



Oregon

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Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

04/21/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Gladstone Plan Amendment
DLCD File Number 001-10

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: Thursday, May 05, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Clay Glasgow, City of Gladstone
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative

<paa> YA/ph

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

Jurisdiction: **Gladstone**

Local file number: **Z0607-10-Z/23-11-CP**

Date of Adoption: **4/12/2011**

Date Mailed: **4/14/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/30/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to both the Gladstone Municipal Code (GMC) and Gladstone Comprehensive Plan, as follows:
 Chapter 17.26.040, OS Open Space District, Conditional Uses allowed - add "Public Utility Facilities within a
 Habitat Conservation Area District"; add new GMC 17.06.552 - definition of "Utility Facilities." Also, text
 amendment to Comprehensive Plan, in the form of an ESEE analysis relative to potential conflicts between the
 new Conditional Use and certain Goal 5 resources.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 001-10 (18630) [16608]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Fish and Wildlife, Division of State Lands, Clackamas County Water Environment Services, Oak Lodge Sanitary District, Metro

Local Contact: **Clay Glasgow**

Phone: **(503) 742-4520** Extension:

Address: **150 Beaver Creek Rd**

Fax Number: **503-742-4550**

City: **Oregon City**

Zip: **97045-**

E-mail Address: **clayg@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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

ORDINANCE NO. 1431

AN ORDINANCE AMENDING THE GLADSTONE COMPREHENSIVE PLAN AND MUNICIPAL CODE TO ADD A DEFINITION OF UTILITY FACILITY AND PERMIT UTILITY FACILITIES IN OPEN SPACE ZONES.

WHEREAS, the Gladstone Municipal Code currently does not permit utility facilities in open space zones;

WHEREAS, the code permits utility facilities in a habitat conservation overlay zone;

WHEREAS, many properties zoned open space are also subject to the habitat overlay, creating a code conflict;

WHEREAS, the City Council wants to resolve the internal code conflict and conditionally allow utility facilities in open space zones; and

WHEREAS, the City prepared an ESEE analysis that identified, analyzed and resolved potential conflicts between recreational uses permitted in open space zones and utility facilities allowed conditionally in open space zones.

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

Section 1. The Gladstone Comprehensive Plan is amended to include as an appendix an ESEE analysis demonstrating that the code amendments contained in Sections 2 and 3 of this ordinance are consistent with Goal 5. The appendix is attached as Exhibit A and incorporated by reference.

Section 2. Gladstone Municipal Code Chapter 17.06 is amended to include a new definition as follows:

“Utility facility. Buildings, structures or any constructed portion of a system that provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.”

Section 3. Gladstone Municipal Code Section 17.26.040, conditional uses allowed in an open space zoning district, is amended to include a new conditional use as follows:

“(7) Public utility facilities within a Habitat Conservation Area District.”

Section 4. The City Administrator or designee may make ministerial changes to the Gladstone Municipal Code as necessary to codify the above amendments.

Section 5. Findings supporting these amendments are attached as Exhibit B and incorporated by reference.

ADOPTED by the Common Council and APPROVED by the Mayor this 12th day of April, 2011.



Mayor

Attest:


Assistant City Administrator

EXHIBIT "A"

**Gladstone Goal 5 Analysis:
Amendment to Gladstone Municipal Code 17.26.040
(OS-Open Space District – Conditional Uses Allowed)
Creating GMC 17.26.040.7 - "Utility Facilities."**

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Gladstone Goal 5 Analysis:¹
Amendment to Gladstone Municipal Code 17.26.040
(OS-Open Space District – Conditional Uses Allowed)
Creating GMC 17.26.040.7 - “Utility Facilities.”

Proposal

The City proposes to amend Gladstone Municipal Code (GMC) 17.26.040 to allow 'Utility Facilities' as conditional uses in certain areas within the Gladstone Open Space (OS) zoning districts. (See Appendix A, GMC 17.26.)

The proposed code amendment would add sub-section six (6) to the conditional use list in GMC 17.26.040 as follows:

(6) Public utility facilities within a Habitat Conservation Area District.

GMC Section 17.25.030(GG) defines a utility facility as:

GG. Utility Facilities: Buildings, structures, or any constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television. Utility facilities do not include stormwater pre-treatment facilities.

Internal Consistency

The language and the intent of the proposed amendment are consistent with other City regulations designed to protect natural resources. Utility Facilities are regulated uses in other Gladstone natural resources regulations including Habitat Conservation Area District (HCAD), GMC 17.25; Water Quality District (WQ), GMC 17.27; and Flood Management (FM), GMC 17.28. Many of the areas protected by the HCAD, WQ and FM regulations are also zoned Open Space (OS). Utility Facilities currently exist in Open Space zones. However, the Gladstone OS zone does not allow Utility Facilities as either permitted or conditional uses. The proposed amendment will acknowledge existing conditions and bring internal

¹ Documents relied upon for production of this report and incorporated herein by reference include: Gladstone Comprehensive Plan: Goals, Policies, Objectives and Implementation Strategies, April 1979 and as amended; Gladstone Comprehensive Plan Inventory and Analysis, Postscript, May 1979, revised June 1979; Gladstone Plan Map, June 1979; Land Conservation and Development Commission, Acknowledgement of Compliance, Commission Action March 6, 1980; Land Conservation and Development Commission, Acknowledgement of Compliance, Response to Continuance Order, Commission Action January 30, 1981; Gladstone Municipal Code (GMC) Chapters 17.25 - Habitat Conservation Area District, 17.26 - Open Space District, 17.27 - Water Quality District, and 17.28 - Flood Management.

consistency within the Gladstone natural resource regulatory framework and with statewide planning Goal 5.

The Gladstone City Council adopted Chapter 17.25, Habitat Conservation Area District (HCAD), of the GMC to implement Metro Title 13 (Nature in the City).² The Metro definition of Utility Facilities is essentially the same as the Gladstone definition.³ The City of Gladstone relies on the GMC Section 17.25.030(GG), definition of Utility Facilities in its Water Quality and Flood Management regulations.⁴ The term Utility Facilities in the proposed amendment is thus generally consistent with adopted Gladstone and Metro regulations.

