

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

**Tuesday, February 18, 2014**

**7:00 P.M. CALL TO ORDER  
ROLL CALL  
FLAG SALUTE**

**CONSENT AGENDA**

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

1. Minutes of January 21, 2014 meeting

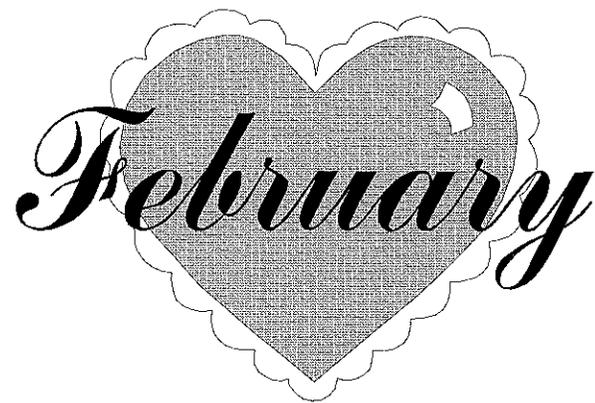
**REGULAR AGENDA**

2. Public Hearing:
  - Z0017-14-CP/Z0018-14-Z; Comprehensive Plan Amendment from Single Family Residential to Open Space and Zone Change from Single Family Residential, R-7.2, to Open Space, OS. The subject property is at 16711 SE Valley View Road, owned and operated by Oak Lodge Water District. Reason for request is for future use of a portion of the property for off-leash dog park.
3. Discussion of Planning Commission Packet Availability Date – no attachments.
4. Medical Marijuana Dispensary/Facility Discussion
5. Work Session: Gladstone Code Review

**BUSINESS FROM THE PLANNING COMMISSION**

**ADJOURN**





**CONSENT AGENDA**



MINUTES OF PLANNING COMMISSION WORKSESSION – January 21, 2014

**Call to Order at 7:00 p.m.**

**Roll Call:** The following Planning Commission members answered the roll call: Chair Tamara Stempel, Michele Kremers, Pat McMahon, Craig Seghers, Kim Sieckmann, and Kirk Stempel.

After oath of office: Kevin Johnson

**Absent:** None

**Staff:** Clay Glasgow, City Planner; Jolene Morishita, Assistant City Administrator; Shane Abma, City Attorney.

Chair Tamara Stempel lead the flag salute.

**Oath of Office:**

Assistant City Administrator administered the oath of office to new Commissioner Kevin Johnson and reappointed Commissioner Tamara Stempel.

**Consent Agenda:**

1. Minutes of November 19, 2013 Meeting and December 17, 2013 Work Session

*Commissioner Pat McMahon moved and Commissioner Kirk Stempel seconded a motion to approve the consent agenda consisting of the minutes of November 19, 2013 as revised (p.1-2) and December 17, 2012 as revised (p.1-7).*

*Motion carried unanimously.*

**Regular Agenda:**

2. Election of Chair and Vice-Chair

*Commissioner Kirk Stempel moved and Commissioner Kim Sieckmann seconded a motion to elect Commissioner Tamara Stempel as Commission Chair.*

*Roll: Commissioner Kirk Stempel, **Yes**; Commissioner Michele Kremers, **Yes**; Commissioner Pat McMahon, **Yes**; Commissioner Kim Sieckmann, **Yes**; Commissioner Craig Seghers, **Yes**; Commissioner Kevin Johnson, **Yes**; Chairperson Stempel, **yes**.*

*Commissioner Kirk Stempel moved and Commissioner Pat McMahon seconded a motion to elect Kim Sieckmann as Commission Vice-Chair.*

*Roll: Commissioner Kirk Stempel, **Yes**; Commissioner Michele Kremers, **Yes**; Commissioner Pat McMahon, **Yes**; Commissioner Kim Sieckmann, **Yes**; Commissioner Craig Seghers, **Yes**; Commissioner Kevin Johnson, **Yes**; Chairperson Stempel, **yes**.*

3. Public Hearing: Z0551-13-E; expansion of nonconforming use – addition to house that does not meet side yard setbacks. Existing building is with 18” of property line. The proposal

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involves adding to house on that side, continuing existing 18" setback. The subject property is located at 345 Beatrice Avenue. Chair Stempel opened the public hearing at 7:11 p.m. She explained the hearing format and asked if there were any ex-parte contacts or conflicts of interest to declare. There was no response.

Commissioners were asked if they visited the site; all of the commissioners have visited the site. Chair Tamara Stempel asked the audience if they wished to make a challenge of any council member's impartiality or ability to participate. There was no response. She asked if there were any objections to the Council's jurisdiction to consider this matter. There was no response.

Commissioner Sieckmann asked if this is a non-conforming use and whether the right criterion is being used to review this application? Answer: City Attorney Abma stated he feels this is the correct criteria; a variance is not applicable. It is considered a non-conforming use because of the setback conditions. City Planner Clay Glasgow reported Section 17.76 includes more than non-conforming uses. The setback exceptions referenced in Section 17.76.040 are not particularly non-conforming; they deal with front-yard setbacks and how they can be reduced. The rest of the chapter deals with non-conforming uses and non-conforming developments. The entire chapter is titled exceptions. In this case he would call it a non-conforming development. The underlying use, residential is allowed in the underlying zone, residential. The building itself, however is not allowed. By virtue of setbacks it is non-conforming both in the front and on the side. It does not conform to a dimensional standard. An addition is proposed on that side which is non-conforming by virtue of setbacks. This is the only option in the code has to process this request.

Commissioner Sieckmann asked if Section 17.76.030 effects this application. Answer: City Planner Glasgow said no, this is another exception; this is for undersized legal lot of records. This is recognized as a legal lot.

**Staff Report:** City Planner Glasgow reported that the applicant is applying to add 50 square feet to her house. The property is located between West Berkeley and West Clarendon. It is an undersized lot and a legal lot. The building does not meet setback both on the front and the side where the addition is being requested. This proposal involves essentially squaring off the house in the back portion to continue the 18' setback. It will be a 5' by 10' addition. The property is zoned R-5, Single-family Residential. It is in a single-family residential zone. The house has been there since 1945.

The Commission needs to find that the alteration, expansion or change or use will have no greater impact on the neighborhood than the existing use. The use and the building have been in place for many years and have co-existed peacefully with neighboring properties. This is a minor addition and will not further extend into the required setback. There were no comments received to indicate that this will have any greater adverse impact on the neighborhood. He recommends approval with minor conditions.

1-2

**Applicant Presentation:** Connie Emerson/Patrick Emerson, 345 Beatrice Avenue stated she would like to add on to the existing house, squaring it up to add a little more room to the area that is there. She has talked to the adjacent neighbor and they agreed with her proposal. She stated she will replace the landscaping back to the way it was by her son.

**Questions from the Commissioners:**

- Were all the neighbors adjacent to the property notified? Answer: City Planner Glasgow stated neighbors were notified as well as city departments.

There were no further questions from the Commission.

**Public Testimony:** None.

**Applicant Rebuttal:** None.

**Commission Discussion:** None.

*Commissioner Kim Sieckmann moved and Commissioner Michele Kremers seconded a motion to close the public testimony of the hearing at 7:20 p.m.  
Motion carried unanimously.*

**Commission Decision:**

Commissioner Sieckmann stated he went through the exceptions in Chapter 17.76 he didn't see anything as far as conditions that have anything to do with this property. He recommends removal of #2 of the recommendations. City Planner Glasgow stated the list provided for in Section 17.76 is a suggested list. He could not think of anything to include. Condition #2 should be removed.

*Commissioner Kim Sieckmann moved and Commissioner Pat McMahon seconded a motion to approve File # Z0551-13-E, a proposal to add to a house and continue the existing 18" side property line including staff's conditions of approval as presented tonight with the following change: Delete Condition #2.  
Motion carried unanimously.*

3. Worksession: Gladstone Code Review. Chair Tamara Stempel reported City Council approved the suggested review plan. City Attorney Martin has numbered the chapters to be reviewed by priority, based on the law as to what needed to happen and how quickly it needs to happen.

Commissioner Sieckmann stated most of the code changes are not applicable. He suggested recommend to Council what sections to have city staff move forward with on the changes.

Suggested to be removed:

- Chapter 2.28 Planning Commission

- Chapter 8.04 Nuisances
- Chapter 8.06 Chronic Nuisance Property
- Chapter 8.12 Noise Control
- Chapter 12.08 Sidewalk Benches
- Title 17 Zoning and Development

Staff was asked to include in the Commission packets the current language of the areas of the code that the Commission will be reviewing so everyone has the same information.

*Commissioner Kim Sieckman moved and Commissioner Michele Kremers seconded a motion to recommend to City Council that they direct staff to move forward with the changes for the code analysis from January 12, 2012 with the exceptions of Chapter 2.28 Planning Commission, Chapter 8.04 Nuisances, Chapter 8.06 Chronic Nuisance Property, Chapter 8.12 Noise Control, Chapter 12.08 Sidewalk Benches, and Title 17 Zoning and Development. The Commission will come back to Council with revisions on the exceptions.*

Discussion: The question was asked why these provisions were not worked on since 2012. Answer: Assistant Administrator Jolene Morishita stated this project has been put off due to concerns regarding the cost of attorney fees to have these issues addressed. Council will make the decision to move forward on the suggested changes based on the cost.

*Motion carried unanimously.*

Chair Stempel will give staff information that will be needed for the next meeting (1 & 2 and possibly 3) with also the Winterbrook Study included too.

**Other Business:** None.

**Upcoming Commission Considerations:** None.

**Business from the Commission:** None.

**Adjourn:**

*Commissioner Kim Sieckmann moved to adjourn the January 21, 2014 Planning Commission meeting. Commissioner Michele Kremers seconded the motion. Motion carried unanimously.*

Chair Tamara Stempel closed the Planning Commission meeting of January 21, 2014 at 7:50 p.m.

Minutes approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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



**REGULAR AGENDA**



**SUMMARY**

File Numbers: Z0017-14-CP, Z0018-14-Z  
Applicant: City of Gladstone  
Owner: Oak Lodge Water District  
Proposal: Comprehensive Plan Amendment from Single Family Residential to Open Space and Zone Change from Single Family Residential, R7.2 to Open Space, OS  
Location: 16711 SE Valley View Road, T2S., R2E., Sect 17BD, TL 1600  
Site Size: 7.72 acres  
Existing Zoning: R-7.2, Single Family Residential  
Existing Plan: Single Family Residential

**PROPOSAL**

This application proposes amendments to the City of Gladstone Comprehensive Plan Map from Single Family Residential to Open Space and Zoning Map from Single Family Residential R-7.2 to Open Space, OS to allow for expanded use of Nick Shannon Memorial Park – specifically to provide for off-leash dog area.

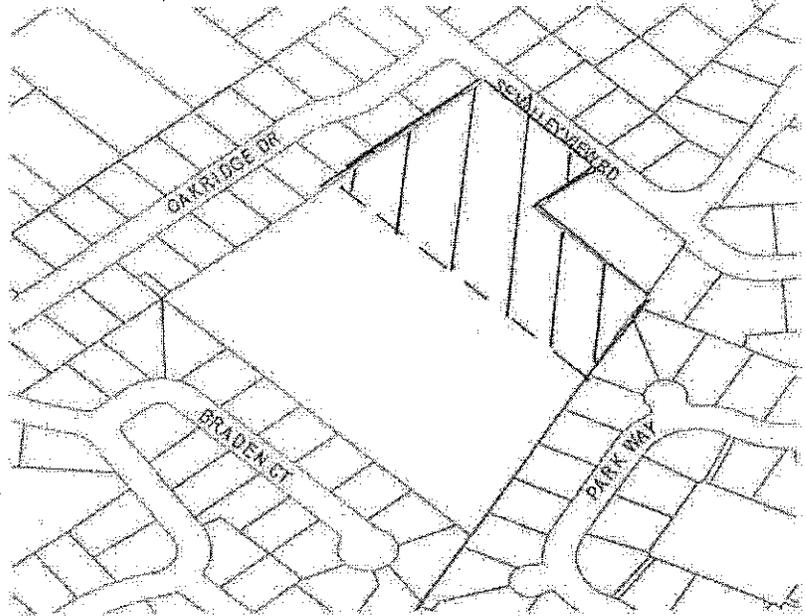


Geographic Information Systems  
 168 Warner-Milne Rd  
 Oregon City, OR 97045

## Property Report

OAK LODGE WATER DIST  
 14496 SE RIVER RD  
 MILWAUKIE, OR 97267

Location Map:



Site Address: 16711 SE VALLEY VIEW

Taxlot Number: 22E17BD01600

Land Value: 164682

Building Value: 0

Total Value: 164682

Acreage:

Year Built:

Sale Date:

Sale Amount: 0

Sale Type:

Land Class:

401

Building Class:

Neighborhood:

Gladstone newer all other

Taxcode Districts: 115039

Site Characteristics:

UGB: METRO

Flood Zone: Not Available

Zoning Designation(s):

Zone	Overlays:	Acreage:
R7.2		7.72

R7.2

7.72

Fire	Gladstone
Park	N/A
School	SCH 115 GLADSTONE
Sewer	OAK LODGE SANITARY
Water	OAK LODGE
Cable	City
CPO	City
Garb/Recyc	Gladstone Disposal
City/County	Gladstone

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

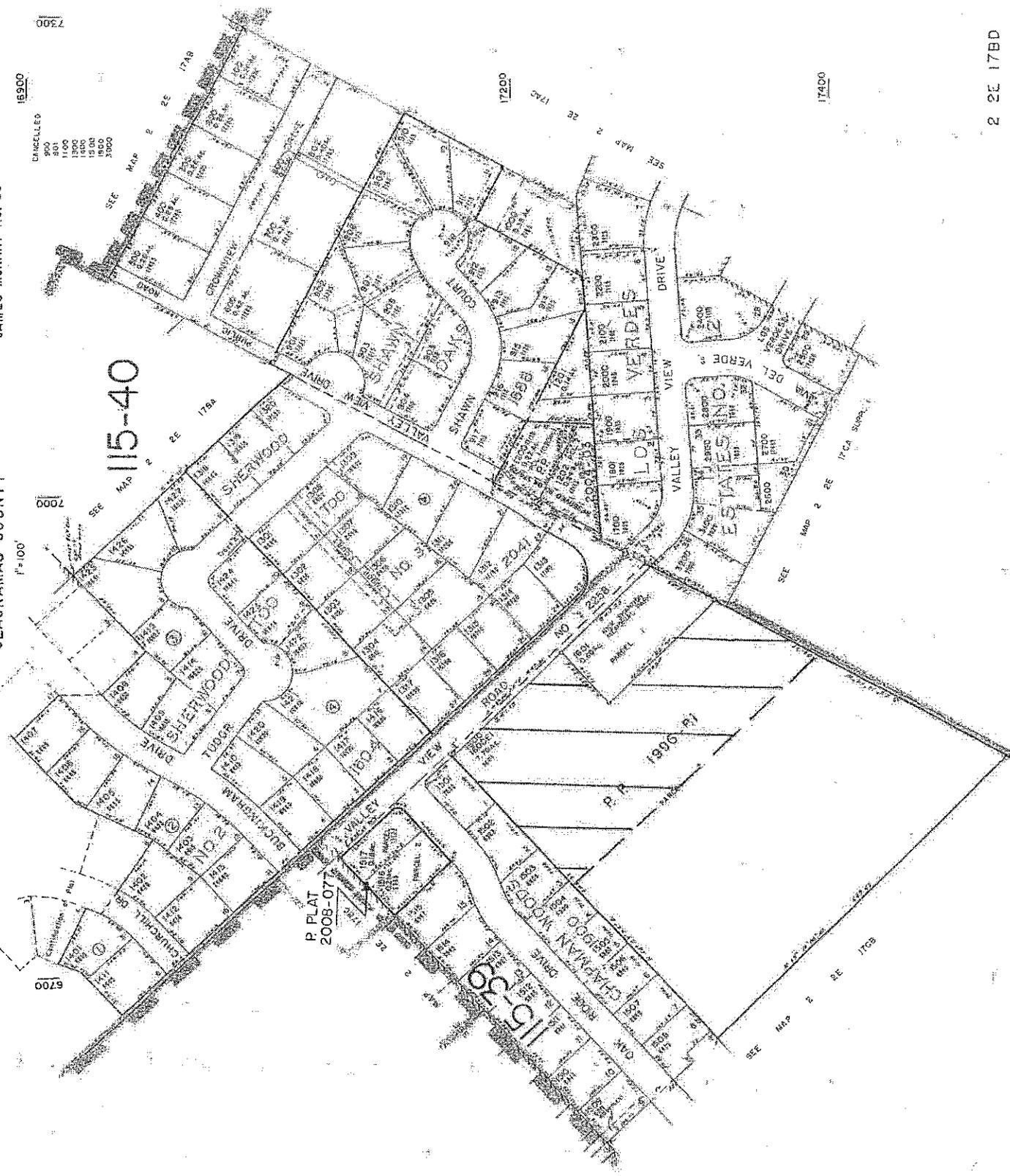
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This map was prepared for assessment purposes only.

