



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

June 21, 2006



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gladstone Plan Amendment  
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 5, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Services Specialist (email)  
Stacy Hopkins, DLCD Regional Representative (email)  
Linda Preisz, Clackamas County Planning Department

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF  
LAND CONSERVATION  
AND DEVELOPMENT  
JUN 15 2006

Jurisdiction: CITY OF GLADSTONE Local File No.: Z0077-06-CP & Z0076-06-Z  
(If no number, use none)  
Date of Adoption: June 13, 2006 Date Mailed: June 14, 2006  
(Must be filled in) (Date mailed or sent to DLCD)  
Date the Notice of Proposed Amendment was mailed to DLCD: 3/1/06

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write [See Attached.]  
Annexation, zone change and comprehensive plan map amendment, as proposed

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write  
[Same.] If you did not give notice for the proposed amendment, write [N/A.]

same

Plan Map Changed from : Clack. County Low Density Res. to City of Gladstone Low Density Res.

Zone Map Changed from: C. County R-15 to City R 7.2

Location: NE corner of Jennings Avenue and Dagon Acres Involved: 0.45

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 2, 14

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 001-06(15048)

DEPT OF

JUN 15 2006

LAND CONSERVATION  
AND DEVELOPMENT

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: xx No:     

If no, do the Statewide Planning Goals apply. Yes:      No:     

If no, did The Emergency Circumstances Require immediate adoption. Yes:      No:     

Affected State or Federal Agencies, Local Governments or Special Districts: Clackamas County, Metro  
North Clackamas County Park and Recreation District, Clackamas County Fire District #1,

Clackamas River Water,  
Local Contact: Linda Preisz Area Code + Phone Number: 503-353-4528

Address: 9101 SE Sunnybrook Blvd. City: Clackamas

Zip Code+4: 97015 Email Address: lindap@co.clackamas.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [Notice of Adoption] is sent to DLCD.
6. In addition to sending the [Notice of Adoption] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your

**ORDINANCE 1376**

**AN ORDINANCE APPROVING A FINAL ANNEXATION ORDER AND AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE AND THE GLADSTONE COMPREHENSIVE PLAN TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION FROM CLACKAMAS COUNTY LOW DENSITY RESIDENTIAL TO CITY OF GLADSTONE LOW DENSITY RESIDENTIAL AND THE ZONING MAP OF THE CITY OF GLADSTONE FROM CLACKAMAS COUNTY LOW DENSITY RESIDENTIAL, R-15, TO CITY OF GLADSTONE LOW DENSITY RESIDENTIAL, R7.2, OF A CERTAIN PARCEL LOCATED AT THE NORTH EAST CORNER OF THE JENNINGS AVENUE AND DAGMAR ROAD INTERSECTION, AND REAFFIRMING ALL REMAINING PROVISIONS OF TITLE 17 OF THE GLADSTONE MUNICIPAL CODE, THE GLADSTONE COMPREHENSIVE PLAN, AND THE GLADSTONE ZONING MAP AND DECLARING AN EMERGENCY.**

**WHEREAS, the City of Gladstone, Oregon received a petition for annexation and application for zone change and Comprehensive Plan amendment dated February 8, 2006 from the owner of property at 6825 Jennings Avenue, which is described as tax lot 3400 of Clackamas County Assessor Map 2 2E 17BA (Property); and**

**WHEREAS, the Gladstone Planning Commission following proper publication and mailing of notices pursuant to Chapter 3.09 of the Code of the Metropolitan Service District and Title 17 of the Gladstone Municipal Code conducted a public hearing on April 18, 2006 and recommended approval of the petition and application; and**

**WHEREAS, the Gladstone City Council following proper publication, posting and mailing of notices conducted a public hearing on June 13, 2006; and**

**WHEREAS, the Property's owner has consented in writing to the Property's annexation to the City of Gladstone; and**

**WHEREAS, the City of Gladstone's charter does not require the annexation proposal to be submitted to Gladstone's electors for approval or rejection.**

**NOW THEREFORE, the City of Gladstone ordains as follows:**

**Section 1. The Property is annexed into the City of Gladstone. The Property's legal description is attached as Exhibit A and incorporated into this ordinance by reference.**

**Section 2. This Final Annexation Order shall be forwarded to the Metropolitan Service District, which will distribute the Final Annexation Order to the Oregon Secretary of State, Department of Revenue and other agencies.**

**Section 3. Title 17 of the Gladstone Municipal Code and the Comprehensive Plan of the City of Gladstone are amended to change the Property's Comprehensive Plan designation from Clackamas County Low Density Residential to City of Gladstone Low Density Residential.**

**Section 4. Title 17 of the Gladstone Municipal Code and the Zoning Map of the City of Gladstone are amended to change the Property's zoning designation from Clackamas County Low Density Residential, R-15, to City of Gladstone Low Density Residential, R7.2.**

**Section 5.** The Final Annexation Order, Comprehensive Map amendment and Zoning Map amendment are based on the Planning Staff Report and its findings, attached hereto as Exhibit B and incorporated herein by this reference.

