



**GLADSTONE PLANNING COMMISSION REGULAR AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE
Tuesday, August 15, 2023 – 6:30 p.m.**

The City of Gladstone is abiding by guidelines set forth in House Bill 2560, which requires the governing body of the public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony during meetings to extent in-person oral and written testimony is allowed. Therefore, this meeting will be open to the public both in person and virtually using the Zoom platform.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85685551797?pwd=Q3h3am9QSUJ0L2ZoZEVYaHdxcVNvZz09>

Passcode: 610622

Or One tap mobile:

+16694449171,,85685551797#,,,,*610622# US; +17193594580,,85685551797#,,,,*610622# US

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

+1 669 444 9171 US; +1 719 359 4580 US; +1 253 215 8782 US (Tacoma)

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Passcode: 610622

If members of the public would like to comment on an agenda item (either virtually or in person) please email your comments to bannick@ci.gladstone.or.us prior to 12:00 p.m. (noon) on August 15, 2023. Individuals attending in person may submit a speaker card to the City Recorder prior to the beginning of the meeting. Comments are limited to three (3) minutes.

The Planning Commission will also have *Business from the Audience* at the end of the meeting. To speak during this time, (either virtually or in person) please email bannick@ci.gladstone.or.us prior to 12:00 p.m. (noon) on August 15, 2023 with your name, topic of discussion, and city of residence. Individuals attending in person may submit a speaker card to the City Recorder prior to the beginning of the meeting. Comments are limited to three (3) minutes.

**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 be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

1. Approval of June 20, 2023 Meeting Minutes (no meeting in July)

REGULAR AGENDA

2. Monthly Planning Report – June & July 2023
3. **PUBLIC HEARING:** TXT-23-02. Gladstone Municipal Code Amendments for Proposed New Chapter 17.81 – Annexation.

BUSINESS FROM THE PUBLIC - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN

Upcoming Meeting Dates:

- September 19, 2023 – Planning Commission Meeting

MEETING ACCESSIBILITY SERVICES AND AMERICANS WITH DISABILITIES ACT (ADA) NOTICE

The Civic Center is ADA accessible. Hearing devices may be requested from the City Recorder at least 48 hours prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder at bannick@ci.gladstone.or.us. Staff will do their best to respond in a timely manner and to accommodate requests.



CONSENT AGENDA

GLADSTONE PLANNING COMMISSION MEETING MINUTES OF JUNE 20, 2023

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

ROLL CALL:

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

ABSENT:

Commissioner Jennifer Volbeda, Commissioner Jacob Wease

STAFF:

Tami Bannick, City Recorder; Heather Austin, Senior Planner

CONSENT AGENDA:

1. APPROVAL OF APRIL 18, 2023 MEETING MINUTES:

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

REGULAR AGENDA:

2. MONTHLY PLANNING REPORTS – APRIL & MAY 2023:

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

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

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

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

Chair Smith said this is an item in which they will be receiving public testimony. If you testify you must raise all issues you wish to address at this hearing. If your issue is not raised at this hearing it cannot be raised later in any appeal. Your comments should state why the application should or should not be approved or include your proposed modifications you believe are necessary for approval according to the standards. Because this is the initial evidentiary hearing, State laws grant any party the right to request a continuance of this hearing or ask that the record remain open after the hearing is closed. If you do not raise any specific issues at the final evidentiary hearing or by close of the record or fail to provide statements or evidence to allow the local government or its designee to respond to the issue, you will not be able to appeal the decision to the Land Use Board Of Appeals (LUBA) based on that particular issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the

local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

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

APPLICANT TESTIMONY:

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

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

PUBLIC TESTIMONY:

None.

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

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

Discussion:

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

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

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

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

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

Chair Smith said this is an item in which they will be receiving public testimony. If you testify you must raise all issues you wish to address at this hearing. If your issue is not raised at this hearing it cannot be raised later in any appeal. Your comments should state why the application should or should not be approved or include your proposed modifications you believe are necessary for approval according to the standards. Because this is the initial evidentiary hearing, State laws grant any party the right to request a continuance of this hearing or ask that the record remain open after the hearing is closed. If you do not raise any specific issues at the final evidentiary hearing or by close of the record or fail to provide statements or evidence to allow the local government or its designee to respond to the issue, you will not be able to appeal the decision to the Land Use Board Of Appeals (LUBA) based on that particular issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

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

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

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

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

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

APPLICANT TESTIMONY:

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

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

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

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

PUBLIC TESTIMONY:

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

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

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

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

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

Discussion:

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

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

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

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

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

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

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

There was discussion regarding the zoning map.

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

PUBLIC TESTIMONY:

None.

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

Chair Smith closed the public hearing.