SE 1/4 NW 1/4 SEC. 17 T.2S. R.2E. W.M.  
GLACKAMAS COUNTY

D.L.C.  
JAMES McNARY NO. 38

2 2E 17BD



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# City of GLADSTONE

## STAFF REPORT/RECOMMENDATION TO PLANNING COMMISSION

Files: Z0017-14-CP & Z0018-14-Z  
Date: February 7, 2014  
Hearing(s): February 18, 2014 (PC) March 11, 2014 (Council)

### I. GENERAL INFORMATION

- A. **PROPOSAL:** Comprehensive Plan designation change and Zone change from Residential, R7.2 to Open Space, OS.
- B. **Legal Description:** T2, R2E, Section 17BD, Tax Lots 1600
- C. **Location:** 16711 SE Valley View Road, west side of Valley View Road, south of Oakridge Drive.
- D. **Current/proposed Plan designation:** Single Family Residential/Open Space
- E. **Current/proposed Zone designation:** R7.2, Single Family Residential/OS, Open Space
- F. **Site Description:** The property is approximately 7.2 acres in size and owned by Oak Lodge Water District. Waters towers and accessory uses/structures are in place. A cell tower is on site. The portion of the property proposed for this change is currently vacant open space, accessible from Valley View Road. Nick Shannon Memorial Park is adjacent to the subject.

### II. INTRODUCTION

This request is subject to Chapter 17.68, Amendments and Zone Changes, of Title 17 of the Gladstone Municipal Code. The applicant

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

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has submitted information to address the applicable criteria. Those materials are incorporated by reference herein. The applicant discusses specific reasons for the request – expand Nick Shannon Memorial Park to include off-leash dog area.

### III. FINDINGS AND CONCLUSIONS

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

#### A. 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.*

This application proposes to change an area currently planned/zoned for residential use to open space zone and plan designation, to allow for an off-leash dog park – the contention being there is a public need for such use. The City Council opened the area for an off-leash dog park (without first receiving proper land use entitlements) and the use did, in fact occur. Staff believes it has been shown there is a public need for off-leash dog use areas. Further, the area already hosts Nick Shannon Memorial Park, e.g. the land use pattern is established. **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.*

Applicant presents argument on the need for off-leash dog use area in the City, the contention being there is none currently. Further, the applicant points out this proposal would involve expansion of an existing park. Staff can agree on both points. That said, why establish an off-leash dog park at this particular

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location? Why not in an area already zoned and planned for the use, such as Meldrum Bar? The use could be provided for – meeting the public need, and conflicts could be minimized by locating the use in an area which provides buffering for surrounding uses. **This criterion requires further consideration.**

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

The proposed zone change would be consistent with the Land Use chapter of the Plan if the Plan map is changed to commercial.

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

*Title 1, Housing and Employment Accommodation:* The applicant contends the zone change will not impact the city's ability to meet Metro's housing targets, as less than 1% of the land zoned for residential use will be impacted, and that employment opportunities will be provided if the request is approved. Staff concurs.

*Title 2, Regional Parking:* future development plans would be required to meet parking standards as listed in the Gladstone Municipal Code.

*Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation:* The site in question is not identified as a Water Quality of Flood Management Area.

*Title 4, Industrial and Employment Areas:* Metro maps and designates certain areas as Industrial and Employment Areas. The property in question is not located in any designated industrial or employment area.

*Title 5, Neighbor Cities and Rural Reserves:* This Title establishes Metro policy regarding areas outside the Metro urban growth boundary and has no effect in Gladstone.

*Title 6, Central City, Regional Centers, Town Centers and Station Communities:* The zone change would not amend any centers, corridors, station communities or main streets.

*Title 7, Affordable Housing:* The general intent of this Title is to ensure housing is provided for households of all income levels. This application involves a quasi-judicial Comprehensive Plan and Zone change and does not involve legislative action by Gladstone affecting affordable housing.

*Title 8, Compliance Procedures:* This Title establishes procedures for Metro to require compliance with the Functional Plan – not affected by this proposal.

*Title 9, Performance Measures:* not affected by this proposal.

*Title 10, Definitions:* not affected by this proposal.

*Title 11, Planning for New Urban Areas:* not applicable to this proposal.

*Title 12, Protection of Residential Neighborhoods:* This Title deals with protecting residential neighborhoods from air and water pollution, noise and crime and to provide adequate public services. The subject proposal would result in additional activity on the site. The Planning Commission should discuss how this proposal furthers "Protection of Residential Neighborhoods."

*Title 13: Nature in Neighborhoods.* None of the property in this proposal is identified as habitat, by Metro.

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

**17.68.050(4)** *Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.* The applicant states that there is no particular reason for the site to be zoned for residential use, e.g. is mistakenly zoned. Further, the applicant notes the community has changed in such a way that a dog use area is desired. Staff points out the OS zone designation does not allow utility facilities (except within Habitat Conservation Area Districts.) No part of the existing Oak Lodge facility could be located within any portion zoned OS without becoming nonconforming. Existing R7.2 zone DOES allow utility facilities, as a conditional use. In consideration of the use in place on site – the land is properly zoned. This leaves the other part of this criterion: proof of significant change in a neighborhood or community." The applicant contends the community has changed in such a way that dog use park is desired. Staff points up the possibility there has, in fact, been no change in neighborhood or community. Dogs have been around

as long as the residential use. **This criterion requires further consideration.**

**17.68.050(5)** *The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, transportation systems. The subject property is an area served by public facilities, including adequate transportation systems. Parking should be discussed. This criterion can be 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, and a minimum to two (2) public hearings will be held. Goal 1 is satisfied.
  - 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 designated agricultural lands. This goal is inapplicable.
  - d. Goal 4 - Forest Lands - Gladstone has no designated 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 does not include any sites or areas.
  - 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.

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- 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 commercial 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 designates such areas and this proposal does not adversely affect that planning.
- 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 furthers Goal 9 in that additional commercial land would result.
- 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 would decrease city's supply of residential land by less than 1%. Further discussion will be required to determine compliance with this Goal.
- 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 City has an adopted TSP. It has not been shown the proposal would conflict with the 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.

#### **IV. RECOMMENDATION**

The Planning Commission is authorized to make a recommendation to the City Council on Comprehensive Plan amendments and Zone changes, pursuant to Subsections 17.94.060(1)(b) and (c) of the GMC. Planning staff recommends the Planning Commission carefully consider the proposal, then forward to the City Council their recommendation.

**PETITION TO THE CITY OF GLADSTONE TO CHANGE THE CITY ZONING  
TO ALLOW THE USE OF THE OFF LEASH DOG PARK LOCATED AT  
VALLEY VIEW DR.**

We the undersigned are in favor of the continued use of the Gladstone Off leash Dog Park. We feel that there are many advantages of having a local area for dogs to socialize and exercise. We feel there are ways to make the use compatible for all, users and non users.

A separate page will contain comments from local residents.

We hereby petition the correct zoning be changed to accommodate the use of the dog park.

Michelle Husted 16231 SE Norma Rd Milw 97267

Chelsea Husted 16231 SE Norma rd Milwaukee OR 97267

Bill Wasy 6740 Buckingham ct Gladstone 97027

Tracy Huddleston 405 W. Fairfield Gladstone

Bob Huddleston 405 W. Fairfield Gladstone 97027

Mark Surr 315 E. Jersey Gladstone OR 97027

Alexis Surr 365 E. Jersey St Gladstone OR 97027

Amy Kinnes 7595 Ridgwood Dr. Gladstone OR 97027

Jo Stroth 430 E. FAIRFIELD ST GLADSTONE OR 97027

Marilyn Furumasa 6665 Devonshire Dr. Gladstone Or 97027

Juliet Komp 17105 SE Shadow ct. Milwaukie OR 97267

Richard Hollman 18915 Wattle St Gladstone OR 97027

Paul Wey 6740 Buckingham ct Gladstone OR 97027

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PETITION TO THE CITY OF GLADSTONE TO CHANGE THE CITY ZONING TO ALLOW THE USE OF THE OFF LEASH DOG PARK LOCATED AT VALLEY VIEW DR.

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Adrian Lauman 13624 S.E. Briggs Melvankie Ore -  
Cheryl Jiri 17445 CROWNVIEW DR. Gladstone, OR  
Mike John 17126 SE Pagoda Melvankie Ore  
Jim Russell 17411 Quail Ct. Gladstone, Or.  
Valerie Thompson 17940 Monticello Dr. Gladstone  
Stephanie Lovelace 5909 W. A' St, West Linn 97068  
BR 7105 Valley View Dr  
Kirsty Karsten 6943 Oakridge Dr 97027  
Steve Schmitt 7110 Ridgegate Dr. 97027  
Erin Schmitt " "  
Pat Tracy 17300 crownview dr. 97027  
Robin Tracy 17300 crownview dr. 97027  
T. H. H 17295 Crownview Dr 97027  
Robert McLeay 1195 Clayton Way 97027

**PETITION TO THE CITY OF GLADSTONE TO CHANGE THE CITY ZONING  
TO ALLOW THE USE OF THE OFF LEASH DOG PARK LOCATED AT  
VALLEY VIEW DR.**

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A separate page will contain comments from local residents.

We hereby petition the correct zoning be changed to accommodate the use of the dog park.

Dan Millington 6980 Winfield Ct. Gladstone *Dr. Millington*

Allyn Donough 16776 Gurnee Ave Gladstone *Allyn Donough*

Michael A Giacchero 17390 CROWNVIEW DRIVE Gladstone *Michael A. Giacchero*

Tracey Grant 17001 Valley View Dr. Gladstone *Tracey Grant*

Annis Roberts 7185 MONTE VERDE DR, Gladstone *Annis Roberts*

David S. Collier 560 Stonehill Dr. Gladstone *David S. Collier*

Patricia Lettes 17960 Monticello Dr. Gladstone *Patricia Lettes*

Dom Jacobeller 6840 August Way Gladstone *Dom Jacobeller*

Rick Peterson 7120 Ridgegate Dr Gladstone *Rick Peterson*

NEIL BIRCH 16575 S.E. CATLYN WOODS, MIL. OR 97267

JULIANA BIRCH 16575 SE CATLYN WOODS, MIL OR 97267

Gary Bokowski (Gary Bokowski) 16581 SE CATLYN WOODS DR.

Diana Bokowski 16581 SE Catlyn Woods

2-13

**PETITION TO THE CITY OF GLADSTONE TO CHANGE THE CITY ZONING TO ALLOW THE USE OF THE OFF LEASH DOG PARK LOCATED AT VALLEY VIEW DR.**

We the undersigned are in favor of the continued use of the Gladstone Off leash Dog Park. We feel that there are many advantages of having a local area for dogs to socialize and exercise. We feel there are ways to make the use compatible for all, users and non users.

A separate page will contain comments from local residents.

We hereby petition the correct zoning be changed to accommodate the use of the dog park.

Gail Kluen 17270 Crownview Dr. Gladstone

Cajal A. Chana " " " "

Robert Weeks 7175 Crownview DR. GLADSTONE

Mark A. Poy 17280 Crownview DR Gladstone

Deirdre Poy 17305 Crownview Dr. Gladstone

James Reese 16680 SE Valley View Rd Gladstone

Joseph Mulder "

Patricia Hall 16670 Judor Dr Gladstone

Erin Russell 17411 Quaw Ct 97037

Danny West 6740 Buckinghan Ct 90027

Lynne Dandy 17522 Valley View Rd

Mark 17330 Crownview Drive

Jonis Kappel 16640 Lancaster Dr

Shannon Zieckle 5131 SE Octavia Way 97267

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Stephanie Gross	Gladstone	503-314-6959
Ron Gross	Gladstone	503-701-1770
Robert White	Gladstone OR	503-655-1417
John W. (Bill) Hankir	17400 Crownview Dr Gladstone OR	503-655-4706
Carol A. Harris	Gladstone OR	503-655-4706
Jared X. Harrison	17260 Crownview Dr. Gladstone, OR	503-916-9372
James Harrison	17260 Crownview Dr. Gladstone, OR	503-548-3680
Tom [unclear]	Same	
Tito Menalora	Gladstone	503-473-7486
Patty Court	Gladstone	503-380-6621

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Marjorie Mudd 6777 Oakridge Dr Gladstone, Or 97027

Amudds@aol 503-786-1661 would love to see the Park reopened

TYLER CREEK 503 960 6060 OPEN IT!! 16645 TUDOR OR

Kirsten Creek 503-750-2834 " "

Shelby Tracy 503-891-7864 16640 Tudor Or

Valene Tracy 503-679-4285 " "

Donna Mansour 16633 Tudor Dr, Gladstone, OR 97027

ROGER L. HAN 16670 Tudor Dr Gladstone, OR 97027

Jennifer Harman 17225 SE Valley View Rd, Gladstone 97027

Kimberly Iarolucci 16715 Buckingham Dr. Gladstone

Sylvine M. Bean 16700 Buckingham Dr. 97027

Corey Kastama 6630 Buckingham Dr. 97027

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Ilene Arnold 275 East Hereford St  
Freddie Cherry 17194 Webster Rd  
Thomas Kuehl 7490 Cason Circle  
Alison Appleby 570 Barbara Place  
Stevy A K May 950 Cornell Ave Gladstone  
Kaufa Lora 165 E Hereford Gladstone  
Christine Duncan 420 W Exeter Glad 97027  
Karen S "Kari" Martiny 7525 Cason Circle 97027  
Simon 97267 4820 SE River DR. Milwaukie  
Marie Reitz - 160 W. Gloucester - 97027  
Sharon Simmer 333 SE 137th Portland 97233  
Helen Holden 15480 SE Hartnell Ave Milwaukie 97267  
Mary Zentgraf 690 Collins Court Gladstone 97027  
Denise A. Ballew 18702 Jansen Ct. O.C 97045  
Sone Coates 155 W. Exeter Gladstone, OR 97027  
Galen Chapman 17305 CROWNVIEW DR

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- Damien Mulanax 17210 Valley View Rd
- Patty Mulanax 17210 SE Valley View Rd.
- Becky Mulanax 17210 SE Valley View Rd.
- Ann Robinson 16725 Buckingham Dr. Gladstone
- John Robinson 16725 Buckingham Dr Gladstone
- Denise Browning 17235 SE Valley View Rd, <sup>Milwaukie, OR</sup> ~~Gladstone, OR~~
- Trevor Browning " "
- Allen Browning " "
- Neims Glaeser 6640 Tudor Ct,
- Sandra Glaeser 6640 Tudor Ct
- Sherley Richardson 6620 Tudor Ct.
- Laymond Richards 6620 Tudor Ct.
- Judy Roger, 6615 Tudor Ct.
- P. P. Roger 6615 Tudor Ct.