**Section 6.** Pursuant to ORS 222.180, the Property's annexation shall be effective on the date the annexation records are filed with the Oregon Secretary of State.

**Section 7.** Pursuant to ORS 221.111(4), the Property is withdrawn from the Clackamas River Water District, Clackamas County Enhanced Law Enforcement District, Clackamas County Fire District No. 1 and North Clackamas Park and Recreation District on the annexation's effective date. Upon annexation the Property will be served by City of Gladstone Water, by the City of Gladstone Police Department and by the City of Gladstone Fire Department.

**Section 8.** The Comprehensive Plan amendment and zone change approved herein are effective upon the annexation's effective date.

**Section 9.** All remaining provisions of Title 17 of the Gladstone Municipal Code are reaffirmed in their entirety.

**Section 10.** In order to protect the peace, health and welfare of the City of Gladstone and its citizens, and emergency is declared and this ordinance shall be effective upon its passage.

This ordinance adopted by the Common Council and approved by the Mayor this 13<sup>th</sup> day of June, 2006.

Attest:

*Wade Byers*

\_\_\_\_\_  
Mayor

*Jonathan Black*

\_\_\_\_\_  
City Recorder

Exhibit A  
Ordinance 1376

Legal Description for 6825 Jennings Avenue  
Tax lot 3400 of 2 2E 17BA

Part of Tract 33, Moore Tracts, in the County of Clackamas and State of Oregon described as follows:

Beginning at the South corner of Tract 33, Moore Tracts; thence North 44°42' West along the boundary line of Dagmar Road, 135.36 feet; thence North 45°50'20" East, 144 feet; thence South 44°42' East, 135 feet, more or less, to the boundary of the public road; thence, South 45°50'20" West along the boundary line of the public road, 144 feet to the point of beginning.





# GLADSTONE

## PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL

Files: Z0077-06-CP & Z0076-06-Z

### I. GENERAL INFORMATION

- A. **PROPOSAL:** This is a request for an annexation, comprehensive plan designation and a zone change to apply the City's Low Density Residential Plan designation and the R-7.2 Zoning District.
- B. Legal Description: T2, R2E, Section 17BA, Tax Lot 3400
- C. East of Dagmar Road, at the intersection with Jennings Avenue.
- D. Clackamas County zoning: R-15, Low Density Residential
- E. Clackamas County Comprehensive Plan: Low Density Residential
- F. Site Description: The .45 acre site is located at 6825 SE Jennings Avenue. It is contiguous to the City of Gladstone. Surrounding properties to the north and east are in Clackamas County, while properties to the south and west are within City of Gladstone. The existing site contains a single family dwelling. The site slopes gently from west to east. Deciduous and evergreen trees are included on the site.
- G. Background: The applicant is requesting annexation so that the parcel can be divided and a new single family dwelling to be constructed on the new lot.

### II. FINDINGS

This request is subject to the applicable provisions of Chapter 3.09.050 of the Metro Code which provides the criteria of approval of boundary changes within the Metro Urban Growth boundary and Chapter 17.68, Amendments and Zone Changes, of Title 17 of the Gladstone Municipal Code.

**City Hall**  
525 Portland Avenue  
Gladstone, OR 97027  
(503) 656-5223  
FAX: (503) 650-8938  
E-Mail: (last name)@  
ci.gladstone.or.us

**Municipal Court**  
525 Portland Avenue  
Gladstone, OR 97027  
(503) 656-5224 ext. 1  
E-Mail: municourt@  
ci.gladstone.or.us

**Police Department**  
535 Portland Avenue  
Gladstone, OR 97027  
(503) 656-4253  
E-Mail: (last name)@  
ci.gladstone.or.us

**Fire Department**  
555 Portland Avenue  
Gladstone, OR 97027  
(503) 557-2776  
E-Mail: (last name)@  
ci.gladstone.or.us

**Public Library**  
135 E. Dartmouth  
Gladstone, OR 97027  
(503) 656-2411  
FAX: (503) 655-2438  
E-Mail: qiref@lincc.lib.or.us

**Senior Center**  
1050 Portland Avenue  
Gladstone, OR 97027  
(503) 655-7701  
FAX: (503) 650-4840

**City Shop**  
18595 Portland Avenue  
Gladstone, OR 97027  
(503) 656-7957  
FAX: (503) 722-9078

### III. CONCLUSIONS

The Planning Commission has reviewed this request in reference to the applicable provisions of the Metro Code and the GMC. Based upon this review, the Planning Commission makes the following conclusions:

