process.

# City of GLADSTONE

## STAFF REPORT/RECOMMENDATIONS TO THE PLANNING COMMISSION

File Number: Z0461-16-SS  
Applicant: Marnella Homes  
Hearing Date: September 20, 2016  
Planning Staff: Clay Glasgow

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### I. GENERAL INFORMATION

- A. **PROPOSAL:** This is a request to divide the subject property into fourteen (14) lots for future residential use, along with a separate "tract" for use as a surface water facility. An application for Zone Change (from R7.2 to R5) has been filed concurrent with the proposed subdivision. This staff report considers the subdivision proposal as if the zone change has been approved. If the zone change request is denied this subdivision proposal becomes void.
- B. **LEGAL DESCRIPTION:** T2S, R2E, Section 17CC, Tax Lots 3900, et al
- C. **SITE ADDRESS:** 6460 Glen Echo Avenue
- D. **LOCATION:** south side of Glen Echo Avenue across from Petite Court/Tryon Court (approximately 600+ feet east of Portland Avenue.) The property extends south to the right-of-way for Nelson Lane.
- E. **ZONING DISTRICT:** R5 (as proposed - R7.2 at present), Single Family Residential
- E. **COMPREHENSIVE PLAN DESIGNATION:** Residential
- F. **SITE INFORMATION:** The subject property is vacant, approximately 2.42 acres in size (as adjusted through file #Z0459-16-PLA) and currently used as play area



and open space in conjunction with a church and associated facilities on property adjacent to the east.

- G. VICINITY DESCRIPTION: This portion of Gladstone is generally in residential use. The high school is a short distance to the southwest of the subject.
- H. BACKGROUND: This is the Gladstone Assembly of God property. Church and associated uses have been in place for many years. Through this proposal those uses are set to continue, though a large portion of the current ownership will be subdivided and put into single-family residential use on individual lots. With the concurrent zone change application the proposed lots are shown as averaging just over 5,000 square feet in size (see attached maps for detail.) A new road is proposed to extend through the site, from Glen Echo Avenue to Nelson Lane. That portion of the Nelson Lane right-of-way abutting the site to the south is planned to be improved.

## II. FINDINGS

This subdivision application is subject to Chapter 17.12 R5, Single Family Residential; Chapter 17.32, Subdivisions; the applicable Development Standards of Title 17 of the Gladstone Municipal Code (GMC), and Chapter 17.94 – Hearings.

## III. CONCLUSIONS

Staff reviewed this request in reference to the applicable provisions of the GMC. Based on this review, staff makes the following conclusions:

- A. *Section 17.12.050* of the GMC identifies the dimensional standards of the R5 Zoning District. Those standards applicable to this application consist of lot area along with setbacks, building height and density standards. Minimum lot size requirement is 5,000 square feet – met with this proposal. Setback requirements for future buildings will be applied when those buildings come in for permits – applicant has provided approximate building envelopes to show how these requirements can be met. Building height standards will be applied at time of application or building permits. Minimum density requirement of at least 80% of maximum is met with this proposal. *This criterion is satisfied as detailed on the submitted site plan information.*
- B. *Chapter 17.32 of the GMC* establishes submittal requirements applicable to subdivisions. The applicant either has or can comply with these provisions. Subsection 17.32.030(1) requires a condition of approval that the final plat be submitted to the city within one year of the date of tentative plan approval unless

the Planning Commission grants an extension pursuant to this subsection. *This criterion can be satisfied.*

C. Chapter 17.42 of the GMC establishes provisions for development. Section 17.42.010, Purpose, discusses general standards for development of property within the city. The purpose is to: “carry out the Comprehensive Plan with respect to development standards and policies; *promote and maintain healthy environments, protect against noise, air and visual pollution, and minimize development impacts upon surrounding properties and neighborhoods*; and, allow for incentives and flexibility within development requirements.” One issue that may relate to this criterion is the proposal to remove 86 trees as part of the development. (see Tree Preservation and Removal Plan, sheet P1-03 of large plans.) Of the 27 trees listed as being preserved – only two are actually on the subject site. The other preserved trees are on different properties in different ownerships to include two conifers across Glen Echo Avenue to the north. Planning Commission may want to ask applicant to provide detail on this aspect of the proposal. The County Arborist walked the site and she has provided comments. On another matter, Section 17.42.030 requires that improvements shall conform to requirements of that Chapter and to any supplemental design and construction specifications adopted by the city for such improvements. This section further requires plan approval by the city prior to construction and notice to the city prior to the beginning of construction. Finally, it provides for inspection and approval of improvements by the city. Any approval should require conditions requiring compliance with the provisions of Section 17.42.030. *This criterion requires further consideration.*

D. Chapter 17.50 of the GMC establishes requirements for vehicular and pedestrian circulation, and these standards shall apply to all land divisions and development that is subject to design review. Improvements as required by the Public Works Director.