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- Janice R. Gardner 6510 Chessington Ln 97027
- Roger M. Gardner 6510 Chessington Ln 97027
- Tommy Cole 19710 Casonview Dr 97027
- Mark O. [unclear] 7570 Springfield Dr 97027
- Mike Hargett 7155 Los Verdes Dr
- Alicia Vaughn 7115 Los Verdes
- Rhian Hughes 11
- Celeste Portwood 17465 SE Valley View 97267
- Yvonne Melton 7125 Via Montemar 97027
- Elizabeth A. [unclear] 6767 Oakridge Dr 97027
- Art S. [unclear] 6767 Oakridge Dr 97027
- Kathy Lewis 6785 Park Way Dr 97027
- [unclear] RICHARD HAUG 7135 VIA MONTEMAR CT 97027
- [unclear] Matt Storer 7530 Cason Ln 97027

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William M. Kotela	GLADSTONE
Carl D. Van Orsd	"
Donna Whelan	"
Jim Harris	"
Shirley Senca	"
[Signature]	"
Jean Moran	"
[Signature]	"
Suparna Rice	Park Way View
Larry Rice	" " "

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503-655-4883-

Tamra Vanostell 7243 Los Verdos DR Gladstone OR 97027.

Don Van Osdel 7243 los verdos Dr Gladstone 97027

Judy Sechrist Bend, OR

Maurice Sechrist Bend OR

Hope Dransfeldt PO Box 272 Neasu OR 97364

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<i>Paul Ayala-Gir</i>	GLADSTONE
<i>Terri</i>	"
<i>Nicholas Simmons</i>	"
<i>Jackson Simmons</i>	"
<i>Rachel Simmons</i>	"
<i>Paul Dem</i>	"
<i>Lauree Pather</i>	"
<i>Tim Pather</i>	"
<i>Juliet Hollin</i>	"
<i>Steve Hollin</i>	"
<i>Marty Dem</i>	"
<i>Cheryl Dem</i>	"
<i>Max Dem</i>	"
<i>Cynthia L Bee</i>	"

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Brad Dowsy 17522 SE Valley View Rd

Daniel Dowsy 17522 SE Valley View Rd,

Tom Jaccottin 17528 SE VALLEY VIEW RD

Jana Shah 7226 SE STRAWBERRY LN

Meighan Maloney 16814 SE Knoll Ridge Terr

Andrea Casey 116830 SE Knoll Ridge Terrace Terr

James Womm 16800 SE KNOLL RIDGE TERRACE

Jeff Brown 16772 SE Knoll R. Dge Ter.

Patricia [unclear] 16765 SE Knoll Ridge Terrace

Patricia [unclear] 16765 SE Knoll Ridge Terr.

Karen French 16843 SE Knoll Ridge

Michael Foley 7214 SE Strawberry Ln.

George Portwood 17465 SE VALLEY VIEW RD.

Edwin [unclear] 17470 SE Valley View Rd.

Jul Ralls 17510 SE Valley View Rd

Melanie Ralls 17510 SE Valley View Rd.

223  
OVER

D-8a Tim Ralls 17570 SE Valley View Rd

Lin Ralls Lin Ralls 17510 SE Valley View Rd

Gregg Dandy ~~Gregg Dandy~~ 17522 SE Valley View RD

Mary Accettura Mary Accettura 17528 SE Valley View Rd

Kimberly L. Metson KIMBERLY L. METSON 7214 SE Strawberry Ln.

While gathering the attached names, several comments were repeated over and over:

- 1) this area has been used as a park including pets allowed, for years.
- 2) only difference is gated fence and trash can.
- 3) area is usually policed daily for feces by users so no accumulation of feces.
- 4) less trash than in playground area.
- 5) very glad to have in area..( only 1 person no to signing, due to no politics)
- 6) neighbors meeting neighbors and strengthening neighborhoods.
- 7) upset that city allows a few to shut down park use.
- 8) if not allowing, remove fence and restore to original use.
- 9) really like separate playground from enclosed area.
- 10) not all that have signed are users of dog area but see the value.
- 11)several signers are close neighbors to the park.
- 12)suggestions include:  
10 to 20 foot buffer area.

Lid on garbage can.

Drain to street.

Bench for seating.

Daylight to dark usage.

Keith Klum  
17270 Crownview Dr.  
Gladstone,Ore. 97027

Combined comments in favor of rezone use for Gladstone Off Leash Dog Park.

To Whom It May Concern

I have been a resident of Gladstone for nearly 12 years. I'm sure that I am not the only person who lives in Gladstone who feels that our property taxes are outrageously high comparatively speaking. I don't feel that I really get much in return for the exorbitant tax rate. I would gladly move to a city with a lower tax base if circumstances permitted it. Unfortunately they do not.

When the dog park was put in I thought, finally, a nice little perk. It's an area that was enjoyed by many of the Gladstone residents and their pets without a major inconvenience to anyone. Now it seems that Gladstone is willing to just close the park because of a couple of neighbors' complaints. I was present at the city council meeting when the park closure was discussed. It appeared that there was going to be some sort of attempt by the city to find a resolution that would work for all of us. That was a few months ago and so far I have heard nothing about any attempt at a resolution even though my number and email are on a list of people to be kept updated. Now there are petitions circulating to keep the park opened or to close it. What happened to finding a solution that would work for everyone involved?

Gladstone needs to make the park work for everyone. I'm sure that there is a reasonable solution even though some of the people who oppose the park are not reasonable people. I would expect nothing less simply because I pay dearly every November at property tax time for living in Gladstone.

Carleen Van Orsdel  
17445 Via Del Verde  
Gladstone, Or 97027

*J. Sechrist - we come to Gladstone to visit, & have enjoyed using the dog park*

*H. Dransfeldt - we have used this area many times as we used to live here and still have friends we visit. When we visit we bring our dogs and have enjoyed this park to exercise the dogs.*

*2016*

## COMMENTS:

The off leash dog park is a great place for dogs to socialize & exercise, also great for neighbors to meet & strengthen neighborhoods.

An excellent asset to the neighborhood. A place to socialize and meet the neighbors. We always took dogs there prior to the dog park and they need a place to exercise. It would be such a setback to give this up.

We enjoyed the park when we were able to bring our dog to the park and would love to do so again. I trust that there is a way to create a gap between the neighbor & the park, address smells and "contain" things so that all are satisfied.

THIS AREA HAS BEEN USED A PARK BOTH ON LEASH AS WELL AS OCCASIONALLY USED OFF LEASH, FOR MANY YEARS. WE USED IT BASICALLY DAILY, FOR OVER 15 YEARS. WHAT WE SEE NOW IS A MAJOR IMPROVEMENT WHERE IT IS FENCED WITH A DOUBLE ENTRANCE. WE LIKE THE IDEA THAT CHILDREN CAN PLAY IN ONE AREA & THE DOGS IN ANOTHER.

I have walked my dog for over 5 years around the presently closed Off Leash Dog Park. During that time before and after it became an Off Leash area I have made several observations.

1. Odor: I have never noticed an offensive odor from dog urine or droppings.
2. Drainage: after a hard rain, yes, there is standing water and it drains by the next day if the rain stops, and it is dry enough to walk afterwards.
3. Dog droppings: There are a few good citizens that go up to the park to pick up any missed droppings from the day before, and the droppings are few.
4. Better community: During the "too short" time it was an "off Leash" area, many enjoyed the social time allowed for the dogs and themselves. It was a great area to get to know our neighbors.

I do agree that there should be a barrier (I think 10 feet should be adequate ~~between~~ and a planting of arborvitae to block the view and prevent anyone taunting the dogs and vice versa

Sincerely  
Doris Chap  
17305 Crownview Drive  
Hedstrome

✓ Petition to the City of Gladstone to keep city zoning as it is. *Rd*  
Case in mind: Off leash dog park located on Valley View Drive

We the people within the Sherwood Too district do hereby oppose the use of our neighborhood park as an off leash dog park. Off leash dog parks do not belong in a residential neighborhood. It is against the codes of the city and our neighborhood association, nor is it zoned for such parks.

The neighbors were not notified or contacted in any way to give our opinions and concerns, which include security, increased traffic and noise.

We do hereby petition that the zoning stay the same with no changes, to include said dog park.

Please sign below.

Harry Todd 16710 SE Valley View Rd 97267

Donna m Todd " " " "

Janet K Barnes 22182 S Dew Ave Beavercreek 97004 *Realtor*

Jennifer Town 14720 SE Valley View rd 97267

James E Fardle III " " "

Joe + Carol 17180 SE Valley View rd 97267

Shirley Gardner 6907 Oakridge Dr. 97027

Arthur J Gardner 6907 Oakridge DR 97027

Paul Seale 6900 Oakridge Dr 97027

Bob Seymour 6930 OAKRIDGE DR 97027

Mariene Seymour 6930 OakRidge Dr. - Gladstone 97027

Kelly Whytil 17123 SE Valley View Rd Gladstone 97267

Casale Mitchell 17190 SE Valley View Rd Gladstone

*Sherry Whytil* Sherry Whytil 17123 SE Valley View Rd Gladstone OR 97267

Cynthia Cecilia 17190 SE Valley View Rd Gladstone 97267

Robert Mitchell 17190 SE Valley View Rd Gladstone

Justine 6900 Oakridge Dr. Gladstone OR 97027

Kenneth John Gillig 7000 Oakridge Drive, Gladstone, OR 97027

**Petition to the City of Gladstone to keep city zoning as it is.**  
**Case in mind: Off leash dog park located on Valley View Drive Rd**

Heather A Yielding 7000 Oakridge Dr Gladstone OR 97027  
Mittie Nelson 7000 Oakridge Dr Gladstone OR 97027  
Lennet M Zedach 885 Edgewater Rd. Gladstone OR 97027  
Kenneth Zedach 885 EDGEWATER RD. GLADSTONE OR 97027  
Joan Langner 7000 Valley View Dr Gladstone, OR 97027  
Les Wright 16660 SE Valley View Gladstone OR 97027  
Debbie Rogers 7000 SE Valley View Gladstone OR 97027

RESERVATIONS AND RESTRICTIONS  
IN SHERWOOD TOO NO. 3

126-890-25

TO THE PUBLIC

THE UNDERSIGNED DOES HEREBY CERTIFY AND DECLARE THAT THE FOLLOWING RESERVATIONS AND CONDITIONS, COVENANTS AND AGREEMENTS SHALL BECOME AND HEREBY ARE MADE A PART OF ALL CONVEYANCES OF PROPERTY WITHIN THE PLAT OF SHERWOOD TOO NO. 3 AS THE SAME APPEARS IN PLAT RECORDED IN RECORDS OF TOWN PLATS OF CLACKAMAS COUNTY, OREGON, OF WHICH CONVEYANCES AND AGREEMENTS SHALL BECOME PARTY BY REFERENCE HERETO AND TO WHICH SHALL THEREUPON APPLY AS FULLY AND WITH THE SAME EFFECT AS IF SET FORTH AT LARGE THEREIN, DURING THE PERIOD OF 35 YEARS FROM THE DATE OF RECORDING OF THIS INSTRUMENT. HOWEVER, VARIANCES TO ALL RESERVATIONS, RESTRICTIONS, COVENANTS AND AGREEMENTS MAY BE MADE BY DECLARANT, HIS HEIRS OR ASSIGNS.

SEAL DOCUMENT

RECORDED SEP 18 1974 11 07 A M GEORGE D. POFFIN, County Clerk

BUYER'S COPIES

- 1. ALL PARCELS OF LAND HEREIN SHALL BE USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES.
- 2. NO DWELLING SHALL BE ERRECTED OR PLACED ON ANY RESIDENTIAL LOT, WHICH PLOT HAS AREA LESS THAN 6500 SQUARE FEET, NOR SHALL ANY RESIDENTIAL BUILDING BE ERRECTED ON THE PREMISES WHICH HAS A SQUARE FOOTAGE AREA ON THE MAIN FLOOR OF LESS THAN 1200 SQUARE FEET, OR IN THE CASE OF A MULTI-LEVEL HOUSE, A TOTAL OF 1200 SQUARE FEET FINISHED, EXCLUSIVE OF GARAGE OR CARPORT AREAS. ALL GARAGES TO BE NOT LESS THAN DOUBLE CAR SIZE. ALL BUILDINGS TO BE CONSTRUCTED ON SITE ONLY.
- 3. NO OBNOXIOUS OR OFFENSIVE TRADE OR PURSUIT SHALL BE CARRIED ON UPON ANY LOT THEREIN NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. BOUNDARY FENCES, WALLS OR HEDGES MUST BE KEPT IN GOOD CONDITION AND REPAIR. LAWNS MUST BE CUT SUFFICIENTLY THAT THEY DO NOT BECOME EYESORES AND DETRIMENTAL TO THE VALUES OF OTHER PROPERTIES. YARDS MUST BE IMPROVED AND LANDSCAPED NOT LATER THAN SIX MONTHS FROM OCCUPANCY.  
  
NO TRAILER, BASEMENT, TENT, SHACK, GARAGE OR OTHER BUILDINGS CAN AT ANY TIME BE USED FOR RESIDENTIAL PURPOSES, EITHER TEMPORARILY OR OTHERWISE.  
  
NO BOATS OR TRAVEL TRAILERS OR CAMPERS OR TRAILERS OF ANY TYPE SHALL BE ALLOWED TO SIT OR BE STORED IN THE FRONT YARD OR DRIVEWAY PORTION OF ANY LOT, OR IN FRONT OF THE FRONT SET BACK LINE. NO TRUCKS, TRAILERS OR SIMILAR VEHICLES OF ANY NATURE WILL BE PERMITTED TO PARK OVERNIGHT ON ANY STREET WHICH IS WITHIN THE PLAT OF SHERWOOD TOO NO. 3.
- 6. NO BASKETBALL HOOPS TO BE ERRECTED OR MOUNTED IN ANY MANNER IN THE FRONT OF ANY HOME OR GARAGE OR WITHIN THE FRONT SET BACK LINE.
- 7. NO SIGNS OR OTHER ADVERTISING DEVICE SHALL BE ERRECTED OR MAINTAINED UPON ANY PART OF SAID PROPERTY EXCEPT THAT A SIGN NOT LARGER THAN 18 X 24 INCHES ADVERTISING THE PROPERTY FOR SALE OR FOR RENT MAY BE ERRECTED AND MAINTAINED AND, FURTHER, THAT THE DECLARANT MAY ERRECT AND MAINTAIN ON SUCH PROPERTY SUCH SIGNS, BUILDINGS AND OTHER ADVERTISING DEVICES AS MAY BE NECESSARY AND PROPER IN CONNECTION WITH THE CONDUCT OF ITS OPERATION FOR THE DEVELOPMENT, IMPROVEMENT, SUBDIVIDING AND SALE OF SAID PROPERTY.
- 8. ALL HOUSES TO BE CONSTRUCTED IN SHERWOOD TOO NO. 3 SHALL BE OF DOUBLE CONSTRUCTION. ROOFS ARE TO BE SPLIT WOOD SHAKE OR TILE.
- 9. NO ANIMAL, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT EXCEPT THAT CATS OR DOGS OR OTHER USUAL HOUSEHOLD PETS MAY BE KEPT PROVIDED THEY ARE NOT BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE. ALL CATS BELONGING TO RESIDENTS OF, AND RESIDING IN SHERWOOD TOO NO. 3 ARE TO WEAR BELLS TO PROTECT THE BIRDS.
- 10. SET BACKS ARE TO BE ACCORDING TO CITY OF GLADSTONE REQUIREMENTS.
- 11. EASEMENT FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE RECORDED PLAT.