Discussion:

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

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

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Langston:

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

Commissioner Mersereau:

He agreed with Commissioner Langston.

Commissioner Labonte:

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

Commissioner Pat Smith:

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

Chair Smith:

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

ADJOURN:

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

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

Minutes approved by the Planning Commission this _____ day of _____, 2023.

Natalie Smith, Chair



REGULAR AGENDA



City of Gladstone Monthly Planning Report June 2023

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YEAR-TO-DATE TOTALS
Customer Service Counter Contacts	1	1	1	1	0	1							5
Customer phone/email Contacts	48	37	31	43	34	27							220
Building Permits with Land Use Review	4	6	2	4	8	4							28
Code Compliance Review	1	1	1	0	0	0							3
Pre-application Conferences	1	0	1	0	0	0							2
Administrative Decisions	2	2	0	0	0	0							4

PLANNING COMMISSION ACTIONS/DECISIONS

- Oregon Convention- Canopy Cover- Approved
- Wong's Building Supply- Approved
- MR (Multi-Household Residential Zoning District) Updates- Recommended to City Council for Approval

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- No Land Use Actions at Council in June

PRE-APPLICATION CONFERENCES

- None held in June

ADMINISTRATIVE PERMITS

- None in June 2023

BUILDING PERMITS WITH LAND USE REVIEW

Date	Address	Building Permit #	Description
06/06/23	740 82 nd Drive	B0292623	Addition of interior wall in High Rocks Business Park Building B
06/06/23	16615 Tudor Drive	B0276823	Backyard deck expansion
06/06/23 & 06/30/23	445 Exeter Street	B0309323	Interior remodel; relocation of front concrete walkway
06/12/23 & 6/22/23	16711 SE Valley View Rd	B0234323	Reservoir fall protection improvements (re-review)
06/22/23 & 06/30/23	525 Portland Avenue	B0116823	Gladstone Library (re-review)
06/22/23	740 82 nd Drive	B0323723	Addition of second interior wall in High Rocks Business Park Building B
06/22/23	310 E Gloucester St	B0330523	Repair foundation retaining wall

FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
July	At City Council- MR (Multi-Household Residential Zoning District) Updates No Planning Commission in July
August	At Planning Commission- Annexation Development Code Update



City of Gladstone Monthly Planning Report July 2023

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YEAR-TO-DATE TOTALS
Customer Service Counter Contacts	1	1	1	1	0	1	0						5
Customer phone/email Contacts	48	37	31	43	34	27	20						240
Building Permits with Land Use Review	4	6	2	4	8	4	2						30
Code Compliance Review	1	1	1	0	0	0	1						4
Pre-application Conferences	1	0	1	0	0	0	1						3
Administrative Decisions	2	2	0	0	0	0	2						6

PLANNING COMMISSION ACTIONS/DECISIONS

- No Planning Commission in July 2023

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- Updates to MR Zoning District- Approved

PRE-APPLICATION CONFERENCES

- PAC 23-02 Food Cart Pod on McLoughlin Blvd.

ADMINISTRATIVE PERMITS

- Mural Sign Permits for Community Center and Cookie Pot buildings (SIGN-23-01 and SIGN-23-02)

BUILDING PERMITS WITH LAND USE REVIEW

Date	Address	Building Permit #	Description
07/06/23	16615 Tudor Drive	B0276823	Backyard Deck (2 nd review)
07/07/23	295 E Arlington	B0705722	Treehouse ADU (3 rd review- awaiting recorded maintenance/liability agreement) *PROJECT NOT MOVING FORWARD*
07/13/23	19505 McLoughlin Blvd	B0198123	Nissan Addition (approved by PC 2/21/23, DR-23-01)

FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
August	Planning Commission Public Hearing- Annexation Development Code Update



REGULAR AGENDA



Agenda Item No. 3

PC Meeting Date: 08/15/2023

Staff Report: (New) GMC 17.81 Annexation Code Amendments

File No.: TXT-23-02

Applicant or Presenter: City of Gladstone

Project Location: Properties Eligible for Annexation to Gladstone

Project Description: City staff propose a new chapter to the Gladstone Municipal Code (GMC), which will be identified as Chapter 17.81-Annexation. The criteria of GMC Chapter 17.81 will apply to any annexation applications submitted to Gladstone.

SUMMARY

The City of Gladstone does not currently have language in the Municipal Code pertaining to annexation requests. In recent years, several landowners adjacent to Gladstone's municipal boundary have expressed interest in the annexation process for the city. In June, the city council discussed issues around annexation and directed staff to prepare amendments to the code. The proposed code chapter establishes the process to petition annexation to the city, approval criteria and the administration and approval process. In addition to the new annexation chapter, minor clarification amendments are also proposed to GMC 17.82.010(3) (Fees Due and Payable) and 17.94.010 and 17.94.060(1)(a) (Hearings- General Provisions and Planning Commission Decisions).