The effect of the proposed amendment will be to: (A) recognize that Utility Facilities exist in open space zones; (B) allow the repair, maintenance, expansion or creation of Utility Facilities in Open Space zones; (C) provide for the necessary analysis to add utility facilities to the Open Space (OS) zone under statewide planning Goal 5; and (D) reconcile the inconsistencies between the treatment Utility Facilities receive in OS, WQ and HCAD districts.

Gladstone Open Space

Gladstone recognizes the importance of protecting open space uses for their recreational, aesthetic and habitat values; the City uses open space as a buffer between conflicting uses and combines open spaces and school grounds to create large open areas. Gladstone lies at the confluence of the Clackamas and Willamette rivers and consequently the two rivers are the focal point of the City's comprehensive plan and development regulations pertaining to open space. The City has adopted an Open Space (OS) zoning district to protect both riparian and upland open space areas. (See GMC 17.26, Open Space District.)

Open Space Comprehensive Plan Policies

The Gladstone Comprehensive Plan recognizes the importance of protecting Goal 5 Open Space, Historic and Scenic Areas in several ways,

² City of Gladstone Ordinance No. 1333, November 12, 2002.

³ Metro *Urban Growth Management Functional Plan*, Chapter 3.07, Title 10. Definitions, Section 3.07.1010: (iii)"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television."

⁴ See GMC Chapter 17.27, Water Quality District (WQ), Section 17.27.090(26), Definitions and GMC Chapter 17.28 Flood Management, Section 17.29.150(36).

Land Use Policies: Open Space.

*Open space includes natural resource areas, flood plains, erodible slopes, unique areas, beaches, trails, etc. Cluttered development and unsightly signs should be discouraged along highways. Greenways should be encouraged. Flood plains should be retained as open space. All construction and development within flood plain(s) should be in such a manner that the free flow of waters is not restricted. Footing elevations for buildings and streets should be in accordance with flood plain regulations. Major Vegetation along rivers and drainage ways should be maintained.*⁵

Natural Resources:

Goal: Open Space, Scenic and Historic Areas

*To preserve and enhance the natural beauty of the city's waterways, open space and other natural resources, both scenic and historic, so they may become more a dominant feature of the areas character and setting and to be enjoyed by a larger number of the area's residents both now and in the future.*⁶

With regard to open space, Gladstone has taken appropriate measures to conserve the resource along most of its riverbanks, but not to the same extent in the city's interior. As part of the state's Willamette River Greenway Program, the city needs to better define the existing greenway boundary and identify permitted uses and acquisition areas within the Greenway. [Amended by Ordinance #980, 8-26-80. See Plan Updates section.]

Open Space, Scenic and Historic Areas

Objectives

- 1. To provide an open space system designed in response to the needs and capabilities of the area.*
- 2. To promote the conservation of significant stands of trees and other natural vegetation.*
- 3. To preserve and improve significant scenic views and settings, historic and archaeological landmarks and sites.*

Policies and Implementation Strategies

Policy 1: Review and update the Gladstone "Parks and Open Space Plan" and develop specific site plans in order to identify needed programs and/or parks.

⁵ Gladstone Comprehensive Plan (GCP), updated October 2006, page 5.

⁶ Gladstone Comprehensive Plan, page 20.

Policy 2: Support implementation of local and regional bikeway plans.

Policy 3: The Willamette and Clackamas Rivers shall remain as the focal points of the area's open space network.

Policy 4: Encourage the provision of open space within new developments.

Implementation

- a. Encourage Planned Unit Developments (PUD) which takes advantage of clustered housing with preservation of open space.*
- b. Develop site plan standards which ensure the preservation and enhancement of open space.*
- c. Research the feasibility of offering higher densities to developers willing to provide open space.*

Policy 5: Encourage the use of open space as buffers zones between incompatible land uses.

Implementation:

- a. Identify needed buffer zones.*
- b. Encourage the planting of trees and other landscaping within identified zones.*

Policy 6: Establish a Willamette Greenway Conditional Use District.

Implementation

- a. Adopt the Willamette River Greenway boundary.*
- b. The property described as 2S 2E 19, Tax Lot 1000 shall be identified for public acquisition under the Greenway Program, commonly known as the "Jensen Property".*
- c. Uses permitted within the Greenway will be the same as those specified within the Zoning Ordinance and Map.⁷*

Open Space Zoning

The Gladstone Zoning Map identifies fifteen (15) open space zoning areas throughout the City. Open space areas range in size from a single residential lot to the 75 acre Meldrum Bar Park. The site characteristics range from level grass fields at Max Patterson Memorial Park to the steep riparian slopes at Charles Ames Memorial Park to the linear path along Abernathy Lane. Open space uses are widely divergent, ranging from a city monument sign tucked into the intersection of two busy streets to the variety of water and upland uses at Meldrum

⁷ GCP Natural Resources, pp 25 – 28

Bar Park. Table 1 describes the name, location, size and general use of all area zoned open space.

Table 1. Gladstone Open Space Zoning

	Common Name	Location	Area (acres)	Type
1	Robinhood Park	Doncaster Drive	0.32	Park
2	Nick Shannon Memorial Park	Valley View Drive	0.6	Park
3	Ridgegate Road	Ridgegate Drive	0.6	Park
4	Max Patterson Memorial Park & Spray Park)	Fairfield St. & Cornell Ave.	1.97	Park
5	Stocker Park	NE 82nd Dr. & Oatfield Rd.	0.2	Gateway garden
6	High Rocks Park	82nd Drive	1.55	Park
7	Charles Ames Park	Abernathy Road	2.00	Park
8	Cross Memorial Park	Clackamas Blvd	4.58	Park
9	Meldrum Bar Park	Meldrum Bar Park Rd	74.59	Park
10	Dahl Park	Dahl Road	8.85	Park
11	Dierickx Field	Risley Ave.	2.17	Park
12	Abernathy Lane	Between Glen Echo & Portland Ave.	2.42	Walking path
13	Glen Echo Wetlands	West of Bird Song Way - Tract A	2.42	Open space
14	Library Tract	Oatfield Rd.	2.94	Open space
15	Lake Chautauqua (Johnson Park)	SDA Campus	2.00	Dry lake/wetland

Currently GMC 17.26.040 allows the following conditional uses in the OS zoning district: (1) Boat ramp, (2) Swimming facility, (3) Community garden, (4) Ball field, (5) Tennis court, and (6) other similar recreational uses. Utility facilities currently exist in several OS districts, such as a raw water intake structure in the parking lot on the west end of Cross Memorial Park and a raw water pipe in Meldrum Bar Park. However, utility facilities, even existing facilities, are not permitted outright or as conditional uses in open spaces districts.