#### A. Annexation:

##### Metro Code 3.09.050 (D) Minimum Annexation Approval Criteria

1. *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.*

Pursuant to ORS 195.065, at this time there are no agreements in place between Gladstone and any service provider. **This criterion is not applicable.**

2. *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.*

Gladstone entered into an urban Growth Management Agreement with Clackamas County, effective May 8<sup>th</sup>, 1986. Per this agreement, the subject property is designated as being in the "Dual Interest Area" as shown on the Comprehensive Plan Map. The agreement indicates in Section 4B that the City is responsible for "the functions of planning, planning implementation, and coordination of the provision of urban facilities and service" after annexation has occurred. Annexations within the Dual Interest Area are consistent with the Urban Growth Management Agreement. **This criterion is met.**

3. *Consistency with specific directly applicable standards for boundary changes contained in comprehensive land use plans and public facility plans.*

The Urban Growth Management Agreement between Clackamas County and the City of Gladstone has been adopted as part of the Comprehensive Plan. The subject property is in the Dual Interest Area shown on the Comprehensive Plan Map. Gladstone will assume responsibility for planning and coordination of urban facilities and services after the annexation has occurred. Section 3A of the agreement requires the City to convert the County Plan and Zoning Classifications of the annexed area to City Plan and Zoning Classifications. The applicant is applying to the City to convert the County R-15 (Low Density Residential) Plan and Zone designation to a City R-7.2 (Low Density Residential) designation, upon approval of the annexation. Annexation is allowed under the provision of the Urban Growth Management Agreement. **This criterion is met.**

4. *Consistency with specific directly applicable standards of criteria for boundary changes contained in the Regional Framework plan or any functional plan.*

Beyond the criteria of Metro Code 3.09.050 (d) addressed herein, the Regional Framework Plan and Functional Plan have no other specific

requirements of applicants for annexation requests within the Metropolitan Service District boundary. **This criterion is met.**

5. *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.*

The subject parcel is located in an area where surrounding properties are already developed. Properties to the south and west are within the City of Gladstone and are served by public utilities located in Jennings Avenue and Dagmar Road adjacent to the site. The proposed annexation will promote the timely and orderly provision of water service to the area. The City of Gladstone will be benefited by the project which will pay SDCs for any new development. The property can be served from a city water main in Dagmar Road. Annexation will promote the timely, orderly and economic provisions of services. **This criterion is met.**

6. *The territory lies within the Urban Growth Boundary; and*

The property lies entirely within the Metro Urban Growth Boundary. **This criterion is met.**

7. *Consistency with other applicable criteria for the boundary change in question under state and local law.*

No other criteria have been determined to be applicable. **This criterion is met.**

B. Comprehensive Plan Amendment and Zone Change

1. Chapter 17.68 establishes the approval criteria for a zone change. Policy 5(c) of the Plan Evaluation and Update chapter of the Comprehensive Plan states, "An amendment to this plan shall be treated like a zone change. The same procedure for a zone change shall be adopted." Thus, Chapter 17.68 of the GMC applies to the Comprehensive Plan amendment as well as the 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.*

The applicant is not requesting to deviate from present development policies or land use patterns. The property is currently zoned R-15 (Low Density Residential) in Clackamas County. The applicant is requesting that the property be converted to the equivalent City of Gladstone Plan and Zone district (R-7.2, Low Density Residential). Once annexed, the property may be allowed to be partitioned. Granting this request will fulfill the public need for low density residential development and expansion of the City's tax base. **This criterion is met.**

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.* The need for additional low density development will be fulfilled by this request. Surrounding properties are developed under the Low Density Residential designation. Applying a different zoning district, other than R-7.2 (Low Density Residential) would not fit the pattern of land uses in the area. **This criterion is met.**

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

The proposed zone change is consistent with the Land Use chapter of the Plan because it allows for additional residential development. It is consistent with the Residential Use chapter objective, "To have a choice from a variety of housing densities, costs and types".

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

Title 1: The zone change will not impact on the city's ability to meet Metro's housing targets.

Title 2: The zone change will not alter the city's parking standards.

Title 3: The zone change will not affect the city's water quality, flood management or fish and wildlife conservation measures.

Title 4: The subject property is designated as low density residential area. The proposed Plan Amendment and Rezone of the property complies with the City of Gladstone Comprehensive Plan.

Title 5: This Title establishes Metro policy regarding areas outside the Metro urban growth boundary and has no effect in Gladstone.

Title 6: The zone change will not amend the city's street design, connectivity or transportation performance standards.

Title 7: This Title is advisory only.

Title 8: This Title establishes procedures for Metro to require compliance with the Functional Plan.