LYNNWOOD LUMBER COMPANY, dba  
LYNNWOOD ENTERPRISES

*J. S. Sweet*  
PRESIDENT

STATE OF OREGON  
COUNTY OF CLACKAMAS

ON THIS 14th DAY OF August, 1974, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, PERSONALLY APPEARED THE WITHIN NAMED ORVILLE ROBINETT, KNOWN TO ME TO BE THE IDENTICAL INDIVIDUAL DESCRIBED, AND WHO EXECUTED THE SAME FREELY AND VOLUNTARILY. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

MY COMMISSION EXPIRES 3-5-77

*Orville Robinett* 231



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE TO ADD MEDICAL MARIJUANA FACILITY AS A CONDITIONAL USE IN THE LIGHT INDUSTRIAL ZONE AND DECLARING AN EMERGENCY**

**WHEREAS**, beginning March 1, 2014, state law (House Bill 3460) will permit medical marijuana facilities (a.k.a. “dispensaries”) to register with the state;

**WHEREAS**, such facilities must be located within mixed use, commercial or industrially zoned areas, among other criteria;

**WHEREAS**, neither HB 3460 nor the rules implementing it prohibit or preempt a local government’s authority to regulate land uses within its jurisdiction;

**WHEREAS**, the administrative rules implementing HB 3460 expressly state at OAR 333-008-1110(2) that state registration “is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.” and

**WHEREAS**, the City of Gladstone wishes to limit such facilities to lands zoned light industrial and no others.

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

Section 1. Chapter 17.24.040 (conditional uses in the LI zone) of the Gladstone Municipal Code is amended to add a subsection five as follows:

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

\*\*\*

(5) Medical marijuana facility (as authorized by Oregon law)”

Section 2. In order to protect the peace, health and welfare of Gladstone, its residents and its visitors, the city council declares an emergency to exist and, therefore, this ordinance will be effectively immediately after its adoption by the city council.

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GLADSTONE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

ATTEST:

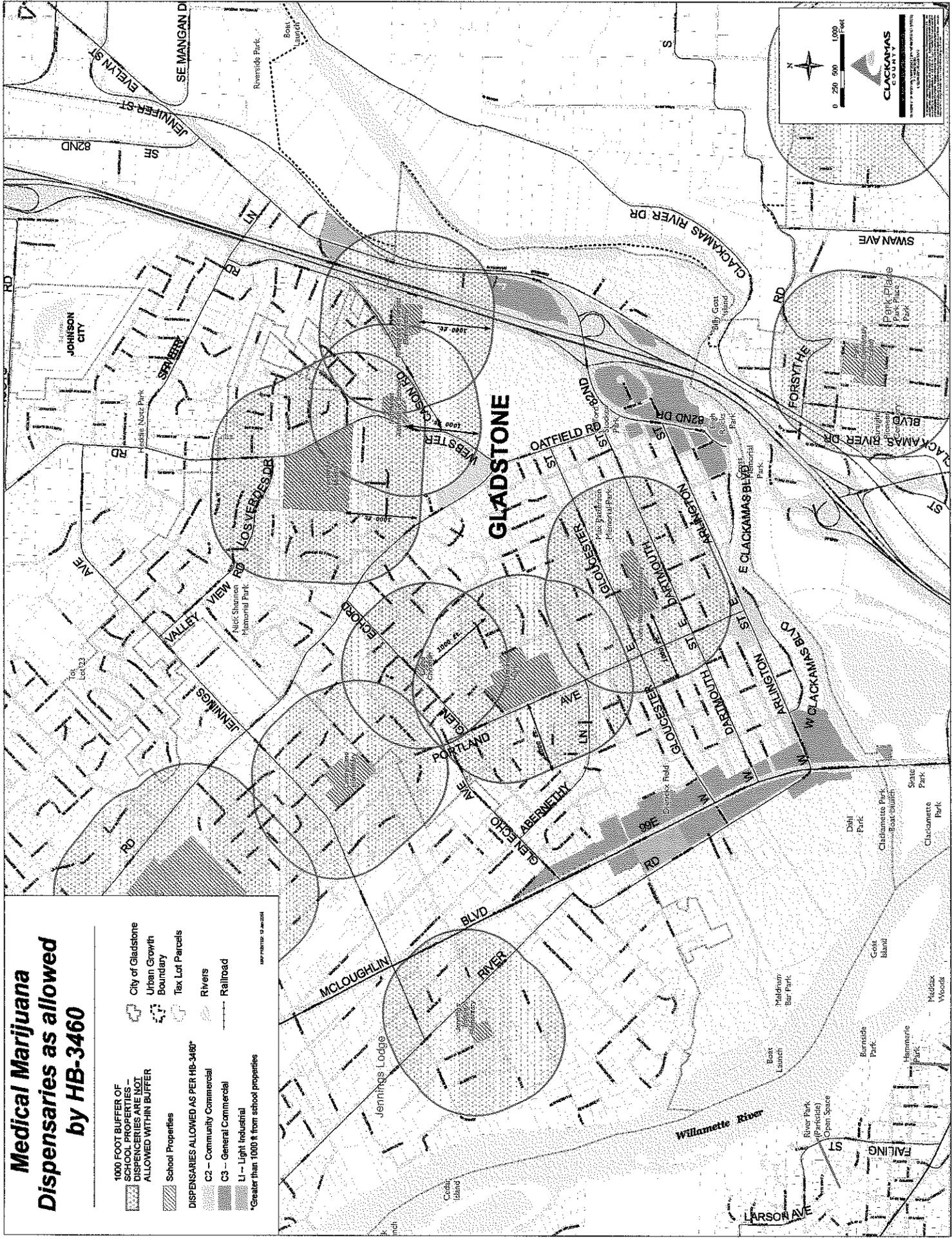
\_\_\_\_\_  
Wade Byers  
Mayor

\_\_\_\_\_  
Jolene Morishita  
Assistant City Administrator



# Medical Marijuana Dispensaries as allowed by HB-3460

- 1000 FOOT BUFFER OF SCHOOL PROPERTIES - DISPENSARIES ARE NOT ALLOWED WITHIN BUFFER
- School Properties
- City of Gladstone Urban Growth Boundary
- Tax Lot Parcels
- Rivers
- Railroad
- DISPENSARIES ALLOWED AS PER HB-3460\*
- C2 - Community Commercial
- C3 - General Commercial
- LI - Light Industrial
- \*Greater than 1000 ft from school properties



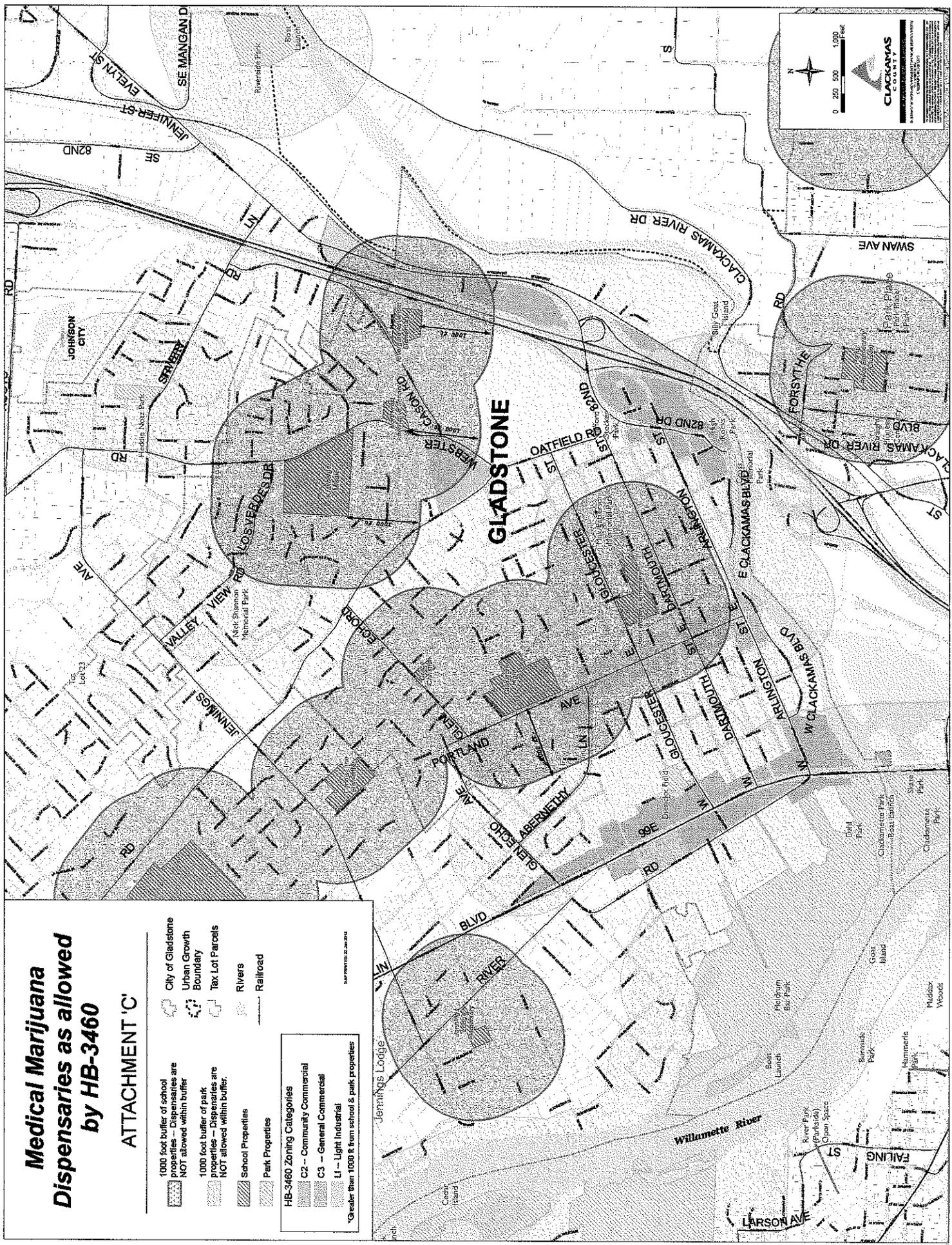


# Medical Marijuana Dispensaries as allowed by HB-3460

## ATTACHMENT 'C'

- 1000 foot buffer of school properties - Dispensaries are NOT allowed within buffer
- 1000 foot buffer of park properties - Dispensaries are NOT allowed within buffer.
- School Properties
- Park Properties
- City of Gladstone
- Urban Growth Boundary
- Tax Lot Parcels
- Rivers
- Railroad

- HB-3460 Zoning Categories**
- C2 - Community Commercial
  - C3 - General Commercial
  - LI - Light Industrial
- \*Greater than 1000 ft from school & park properties





# **WORK SESSION**



GLADSTONE PLANNING COMMISSION

"Code Analysis Ordinance Review for the City of Gladstone, OR January 2012" Document Review  
1/21/2014

Sections Pulled For Further Discussion at the February 18th, 2014 Meeting

**Chapter 2.28 Planning Commission**

2 §2.28.080  
ORS 227.030 also limits membership to no more than two city officers.

2 §2.28.110  
The correct authority reference now is ORS 244.135

**Chapter 8.04 Nuisances**

2 §8.04.010 (3)  
Use of the term and/or is confusing here. It appears that "or" is intended.

2 §8.04.010 (4)  
The definition of owner differs from the generally applicable definition at GMC §1.04.010(9)

2 §8.04.140 (2)(b)  
The most current version of the AASHTO Policy on Geometric Design is dated 2011 (6th edition).

2 §8.04.146 (2)  
Prohibiting any person from distributing placards or advertising may violate Article I, Section 8 of the Oregon Constitution and the First Amendment. See, Klein v City of Clemente 584 F3d 1196 (9th Cir., 2009); City Council v Taxpayers for Vincent 466 US 789 (1984); City of Eugene v Miller 318 Oregon 480, 871 P2d 254 (1994)

## Chapter 8.06 Chronic Nuisance Property

### §8.06.020

In subsection(3)(c) the reference to ORS 475.940 through ORS 475.995 should be reviewed to consider what statutes the city desires to incorporate as the statutory numbering has changed substantially and additional provisions have been added.

At subsection (3)(n), note that there also is a slightly different definition of "controlled substance" at ORS 475.924 that the city may want to include.

Subsection (3)(q) references a definition of "unlawful drinking" at GMC Chapter 9.52, but no such definition was found.

### §8.06.090

ORCP 68 refers only to "costs" as those are defined in the ORCP, e.g. filing fees and related items. It is questionable whether it may be recovered in the manner provided for in this section. Rather, they may need to be pled as part of the judgment of forfeiture.

### §8.06.100

The correct statutory reference now is ORS 90.100(43).

### §8.06.130

The correct cross reference is to 8.06.020(4)

## Chapter 8.12 Noise Control

### §8.12.030(2)(a)

There may be an updated ANSI standard. An ANSI access license is needed to confirm.

### §8.12.050(3)

ORS 483.449 was repealed and replaced with ORS 467.025 through 467.035.

### §8.12.060(1)(e)

Same as above.

### §8.12.060(1)(f)

The cross-referenced (5) does not exist.

**Chapter 12.08 Sidewalk Benches**

✓ §12.080.010

The content provisions probably are invalid. See e.g., *Outdoor Media Dimensions v. Dept. of Transportation*, 340 Oregon. 275, 132 P.3d 5 (2006)

✓ §12.08.090

It is not clear whether the insurance requirement is intended to mirror the Oregon Tort Claims Act, but if so, the amount should be updated.

## Title 17 Zoning and Development

3 Note: Oregon's land use planning system is extensively regulated by state statutes, administrative rules and court/LUBA decisions and is perhaps the most complex in the nation. Accordingly, a comprehensive legal analysis is beyond the scope of this review.

### §17.06.115

ORS 657A.250 (5) has a somewhat different definition of child care facility that includes children under 18 with special needs. The city may want to consider conforming the definition.

### §17.06.175

Zoning code definitions of "family" have been the subject of much legal controversy. This includes, for example, possible conflict with the Fair Housing Act amendments of 1988 relating to persons with disabilities. See generally, [http://www.housingrights.org/pdfs/def\\_family.pdf](http://www.housingrights.org/pdfs/def_family.pdf); *City of Edmonds v. Oxford House, Inc.* (94-23), 514 U.S. 725 (1995). The city attorney may wish to review this definition.

### §17.06.215

State statutes regarding how local governments may zone a "residential facility" have been revised including what may be permissible depending on the type of facility. See ORS 197.660 et seq. The city may wish to review its land use regulations regarding all such congregate dwellings.

### §17.06.247

The statutory definition of "land use decision" has been amended. ORS 197.015(10).

### §17.06.328

Several statutes relating to the definition of "manufactured dwelling," "mobile home," "mobile home parks" and related terms have been adopted. The city may wish to update its provisions regarding such topics. See, for example, ORS 446.003.

### §17.06.400

The definition should be updated to reflect statutory amendments to ORS 92.010.

### §17.06.400

See the statutory definition of residential home at ORS 197.660.

### §17.22.020

It appears that the correct reference for CERCLA definitions is 42 USC 103, sec. 9601.

### §17.22.070(4)

These sign provisions contain content based distinctions that may be contrary to *Outdoor Media Dimensions v. Dept. of Transportation*, 340 Oregon. 275, 132 P.3d 5 (2006).

§17.25.090E(1) Metro now has a 2004 Wetlands Inventory Map, adopted as part of Metro Title 13. There does not appear to be a more recent Clackamas County map, but the city may wish to confirm.