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INCLUDED WITH STAFF REPORT

- A. Draft Amendments**
- B. Public Notice**

I. PUBLIC NOTICE

Published In: The Oregonian, DLCD’s post-acknowledgment plan amendment website (PAPA), and on the Gladstone Website. Notice was also emailed to Gladstone’s agency partners for review.

Responses Received: None at date of staff report publication.

II. CONSISTENCY WITH STATEWIDE PLANNING GOALS

- 1. Goal 1 – Citizen Involvement:** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Goal 1 requires the City to incorporate six key components in its public involvement program:

- **Citizen Involvement:** An officially recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- **Communication:** Mechanisms for effective two-way communication between the public and elected/appointed officials;
- **Influence:** Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- **Technical Information:** Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- **Feedback Mechanisms:** Programs to ensure that members of the public receive responses from policymakers and that a written record for land-use decisions is created and made accessible; and,
- **Financial Support:** Adequate resources allocated for the public involvement program as an integral component of the planning budget.

The Planning Commission is conducting a public hearing with opportunities the public to review draft code amendments and discuss key aspects related to the proposed amendments. The City publicized these public meetings on their website, social media, and newspaper print. The amendments were further publicized through the DLCD PAPA website and noticed to the interested agencies.

Based on the findings above, the code amendments are consistent with Statewide Planning Goal 1.

- Goal 2 – Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Statewide Planning Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual base and follow their plan when making decisions on appropriate zoning. An “adequate factual base” means facts and evidence that reasonable people would rely on when conducting their day-to-day affairs. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans.

The proposed amendments to add an annexation chapter to the GMC represents the land use planning process and policy framework for annexation petition to the city of Gladstone. The proposed annexation chapter is consistent with the current Comprehensive Plan, particularly the Procedural Goal of the Land Use Planning Chapter: “To ensure a factual base for land use decisions and actions and to establish a planning process and policy framework for this purpose.”

The proposal also supports the following Goal in the Comprehensive Plan Growth Management Chapter: “To provide for orderly and efficient use of land” as well as Policy 7 of the same Chapter: “Extend services outside the present city limits only when and where needed.”

Notice of the proposed amendment package for consideration was provided to Metro and DLCD through the Post-Acknowledgement Plan Amendment website and distribution system.

Therefore, the amendments, as proposed, are consistent with Statewide Planning Goal 2.

Goals 3 -4 – Agricultural and Forest Lands:

Finding: These goals are not applicable because the proposed amendments do not change the City of Gladstone policies required to meet these goals that are directed at rural areas and counties.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Particularly in urban areas, the emphasis of Goal 5 is on the inventory and conservation of wetlands, riparian zones, and wildlife habitats. In addition to Goal 5, the City is required to comply with Metro Title 13 for all mapped resources located within the UGB. By meeting the requirements of Title 13, the City also complies with Goal 5 for riparian areas and wildlife habitat. Metro Title 13 is addressed in the findings for the Urban Growth Management Functional Plan.

The Gladstone Municipal code contains the following zoning overlays that serve to protect Significant Natural Resources:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.26 OS—Open Space District;
- 17.27 WQ—Water Quality Resource Area District;
- 17.28 GW—Greenway Conditional Use District; and
- 17.29 FM—Flood Management Area District.

The proposed annexation code chapter does not modify these natural resource zoning overlay districts, adopted inventories, mapping or inventory of resources or historic preservation efforts. Goal 5 does not directly apply to the amendments because no new Goal 5 program is advanced by this amendment and no existing Goal 5 program is changed by this amendment.

Based on the findings above, the Zoning Code Update to adopt the proposed amendments into the Gladstone Municipal Code is consistent with Statewide Planning Goal 5.

Goal 6 – Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Finding: Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. Comprehensive Plans must demonstrate consistency with the administrative rules related to air, water, and land quality established by the Environmental Quality Commission (EQC).

Under the oversight of the EQC, the Oregon Department of Environmental Quality (DEQ) regulates air, water, and land through its permitting actions under the federal Clean Water Act and Clean Air Act. The Department of State Lands and the Army Corps of Engineers regulate jurisdictional wetlands and waters of the state and the country, respectively. The City of Gladstone Public Works department regulates impervious surface and stormwater runoff throughout the City through design standards applied to development. The Clackamas County Water Environmental Services and Oak Lodge also provide sewer and stormwater services for City residents. The Gladstone Municipal Code (GMC) has the following overlay districts that are related to water quality, wetlands, and surface water:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.27 WQ—Water Quality Resource Area District; and
- 17.29 FM—Flood Management Area District.