*17.50.020(1) Impervious Surface. Provide for the least amount of impervious surface necessary to adequately serve the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles.* The proposal involves platting new lots. Additional impervious surface in the form of new roadways, additional rooftops, etc. will result, but can be minimized to the extent possible through proper design. At time of new residential use impervious surface will be minimized by dimensional limitations of the zone. *This criterion can be met.*

*17.50.020(2) Traffic Separation. Provide when feasible, a separation of motor vehicular, bicycle and pedestrian traffic.* Roadway construction will be as required by Public Works. This criterion can be met.

*17.50.020(3) Curbs and Sidewalks. Provide curbs, associated drainage, and sidewalks within the right-of-way or easement for public roads and streets.* The proposal includes a new road, extending north south from Glen Echo Avenue.

Proposed “Tryon Street” is shown to have 40” right-of-way width, fully improved to City standards. Sidewalk is proposed along one side only. The property appears to be used as a short cut by pedestrians, as evidenced by the well-worn trail trending north-south, possibly by students walking to the high school. Sidewalk will be a useful addition here. In the interest of limiting impervious surface and considering classification and function of the road staff supports the one-side only approach to sidewalk. The Glen Echo frontage is shown as providing adequate dedication and road improvement. Nelson Lane frontage, to the south will be improved as shown – adequate. Applicant appears to have satisfied concerns discussed at the pre-application conference relative to these matters. Due to short notice period comments from Public Works were not available at time of this report. Staff expects those comments will be available for discussion at the Planning Commission public hearing. *This criterion can be satisfied.*

*17.50.020(4) Traffic Volume Expansion. Provision shall be made to accommodate any increased volume of traffic resulting from the development. If streets adjacent to or serving the site are inadequate, widening, dedication of property for future widening, or other street improvements may be required. The development shall be designed to minimize traffic volume increases on minor streets and underdeveloped streets.*

See discussion above, at 17.50.020(3). Staff is of the opinion that, as proposed the street improvements will be adequate to serve the proposed use as well as minimizing traffic volume increases. *This criterion is satisfied.*

*17.50.020(5) Handicapped Needs. Provide for the special needs of the handicapped such as wheelchair ramps and Braille signs. A condition of approval shall require the sidewalks provide for wheelchair access.*

*Subsection 17.50.040(1) establishes minimum right-of-way and roadway widths for different classifications of streets. See discussion, above. This criterion can be satisfied.*

*17.50.040(6) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate widths, additional right-of-way shall be provided at the time of development. Dedication will be provided along Glen Echo Avenue and Nelson Lane to bring those streets up to full right-of-width along frontages of the property. This criterion is satisfied.*

*17.50.040(14) Curbs and Driveways. Curb cuts and driveway installations shall be installed, according to City standards. A condition of approval should require that curb cuts and driveways installed for the new lots comply with this subsection. This criterion can be met.*

*17.50.040(15) Sidewalks. Sidewalks shall be installed on both sides of a public street and at any special pedestrian way within a development. The Planning*

*Commission may approve a development with sidewalks on one side only of a local street if special site conditions exist or if alternative pedestrian routes are available, or if the proposed sidewalk is not likely to become part of a complete pedestrian route in the foreseeable future.* Sidewalks will be provided along both the Glen Echo Avenue and Nelson Lane frontages. New “Tryon Street” shows sidewalks along the west side of the road only. The Planning Commission should discuss this element of the proposal. Based on classification as a local street, along with relatively short length of the new road and opportunity to limit impervious surface/attendant load on the storm sewer system, staff supports the one-side only sidewalk. See also discussion at 17.50.020(3). *This criterion can be satisfied.*