Habitat Conservations Area District (HCAD)

The Gladstone HCAD applies to those areas identified on the maps adopted by reference (HCAD maps) in Chapter 6 of the Gladstone Comprehensive Plan.⁸ The HCAD areas are classified and ranked according to their riparian and upland habitat values. Eleven (11) of the fifteen (15) Gladstone Open Space zoning districts are also subject to HCAD regulations in GMC 17.25. (See Appendix A, Metro/Gladstone HCAD and Classification.) Utility Facilities are regulated uses in each of the HCAD areas that are also zoned Open Space.

The HCAD map identifies eleven (11) riparian and upland areas which are zoned OS. Table 2 identifies the HCAD riparian areas. Table 3 identifies HCAD upland areas.

⁸ GMC 17.25.020.A.

Table 2 HCAD riparian areas

HCAD area	Characteristics and Uses
Robinhood Park	Sloping ground, few trees, grass and play areas; Play ground and half court basketball
High Rocks Park	Steep bank, river rocks; Gravel path, porta-potty, cliff jumping
Crossman Memorial Park	Steep banks, mixed trees, grass; Parking, water intake, abandoned bridge, walking trails, benches, river access and viewing, picnic
Charles Ames Memorial Park	Tree cover, steep banks; River access, picnicking, parking trails
Meldrum Bar Park	Level, open fields and wooded; Playfields, river access, boat launch, fishing, community gardens, RC car park, BMX area, walking, picnicking, restrooms
Dahl Park	Sloped to river, tree cover, open space; Parking, river access, ball fields, restrooms, picnicking
Glen Echo wetlands	Level, wetland, tree cover, undeveloped; Undeveloped wetland, habitat and buffer

Table 3. HCAD Upland areas

HCAD area	Characteristics and Uses
Nick Shannon Memorial Park	Level ground, shade trees, abutting Oak Lodge water reservoir; Picnic, playground and access to reservoir
Ridgegate Road	Tree open space and shaded lawn and utility vault; Path to abutting school yard and exercise path
Crossman Memorial Park	Steep banks, mixed trees, grass; Parking, water intake, abandoned bridge, walking trails, benches, river access and viewing, picnic
Charles Ames Park	Tree cover, steep banks; River access, picnicking, parking trails
Glen Echo wetlands	Level, wetland, tree cover, undeveloped; Undeveloped wetland, habitat and buffer
Library and trail site	Steep sloped, tree cover, developed grounds; undeveloped
Lake Chautauqua	Sloping ground, few trees, grass; Open play area

HCAD Riparian Species and Habitat

The two significant riparian open space areas are located in Cross Memorial Park and Meldrum Bar Park.

At Cross and Ames Memorial Parks riparian conditions consist of a very steep bank/bluff vegetated with native tree and shrub species, but also containing non-native species such as Himalayan blackberry. The vegetated riparian zone is fairly narrow. The top of the bluff is developed and contains a paved road. Riparian conditions in the vicinity of the Lake Oswego water intake provide only limited function to both the aquatic system of the Clackamas River and upland species.

The Meldrum Bar Park includes developed parking areas, ball fields, gardens and roadways, all of which provide very limited functions to native wildlife species. Areas adjacent to the roadway along the west half of the park consist of large stands of cottonwood forest, which serve as moderate to high functioning wildlife habitat. The boat launch area along the Willamette River consists of a parking lot and a boat ramp. This portion of the riparian zone provides no benefits to the river, since these areas are paved. No wetlands were mapped in Meldrum Bar Park

including adjacent to the Willamette River. Within the Clackamas and Willamette river parks, several fish, terrestrial and plant species have been identified. (See Appendix B, Riparian Species.)

Willamette River Greenway

The Gladstone Comprehensive Plan establishes a Willamette River Greenway consistent with Statewide Goal 15.⁹ GMC Chapter 17.28, Greenway Conditional Use District (GW), implements the policies of Statewide Goal 15 and the City greenway comprehensive plan policies. The GW district applies to land 150 feet upland from the bank of the Willamette River. Uses allowed outright or conditionally in the primary zone are allowed in the GW subject to the GW and conditional use permitting requirements. (GMC 17.28.030.) Development within the GW district shall "provide maximum practicable landscaping aesthetic enhancement, open space or vegetation between the activity and the river" and public access to the river shall be provided to the greatest extent possible. (GMC 17.28.030(2).) Setbacks to the river shall be determined on a case-by-case basis and shall be "sufficient to protect, preserve, maintain, enhance the natural, scenic, historic and recreational qualities of the greenway." (GMC 17.28.050(6).)

The focal points of the Gladstone open space network are the Willamette and Clackamas river parks. (GCP, Natural Resources Policy 3.) Meldrum Bar and Dahl Parks are within the Willamette River Greenway and subject to GMC 17.28. Consequently, for purposes of this exercise, Meldrum Bar Park and Dahl Park are treated as both Goal 5 open space resources and areas under the jurisdiction of the Willamette River Greenway polices and regulations. (But see OAR 660-23-0240(2).¹⁰

Goal 5 Framework

Oregon's nineteen statewide planning goals are the framework for local planning programs in Oregon. Goal 5 addresses natural resources, scenic and historic areas, and open spaces. The purpose and intent of the Goal 5 Oregon Administrative Rule, (OAR) 660-023-0000, is for local jurisdictions to inventory and evaluate Goal 5 resources and, thereafter, to develop programs to conserve and protect significant Goal 5 resources.