While air quality is largely regulated by DEQ, the City can impose conditions of approval on land use approvals that require minimizing air pollution and carbon emission impacts through actions such as vegetative plantings and conservation.

The Federal Transit Administration and Federal Highway Administration enforce noise standards for federally-funded rail and highway projects. The Oregon Noise Control Act authorizes cities and counties to adopt and enforce noise ordinances and standards of their own. Gladstone regulates noise through the GMC Chapter 8.12 Noise Control, which designates prohibited noises and maximum permissible environmental noise and sound levels. Gladstone’s Zoning Code (Chapter 17) also includes noise-related provisions in several sections of the code, often referring to the City’s Noise Ordinance in Chapter 8.12 or standards of the DEQ.

The proposed amendment package does not modify the existing habitat conservation, water

quality or floodplain overlay districts or the noise ordinance. The adoption of the TXT-23-02 amendments does not include any changes to the adopted inventories, the Comprehensive Plan Map, or the habitat or water resource zoning districts in the Gladstone Municipal Code. Goal 6 does not directly apply to the proposed amendments, or comprehensive plan amendment because no new Goal 6 program is advanced by this amendment and no existing Goal 6 program is changed by this amendment.

Therefore, Goal 6 is not applicable to the amendments proposed through TXT-23-02 as the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 6.

Based on the findings above, the Zoning Code amendment to adopt the TXT-23-02 amendments is consistent with Statewide Planning Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards: To protect people and property from natural hazards.

Finding: Goal 7 requires local comprehensive plans to address Oregon’s natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Natural hazards applicable to Gladstone include floods, landslides, weak foundation soils, earthquakes, and wildfires. Goal 7 calls for local governments to respond to new hazard inventory information provided by federal and state agencies by adopting or amending plan policies and implementing measures as needed. For riverine flood hazards, local governments must adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements. In implementing natural hazard plans and policies, the State goal urges local governments to do the following: coordinate plans with emergency preparedness and recovery programs; consider stormwater management as a means to address flood and landslide hazards; consider nonregulatory approaches to implementing hazard plans; and to require technical reports when reviewing development requests in hazard areas.

The City of Gladstone complies with Goal 7 by regulating development in hazard-prone areas through the Municipal Code, the Public Works Design Guidelines and MOU’s with Clackamas County on fire response and other emergency preparedness efforts. The following Gladstone Municipal Code Chapters address flooding and landslides:

- 17.27 WQ—Water Quality Resource Area District.
- 17.29 FM—Flood Management Area District.

Additionally, the Design Review and Conditional Use land use processes address applicable natural hazards on a site specific basis.

The TXT-23-02 amendments do not modify existing zoning overlay districts or design standards related to protecting development from hazards. The adoption of the amendments does not include any changes to the adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 7 does not directly apply to the TXT-23-02 amendments because no new Goal 7 program is advanced by these amendments

and no existing Goal 7 program is changed by this amendment package.

Therefore, Goal 7 is not applicable to the TXT-23-02 zoning code amendments because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 7.

Based on the findings above, adoption of the TXT-23-02 amendments is consistent with Statewide Planning Goal 7.

Goal 8 – Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Goal 8 requires local governments to plan for the recreational needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

The City of Gladstone has a robust system of parks, recreation facilities and trails, including 14 neighborhood parks, community gardens, and natural areas. All of Gladstone's parks are owned and managed by the City. The City completed a Parks Master Plan in 2017. Many of the current parks are included in the Open Space District that is regulated by Chapter 17.26 of the Gladstone Municipal Code.

The proposed amendments do not modify existing open space overlay districts or the Parks Master Plan. The adoption of the TXT-23-02 amendments does not propose any changes to the Parks Master Plan, adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 8 does not directly apply to the TXT-23-02 amendments because no new Goal 8 program is advanced by this amendment and no existing Goal 8 program is changed by this amendment.

Therefore, Goal 8 is not applicable to the proposed amendments because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 8.

Based on the findings above, adopting the TXT-23-02 amendments is consistent with Statewide Planning Goal 8.

Goal 9 – Economy of the State: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Goal 9 ensures cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth.

The proposed amendments are related to annexation of land into the city and therefore do not propose to change comprehensive land use plan policies or implementing regulations for

compliance with Statewide Planning Goal 9.

Based on the findings above, adopting the TXT-23-02 amendments is consistent with Statewide Planning Goal 9.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

Finding: Goal 10 concerns urban lands designated for residential use. Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density (specifically at an overall density of 10 or more units/acre with the opportunity for 50 percent of new units to be attached single family or multifamily) to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of community housing needs by type and affordability, the recent housing needs assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The findings for Goal 10 Housing, based on the City's Housing Needs Analysis (HNA), include findings that demonstrate that Gladstone currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has a need for additional capacity to provide for needed housing during the next 20 years. The HNA provides information about the factors that could affect housing development, including demographics, affordability trends, workforce housing availability, and development patterns.