### **Chapter 17.29 Flood Management Area District**

These provisions were last updated in 2002. FEMA periodically updates its requirements for eligibility for flood insurance. The city may wish to review with FEMA whether any changes have been adopted.

§17.54.020(2)

AASHTO has adopted a 2011 edition of this policy.

### **Chapter 17.61 Wireless Telecommunications Facility**

Although these provisions were adopted after the Telecommunications Act of 1996, there has been a great deal of litigation regarding zoning regulations and wireless facilities. See the following article for a fairly recent overview: [http://assets.opencrs.com/rpts/RS20783\\_20080904.pdf](http://assets.opencrs.com/rpts/RS20783_20080904.pdf)

§17.62.070(1)

Jurisdiction over mobile home parks now appears to reside with the Department of Consumer and Business Services. ORS 446.062.

§17.62.100(3)

No OAR relating to Class A mobile home parks could be found.

§17.78.010(9)

This content based restriction may be contrary to *Outdoor Media Dimensions v. Dept. of Transportation*, 340 Oregon. 275, 132 P.3d 5 (2006) as discussed earlier.

Note regarding Division VII, General Provisions, Hearings and Appeals. Many of these provisions were adopted in the 1990's with some revisions in 2002. Since that time numerous statutory revisions have occurred. In general, these procedural provisions are much less detailed than those found in many other codes. It may be that the city addresses the details through administrative policies and procedures not expressly referenced in the GMC. It may be prudent, however, to thoroughly review and update these sections. A good source for recent procedural law is the 2011 Land Use Bar Book, Chapter 14: <https://www.osbar.org/secured/barbooks/viewbook.asp?bid=60>

§17.90.010

Consider expanding this to include through ORS 215.437 re permits, mandamus, etc.

§17.90.060

Consider expanding this provision. See ORS 215.427(2) regarding completeness review provisions and deadlines.

§17.92.030

This may not be permissible. *Schatz v. City of Jacksonville*, LUBA No. 90-126, 20 Oregon LUBA 546, 548 (1991)

§17.94.040

See also 227.180(3) regarding ex parte contacts.



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Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 2.28 PLANNING COMMISSION**

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**2.28.010 Establishment.**

---

The Planning Commission for the city is reestablished and reorganized in accordance with the provisions of this chapter.

**Statutory Reference:** ORS 227.020

**History:** Ord. 833 §1, 1974.

**2.28.020 Membership.**

---

(1) The Planning Commission shall consist of seven members to be appointed by the City Council. Each member shall be appointed with the concurrence of a majority of the City Council.

(2) All members of the Planning Commission shall be residents of the city and shall be selected on the basis of their qualifications to serve in such capacity. The City Administrator or his duly authorized representative shall be entitled to sit with the commission and take part in its discussions or deliberations, but shall have no vote on any matter to come before the commission.

**Statutory Reference:** ORS 227.030

**History:** Ord. 833 §2, 1974.

**2.28.030 Term of office.**

---

(1) The terms of office of all members of the Planning Commission who are serving at the time of adoption of the ordinance codified in this chapter shall terminate upon the date the ordinance codified in this chapter takes effect. Appointments or reappointments to the Planning Commission shall be made by the City Council with the effective date of such appointments to be simultaneous with the effective date of the ordinance codified in this chapter.

(2) Terms of office for Planning Commission members shall be for a period of four years, except that the first commission appointed under this chapter shall be appointed for the following terms:

- (a) One member whose term shall expire December 31, 1974;
- (b) Two members whose terms shall expire December 31, 1975;
- (c) Two members whose terms shall expire December 31, 1976;
- (d) Two members whose terms shall expire December 31, 1977.

(3) The effective date of appointment of subsequent members shall be the first day of January following termination of any member.

**Statutory Reference:** ORS 227.020

**History:** Ord. 833 §3, 1974.

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**2.28.040 Vacancies and removal.**

---

(1) Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the City Council after hearing, for misconduct, misfeasance, malfeasance, or nonperformance of duty.

(2) A member who is absent from two consecutive meetings without an excuse approved by the Planning Commission is rebuttably presumed to be in nonperformance of duty and the City Council shall declare the position vacant unless extenuating circumstances are determined at the hearing.

**Statutory Reference:** ORS 227.030

**History:** Ord. 833 §4, 1974.

**2.28.050 Chairman and vice-chairman.**

---

At its first meeting following adoption of this ordinance codified in this chapter, and at its first meeting in January of each even-numbered year, thereafter, the commission shall elect a chairman and vice-chairman to serve two-year terms.

**Statutory Reference:** ORS 227.020

**History:** Ord. 833 §5, 1974.

**2.28.060 Secretary and staff services.**

---

(1) The City Administrator shall provide a secretary to the commission and such other staff and consultation services as may be appropriate, feasible and within budgetary limitations. The secretary shall keep a record of all commission proceedings.

(2) The Planning Director and City Attorney, or their duly authorized representatives, shall attend all official Planning Commission meetings and shall provide technical and legal advice and guidance to the commission. The commission shall give due consideration to such technical and legal advice.

**Statutory Reference:** ORS 227.020

**History:** Ord. 833 §6, 1974.

**2.28.070 Powers and duties.**

---

The commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinances or resolutions of this city and general laws of this state.

**Statutory Reference:** ORS 227.090

**History:** Ord. 833 §8, 1974.

**2.28.080 Consideration of qualifications for membership**

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(1) In selecting individuals for membership on the Planning Commission, the City Council shall give preference to those individuals who possess a particular competence in the field of municipal planning by way of their profession, trade or prior or present governmental service.

(2) No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit.

(3) No more than two voting members shall be engaged in the same kind of business, trade or profession.

**Statutory Reference:** ORS 227.020, 227.030

**History:** Ord. 833 §10, 1974

### **2.28.090 Meetings.**

---

(1) A majority of the members of the Planning Commission shall constitute a quorum. The commission shall meet at least once a month. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

(2) The chairman, upon his own motion, may, or at the request of three members of the commission, shall, by giving notice to members of the commission, call a previously unannounced special meeting of the commission for a time not earlier than twenty-four hours after the notice is given. Notice of a previously unannounced meeting shall be delivered or telephoned to the newspaper, posted at the City Hall and, to the extent feasible, provided to interested persons at least twenty-four hours prior to the meeting.

**Statutory Reference:** ORS 227.010, 192.630

**History:** Ord. 833 §7, 1974.

### **2.28.100 Compensation.**

---

Planning Commission members shall receive no compensation for their service but shall be fully reimbursed for all duly authorized expenses.

**Statutory Reference:** ORS 227.020

**History:** Ord. 833 §9, 1974.

### **2.28.110 Conflict of interest.**

---

(1) A member of a Planning Commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

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(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

**Statutory Reference:** ORS 227.035

**History:** Ord. 833 §11, 1974.

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Title 2 ADMINISTRATION AND PERSONNEL

## **Chapter 2.48 HISTORIC PRESERVATION POLICY**

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### **2.48.010 Definitions.**

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For the purposes of this chapter:

(1) "Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of an historic landmark.

(2) "Board" means the Historic Review Board of the city.

(3) "Demolish" means raze, destroy, dismantle, deface or any other manner cause partial or total ruin of an historic landmark.

(4) "Exterior" means any portion of the outside of an historic landmark, or any addition thereto, which can be seen from a public place.

(5) "Historic landmark" means any building, structure or other physical object and its site recognized by the city to be of particular cultural, aesthetic, educational or historic significance to its citizens, such as a building, structure or physical object in which the broad cultural history of the nation, state or community is reflected or exemplified; which is identified with historic personages, or with important events in national, state or local history; which embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study for a period, style or method of construction; or a notable work of a master builder, designer or architect.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974, §1,1980

### **2.48.020 Historic review board—Creation.**

---

There is created an Historic Review Board of five members. Each regular board member shall be entitled to one vote. Membership of the board shall be as follows: a representative of the Gladstone Historical Society and four citizens who have knowledge or interest in the areas of local history. The City Administrator and City Planner, or their designees, shall serve as ex officio members of the board. All regular members shall serve for a term of four years except the first appointees who shall serve for the following terms: Two regular members shall be appointed initially for two-year terms; and two regular members shall be appointed initially for four-year terms. Vacancies in office shall be filled in the same manner as original appointments and the appointee shall hold office for the remainder of the unexpired terms.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §2, 1980.

### **2.48.030 Review board—Officers, meetings, rules and procedures.**

---

(1) The officers of the board shall be a chairperson and vice-chairperson, selected from the regular membership by a majority vote of the entire regular membership. Officers shall serve for terms of one year or

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until their successors are regularly elected to take office. The chairperson shall reside over the board and shall have the right to vote. The vice-chairperson shall, in a case of absence or disability of the chairperson perform the duties of the chairperson. The board shall keep a record of all deliberations and actions, which shall be open to public inspection during regular office hours.

(2) Three members of the board, excluding ex officio members, shall constitute a quorum for the transaction of business. The concurring vote of a majority of the regular members present shall be required for approval or disapproval of any motion or other action of the board.

(3) The board shall adopt its own rules of procedure and bylaws. The city shall provide clerical and staff assistance to the board, subject to budgetary allocations.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §3, 1980.

#### **2.48.040 Review board—Powers and duties.**

---

The board may, subject to budgetary appropriations:

(1) Review and investigate any building, structure or other physical object in the city which is under consideration as an historic landmark.

(2) Recommend to the Planning Commission and council any building, structure or other physical object which it has determined from review and investigation should be an historic landmark. The recommendation shall contain a brief written description of the building, structure or other physical object and the reasons for the recommendation.

(3) Make recommendations to the council concerning financial assistance for purposes of repair, maintenance or renovations to owners of buildings, structures and other physical objects.

(4) Take all steps necessary to preserve historic landmarks pursuant to this chapter and not in conflict with the public health, safety, general welfare and laws of the city.

(5) Institute and support such programs and projects as will make the citizens of the city and its visitors aware of its origin, development and historic significance;

(6) Enlist citizen participation and support in continuing programs designed to recognize and memorialize the history of the city.

(7) Perform such other duties relating to city history and historic landmarks as the council requires.

(8) Develop such forms and adopt such rules and regulations as are necessary or appropriate to accomplish the purposes of the historic preservation policy of the city.

(9) Have such other powers and duties as are necessary and proper under this chapter for the discharge of its powers and duties.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §4, 1980.

#### **2.48.050 Review board—Appeals.**

---

Persons aggrieved by a decision of the board may appeal to the council upon written notice of appeal filed with the City Administrator. The notice must be filed within ten days from the decision of the board and

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the appeal shall state specifically wherein there was error by the board. Persons aggrieved shall be entitled to review for board error by the council after notice and public hearing. The council may affirm, reverse or modify the action of the board.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §5, 1980.

#### **2.48.060 Historic landmark—Alteration.**

(1) No person may alter an historic landmark, minor and emergency repairs and maintenance excluded, in such a manner as to affect its exterior appearance, unless a permit to do so has first been obtained.

(2) Application for such a permit shall be made to the City Administrator and referred by him to the board.

(3) The board, after notice and public hearing held within sixty (60) days after receipt of the application by the City Administrator, shall approve issuance, approve issuance with conditions or disapprove issuance of the permit based upon the following criteria:

(a) The economic use of the historic landmark and the reasonableness of the proposed alteration and their relationship to the public interest in the historic landmark's preservation or renovation;

(b) The value and significance of the historic landmark;

(c) The physical condition of the historic landmark;

(d) The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the existing landmark; and

(e) Pertinent aesthetic factors.

(4) When considering an application for exterior alteration of an historic landmark, the board shall not consider interior alteration or arrangements except as they may threaten the continued existence of the landmark.

(5) Upon action by the board, the board's approval or disapproval shall be transmitted to the City Administrator and the alteration permit may be issued if approved by the board and if otherwise in compliance with all applicable laws.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §6, 1980.

#### **2.48.070 Historic landmark—Moving and demolition.**

(1) No person may move or demolish any historic landmark unless a permit to do so has first been obtained.

(2) Application for such a permit shall be made to the City Administrator. An application for a moving permit shall be accompanied by a report

from the City Administrator or his or her designee indicating that it is technically feasible to move the landmark. The application for a moving permit shall be referred to the Historic Review Board which shall conduct a public hearing on the request for moving or demolition permit within 60 days following submission of such request to the City Administrator. Actions by the board may be made to approve, approve with conditions, deny or postpone the demolition or movement of the landmark. Decisions by the board shall include findings on the criteria as set forth as follows:

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- (a) Whether the historic landmark constitutes a hazard to the safety of the public or its occupants;
- (b) Whether the historic landmark is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
- (c) Whether retention of the historic landmark would cause financial hardship to the owner not outweighed by the public interest in the landmark's preservation; and
- (d) Whether retention of the historic landmark would be in the best interest of a majority of the citizens of the City, as determined by the board, and, if not, whether the historic landmark may be given alternative preservation by means of photograph, picture, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §7, 1980.

#### **2.48.080 Procedure for designation of historic landmarks.**

Before a building, structure or other physical object is recognized as an historic landmark, the City Council, upon recommendation of the Historic Review Board, shall make affirmative findings that the building, structure or other physical object merits recognition because it possesses one or more of the following criteria:

- (1) Its association with historic or famous events;
- (2) Its antiquity;
- (3) Its unique architectural design or mode of construction because of:
  - (a) Its representative character of a period or style of architecture or method of construction,
  - (b) Its extraordinary or unusual architectural merit by reason of its design, detail, use of materials or craftsmanship, or
  - (c) Its identification as the work of an architect, designer or master builder whose individual work has influenced development in the nation, state or community;
- (4) Its inclusion in an official register of historic places;
- (5) Its relationship to the broad cultural history of the nation, state or community;
- (6) Its identification with a person or persons who have significantly contributed to the history of the City; or
- (7) Its identification as a unique object representing aesthetic or educational features of the community.

**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §8, 1980.

#### **2.48.090 Violation—Penalty.**

Violation of any provision of this chapter shall be punished as a Class "A" Infraction as specified in Sections 1.08.010 through 1.08.100. In addition, the City Attorney, upon the request of the City Administrator, shall institute any necessary civil proceedings to enforce compliance with the terms of this chapter.

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**Statutory Reference:** ORS Ch. 358

**History:** Ord. 974 §9, 1980; Ord. 1344, 2004.

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## MEMORANDUM

To: City of Gladstone  
From: Ben Schonberger, AICP  
Date: November 12, 2009  
Re: **General Commercial District (C-3) regulatory review**

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This memo is a summary of the zoning issues concerning the General Commercial District (C-3) in the Gladstone Municipal Code. Winterbrook Planning was asked by the city to review development in the C-3, identify regulatory barriers to improved development, and make recommendations for modifications. In short, this study looks at what can be done to retain and attract business development in this zoning district. The focus of the project is on land use issues.

### **City Goals, Project Assumptions**

Gladstone's redevelopment goals are not sharply defined, but the overall goal of for this area is revitalization in both an economic and visual sense, regardless of ownership. This analysis assumes that the city wants redevelopment to occur on vacant or under-utilized properties in the C-3 zoning district. Since a city planning effort has not been completed for these areas, exactly what kind of development the city desires is unclear. One possible vision for the future of the area is to simply re-develop with commercial businesses similar to those that already exist. Another vision is for more employment-intensive development, or mixed uses that include housing, offices, or institutional uses. Zoning changes to encourage certain kinds of development would be different based on which type of development was desired. For the sake of clarity, the analysis assumes a range of development outcomes.

A visioning process for the long term would help Gladstone identify and refine its goals for these General Commercial zoned areas of the city. Clackamas County is currently engaged in such a multi-stakeholder planning process for its four-mile segment of the McLoughlin Corridor, the "McLoughlin Area Improvement Study." To refine the desired outcomes of this C-3 zoning area, Gladstone could develop its own study with similar objectives, or coordinate with the County in its study effort.