*17.50.040(16) Bicycle and Pedestrian Routes. Bicycle/pedestrian routes shall be required when consistent with Map 5 of the Comprehensive Plan and when necessary to provide a system of interconnecting walkways and safe, convenient access to a transit stop for a school, park, church, day care center, library, commercial center, community center or similar facility.* Glen Echo Avenue is shown by the Map 5 of the Plan as being a bikeway. Frontage improvements along this frontage will be required to provide for such. Other involved existing/proposed streets are not identified on Plan Map 5. *This criterion can be met.*

- F. *Chapter 17.56 of the GMC* establishes surface water drainage requirements. No comments have been received from the Gladstone Public Works Department as of this report. Conditions of approval should require that all development comply with the surface water standards identified in this criterion, to include detention and retention on-site. *This criterion can be satisfied with conditions of approval.*
- G. *Chapter 17.58 of the GMC* establishes standards for grading and fill and requires enforcement of Chapter 70 of the Uniform Building Code (UBC). The city contracts with Clackamas County for administration of grading permits. The county enforces its own Excavation and Grading Ordinance in lieu of Chapter 70 of the UBC. A substantial amount of fill is proposed. Conditions of approval shall be required that the applicant conduct all grading and filling in accordance with the applicable provisions as determined and permitted by Clackamas County.
- H. *Chapter 17.60 of the GMC* establishes requirements for utilities. Sanitary service and water service are available to and in place on the property. No specific comments have been received from the service providers as of this staff report. Conditions of approval should require that all development comply with applicable standards.
- I. *Chapter 17.64 of the GMC* identifies the design standards for land divisions. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development contemplated. Depth, width, frontage etc are met as shown. Staff can find that the size and shape of the lots as proposed meets the intent of Chapter 17.64 of the GMC.

**Request for comments** sent to City of Gladstone, Gladstone Fire, Public Works, Gladstone Police, Tri-Cities and Oak Lodge Service Districts, Gladstone Disposal, contract engineer for the City, and property owners within 250 feet. Planning Staff expects comments to be available at the public hearing.

#### **IV. RECOMMENDATION**

The Planning Commission is authorized to approve subdivisions pursuant to Subsection 17.94.060(2)(e) of the GMC. Based on the submitted application materials and pending further discussion on how 17.42.010 is satisfied, staff finds that the proposal meets the City standards and recommends that the Planning Commission approve the subdivision application, with the following conditions:

1. Compliance with Oregon Revised Statutes, Clackamas County Surveyor's Office and Clackamas County Clerk's Office requirements for completion of subdivision plat shall be required.
2. The final plat shall be submitted to the city within one year of the date of tentative plan approval. Failure to submit the final plat within this one-year time period will cause this approval to become void unless the Planning Commission, pursuant to Subsection 17.32.030(1) of the GMC, grants an extension.
3. As required by Clackamas County's Excavation and Grading Ordinance, the applicant shall obtain a grading permit from the county for cut and fill on the subject property.
4. Tree removal plan to be as discussed at public hearing and as approved by County Arborist.
5. Storm drainage improvements shall comply with Subsection 17.50.040(19) and Chapter 17.56 of the GMC and shall be constructed according to City standards.
6. Improvements installed in conjunction with the subdivision shall conform to the requirements of Section 17.42.030 of the GMC.
7. Road improvements shall be constructed to city and ADA standards, and engineered plans shall be submitted to the City for approval prior to construction.

8. Sanitary sewer service improvements shall be constructed to Tri-Cities and/or Oak Lodge Service District standards, and SDC payments made to that agency.
9. Street lights shall be installed as required by the City. The developer shall make arrangements with Portland General Electric for installation of street lights and for pre-wiring for acceptance of these street lights.
10. All utilities shall be developed pursuant to Chapter 17.60 of the GMC.
11. All easements shall be shown on the final plat.
12. Prior to approval of the final plat, required improvements shall be installed and existing streets and other public facilities damaged during the development shall be repaired or the developer shall fine a financial guarantee of performance in a form acceptable to the city attorney.
13. This decision is contingent on approval of Z0460-16-Z, Zone Change from R7.2 to R5.