The Housing Needs Analysis was adopted in 2021 and includes the City's buildable lands inventory (BLI) for housing within the UGB. The BLI is required by Goal 10 and ORS 197.296 to ensure that current use designations provide an adequate short- and long-term land supply for housing development for meeting existing needs and those of projected growth. It analyzes existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand. The proposed amendments do not propose to change the buildable lands inventory, or housing needs analysis.

The proposed changes to add an annexation chapter to the Municipal Code do support an additional avenue for increasing the availability of housing options in the city. The proposed amendments provide a clear and reasonable process by which a property may be annexed into the city which, once adopted, could result in more land available within the city limits for residential development and adoption of the amendments do not negatively impact the provision of housing within the city.

Based on the findings above the TXT-23-02 amendments are consistent with Statewide Planning Goal 10.

Goal 11 – Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City conducted a Water System Master Plan and a Sanitary Sewer Master Plan in 2014. In 2017, a Sanitary Sewer Master Plan, Parks Master Plan and Transportation System Plan were completed. The proposed amendments do not propose any changes to the adopted master plans, the Comprehensive Plan Map, or the Gladstone Municipal Code. The amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding public facilities and services for compliance with Statewide Planning Goal 11.

Based on the findings above, the adoption of the TXT-23-02 amendments is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. OAR 660-012-0060 requires any comprehensive plan amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system. The City of Gladstone completed a Transportation System Plan in 2017. The proposed amendments do not propose any changes to the adopted Transportation System Plan, the Comprehensive Plan Map, or the Gladstone Zoning Map with regard to transportation. The TXT-23-02 amendments propose no new Goal 12 program and no existing Goal 12 program, or standard, is changed by this amendment package. The amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding transportation and compliance with Statewide Planning Goal 12.

Based on the findings above, the proposed amendments are consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation: To conserve energy.

Finding: Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The TXT-23-02 amendments package does not modify existing design standards or land use regulations related to energy conservation. The adoption of the proposed amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code. Goal 13 does not directly apply to the proposed amendments because no new Goal 13 program is advanced by this

amendment and no existing Goal 13 program is changed by this amendment. Therefore, Goal 13 is not applicable to the TXT-23-02 amendments because the amendment package does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 13.

Based on the findings above, to adopt the TXT-23-02 amendments, is consistent with Statewide Planning Goal 13.

Goal 14 – Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The entirety of the city and its Urban Growth Management Area is located within the Regional Urban Growth Boundary (UGB). As such, this text amendment will not result in the transition of any land from rural to urban uses, or result in population or employment growth outside of the UGB. The proposed amendments do not modify the Gladstone Urban Growth Management Area, the UGB, or existing zoning requirements related to urbanization. The adoption of the TXT 23-02 amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Zoning Map. Goal 14 does not directly apply to the amendments because no new Goal 14 program is advanced by this amendment and no existing Goal 14 program is changed by this amendment. Therefore, Goal 14 is not applicable to the TXT-23-02 amendments because the amendment package does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 14.

Based on the findings above, adopting the TXT-23-02 amendments is consistent with Statewide Planning Goal 14.

Goal 15 – Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Gladstone is bordered on one side by the Willamette River and the Greenway. Therefore, the Gladstone Municipal Code includes Chapter 17.28 that establishes the land use regulations related to the Greenway Conditional Use District. The proposed amendments do not modify the Greenway Conditional Use District, or existing zoning requirements related to the Willamette River Greenway. The adoption of the TXT-23-02 amendments do not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code Chapter 17.28. Goal 15 does not directly apply to the amendments because no new Goal 15 program is advanced by this amendment and no existing Goal 15 program is changed by this amendment. Therefore, Goal 15 is not applicable to the TXT-23-02 amendments because it does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 15.

Based on the findings above, to adopt the TXT-23-02 is consistent with Statewide Planning Goal 15.

Goals 16-19 – Estuarine Resources, Coastal Shore lands, Beaches and Dunes, and Ocean Resources:

Finding: The City of Gladstone is not subject to these four Statewide Planning Goals. Therefore, they are not applicable to the proposed amendments found in the TXT-23-02 amendment package.

III. FINDINGS RELATED TO GLADSTONE MUNICIPAL CODE

Once the proposed amendments are adopted by City Council, the TXT-23-02 amendments package will be consistent with all of the Statewide Planning Goals.