The steps necessary for compliance with Goal 5 are described in OAR 660, Division 23 Procedures and Requirements for Complying with Goal 5. In general, the basic compliance steps include:

⁹ Gladstone Comprehensive Plan, Natural Resources, page 20 amended by Ordinance #980, August 26, 1980; Comprehensive Plan, Open Space, Policy 6.

¹⁰ "The requirements of Goals 15, 16, 17, and 19 shall supersede requirements of this division for natural resources that are also subject to and regulated under one or more of those goals." OAR 66-23-0240(2).

- Step 1. Inventory: Locate and compile a list of significant Goal 5 resources within a jurisdiction.
- Step 2. Economic, Social, Environmental and Energy (ESEE) Analysis: Identify Conflicting Uses and Analyze the ESEE consequences of allowing, limiting, or prohibiting conflicting uses. The outcome of ESEE analysis is a decision to Allow, Limit (Lightly, Moderately, Strictly), or Prohibit conflicting uses.
- Step 3. Develop a Program to implement the ESEE decision: Where conflicting uses are allowed or are limited, implementation measures may include regulation, acquisition, education and project development.

Metro Title 13

The Goal 5 rule provides for a "Regional" Goal 5 process to be conducted by Metro. Specifically, OAR 660-023-0080 defines "regional resources" and authorizes Metro to adopt one or more regional functional plans to address all applicable requirements of Goal 5 and the OAR for one or more resource categories. The program requirements for Metro's Goal 5 work are part of the Urban Growth Management Functional Plan (Functional Plan) The Metro Regional Framework Plan (RFP), Chapter 3, Nature in Neighborhoods outlines the policies that guide Metro's Goal 5 resource management efforts. The Metro policies related to Goal 5, particularly those pertaining to riparian areas, are codified in the Metro Code, Title 13, Nature in Neighborhoods, Sections 3.07.1310 – 1370. Methodologies for identifying Habitat Conservation Areas (HCA) and habitat friendly development practices are found in table 3.07-13a-13c.

Gladstone adopted GMC 17.15, Habitat Conservation Area District, to implement Metro Title 13.

Step 1 – Inventory

The Gladstone Goal 5 inventory must be construed by reading the Gladstone Comprehensive Plan the HCAD inventory and the OS zoning designations together.¹¹

The Gladstone Comprehensive Plan does not identify the amount of open space needed to implement the local plan goals and policies. The plan identifies specific open space areas, such as the Willamette Greenway, as well as the types of open space needed (flood plains and wooded areas) that should be preserved.¹² As stated above, the focal points of the Gladstone open space network are the Willamette and Clackamas rivers.

The plan inventory and analysis identifies three Goal 5 wetlands:

¹¹ DLCD Acknowledgement report, February 21, 1980, page 6: Open spaces inventory pp. E-1, E29-31, E-37, G-15-20; Plan, pp 5-6, postscript 20.

¹² DLCD Acknowledgement report, February 21, 1980, page 7.

- Meldrum Bar,
- A marshy area west of Portland Avenue between Hull Avenue on the north extending across Glen Echo Avenue to Sladen Avenue on the south (Glen Echo wetlands); and
- Lake Chautauqua on the Seventh Day Adventist (SDA) site.¹³

In addition the inventory includes Cow Creek between Harvard Avenue west to McLoughlin Blvd (Olson Wetlands) and a wetland basin north of Landon Street between Columbia and Cornell (not zoned OS).¹⁴

The Gladstone Open Space zoning district applies to areas beyond the scope of the Goal 5 inventory. The OS district applies primarily to public spaces but is also applied to certain private lands, such as Lake Chautauqua and the Glen Echo wetlands.¹⁵

Importantly, not all Gladstone OS-zoned areas are included on the Goal 5 inventory described in the City's Comprehensive Plan inventory. The inventory consists of those areas described in 1979 the Comprehensive Plan and those areas subject to GMC 17.25, Habitat Conservation Area District. In other words, the Open Space zone and the 1979 Goal 5 open space inventory are not one and the same. However, all areas described subject to GMC 17.25 are also elements of the original Goal 5 open space inventory.

The proposed amendments do not affect existing City inventories. The amendments limit the potential conflicting uses associated with utility facilities to HCAD areas, all of which are on the City's Goal 5 inventory, also zoned Open Space.

Open Space Goal 5 Resources

As noted above, the Gladstone Goal 5 inventory consists primarily of the HCAD riparian areas along the Clackamas and Willamette rivers. Those areas are: High Rocks Park, Cross Memorial Park, Charles Ames Memorial Park, Dahl Park and Meldrum Bar Park.

¹³ The SDA site is also known as the Seventh Day Adventists Campgrounds west of I-205, contains Chautauqua Lake, "a site of longstanding historic significance for the City of Gladstone". Although the water level of the lake has diminished significantly due to mining activity, the "lake is still valued as wetland and has been zoned open space in the Gladstone Zoning Ordinance." [See Comprehensive Plan amendment #977, 6-10-80.]

¹⁴ Gladstone Comprehensive Plan Inventory and Analysis: Goals, Objectives, Policies and Implementation Strategies - Post Script, Revised June 1979, page 2.

¹⁵ *Id.* The Open Space Zoning District applies only to publically-owned open space with the exception of a two-acre lake on the SDA site. This creates a slight inconsistency between the plan map and the zoning map since open space designations on the plan map include non-publically owned open space as well as publically owned.

A second category of Goal 5 open space resources are the upland HCAD areas also identified in the Comprehensive Plan. Those areas include: Cross Memorial Park, Glen Echo wetlands, Lake Chautauqua and Charles Ames Park.

Step 2 - ESEE Analysis

Conflicting Uses

The Goal 5 inventory of open spaces consists of the riparian and upland areas subject to HCAD regulation. The scope of the conflicting uses examination in this report is the potential conflict between the conditional uses identified in GMC 17.26.040(1-6) and Utility Facilities.