September 10, 2016

Clackamas County  
Development Services Building  
DTD Planning and Zoning  
150 Beaver Creek Rd. Oregon City, Or 97045

RE: File # Z0460-16Z, Z0461-16-SL  
Zone Change From R7.2 to R5,  
single family residential; Subdivision  
fourteen (14) lots for future  
residential use.  
T2S, R2E, Section 17CC, TLs 3900 & 4000,  
AKA 6460 Glen Echo Ave

**CC:** Council Chambers of Gladstone City Hall:

As property Owners on Glen Echo Ave, we are concerned with the additional traffic from Tryon St. That many homes exiting onto Glen Echo Ave will add to an already heavy traffic pattern.

Gladstone Assembly of God church school contributes significant traffic to the safety of children on this street. Glen Echo Ave is a direct route from Oatfield to McLaughlin with heavy trucks and many cars.

Also, Glen Echo Ave is a haven for skate borders often careening down with no regard for cars, several "wipe outs" have occurred.

We are wondering if Nelson Ave will be available as an alternate to exiting onto Glen Echo Ave.

Respectfully,

C. Glen and Joann Rissberger  
6510 Glen Echo Ave  
Gladstone, OR 97027









MEMORANDUM

TO: Chair Tammy Stempel  
Gladstone Planning Commissioners

FROM: David Doughman, City Attorney's Office

SUBJECT: Text Amendments Related to Marijuana

DATE: September 13, 2016

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The Gladstone Planning Commission will consider the attached ordinance at its September 20, 2016 meeting and make a recommendation to the Gladstone City Council concerning its adoption.

As many of you may know, Gladstone previously banned virtually all marijuana facilities from operating in the city. These include medical marijuana dispensaries as well as recreational dispensaries. State law permitted the city to enact the ban, on the condition that Gladstone voters approve or reject the ban on November 8.

If the voters reject the ban on November 8 (i.e. allow marijuana facilities in Gladstone), the city will want to have regulations in place as to where such facilities may go in the city and what process the city will use to review and approve such facilities.

I have intentionally kept the attached regulations short and sweet. As conditional uses, the city will have significant discretion in approving an application for a marijuana facility in the future.

RECOMMENDATION: hold a hearing and forward a recommendation to the council.



ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE REGULATING MARIJUANA FACILITIES AS CONDITIONAL USES IN THE LIGHT INDUSTRIAL ZONE**

**THE CITY OF GLADSTONE ORDAINS AS FOLLOWS:**

Section 1. Chapter 17.24.040 (conditional uses in the LI zone) of the Gladstone Municipal Code is amended as follows (deleted language is ~~struckthrough~~; new language is underlined):

“In an LI zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

\*\*\*

- (5) Medical marijuana ~~facility~~ dispensary (as authorized by Oregon law)
- (6) Marijuana processing sites (as authorized by Oregon law)
- (7) Marijuana producers (as authorized by Oregon law)
- (8) Marijuana processors (as authorized by Oregon law)
- (9) Marijuana wholesalers (as authorized by Oregon law)
- (10) Marijuana retailers (as authorized by Oregon law)”

Section 2. These uses will only exist as a conditional use in the LI zoning district and no other zoning district if Gladstone electors vote to reject Gladstone Measure 3-481 on November 8, 2016. Therefore, the amendments in Section 1 of this ordinance will only be operative if Measure 3-481 is rejected and the amendments will not be codified until that time.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GLADSTONE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

ATTEST:

\_\_\_\_\_  
Tom Mersereau  
Mayor

\_\_\_\_\_  
Jacque Betz  
Assistant City Administrator



**Chapter 17.24**  
**LI—LIGHT INDUSTRIAL DISTRICT**

Sections:

**17.24.010 Purpose.**

**17.24.020 Uses allowed outright.**

**17.24.030 Residential accessory uses.**

**17.24.040 Conditional uses allowed.**

**17.24.045 Screening.**

**17.24.060 Dimensional standards.**

**17.24.070 Exceptions in case of large scale development.**

**17.24.010 Purpose.**

The purpose of a LI district is to implement the Comprehensive Plan and to provide for sufficient amounts of land for types of manufacturing or other industries which, because of their character, can be permitted in relative proximity to residential and commercial districts.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990.

**17.24.020 Uses allowed outright.**

In an LI zoning district, the following uses and their accessory uses are allowed outright. Outside or open storage shall be an allowed accessory use.