The City of Gladstone planning staff finds:

17.68.010 AUTHORIZATION TO INITIATE AMENDMENTS.

(1) An amendment to the text of this title or the Comprehensive Plan may be initiated by the City Council, the City Planning Commission or the City Administrator or his designee.

(2) An amendment to the Zoning Map or to the Comprehensive Plan Map may be initiated by:

(a) The City Council;

(b) The City Planning Commission;

(c) The City Administrator or his designee; or

(d) By application of a property owner, contract purchaser or authorized agent of the subject property.

(3) The request by a property owner for a map amendment shall be accomplished by filing an application with the city using forms prescribed by the city and submitting the information required from the applicant under Section 17.68.050.

Finding: The request came from the City Administrator after a discussion with the Gladstone City Council about extending utilities to property outside the city limits. This criterion is met.

17.68.020 Review process. *Applications under this chapter shall be reviewed pursuant to GMC Division VII (administrative procedures).*

Finding: The proposed amendments are being reviewed by the Planning Commission at a public hearing on August 15, 2023, at which time the Planning Commission will make a recommendation regarding the amendments to the City Council. The Council will conduct a public hearing and make a decision on the amendments at their meeting on September 12, 2023. Notice of these public hearings was publicized as required. The TXT-23-02 amendments package is being reviewed according to GMC Division VII. This criterion is met.

17.68.040 Conditions.

(1) City Council may require conditions. When necessary to properly relate new developments to existing or anticipated conditions in the vicinity or to make possible a higher quality of development than would otherwise be possible, the City Council may determine that a zone change will be accompanied by the acceptance or accomplishment of certain specified conditions. Conditions and requirements invoked pursuant to a zoning map amendment shall

thereafter apply to the property so zoned.

(2) Acceptance of conditions. Such conditions shall be designed to further the objectives of the comprehensive plan and the zoning ordinance codified in this title and shall clearly set forth, in written form or upon drawings, all restrictions and requirements which will be applicable to the property rezoned. Where a zone change is made subject to such conditions, it shall become effective upon written acceptance and filing of the applicable terms and conditions by the property owner and by any other person intending to have an ownership interest in or to develop the property. The signed acceptance of conditions shall be filed with the City Recorder and a certified copy shall also be filed in the county deed records at the expense of the petitioner.

(3) Type of conditions. Conditions may include special measures designed to limit use or density, screen or separate buildings or portions of the site from adjoining property; limit access from important thoroughfares or through residential areas; provide additional right-of-way for an abutting street, preserve or provide public access to greenspace, floodplains, or river frontage; improve bicycle or pedestrian safety and connectivity; or improve transit capacity and efficiency.

(4) No variance of ordinance standards. In connection with the adoption of a zoning amendment, ordinance standards may be varied only when the Planning Commission finds that the development proposed and covered by specific limiting conditions will provide benefits and safeguards equal to or better than those possible under a strict interpretation of the zoning ordinance. In no case shall a use not specifically permitted within the zoning district be allowed under this section and Section 17.68.050. When circumstances as described in GMC Section 17.72.020 (circumstances for granting) exist, the regular variance procedures shall be followed.

(5) Building permit conditions. In addition to conditions as described above in this section, the Council may also provide that a zoning amendment will become effective upon satisfactory performance by the applicant of certain conditions or actions, such as a bona fide application for a building permit within a specified period of time.

Finding: Staff are not recommending any special conditions. This criterion does not apply.

17.68.050 Evidence supplied by applicant. *The applicant seeking a zoning map change pursuant to the provisions of GMC Section 17.68.010 must show by a preponderance of the evidence all of the following, unless otherwise provided for in this title:*

(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.

(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.

(3) The proposed action is consistent with the comprehensive plan and Metro's Functional Plan (Metro Code 3.07), and the Transportation Planning Rule (OAR 660-012-0060).

(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.*

(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, the planned function, capacity, and performance standards of the transportation system as adopted in the transportation system plan.*

(6) *The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing and planned uses in the area, consistent with the Transportation Planning Rule (OAR 660-012-0060). Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*

Finding: This project is proposing a new Annexation Chapter to the Gladstone Municipal Code. No zoning map change is proposed. No changes are proposed that would affect the service of public utilities or transportation patterns. This standard is met.