The adoption of GMC chapter 17.25 to carry out Metro's Title 13 resolved the Goal 5 process with respect to all natural resource uses that are common to the Open Space (OS) zone and the HCAD overlay. The purpose of the following analysis is to undertake the Goal 5 process with respect to the remaining open space uses in the Open Space (OS) zone, namely the nature and extent of potential conflicts between Utility Facilities and recreational uses allowed conditionally in the OS zone.

A Utility Facility includes buildings, structures, or the constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television. The HCDA does not classify stormwater pre-treatment facilities as Utility Facilities.

Public Utility Facilities may be located above or below ground. Construction of Utility Facilities disturbs soil, plant and habitat. A Utility Facility may create impervious surfaces or impede the movement of animals if built above ground. Such activities could conflict with open space values such as recreational opportunities, aesthetics and the protection of natural resource values. In addition, above ground Utility Facilities could interfere with views of or within Goal 5 open space areas.

As a general rule, the operation of Utility Facilities does not require a significant amount of man-power or movement of goods or people, consequently public Utility Facilities do not generate a significant amount of vehicular traffic.

In Gladstone, existing utility facilities in open space areas include a raw water intake in Charles Ames Memorial Park and water transmission pipes in Meldrum Bar Park. Open space areas also include both overhead and underground transmission lines for water, sanitary sewer, electricity, gas, telephone and cable are also found in Open Space zones. This amendment would allow public utilities in the Open Space (OS) zone through the conditional use process.

ESEE Overview

▪ Overview of the Economic Conditions. The Gladstone Comprehensive Plan states the economy of Gladstone is primarily oriented toward services and commercial business. Gladstone has emphasized residential and commercial development. Consequently industrial uses are minimal. There are three primary areas of commerce in the city, downtown, along highway 99 and at the I-205/82nd Drive interchange.¹⁶

▪ Overview of Social Conditions. Gladstone is primarily a residential community with areas of intense commercial activity along Highway 99 and the I-205/82nd Drive interchange. The central core of the community reflects early 20th century housing and commercial building style and has a higher concentration of affordable housing. Newer housing activity has occurred in the hills to the northwest. The Seventh Day Adventist site is the home of the original Gladstone Chautauqua camp and has since developed into a significant religious and conference center. In the 2000 census the City population was 11,438 persons, 90% of whom were classified as white. The second largest classification is Hispanic at 6% of the population. The median age was 36 years and the median household income in 2008 was \$58,870, above the Oregon average. The average home/condo price in 2008 was over \$300,000 per unit, nearly double the value in 2000. The Gladstone School district operates three schools and a 2006 school bond leveraged \$40 million of new school construction. The City park system is directly connected to the local schools.

▪ Overview of Environmental Conditions. Gladstone lies at the confluence of the Willamette and Clackamas rivers. The topography is generally flat at the confluence but rises towards the northeast. The two wetland and riparian areas not associated with the two major rivers are east of McLoughlin Boulevard.

▪ Overview of Energy Conditions. Gladstone relies heavily on non-renewable resources. The primary sources of energy, gas and electricity, are produced off site. Gladstone plan policies encourage individual actions to reduce or conserve energy consumption, reduce vehicle trips and implement energy saving construction technologies.¹⁷

Potential Economic Conflicts.

Gladstone open space areas are zoned for non-income generating purposes, primarily recreational uses. The operation of public parks is funded by public means such as taxes, grants, licenses or user fees. Construction of utility facilities may temporarily interfere with access to recreational opportunities. Underground Utility Facilities, such as transmission pipes or lines, do not interfere with above ground activities such as play fields, trails, picnicking, or parking. After

¹⁶ Gladstone Comprehensive Plan, pages 15 – 18.

¹⁷ Gladstone Comprehensive Plan, Energy, Page 30 - 38.

construction, both the HCAD and the GW regulations require re-vegetation of the site and the GW regulations limit access to water. Consequently, site disturbance for below ground Utility Facilities does not adversely affect habitat and access values.

Above ground Utility Facilities, such as pumping facilities or transmission towers will consume land that may otherwise be dedicated to or habitat use. However, since open space areas are not zoned for income producing purposes, the loss of potential income is negligible.

Utility Facilities are necessary elements in the growth and development of a community. Water, power, sanitary services are essential services and facilities needed to help drive economic activity in a community. Water intake station must be located near a water source, such as the Clackamas River, and transmission lines must sometimes cross open space areas to service existing or new residential or commercial development. In addition, the construction and operation of utilities is a source of jobs within a community.

Taken as a whole, siting Utility Facilities in open space does not significantly interfere with the economic values associated with recreation uses in Goal 5 open space.

Potential Social Conflicts.

As stated earlier, the Open Space policy 3 of the Gladstone Comprehensive Plan declares that the Willamette and Clackamas rivers are the focal point of the City's Goal 5 open space network. The public riparian parks (Meldrum Bar, Dahl, Charles Ames Memorial and Cross Memorial parks) contain a wide variety of conditional uses, such as playfields, community gardens, swimming, and boat launch. (GMC 17.26.040.)

Utility Facilities currently exist within the network of Goal 5 open space. For example there is a raw water intake in Charles Ames Park and a water transmission line running below ground in Meldrum Bar Park. The history of these uses is that they do not interfere with the public use of the parks nor are the utility facilities in conflict with the other listed recreation and conditional uses in the riparian parks.

A social value associated with Goal 5 areas is the ability to view the Goal 5 resource from within and from outside the resource area. In the context of this analysis, the potential conflict pertains to the view of recreational uses and the Utility Facility. The scenic qualities of habitat versus potential conflicting uses would have been addressed as part of Metro's Title 3 analysis. The visual conflict between a recreational use and an underground utility or an above ground facility differs; one cannot see the former whereas one might see a utility line or a water reservoir from a recreational use, such as a swimming area or boat launch.

Goal 5 resources within urban areas are not wilderness. The visual character of the urban area is such that one expects to see structures, utility lines, water reservoirs, and the like. Some utility structures, such as a water reservoir cannot be placed underground without adding expensive and energy consumptive pumping equipment. Consequently, some jurisdictions limit the visual impacts of public utilities through height limitations or screening.