- (1) Automobile service station.
- (2) Community service facility such as a fire station, library, community center, park, utility facility.
- (3) Contractors or building material storage yard.
- (4) Dwelling for caretaker or night watchperson on the property.
- (5) Freight depot or terminal.
- (6) Heavy equipment outlet.
- (7) Ice or cold storage plant.

(8) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries and food and beverage products except sauerkraut, vinegar or pickles.

(9) Manufacture, compounding, processing, packaging or treatment of articles or merchandise from such previously prepared materials as bone, cellophane, canvas, cloth, cork, feathers, leather, paper, plastics, precious or semiprecious metals or stones, shells, textiles, tobacco, wood, yarns and paint not employing a boiling process.

(10) Manufacture of pottery and small ceramic products from previously pulverized clay, stone, marble or granite monuments, and the manufacture of products from previously prepared glass.

(11) Manufacture of scientific and precision instruments, medical and dental equipment, musical equipment.

(12) Truck service, sales, storage and repair.

(13) Uses permitted outright in C-3 district.

(14) Welding, sheet metal or machine shop, including electroplating.

(15) Wholesale distribution outlet, including warehousing and storage.

(16) Recreational vehicles and boat storage.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990; Ord. 1271 §1, 1998; Ord. 1323 §1, 2002.

**17.24.030 Residential accessory uses.**

Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory uses shall comply with the standards applicable to accessory uses allowed in the MR zoning district.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990; Ord. 1323 §1, 2002.

**17.24.040 Conditional uses allowed.**

In an LI zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (Conditional Uses):

(1) Planned unit development (PUD).

- (2) Dwellings, subject to GMC Section 17.14.050(1) through (5).
- (3) Recreation vehicle park, subject to Section 17.62.100 (Recreation vehicle park).
- (4) Indoor mini-storage.
- (5) Medical marijuana facility (as authorized by Oregon law).

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990; Ord. 1198§1(E), 1994; Ord. 1258 §1, 1998; Ord. 1289 §1, 2000; Ord. 1291 §1, 2000; Ord. 1323 §1, 2002; Ord. 1456 §1, 2015.

#### **17.24.045 Screening.**

The following screening standards shall apply:

- (1) Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district.
- (2) Business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a C-1 or C-2 zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a C-1 or C-2 zoning district.
- (3) Storage, with the exception of merchandise display, outside of a wholly enclosed building shall be screened from abutting improved public street rights-of-way. Off-street parking and loading areas for customer vehicles, employee vehicles and vehicles for sale are not required to be screened from improved public street rights-of-way. However, off-street parking and loading areas for other types of vehicle storage (e.g., towed vehicles, recreational vehicles being stored as a service) shall be screened from abutting improved public street rights-of-way.
- (4) Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge.
- (5) Required screening shall be reviewed pursuant to GMC Chapter 17.80 (Design Review). When design review is not required, screening shall be reviewed by the City Administrator or designee.
- (6) Required screening shall be a minimum of six feet high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the

height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

(7) Required screening shall be sited so that it does not conflict with GMC Chapter 17.54 (Clear Vision). In locations where perimeter landscaping adjacent to a street is required as a condition of land use approval, required screening shall be located behind such landscaping.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1271 §2, 1998; Ord. 1323 §1, 2002.

**17.24.060 Dimensional standards.**

Except as provided in GMC Chapter 17.38 (Planned Unit Development), Chapter 17.72 (Variances) and Chapter 17.76 (Exceptions), the following dimensional standards shall apply in an LI zoning district:

(1) Building Height. The maximum building height shall be 35 feet. This restriction may be varied as follows:

(a) Maximum building height may be increased by one story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

(c) Maximum building height may be increased if the city fire department reports that it possesses sufficient fire-fighting capability to provide emergency response to a structure of the height proposed.

(2) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be 20 feet.

(3) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be 20 feet.

(4) Front and Street Side Setbacks. There shall be no minimum front or street side setback requirements.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area.

(6) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet from all property lines.

(7) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be 10 feet.

(8) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to portable storage containers as defined in Chapter 5.22.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990; Ord. 1140 §4, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 9, 2007.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

**17.24.070 Exceptions in case of large scale development.**

The standards and requirements of the regulations of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determine there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants and other legal provisions as will assure conformity to and achievement of the plan.

**Statutory Reference:** ORS Chs. 197, 227.

**History:** Ord. 1131 §2, 1990.