17.70.10 Authorization to grant or deny.

2) Conditions of Approval. In addition to the specific requirements of this title, including those set forth in GMC Chapter 17.62 (special uses), and the comprehensive plan, approval of a conditional use may be granted subject to additional conditions that are found necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place and manner of operation;*
- (b) Requiring design features that minimize environmental impacts such as noise, vibration, smoke, dust, fumes and glare;*
- (c) Requiring increased setbacks, lot area, lot depth and lot width;*
- (d) Limiting building height, size, lot coverage and location on the site;*
- (e) Designating the size, number, location and design of vehicle access points;*
- (f) Requiring street right-of-way to be dedicated and streets to be improved;*
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;*
- (h) Limiting the number, size, location, height and lighting of signs;*
- (i) Regulating the location and intensity of outdoor lighting;*
- (j) Requiring a sight-obscuring fence or hedge to screen the conditional use from adjacent to or nearby property;*
- (k) Construction of off-site transportation improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and*
- (l) Upgrade or construct public facilities to city standards.*

Finding: Currently there are no conditions recommended. This criterion is met.

IV. CONSISTENCY WITH METRO'S FUNCTIONAL PLAN (METRO CODE 3.07)

Title 1: Housing Capacity
Title 3: Water Quality And Flood Management
Title 4: Industrial and Other Employment Areas
Title 6 Centers, Corridors, Station Communities and Main Streets

Finding: The proposed amendments do not significantly alter residential capacity within the city. Water quality and flood management are addressed in the Gladstone Municipal Code and no changes are proposed to these chapters. The proposed Annexation code language does not include revisions to industrial and other employment areas or centers, corridors, station communities and main streets. The proposed amendments are consistent with Metro's Functional Plan. These criteria are met.

V. CONSISTENCY WITH TRANSPORTATION PLANNING RULE

OAR 660-012-0060 requires: (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection.

Finding: The proposed zoning code amendments do not change the functional class of any existing or planned transportation facility or change the standards implementing a functional classification system. This criterion is met.

CONCLUSION

Based on the findings identified above, the city finds that the proposed code amendments meet the required Gladstone, Metro and State of Oregon requirements for approval.

Staff recommends the Planning Commission recommend approval of TXT-23-02 adding an Annexation Chapter to the Gladstone Municipal Code to the City Council for a public hearing at their meeting on September 5, 2023.

New GMC chapter re annexation

Chapter 17.81 Annexation

17.81.010 Purpose

This chapter implements state and local laws, including ORS Chapter 222 and Metro Code Chapter 3.09, regarding the annexation of property into the City of Gladstone. It is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over property within the Metro urban growth boundary from Clackamas County to the City of Gladstone. It also implements city-specific policies regarding annexation.

17.81.020 Annexation Proposal

- (1) Only owners of real property in the territory to be annexed, or the Gladstone City Council, may initiate an annexation. A property owner must file an application with the city to initiate an annexation and pay the associated fee. State law refers to the application as a “petition” for annexation. The city council may initiate an annexation by simply approving a motion during a public meeting.
- (2) If the city agrees to provide utility services (e.g. water or sewer service) to a property outside the city limits, the property owner must annex into the city. If, at the time the city agrees to provide utility services, the property is not contiguous to the city, then the property owner must enter into an annexation contract with the city in accordance with ORS 222.115.

17.81.030 Petition

- (1) Prior to filing a petition for annexation, a property owner must schedule and attend a preapplication conference with the city. At that time, the city will review the annexation process with the property owner and identify the applicable requirements, including applicable forms and fees. The city administrator may waive this requirement on a case-by-case basis. Annexations that the city council may initiate are exempt from the preapplication conference requirement.
- (2) Except as state law may otherwise permit, petitions for annexation must relate to territory located within the Metro urban growth boundary.
- (3) A petition must be filed on a form provided by the city, be accompanied by the applicable fee, and include the following:
 - (a) The information required by Metro Code 3.09.040;
 - (b) A narrative addressing the approval criteria of this chapter, the criteria in Metro Code 3.09.045(D), and if applicable, 3.09.045(E);
 - (c) A copy of an assessor’s map clearly showing the territory proposed for annexation and the existing boundary of the city near the territory;
 - (d) A legal description of the territory, which must be in the form of a metes and bounds description unless the territory was the product of a subdivision or partition, in which case it may be described by lot and block;

- (e) The existing county zoning for the territory, and the proposed city zoning for the territory; and
- (f) A determination of whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.

17.81.040 Approval Criteria

The city may approve a petition for annexation if it finds the petition satisfies the following criteria:

- (1) The territory proposed for annexation is located within the Metro urban growth boundary;
- (2) The territory is contiguous to the existing boundary of the City of Gladstone;
- (3) The proposed annexation complies with applicable provisions of ORS Chapter 222;
- (4) The proposed annexation is consistent with applicable provisions of the city’s comprehensive plan;
- (5) The proposed annexation complies with Metro Code 3.09.045(D) and, if applicable, (E);
- (6) The proposed zoning for the territory is consistent with the city’s comprehensive plan, and other Metro or state requirements that may affect the zoning for the territory; and
- (7) Approving the proposed annexation is in the city’s best interest.