Future development of Utility Facilities within the HCAD and the GW zone Goal 5 sites is carefully regulated. In the HCAD area, future utility development must go through a public permitting process, i.e., a conditional use process. In addition, both the HCAD and GW regulations require that constructions activity shall be limited so as to minimize adverse impacts to the land and water. Both the HCAD and GW regulations require extensive re-vegetation of the open space areas so as to minimize interference with the protected resource values.

Consequently, limited development of below ground Utility Facilities will not have a significant impact on the social values of Gladstone's Goal 5 resources. As part of the conditional use process, Gladstone has the ability to limit height or to require above ground screening or vegetation to reduce potential visual conflicts between above ground Utility Facilities and recreation uses in Goal 5 resource areas.

Potential Environmental Conflicts.

The City adopted the HCAD and GW zoning districts to preserve and protect the environmental values associated with the Willamette River Greenway and riparian and upland habitat values. The City HCAD regulations are based upon the Metro, Nature in Neighborhoods, plan policies and regulations. The Metro Title 13 plan and polices were approved by the DLCDC after extensive Goal 5 analysis. The GMC Chapter 17.28 and Metro code 3.07.1310 – 1370 allow Utility Facilities as a limited use.

The Willamette River Greenway regulations encourage public access to the waterway. River access is allowed as a conditional use in the Gladstone Open Space district. (GMC 17.26.040.) Consequently, limited Utility Facilities, when developed consistent with the HCAD and GW regulations, will not significantly conflict with recreational activity or habit values in Gladstone's Goal 5 open space resources.

Potential Energy Conflicts.

Four of the five conditional uses allowed in the City's OS districts (boat ramp, community garden, ball field, and tennis court) do not require significant energy consumption, *per se*. However, electric lighting of ball fields and tennis courts as well as transportation related energy costs, such as towing a boat to a boat ramp, do entail individual energy consumption. In addition, construction of these recreational conditional uses entails additional energy consumption. The most energy consumptive use of the five OS conditional uses is a swimming pool which consumes energy for heat and light.

Construction of a Utility Facility involves energy costs of varying degrees. For example, the cost of laying an underground water line will require less energy than building a new raw water intake or reservoir. Operation of Utility Facilities also requires consumption of energy. (An exception to the rule is the use of gravity to move sanitary waste or drain a water reservoir.) For example, electric pumps draw water out of the Clackamas River at the raw water intake facility and electrical substations propel power through transmission lines over open space.

Although it is difficult to measure, the costs of construction and operation of Utility Facilities do not appear to conflict with the energy draw required to construct or operate most the recreational conditional uses allowed in the OS district. An exception may be the cost of operating a heated swimming facility.

Consequently, allowing Utility Facilities as a limited conditional use in a Goal 5 resource area does not conflict with the energy costs required to construct or operate recreation conditional uses.

Step 3 – Program to Implement the Goal

The City has developed a program to protect and conserve open spaces in compliance with Goal 5. The implementation program is established in the Gladstone Municipal Code Chapters 17.25, Habitat Conservation Area District, 17.26; Open Space District, and 17.28, Greenway Conditional Use District.

Utility Facilities are currently a regulated use in the HCAD district. Within the Willamette Greenway District, permitted and conditional uses are allowed subject to the performance standards of the GW district and the City's conditional use process. Primary and conditional uses in the OS district are therefore, allowed in the Greenway Conditional Use district. The City's existing conditional use permit process allows the City to individually assess potential impacts and, when necessary, require mitigation measures to protect Goal 5 resources consistent with the goals and policies of the Gladstone Comprehensive Plan.

Creating GMC 17.26.040(6), to allow *public utility facilities within a Habitat Conservation Area District* would reconcile the discrepancies among the GW, HCAD and OS zoning districts and will comply with Goal 5.

Conclusion

Limiting Utility Facilities within the Open Space zoning districts, subject to conditional use, HCAD and GW regulations, will ensure that Utility Facilities do not conflict with primary and conditional recreational uses permitted on Goal 5 open space resources in the OS district. No additional regulations or implementation measures are necessary to implement the goal and to protect Goal 5 open spaces.

APPENDICES

APPENDIX A: Metro/Gladstone HCAD and Classifications

	Common Name	Riparian	Upland
1	Robinhood Park	Class II	-
2	Nick Shannon Memorial Park	-	Class C
3	Ridgegate Road	-	Class C
4	High Rocks Park	Class I & II	-
5	Cross Memorial Park	Class I & II	Class B
6	Meldrum Bar Park	Class 1, II & III	-
7	Dahl Park	Class I, II & III	-
8	Glen Echo Wetlands	Class I	Class A
9	Library and trail site	-	Class C
10	Lake Chautauqua (Johnson Park)	-	Class A
11	Charles Ames Park	Class I & II	-

APPENDIX B: Riparian Species

Fish Species

Non-game fish include sculpins, red-side shiner, northern pikeminnow, suckers and Pacific Lamprey (Oregon Department of Agriculture et al.) Game species and threatened species include steelhead, chinook salmon and cutthroat trout. The Pacific Lamprey is currently a species of concern, but not yet endangered or threatened under the Endangered Species Act. According to fish research done by PGE, currently there are five migrating groups of fish that pass through the Clackamas River. Winter Steelhead are in the river December through Mid-May, with a peak in mid-January to April. Summer Steelhead enter the river April – November with a peak in May – July. Spring Chinook enter in March, with a peak mid-April – July, ending in mid-October. Coho Salmon are in the river August – April with two peaks in September and November – February. Finally, Fall Chinook enter the river in August – December with a peak in Mid-August through September.

Terrestrial Species

The confluence of the Willamette and Clackamas Rivers support several terrestrial species including water fowl, migratory birds, insects and land mammals. Great Blue Herons are very common along the confluence, especially near Goat Island. Great Blue Heron favor shallow waters and marsh areas. They are primarily sustained by fish and have been known to congregate at fish hatcheries. Migratory ducks, geese and swans also travel through the Willamette in the winter.