Broadly, zoning regulations have two purposes. First, they limit uses and impacts to neighboring properties outside the zone. For the C-3 district, for example, the regulations create buffering requirements so that allowed commercial uses do not create onerous impacts on adjacent residential development. Second, zoning regulations insure that desired uses within the zone are protected from incompatible development that is also within the zone. In

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other words, regulations must envision any of the allowed uses being able to co-exist peacefully, and reinforce the character of the zone.

## Methods

The information in this document is based on Winterbrook’s review of the zoning code, site visits, discussions with Gladstone staff—including its planner, research and discussions with Metro and ODOT staff, and review of nearby jurisdictions’ codes.

## Area of C-3 Zoning

The General Commercial zone is Gladstone’s “heavy commercial” zone, in that it supports business and services that “would likely be detrimental to the adjoining residential areas unless effectively controlled.” The two pockets of C-3 zoning in the city are adjacent to the city’s most intensive auto transportation corridors. First, the C-3 zone is applied along nearly the entire length of McLoughlin Boulevard (Oregon State Highway 99E) through the city, from Glen Echo Avenue to the Clackamas River. Second, there is a cluster of C-3 zoned property around the I-205 interchange on the east side of Gladstone. This area is directly adjacent to the freeway right of way, on both sides of the highway.

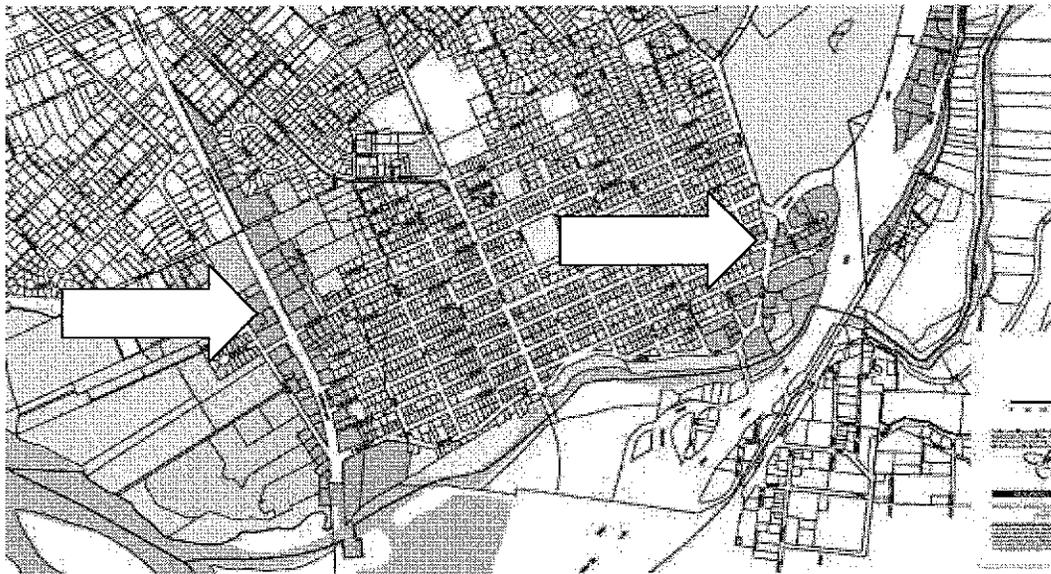


Figure 1. Gladstone C-3 zoning along McLoughlin and adjacent to I-205, shown in dark orange.

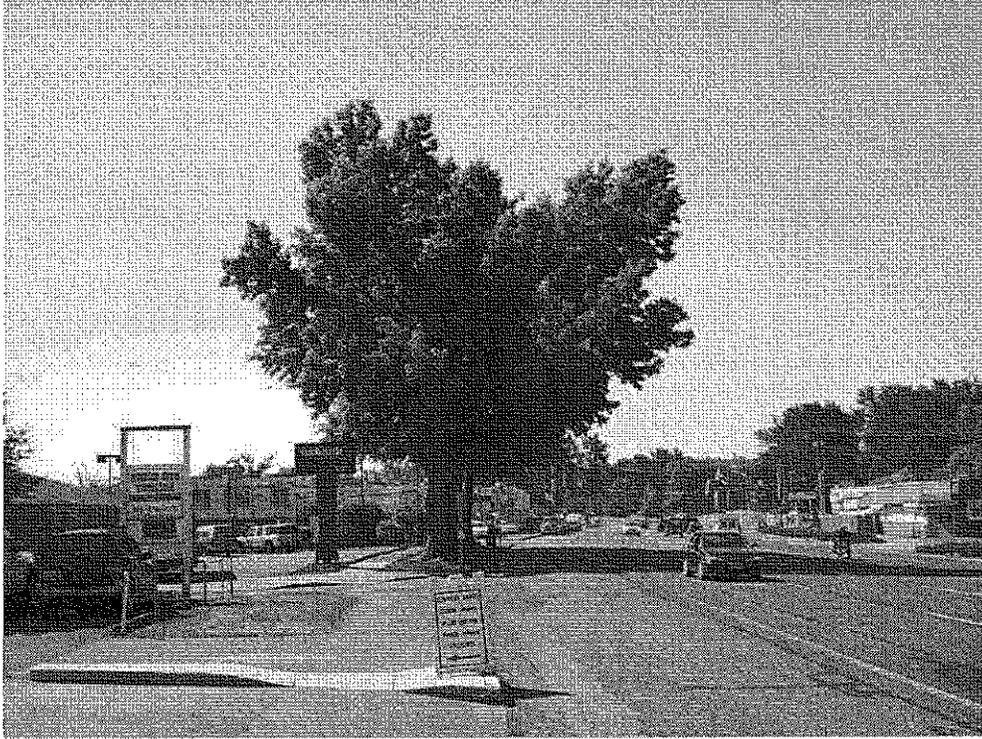
The primary feature these two areas share is adjacency to large, high speed transportation corridors. On the ground, the high volumes of high speed auto traffic creates visual and noise impacts. The C-3 zoning, with its emphasis on large-scale commercial uses, appears to be a way both to buffer these impacts, and also to allow those kinds of uses that would benefit most from the existing vehicular access. The other common feature of the commercial land in these

two zones is that lot sizes are generally quite large, which enables development that has a large footprint (for example, big box retail) or is land consumptive (e.g., auto sales).

The history of the McLoughlin Boulevard corridor gives insight to the area's zoning. McLoughlin is one of the oldest inter-city transportation routes in the Portland region, first developed in the 1890s, when an interurban electric trolley line was built between Portland and Oregon City. In the 1930s, McLoughlin became Oregon's first four-lane highway, a high-speed through route before there was an Interstate Highway System. Auto-oriented commercial development naturally followed the major transportation corridor all along its length, including through Gladstone. In short, the type of development along the corridor, and the zoning that enables it, is rooted in the commercial styles of an earlier era.



Figure 2. McLoughlin Blvd., looking north.



**Figure 3. McLoughlin Blvd., looking south.**

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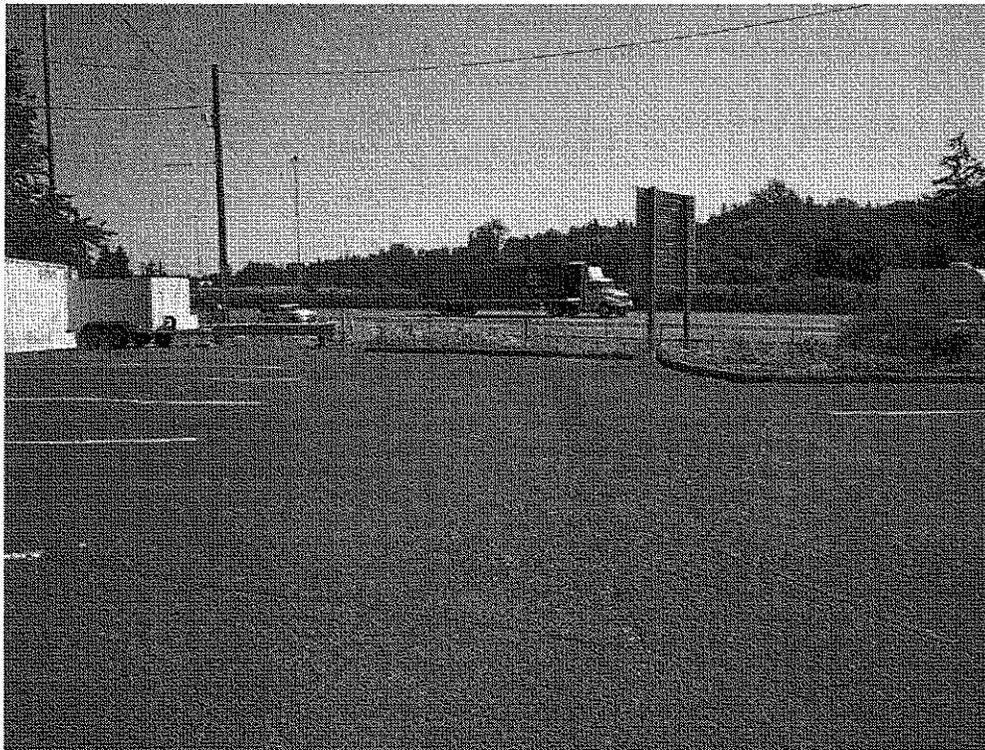


Figure 4. Interstate 205 from parking lot of C-3 zoned property.

## Land Use Development Trends

The impetus for this zoning analysis is, at least in part, the turnover of businesses within the McLoughlin C-3 corridor. The city has raised questions about what can be done through regulatory reform to attract or retain new development. Looking at this change in the business climate, it is apparent that the recent pace of new development or redevelopment in Gladstone had been extremely slow. According to information provided by the city, since 2001, two development projects have been constructed in the McLoughlin corridor. These two projects were a Kia auto dealership and a remodeled gas station/convenience store, both in 2005. In that same timeframe, three projects have been constructed in the C-3 area near I-205. These projects were: a remodel of an office building in 2001, Latus Motors/Harley Davidson in 2002, and a new, small, single-story office building in 2003.

Some projects in the C-3 zone are in the development process, but have not been constructed. Two of these are the Walgreen's development on the Gladstone Lanes site, near the McLoughlin and Arlington intersection, and the long-delayed Parker Landing mixed use development on an adjacent property.

Several high-profile closures have raised the issue of the long term health of properties in the General Commercial zone. Two major auto dealerships on McLoughlin Boulevard closed in 2008, Joe's Ford and Gary Worth. As noted above, Gladstone Lanes closed in early 2009. Gladstone is not the only city in the region to experience this slump in commercial development—the recent economic recession has resulted in vacancies and business closures along McLoughlin Boulevard outside of Gladstone as well.



**Figure 5. Vacant auto-oriented business on McLoughlin**

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**Figure 6. Vacant auto dealership on McLoughlin.**

Gladstone's concentration of automobile sales and service businesses has put it in a particularly vulnerable position because of national trends. On a national basis, autos are being sold from fewer dealerships overall, and on larger sites. While individual vacant properties in Gladstone could redevelop as new auto sales lots (as the Kia dealership did in 2005), the overall trend is not favorable to this type of development.

### **Chapter 17.20 Review**

Chapter 17.20 of Gladstone's code is very brief, comprising less than three pages of the city's zoning code. Winterbrook Planning reviewed this chapter and found it to be generally clear, without the complexity or uncertainty in language that would deter a prospective developer.

#### *17.20.010 Purpose*

The purpose statement clearly establishes that this zone is intended as a "heavy commercial" area, for uses that would be "detrimental to the adjoining residential areas" unless otherwise controlled.

#### *17.20.020 - 040 Uses*

The list of allowed uses includes commercial uses that have been sited on these properties or would be considered desirable in the zone. The listed uses include auto sales, medical clinic, hotel, school, and “retail trade” which is a broad and undefined category that could include most any retail activity.

The list of uses that are allowed conditionally (040) are those that require closer review before approval. They include residential uses (*i.e.*, “dwellings”), and heavier uses such as wholesale distribution and light manufacturing. Also in this category are “uses operating between 12:00 am and 5 am”, which is a type that is probably impossible to identify or enforce.

#### *17.20.045 Screening*

Screening requirements are applicable only where the C-3 zoned land abuts properties in a residential zoning district, or in certain cases in a different commercial zone. The screening requirements are fairly typical compared with other codes, and are not likely a barrier to development.

#### *17.20.050 Dimensional Standards*

The dimensional standards in the zone are generous. There are no required minimum front or street side setbacks except where properties abut residential zoning. The maximum height restriction is 35 feet. Height increases are permitted with fire department approval. Most existing structures in the district are substantially under the maximum allowed.

There is a somewhat unusual provision for hotels and motels requiring at least 500 square feet of land area per dwelling unit and 100 feet of street frontage. This provision is land-consumptive, and probably not necessary.

#### *17.20.070 Exceptions in case of large scale development*

The final section of the C-3 zoning chapter allows the Planning Commission to modify any standards for two kinds of uses: “planned unit development” or “large scale shopping center.” The commission would consider a proposed change against “public health, safety and welfare” and impacts and benefits to adjacent properties. This section does not define “large scale shopping center” nor does it specify “the plan” that the must be achieved as part of the proposal. Practically, with the generous zoning allowances and other processes for modifying standards in the code, it is likely that this provision is rarely, if ever, used.

#### *Other applicable code sections*

For new development or re-development in the C-3 zone, the code would typically require design review (Chapter 17.80). This involves a discretionary review by the Planning Commission to see that the development complies with the purpose of the underlying zone,

and to look at the details of the proposal. A transportation impact study can be required as part of this review. Both of these reviews are appropriate and typical for any significant commercial development or redevelopment.

The landscaping section of the code (Chapter 17.42) has a curious exception from the requirement to plant street trees for properties with frontage along McLoughlin Boulevard. 17.42(9) explicitly encourages the use of sod as a landscaping material instead of trees. While this provision may increase the visibility of signs, it likely is at the expense of the overall aesthetics of the corridor.

The sign code (Chapter 17.52) allows freestanding pole signs up to 20 feet high, and typically 40 square feet per side in area. However, an exemption from the maximum area allows signs for up to 200 square feet for properties with frontage on "major arterials," which includes McLoughlin (17.52.070.1.c.B). Because the properties in the C-3 zoned areas tend to have large linear frontages on the arterials, this exemption permits larger signs. Also, existing signs that do not meet the current regulations may continue as non-conforming signs when only the sign's message and design is altered.

## **Barriers to New Development**

Based on a review of the zoning code, it does not appear that zoning is a significant barrier to new development or redevelopment in Gladstone's C-3 district. In general, Gladstone's zoning allowances offer a wide range of allowed uses, and impose few restrictions on size. If anything, existing development, and even those projects built recently under the current code, is substantially less intense than the maximum allowed under zoning. Instead, the barriers are mostly economic.

Gladstone's commercial areas, as with the other parts of the city, are largely "built out." In other words, there is not a large supply of never-used land available for development. New construction activity will be redevelopment on previously used property, which incurs demolition and site preparation costs prior to development.

From a competition standpoint, the vacant or underutilized properties along the McLoughlin corridor in Gladstone are very similar to dozens of other, nearby, highway commercial properties through Portland, Milwaukie, the Oak Grove area of Clackamas County, and Oregon City. As an economic study of Metro's regionally-defined corridors has shown, there is substantially more land available for highway commercial development along 400 linear miles of corridors than there is retail demand for such land. (Metro Corridors Project, 2005) In short, too many available properties are competing for too few businesses.

Consequently, the highest, best use of the vacant or underutilized properties in the C-3 may be non-retail. Larger lot sizes could also be attractive as development sites for office buildings, medical facilities, schools, or even light industrial uses. A regional study of corridors by Metro reached this same conclusion: "residential, office, lodging, and institutional uses have the

potential to supplant retail as the highest and best uses along parts of some corridors.” (Metro Corridors Project, 2005) In Gladstone, these uses are all allowed either outright or conditionally under current zoning.