Title 9: This Title establishes performance measures to evaluate progress in implementation of the Functional Plan.

Title 10: This Title contains definitions only.

Title 11: This Title pertains to areas added to the urban growth boundary. Gladstone is entirely surrounded by land within the urban growth boundary, so this Title is inapplicable.

**This criterion is 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.* This criterion is largely irrelevant to this proposal. As noted by the applicant, the choice to zone the subject site R-7.2 is reasonable due to the fact that it is currently similarly zoned in the County and it is in keeping with the Urban Growth Management Agreement. **This criterion is not relevant.**

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.* City water is available to the property. **This criterion is met.**

2. Findings are required concerning the Comprehensive Plan amendment's compliance with the Statewide Planning Goals and Guidelines.
  - a. Goal 1 - "Citizen Involvement" - The purpose of this goal is to provide citizens the opportunity to be involved in the planning process. Notices were mailed to the owners of properties within 250 feet of the subject property, thereby satisfying Goal 1.
  - b. Goal 2 - "Land Use Planning" – Goal 2 requires local jurisdictions to adopt comprehensive plans and ordinances to implement those plans. This process for Comprehensive Plan amendment is consistent with the Gladstone Comprehensive Plan and Municipal Code, thereby satisfying Goal 2.
  - c. Goal 3 - Agricultural Lands – Gladstone has no agricultural lands. This goal is inapplicable.
  - d. Goal 4 – Forest Lands – Gladstone has no forest lands. This goal is inapplicable.
  - e. Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources – Goal 5 requires local jurisdictions to inventory a dozen types of natural and cultural resources, such as wetlands and wildlife habitat; determine which sites are significant; and undertake an evaluation to determine which sites will be protected and to what extent. The subject property has not been inventoried by the city under Goal 5.
  - f. Goal 6 – Air, Water and Land Resources Quality – This Goal requires the Comprehensive Plan and implementing ordinances to be consistent with state and federal pollution standards. This Goal

is inapplicable to the proposed Plan amendment because the amendment does not seek to change the city's pollution standards.

- g. Goal 7 – Areas Subject to Natural Disasters and Hazards – This Goal covers development in areas subject to natural disasters and hazards, such as floods or landslides. The proposed Plan amendment will have no impact on the city's regulations pertaining to natural disasters and hazards. The subject property has not been identified as being at risk for a natural disaster or hazard that would be a basis for preventing the residential development allowed by the new Plan designation.
- h. Goal 8 – Recreational Needs – This Goal requires the city to plan for recreation needs. The Comprehensive Plan does not designate Jennings Avenue east of Oatfield Road as a Gladstone bikeway route.
- i. Goal 9 – Economy of the State – Goal 9 requires the city to plan and zone for an adequate supply of commercial and industrial land. The proposal does not impact commercial or industrial land.
- j. Goal 10 – Housing – Goal 10 requires local jurisdictions to inventory residential lands and to accommodate an adequate supply of a variety of housing types. The proposed zone change will increase the city's supply of residential land by possibly one lot.
- k. Goal 11 – Public Facilities and Services – This Goal requires local jurisdictions to plan for such public facilities and services as water, sewer and fire protection. Public Facilities and Services are available to serve this property.
- l. Goal 12 – Transportation – Goal 12 requires the city to adopt a transportation system plan (TSP) that provides for a variety of types of transportation facilities. The proposed Plan amendment will have no impact on the city's adopted TSP.
- m. Goal 13 – Energy Conservation – This Goal requires land use to maximize energy conservation. The proposed zone change will have no impact on the city's plan policies or implementing regulations regarding energy conservation.
- n. Goal 14 – Urbanization – This Goal requires the establishment of urban growth boundaries and planning for sufficient land to meet urban needs. This Goal is inapplicable to Gladstone because the city is within the Metro urban growth boundary and all lands bordering the city are already urban lands.
- o. Goal 15 – Willamette Greenway – This Goal establishes procedures for administering the greenway that protects the

Willamette River. The subject property is not within the greenway; therefore, this Goal is inapplicable.

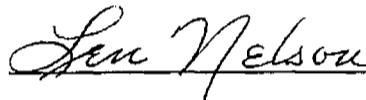
- p. Goals 16 through 19 pertain to coastal jurisdictions only and are inapplicable to Gladstone.

#### IV. RECOMMENDATION

The Planning Commission is authorized to make a recommendation to the City Council on annexation requests, zone changes and Comprehensive Plan amendments pursuant to Subsections 17.94.060(1)(b) and (c) of the GMC. The Planning Commission recommends to the City Council to approve the annexation, Comprehensive Plan amendment and Zone designation, based on the submitted application materials.

Approved on April 18, 2006

Signed this 21 day of April, 2006

 \_\_\_\_\_

Len Nelson, Planning Commission Chair