Land mammals around the confluence include river otter, muskrats, shrews, black-tailed deer, raccoon and beavers. The Willamette holds many reptiles and amphibians including garter snakes, long-toed salamanders, rough-skinned newts and various species of frogs. The western pond turtle remains in a few riparian sections, and currently is a part of the Elijah Bristow Project, seeking to rebound the population of the turtle. The Western Painted Turtle has also been spotted in riparian areas along the Clackamas and Willamette Rivers.

The Clackamas River also supports the pacific giant salamander, Oregon spotted frog, tailed frog, northwestern pond turtle, muskrats and river otters. Migrating birds also are known to pass through the Clackamas River basin.

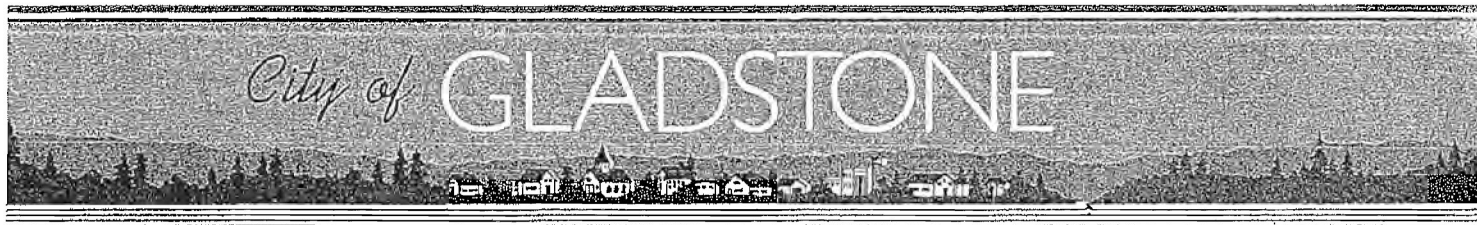
ODFW has several sensitive terrestrial species listed in the Willamette Valley. They include: Foothill Yellow-legged Frog, Western Rattlesnake, Common Night Hawk, Burrowing Owl, Streaked Horned Lark, Oregon Vesper Sparrow, Western Meadowlark, Northern Red-legged Frog, Acorn Woodpecker, Little Willow Flycatcher, White Breasted Nuthatch, Western Bluebird, Black-tailed Jackrabbit, and White-tailed Jack Rabbit.

Some of these non-native species include the American Bullfrog, Nutria, Opossum, Red-Eared Turtle and Common Snapping Turtle.

Plant Species

The confluence of the Willamette and Clackamas Rivers support several different plant species including: Oregon grape, invasive Himalayan blackberry, invasive English Ivy, Oregon white oaks, snowberry, camas, scotch broom, poison oak, maple trees and ash trees.

EXHIBIT "B"



STAFF REPORT

TO: Planning Commission
FROM: Clay Glasgow, Planner
DATE: January 6, 2011
RE: Z0607-10-Z; OS Zone proposed text amendment (Chapter 17.26.040) to allow "utility facilities" as a conditional use; also add definition of "Utility Facility" to Chapter Section 17.06 - Definitions

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525 Portland Avenue
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(503) 656-5223
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E-Mail: (last name)@ci.gladstone.or.us

Website:
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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) 655-8211
Website:
www.ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
Website:
www.ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438
E-Mail: qiref@incc.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

PROPOSAL

This is a legislative text amendment, the purpose of which is to amend Gladstone Municipal Code (GMC) 17.26.040 to allow "Utility Facilities" as conditional uses in certain areas within the Gladstone Open Space zoning district. Specifically, the proposed text amendment would add sub-section six (6) to the conditional use list in GMC 17.26.040, OS, Open Space Zone: "Public utility facilities within a Habitat Conservation Area District." In addition, this proposal involves adding a definition of "Utility Facility" to the code (17.06): "Buildings, structures, or any constructed portion of a system that provides for the production, transmission, conveyance, delivery, or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television. Utility facilities do not include stormwater pre-treatment facilities."

BACKGROUND

This proposal comes about as part of the Lake Oswego Water Expansion Project. The City's current intake station on the Clackamas River in Gladstone (near the end of Portland Boulevard) has a capacity of approximately 16 MGD (million gallons/day). Lake Oswego is proposing to essentially double this capacity through construction of a new water intake station near the current facility. In addition, the existing pipe-line carrying the water is to be replaced with larger diameter pipe to handle the increased flow. The pipe comes from the pump station, trending westerly along Clackamas Blvd. to Bellevue, north on Bellevue to W. Exeter then along W. Exeter crossing under McLoughlin and onto the Children's

Golf Course, then through Meldrum Bar Park and ultimately exiting Gladstone under the Willamette River.

While several zones address such utility facilities as either Outright or Conditional Uses, the OS zone is silent on the issue. The current pump station is in the OS Zone, Open Space, and as such is considered a non-conforming use. This proposal is an attempt both to provide for utility facilities in the OS Zone, as well as allowing for consistent definition of the use.

Open Space zoned lands are a Goal 5 resource. Most OS zoned properties in Gladstone – though not all, are also considered Habitat Conservation Areas and have an HCAD overlay. *(In December of 2009, the City came into compliance with Title 13 of the Metro Urban Growth Management Functional Plan. Title 13 implements Metro's "Nature in Neighborhoods" program and is a Statewide Planning Goal 5 program. It provides for the protection of riparian habitat (wetlands, rivers and streams, along with adjacent vegetative cover) within the Metro boundary and for the protection of upland wildlife habitat in publicly owned natural areas within the Metro boundary. Metro completed the Goal 5 required steps of inventorying the resources, making a significance determination, and completing an Economic, Social, Environmental, and Energy (ESEE) analysis. Metro mapped those areas that require protection, calling them Habitat Conservation Areas (HCAs), and the City adopted standards to protect these areas.)* The HCAD overlay regulates land development within riparian and upland areas. These regulations, codified as Section 17.25 of the GMC, provide clear and objective criteria for determining under what circumstances conflicting uses are allowed, and when allowed how development activity may be conducted. Utility facilities are allowed in the HCAD subject to standards described in Section 17.25. As noted, above, the OS zone does not provide for such facilities, and most properties zoned OS also have an HCAD overlay. This presents inconsistency in the zoning ordinance. One set of regulations addresses the use, the other does not. By providing for utility facilities as a conditional use in the OS Zone - on lands also covered by the HCAD overlay, this inconsistency is removed (properties zoned OS but without the HCAD overlay will not be affected by this proposal.)