This transition can be economically challenging. In other parts of the region, owners of similarly-zoned properties have been asking for prices that are typically too high to support the development of anything other than retail uses. The retail entitlement is so great that property owners are reluctant to lower land prices to make it attractive to non-retail users. If properties remain vacant and development does not occur, this may change, slowly.

Vehicular access and visibility is one of the greatest assets of the C-3 zoned properties, but it is also a limitation. The high speeds of the corridor encourage users to pass through, and the right of way widths and noise levels make the pedestrian experience generally uninviting. This limits the attractiveness of the area for anything other than a relatively narrow range of auto-oriented uses.

### **Incentives for Redevelopment**

While the zoning does not explicitly deter development in the C-3 zones, it may also not be encouraging the kind of development that Gladstone seeks. Allowing redevelopment to occur is not enough to make it happen. Because the list of uses and signage limitations is so permissive, and the requirements for landscaping or other aesthetic improvements is relatively light, new businesses may be deterred from investing in properties within the corridor because of concerns about future surroundings.

Gladstone could consider changes that would let the C-3 areas function more like main streets, while still maintaining the high-volume transportation function. There are some examples elsewhere in the region where a state highway commercial strip has been improved aesthetically, as with, for example, the Oak Grove section of Highway 99E, or the Lake Oswego section of Highway 43. Changes could include design and development standards that provide greater direction on the appearance and location of new buildings and parking areas, requirements for new landscaping and buffering between uses, limitations on the location of parking, and stricter controls on lighting and signage.

While heavy commercial zones elsewhere in the region are usually developed with commercial uses, there is also some precedent for properties to redevelop with institutional uses. For example, Portland Community College Southeast Center occupies a former shopping center site on SE 82<sup>nd</sup> Avenue (Highway 213) in Portland. Similarly, Clackamas Community College has opened a satellite campus on a busy state highway, at the intersection of SE 82<sup>nd</sup> and Harmony Road.

Streetscape improvements to these corridors, implemented as a requirement of new development or publicly funded, could attract newer and different businesses to the corridor. As shown in Figure 3 (U.S. Bank frontage on McLoughlin), street trees make an enormous

difference in the appearance of the streetscape, while also dampening highway noise, and moderating extremes of weather. Shown on the next page is a drawing in the Clackamas County comprehensive plan of a street section, showing the desired condition of a similar commercial corridor:

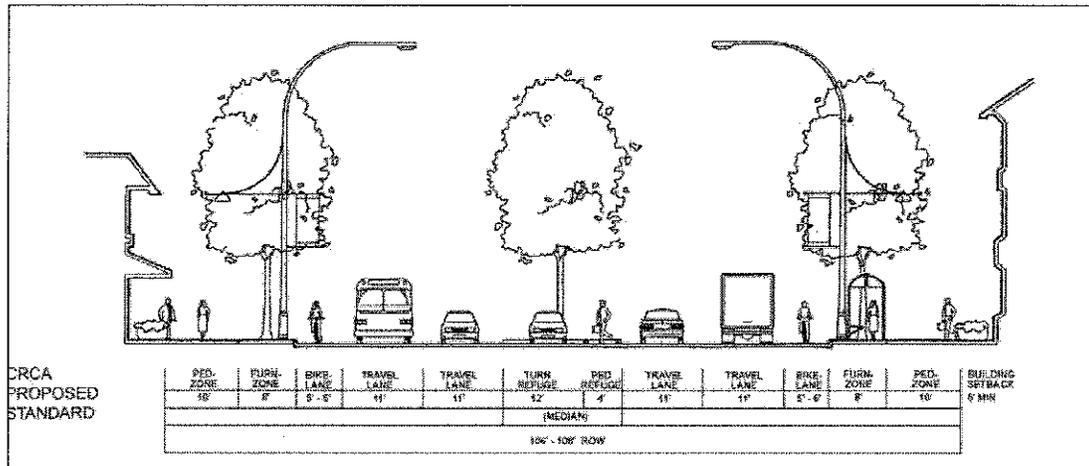


Figure 7. Street section (Clackamas County comp plan, Fig X-CRC-1)

## Ideas for Regulatory Changes

### 1. Re-zone some land Light Industrial, Multi-Family Residential, or Office Park

Demand for the kind of large-scale retail uses that have traditionally dominated the McLoughlin Corridor appear to be on the decline. As outlined above, the lot sizes and location of the available properties may create opportunities for other kinds of development that are allowed by zoning, but less common. Re-zoning these properties may help promote residential, office, or industrial development. Alternatively, the C-3 zone regulations could be amended to limit the size of new retail buildings, or require a certain minimum square footage of these other uses. However, limiting retail uses in the corridor could meet with opposition from property owners if they perceived it as the loss of an entitlement.

### 2. Implement Development and Design Standards

Clackamas County went through a multi-year process to look at corridor development around the Clackamas Town Center area and implemented a series of zoning provisions that increase design requirements for the corridor. These changes are typically to make the corridors look more like “main streets” though still with large lot sizes and high traffic volumes. Without changing the uses in the zone, this is another option for Gladstone to upgrade the aesthetics of the C-3 zone when new development does occur.

Some of the changes that could be instituted are:

- Minimum building heights for retail
- Maximum building setbacks
- Limits on parking location and design (e.g., to the side)
- Building orientation
- Coordinated sign regulations
- Design regulations for outdoor storage and display areas

### 3. *Streetscape Improvements*

Streetscape conditions are uneven along McLoughlin and the I-205 area of C-3 zoning. The city could develop a design plan for future streetscape along McLoughlin and in the other C-3 area. This plan would guide improvements when new development occurs. In addition, Gladstone could work with ODOT to develop a plan for publicly-funded streetscape improvements along McLoughlin Boulevard. While this would not be specifically a zoning code change, the code might be updated to reflect this plan.

### 4. *Land Banking (do nothing)*

The vacant or undeveloped properties that exist in the C-3 zone have significant development potential, even if they are not being utilized now. Even though demand for them is slack, they have the advantage of large lot sizes, good visibility, and direct access from major transportation corridors. The city could assist property owners in lot consolidation or land assembly that would make land area more appealing to developers for future uses.

## **Conclusion**

Generally, Winterbrook's analysis of the C-3 zoning regulations has shown that it is unlikely that zoning itself has limited or prevented development. The provisions for allowed uses, dimensional standards, design review, and other sections are quite permissive. Both longstanding development and projects that have been relatively recently approved have not taken full advantage of all the entitlements that the zoning code would allow. Rather, it appears that economic factors such as retail trends (regional and national) and competition from similar properties outside Gladstone are driving development outcomes.

At the same time, the zoning regulations do not explicitly encourage the kind of new development the city has indicated it would like to see. Especially if existing, large-scale, auto-oriented uses are likely to re-develop into more mixed-use development types, new office, residential, retail, or institutional uses will seek out areas where they can be buffered or protected from the impacts of older, highway-oriented commercial uses. Incentives for attracting development could include new development and design standards, or streetscape improvements to improve the aesthetic appeal of the area in relation to other similar areas in the region.

## Sources:

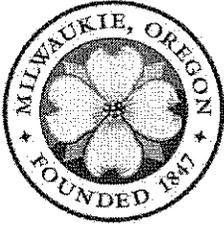
### Interviews:

- Peter Boyce/Jonathan Block, City of Gladstone
- Clay Glasgow, Clackamas County (Gladstone planner)
- Lidwien Rahman, ODOT
- Tim O'Brien, Metro

### Documents:

- Gladstone Municipal Code
- Clackamas County Zoning Code
- Metro, Corridors Project Summary Report (2005) and Case Study Report (2005)
- Clackamas County, McLoughlin Corridor Land Use and Transportation Study (1999)





COMMUNITY DEVELOPMENT DEPARTMENT  
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For General Information

# Clear Vision Areas and Fences

Property owners are responsible for maintaining clear vision areas and fences in conformance with City regulations. Because fence regulations often overlap with clear vision areas, the regulations for both fence and clear vision areas are presented together in this handout. It is strongly recommended that citizens contact the Planning and/or Engineering Department if they have questions regarding fences or clear vision areas.

As a general guideline, fences will meet fence and clear vision regulations if they are:

- Under 30" tall, measured from curb or street height, in front yards and side yards adjacent to the street.
- Under 72" tall in rear yards and side yards not adjacent to the street.
- Placed entirely within property boundaries.

## CLEAR VISION AREAS

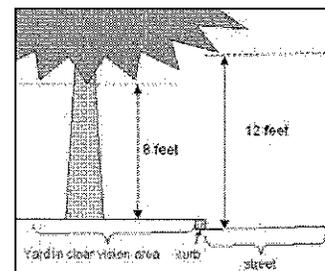
Clear vision areas are required by the Milwaukie Municipal Code to ensure that persons traveling in the City have unobstructed views at street and driveway intersections.

### Where Clear Vision Areas Exist

1. **Street intersections:** The clear vision area is defined in the Clear Vision Diagram on the next page.
2. **Driveways:** Defined by a 20' radius from the point where the driveway meets the lot line. See the Clear Vision Diagram on the next page.

### Regulations for Clear Vision Areas

1. **Fences, shrubs, walls, and other landscaping are limited to 30" measured from top of curb or 36" above street level if no curb exists.** The only exceptions to this regulation are:
  - Fences may exceed the maximum clear vision height if they do not obscure sight by more than 10% (such as a chain-link fence). Fences are subject to height restrictions of 42" in front yards and 72" in side yards, and cannot exceed these heights even if they do not obscure sight by more than 10% (see Fence Regulations below).
  - Vegetation may exceed the maximum clear vision height if it does not obscure sight by more than 10%.
2. **Trees and poles may be allowed in the clear vision area, provided they allow continuous view of vehicles approaching the intersection.** Branches and foliage of trees must be removed to a height of at least 8' above the ground. Trees that overhang a street must be clear of branches and foliage to a height of at least 12' above the street.



Tree pruning over streets  
and in clear vision areas

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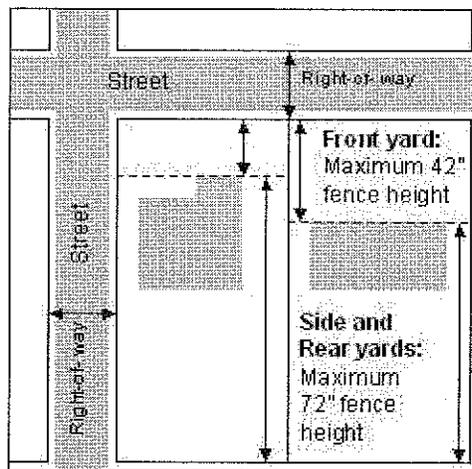
## FENCE REGULATIONS

The Milwaukie Municipal Code has fence regulations to protect the residential character of neighborhoods and to ensure that fences do not pose safety hazards.

### Height

Fence heights are regulated by the location of the fence on the property (see the Clear Vision Diagram and the graphic below). In residential zones, and for residential uses in all zones, fence heights are limited to the following:

- 42" in the front yard,\* defined as the area between the front lot line and the nearest point of the main building.
- 72" in side and rear yards, defined as the area anywhere behind the front yard.



Maximum fence heights  
allowed on residential lots

Fence heights are measured from the highest ground level within a 1' horizontal distance from the fence. ***In clear vision areas, clear vision standards apply for fences over 30" above curb height or 36" above street level if no curb exists. (Fences over these heights must not obscure sight by more than 10%; e.g., chain-link.)***

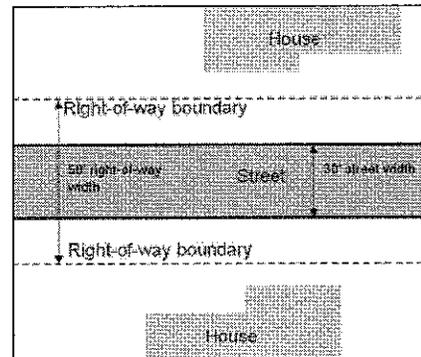
\* Flag lots have different fence height standards. Please contact the Planning Department at 503-786-7630 for these regulations.

## Location

Fences are not allowed to encroach upon adjoining properties or the public right-of-way. In most areas of Milwaukie, the right-of-way is wider than the width of the streets and sidewalk. The Engineering Department (503-786-7606) can assist in determining the right-of-way boundary.

Disputes about fence encroachment across property lines are a civil matter between property owners and are not mediated by the City. The City recommends placing fences at least 6" away from a known property line, identified by property pins.

Existing fence lines are not an accurate indicator of property lines. If a known property line cannot be found, the City recommends constructing a new fence well within the apparent property boundary or hiring a surveyor to locate the property line.



*Sample street and right-of-way width diagram*

## Materials

In residential zones and residential uses in all zones, no electrified, barbed, or razor-wire fencing is permitted.

This handout is a general guide and may not contain all necessary information. Please contact the Planning Department (503-786-7630) or Engineering Department (503-786-7606) if you have questions.

✓ **Milwaukee Municipal Code**

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TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

✓ **CHAPTER 12.24 CLEAR VISION AT INTERSECTIONS**

**12.24.010 PURPOSE**

The purpose of this chapter is to maintain clear vision areas at intersections in order to protect the safety and welfare of the public in their use of City streets. (Ord. 1679 § 1, 1990)

**12.24.020 DEFINITIONS**

As used in this chapter:

“Clear vision area” means that area, as computed by Section 12.24.040, which allows the public using the City streets an unobstructed view of an intersection.

“Driveway” or “accessway” means the point at which a motor vehicle gains ingress or egress to a property from a public road or highway.

“Fence” means a barrier intended to prevent escape or intrusion or to mark a boundary. A fence may consist of wood, metal, masonry, or similar materials, or a hedge or other planting arranged to form a visual or physical barrier.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

“Street” means the entire width between right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley,” and other similar designations. (Ord. 1679 § 2, 1990)

**12.24.030 REQUIREMENTS**

A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection as provided by Section 12.24.040.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet. (Ord. 2004 § 1, 2009; Ord. 1679 § 3, 1990)

**12.24.040 COMPUTATION**

A. The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the “AASHTO Policy on Geometric Design of

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Highways and Streets.” The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect.

B. Modification of this computation may be made by the Engineering Director after considering the standards set forth in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets” and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area. (Ord. 2004 § 1, 2009; Ord. 1679 § 4, 1990)

#### **12.24.050 VARIANCE**

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The provisions of this chapter relate to safety. They shall not be modified by variance and are not subject to appeal. (Ord. 2004 § 1, 2009; Ord. 1679 § 5, 1990)

#### **12.24.060 ENFORCEMENT**

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The provisions of Chapter 1.08 shall be used to enforce this chapter. (Ord. 2004 § 1, 2009; Ord. 1679 § 6, 1990)

#### **12.24.070 LIABILITY**

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The person owning, in possession of, occupying, or having control of any property within the City shall be liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or trim obstructions and vegetation as required by Section 12.24.030. Furthermore, the person shall be liable to the City for any judgment or expense incurred or paid by the City, by reason of the person's failure to satisfy the obligations imposed by this chapter. (Ord. 1679 § 7, 1990)

#### **12.24.080 VIOLATION—PENALTY**

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Violation of Section 12.24.030 is punishable, upon conviction, by a fine of not more than two hundred fifty dollars (\$250.00). When the violation is a continuous one, each day the violation continues to exist shall be deemed a separate violation. (Ord. 1679 § 8, 1990)

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**Milwaukee Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[TITLE 19 ZONING](#)[CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS](#)[\[ remove highlighting \]](#)**19.502 ACCESSORY STRUCTURES**

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**19.502.1 General Provisions**

- A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and private easements.
- B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.
- C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.
- D. Accessory structures excluding fences, flagpoles, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.
- E. Regardless of the base zone requirements in Chapter 19.300, the required side and rear yards for an accessory structure are reduced to 5 ft, except as described below.
  - 1. Accessory structures are subject to the minimum street side yard requirements of the base zones in Chapter 19.300.
  - 2. Regulations for overlay zones or special areas in Chapter 19.400 may require an accessory structure to be set back beyond the minimum side or rear yard requirements.
  - 3. If the rear or side yard requirement in the base zone in Chapter 19.300 is less than 5 ft, then the yard requirements of the base zone shall apply.
  - 4. The rear or side yard requirement for residential accessory structures per Subsection 19.502.2.A or 19.910.1.E.4 may specify a different yard requirement.
- F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.
- G. Fences, flagpoles, pergolas, arbors, and trellises are permitted in yards in all residential zones.