17.81.050 Administration and Approval Process

- (1) Upon receipt of a petition, the city administrator or designee will review the petition for completeness in a manner consistent with GMC 17.90.060, and subsequently allow the petitioner the opportunity to supplement the petition with any missing or requested information.
- (2) The city administrator or designee will review whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.
 - (a) If the petition qualifies as a “minor boundary change,” the city may review and approve the petition in accordance with Metro Code 3.09.045 and applicable terms of this chapter. Section 3.09.045 of the Metro Code allows the city to expedite review of minor boundary changes and does not require the city to hold a public hearing, unless a party entitled to notice requests one.
 - (b) If the petition does not qualify as a “minor boundary change,” the city will process the petition in accordance with GMC 17.94.060 and Metro Code 3.09.050.
- (3) Notwithstanding any language to the contrary in this code, an annexation petition is not a “permit” as that term is defined in ORS 227.160. Therefore, annexations are not subject to the 120-day processing deadline established in ORS 227.178.

Amendment to Chapter 17.82

Amend GMC 17.82.010(3) as follows:

(3) Fees Due and Payable. Fees are due and payable at the time an application is submitted of original application unless otherwise specified in the application title. The requirement to pay a fee is jurisdictional, and the city will not process an application without payment of the associated fee. If an applicant pays a fee after submitting an application, the date they pay the fee will be considered the date they submitted the application.

Amendments to Chapter 17.94

Replace GMC 17.94.010 as follows:

The city will generally hold public hearings for all quasi-judicial and legislative land use applications, except when state or local law does not require a hearing.

Replace GMC 17.94.060(1)(a) as follows:

(a) Annexations, unless state or local law does not require a hearing;

ORDINANCE 1523

AN ORDINANCE APPROVING TEXT AMENDMENTS TO ADD A NEW CHAPTER TO THE GLADSTONE MUNICIPAL CODE- CHAPTER 17.81 ANNEXATION, CITY FILE TXT-23-02

WHEREAS, the Gladstone Municipal Code (GMC) does not currently contain a chapter pertaining to annexation into the city limits;

WHEREAS, the city is approached on occasion by property owners contiguous to the city limits requesting information regarding annexation into the city limits; and

WHEREAS the city has drafted a new chapter of the Gladstone Municipal Code, Chapter 17.81-Annexation; and

WHEREAS, the Gladstone Planning Commission conducted a duly-noticed public hearing on August 15, 2023 and considered and recommended to City Council adoption of the proposed GMC Chapter 17.81; and

WHEREAS, the Gladstone City Council conducted a duly-noticed public hearing on September 5, 2023 to consider the materials in the record for File TXT-23-02, Text Amendments to add GMC 17.81; and

WHEREAS, the City desires to amend the Gladstone Municipal Code to reflect these changes.

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

Section 1. Gladstone Municipal Code Chapter 17.81 is hereby added and reads as set forth in the attached “Exhibit A”.

Section 2. Edits to other sections of the Code to conform to the new Chapter 17.81 are also set forth in the attached “Exhibit A.”

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 4. Effective Date. As provided in the Gladstone Charter, this ordinance is effective 30 days from the date of adoption.

Approved by the Gladstone City Council this _____ day of _____, 20__.

ATTEST:

Michael Milch, Mayor

Tami Bannick, City Recorder

NOTICE OF PUBLIC HEARING

Gladstone Annexation Code Language Addition, file TXT 23-02. On Tuesday, August 15, 2023, beginning no earlier than 6:30 p.m. the Gladstone Planning Commission will hold a public hearing in the Gladstone City Hall Council Chambers, 18505 Portland Avenue, Gladstone, OR 97027 to consider a new Chapter 17.81- Annexation to be added to the Gladstone Municipal Code.

The City of Gladstone is abiding by guidelines set forth in House Bill 2560, which requires the governing body of the public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony during meetings to extent in-person oral and written testimony is allowed. Therefore, this meeting will be open to the public both in person and virtually using the Zoom platform. The Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available after August 8, 2023 on our website: <https://www.ci.gladstone.or.us/bc-pc/page/planning-commission-meeting-82> City Council will hold a separate public hearing on September 12, 2023, to consider the amendments recommended by the Planning Commission.

The proposal is subject to Chapter 17.68, Amendments and Zone Changes of Title 17 of the Gladstone Municipal Code and are available for inspection at Gladstone City Hall Monday through Friday, from 8:00 a.m. to 5:00 p.m. A copy of the proposal is available for a reasonable cost. For additional information, or an electronic version of the proposed amendments, contact Heather Austin at permit.review@3j-consulting.com or 503-946-9365 ext. 206.

Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

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