ANALYSIS AND FINDINGS

1. The proposed text amendments are legislative. Chapter 17.68 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in this case. However, the ZDO contains no specific review criteria that must be applied when considering an amendment to the text of the ZDO or the Plan. The Planning Commission's role is to arrive at a recommendation to forward to the City Council. The Council will make final decision.
2. Notice was mailed to the Department of Land Conservation and Development and Metro. Advertised public hearings are scheduled before the Planning Commission and

the City Council to consider the proposed amendments. Though no amendments to the Plan are proposed through this application, the ZDO must continue to be consistent with the Plan. The Statewide Planning Goals and Guidelines and the Urban Growth Management Functional Plan are addressed below.

3. Statewide Planning Goals and Guidelines

- a. Goal 1. Citizen Involvement. The text amendment does not propose to change the structure of the county's citizen involvement program. Notice of the Planning Commission and City Council hearings was published in the newspaper as required by code.
- b. Goal 2. Land Use Planning. Not applicable because the text amendment does not propose to change the City's land use planning process. The City will continue to have a comprehensive land use plan and implementing regulations that are consistent with the plan. No exceptions from the Goals are required.
- c. Goal 3. Agricultural Lands. Not applicable.
- d. Goal 4. Forest Lands. Not applicable..
- e. Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources. The proposal involves lands identified as a Goal 5 resource. Metro, through the HCAD process, completed the Goal 5 required steps of inventorying the resources, making a significance determination, and completing an Economic, Social, Environmental, and Energy (ESEE) analysis. An ESEE analysis specific to this proposal is included with the application materials, analyzing potential conflicts between utility facilities and recreational uses allowed in the OS zone also subject to HCAD regulations. This proposal aims to achieve the goal of open space protection by only allowing utility facilities in the Open Space zone also subject to HCAD. Staff believes the proposal is consistent with Goal 5.
- f. Goal 6. Air, Water and Land Resources Quality. This is dealt with through Title 3 – previously acknowledged for the City.
- g. Goal 7. Areas Subject to Natural Disasters and Hazards. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding natural disasters and hazards.
- h. Goal 8. Recreational Needs. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding recreational needs.

- i. Goal 9. Economy of the State. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding the economy of the state.
- j. Goal 10. Housing. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding housing.
- k. Goal 11. Public Facilities and Services. While this application does not propose to change the City's Plan or implementing regulations regarding public facilities and services, part of the application involves adding a new definition to the GMC: "utility facilities." This will not only assist in allowing the use(s) in the OS zone, but will also provide for consistent definition throughout the code.
- l. Goal 12. Transportation. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding transportation.
- m. Goal 13. Energy Conservation. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding energy conservation.
- n. Goal 14. Urbanization. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding urbanization.
- o. Goal 15. Willamette River Greenway. Not applicable because the text amendment does not propose to change the City's Plan or implementing regulations regarding the Willamette River Greenway.

The Department of Land Conservation and Development (DLCD) was notified of this proposal. Staff had a telephone conversation with Jennifer Donnelly of that agency. No particular concerns were noted relative to this proposal.

4. Urban Growth Management Functional Plan

- a. Title 1. Requirements for Housing and Employment Accommodation. Not applicable because the proposed text amendment would not decrease the amount of land zoned for residential or commercial/industrial use, affect design type boundaries, alter permitted densities or prohibit accessory dwelling units.
- b. Title 2. Regional Parking Policy. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations regarding parking.

- c. Title 3. Water Quality and Flood Management. The proposal is consistent with Title 3 because it does not interfere with previous adoption of Metro's WQRA map and regulations substantially consistent with Metro's Title 3 model ordinance for the implementation of the water quality provisions of Title 3. Revision of the City's flood management regulations is not proposed.
- d. Title 4. Industrial and Other Employment Areas. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations concerning designation of industrial and other employment areas, minimum lot sizes in these areas, or permitted uses in these areas.
- e. Title 5. Neighbor Cities and Rural Reserves. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations concerning neighboring cities.
- f. Title 6. Central City, Regional Centers, Town Centers and Station Communities. Not applicable.
- g. Title 7. Housing Choice. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations concerning housing choice.
- h. Title 8. Compliance Procedures. Not applicable. This Title is administrative and relates to Metro's process for ensuring local governments comply with the Functional Plan.
- i. Title 9. Performance Measures. Not applicable. This Title is administrative and relates to requirements for measuring whether the Functional Plan is achieving the intended outcomes in the region.
- j. Title 10. Functional Plan Definitions. Not applicable. This Title contains definitions only.
- l. Title 11. Planning for New Urban Areas. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations concerning planning for new urban areas.
- m. Title 12. Protection of Residential Neighborhoods. Not applicable because the proposed text amendment would not change the City's Plan or implementing regulations concerning residential density, designation of neighborhood centers or access to parks and schools.
- n. Title 13. Nature in Neighborhoods. The proposal is consistent with Title 13 because it removes inconsistency in the GMC. Title 13 had been adopted by the

City, and approval of this application will help ensure consistent application of the HCAD overaly.

Metro was notified of this proposal. No response was received as of this report.

RECOMMENDATION

Staff suggests the Planning Commission recommend to the City Council approval of Z0607-10-Z.

t Services Building
nsportation & Development
d Zoning
reek Road
, OR 97045



DEPT OF
APR 15 2011
LAND CONSERVATION
AND DEVELOPMENT

|||||
ATTN: PLAN AMENDMENT SPECIALIST
DLCD
635 CAPITOL STREET NE, SUITE 150
SALEM OR 97301-2540