**19.502.2 Specific Provisions for Accessory Structures**

- A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a single-family residence, while protecting the character of single-family neighborhoods.

- 1. Development Standards
  - a. Height and Footprint

The maximum height and footprint allowed for an accessory structure is determined by the yard depths between the structure and the lot lines. Accessory structures with a larger height and footprint must meet the increased yard requirements. An accessory

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structure is allowed the maximum building height and footprint listed in Table 19.502.2.A.1.a only if the entire structure meets or exceeds all the yard requirements in the same column. See Figure 19.502.2.A.1.a.

Table 19.502.2.A.1.a Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Maximum building height	10'	15'	Lesser of 25' OR not taller than highest point of the primary structure (allowed at least 15' height regardless of primary structure height)
Maximum building footprint	200 sq ft	600 sq ft	Lesser of 75% of primary structure OR 1,500 sq ft (allowed at least 850 sq ft if lot area > 10,000 sq ft)  On lots less than 1 acre in area, maximum is 800 sq ft if any portion of the structure is in the front yard.

Table 19.502.2.A.1.a CONTINUED Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

**Figure 19.502.2.A.1.a  
Accessory Structure Height, Footprint, and Yard Requirements**

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Accessory Structure Type	Distance from side / rear lot line	Structure Height	Structure Footprint
A	3'	10'	200 sq ft
B	5'	15'	600 sq ft
C	Base zone yard requirements	25' OR height of primary structure (allowed at least 15')	Lower of 75% of primary structure OR 1,500 sq ft; 10,000 sq ft lots allowed at least 850 sq ft; 800 sq ft maximum if located in front yard

If the footprint of a structure is in more than one area, the entire structure is subject to the size and height limits of the most restrictive area.

b. Other Development Standards

- (1) Maximum accessory structure footprint allowance is subject to lot coverage and minimum vegetation standards of the base zone. Multiple accessory structures are allowed on a lot, subject to lot coverage and minimum vegetation standards of the base zone.
- (2) The yard exceptions in 19.501.2 are applicable for accessory structures.
- (3) A minimum of 5 ft is required between the exterior wall of an accessory structure and any other structure on a site, excluding a fence or similar structure.
- (4) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space.

2. Design Standards

- a. Metal siding is prohibited on structures more than 10 ft high or with a footprint greater than 200 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.
- b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.

3. Roof Pitch

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A minimum 4/12 roof pitch is required for an accessory structure with a height over 10 ft.

4. Exceptions for Large Lots

Lots larger than 1 acre in size are allowed an exception to the Type C accessory structure height limitation and footprint size limitation of 75% of the primary structure.

a. The allowed exceptions are:

- (1) The structure is allowed the base zone height limit or 25 ft, whichever is greater.

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(2) The structure is allowed a maximum footprint of 1,500 sq ft, regardless of the footprint of the primary structure.

b. The exceptions are allowed with the following limitations:

(1) The sum of accessory structure footprints that exceed 75% of the footprint of the primary structure is limited to 2,500 sq ft.

(2) The side yard requirement shall be 20 ft, regardless of the base zone.

(3) The structure must conform to all other base zone and accessory structure regulations.

✓ B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed **vision** of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet **clear vision** standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the **vision** of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.D.2.h.

b. Commercial Zones

Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.

c. Industrial Zones

Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.

C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in high above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails is allowed to exceed 18 in high if it provides access from grade to the elevation of the main entrance of a residential structure.

D. A stand-alone flagpole in a residential zone is limited to 25 ft high and must be at least 5 ft from any lot line. A stand-alone flagpole in commercial or industrial zones is subject to the height

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limits of the base zone in which it is located, and it must be at least 5 ft from any lot line.

### 19.502.3 Sustainability-Related Accessory Structures

#### A. Purpose

The purpose of these regulations is to allow apparatus for the generation of renewable energy and collection of stormwater, subject to standards to ensure that these structures are appropriate for their surroundings in both design and scale.

#### B. Maintenance Requirement

All of the sustainability-related structures in this subsection shall be maintained to be functional and safe. The Planning Director may require the repair or removal of a structure listed in this subsection if the structure is deteriorated, malfunctioning, or is otherwise unsafe.

#### C. Solar Energy Systems

##### 1. Allowance

The installation of a solar energy system is an outright permitted use in zones where commercial, industrial, and residential structures are allowed outright. Installation of solar equipment that does not meet the definition of a solar energy system shall be reviewed as a Community Service Use, per Section 19.904, unless the use is allowed outright in a zone.

##### 2. Review Process for Installation of Solar Energy Systems

- a. A stand-alone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones or special areas.
- b. A solar energy system that is wholly supported by another structure shall be subject to review, or not, as described below.
  - (1) The installation of a solar energy system on an historic resource that is designated either "contributing" or "significant," per Section 19.403, shall follow the review procedures of that section for alteration of the resource.
  - (2) The installation of a solar energy system in a downtown zone shall be exempt from downtown design review, per Section 19.907.
  - (3) The installation of a solar energy system on a structure within the Willamette Greenway Zone, or within a designated Natural Resource, is exempt from the review requirements of that zone or special area.
  - (4) The installation of a solar energy system on a structure that has been designated as a Conditional Use or a Community Service Use is exempt from the reviews of Subsections 19.904.3 and 19.905.3.
  - (5) The installation of a solar energy system under circumstances other than those described in Subsections 19.502.3.C.2.b(1)-(4) above is exempt from any land use review.
- c. A Type I development review permit may be required for installation of a solar energy system depending upon the applicability criteria in Subsection 19.906.2.A. In no case shall a Type II development review application be required for installation of a solar energy system.

##### 3. Standards

- a. A stand-alone solar energy system is subject to the development standards that apply to the site. The design standards of Subsection 19.502.2.A.2 shall not be

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construed so as to prevent installation of a stand-alone solar energy system.

b. A solar energy system that is attached to a structure is subject to the following standards.

(1) The solar energy system will not increase the lot coverage or footprint of the structure on which the system is installed.

(2) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof, except that the plane of the system is allowed a minimum slope of 35 degrees from horizontal regardless of the slope of the roof.

#### D. Wind Energy Systems

##### 1. Allowance

A wind energy system is allowed outright as an accessory use in all zones. Installation of wind turbines, and related equipment that does not meet the definition of a wind energy system, shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.

##### 2. Review Process for Installation of Wind Energy Systems

The review of a freestanding or roof-mounted wind energy system is subject to the reviews required by applicable base zones and overlay zones or special areas.

##### 3. General Standards

a. The minimum distance between the ground and any part of a rotor blade must be at least 20 ft.

b. Wind energy systems may not be illuminated, nor may they bear any signs or advertising.

c. Wind energy systems must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.

d. All wiring serving small wind energy systems must be underground.

e. Noise produced by wind energy systems may not exceed 45 dBA measured at the property line.

f. Wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, any public safety agency or organization's radio transmissions, or any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference, should any occur, or must immediately shut down the system or parts of the system causing the interference.

g. A finish (paint/surface) must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. The Planning Director may specify that the support structure and rotors be brown, blue, light gray haze, or other suitable color to minimize the structure's visibility. If the support structure is unpainted, it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

h. The rotor sweep area, as defined by the American Wind Energy Association, is 50 sq ft in residential zones and 150 sq ft in all other zones.

##### 4. Standards for Freestanding Systems

Wind energy systems may be mounted on a tower that is detached from other structures on

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the lot.

a. Setback

A freestanding wind energy system is not allowed in a required front yard or street side yard, and it must be at least 10 ft away from any side or rear lot line. All portions of the support pole, blades, guy wires, and associated structures or equipment must meet these standards.

b. Height

The pole and turbine are subject to the base zone height limit for primary structures, except that an increase of 1 additional ft high is allowed for every 1 ft that the wind energy system is set back beyond what is required in Subsection 19.502.3.D.4.a, up to a maximum of 50% above the base zone height limit.

c. Number

A maximum of 1 freestanding small wind generator system may be allowed on a lot of 15,000 sq ft or less. 1 additional freestanding system is allowed for each 7,500 sq ft of lot area above 15,000 sq ft.

5. Standards for Roof-Mounted Systems

Wind energy systems may be mounted on the roof of a structure.

a. Setback

The roof-mounted wind energy system is subject to the minimum yard requirements of the building on which it is mounted.

b. Height

Roof-mounted systems are subject to the height limit for freestanding systems in Subsection 19.502.3.D.4.b.

c. Number

There is no maximum number of roof-mounted systems permitted.

E. Rainwater Cisterns

1. A rainwater cistern installed below ground, at grade, or above ground is a permitted accessory use for all properties.

2. A rainwater cistern that meets the standards listed below may encroach up to 3 ft into a required yard, but not be closer than 3 ft from any lot line. Rainwater cisterns that meet the standards below are not subject to any design or materials standards.

a. The rainwater cistern is not mounted more than 2 ft above grade.

b. The rainwater cistern's storage capacity is 80 gallons or less.

3. A rainwater cistern that exceeds the standards listed in Subsection 19.502.3.E.2 is allowed subject to all other applicable regulations for an accessory structure.

4. A below-ground rainwater cistern shall be located at least 3 ft away from any lot line.

(Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

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**Milwaukee Municipal Code****Up****Previous****Next****Main****Search****Print****No Frames**TITLE 19 ZONINGCHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS**[ remove highlighting ]****19.504 SITE DESIGN STANDARDS****✓ 19.504.1 Clear Vision Areas**

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the **clear vision** ordinance in Chapter 12.24.

**19.504.2 Maintenance of Minimum Ordinance Requirements**

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

**19.504.3 Dual Use of Required Open Space**

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

**19.504.4 Buildings on the Same Lot**

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

**19.504.5 Distance from Property Line**

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

**19.504.6 Transition Area Measures**

Where commercial or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. The downtown zones are exempt from this subsection.

A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.

B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

**19.504.7 Minimum Vegetation**

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or

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bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

#### 19.504.8 Flag Lot Design and Development Standards

##### A. Applicability

Flag lots in all zones are subject to the development standards of this subsection.

##### B. Development Standards

###### 1. Lot Area Calculation

The areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement.

###### 2. Yard Setbacks for Flag Lots

- a. Front and rear yard: The minimum front and rear yard requirement for flag lots is 30 ft.
- b. Side yard: The minimum side yard for principal and accessory structures in flag lots is 10 ft.

##### C. Variances Prohibited

Variances of lot area, lot width, and lot depth standards are prohibited for flag lots.

##### D. Frontage, Accessway, and Driveway Design

1. Flag lots shall have frontage and access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.
2. Abutting flag lots shall have a combined frontage and accessway of 35 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.
3. Driveway Design and Emergency Vehicle Access
  - a. Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.
  - b. Driveways serving single flag lots shall have a minimum paved width of 12 ft.
  - c. Driveways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.
  - d. A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.
  - e. Driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.
  - f. The flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.
  - g. Design standards for shared driveways serving more than 3 lots shall be specified by the Engineering Director after consultation with the Fire Marshal.
  - h. Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

##### E. Protection of Adjoining Properties

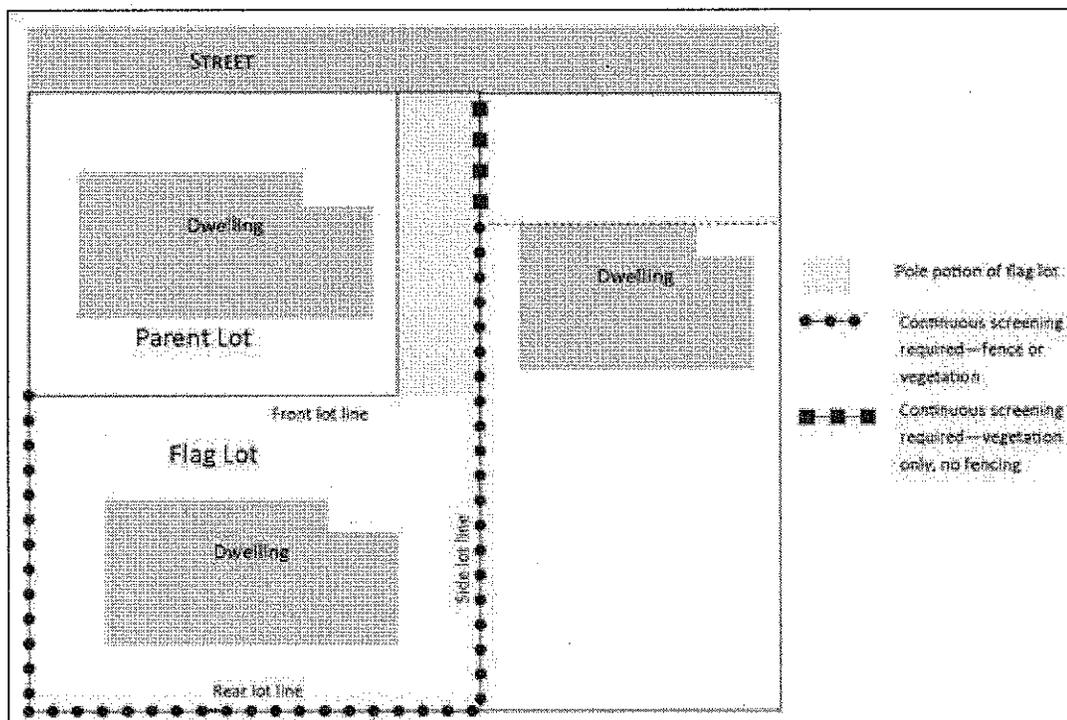
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Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the **clear vision** standards of Chapter 12.24. Fencing shall conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or the bond will be foreclosed. The property owner shall maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.
2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot abutting any neighboring lot that is not part of the parent lot from which the flag lot was created is required as described below. See Figure 19.504.8.E.
  - a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
  - b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.
  - c. All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

**Figure 19.504.8.E**

**Flag Lot Screening**



F. Tree Mitigation

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All trees 6 in or greater in diameter, as measured at the lowest limb or 4 ft above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least 1 evergreen or deciduous tree, of a species known to grow in the region, shall be replanted for each tree removed. At planting, deciduous trees shall be a minimum of 2 in caliper and evergreen trees shall be a minimum of 5 ft tall.

#### G. Landscaping Plan Required

A landscaping plan shall be submitted to the Planning Director prior to issuance of a building permit for new construction. The plan shall be drawn to scale and shall accompany development permit applications. The plan shall show the following information:

1. A list of existing vegetation by type, including number, size, and species of trees.
2. Details for protections of existing trees.
3. List of existing natural features.
4. Location and space of existing and proposed plant materials.
5. List of plant material types by botanical and common names.
6. Notation of trees to be removed.
7. Size and quantity of plant materials.
8. Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.

### 19.504.9 On-Site Walkways and Circulation

#### A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

#### B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

#### C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

#### D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

#### E. Design Standards

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Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

#### **19.504.10 Setbacks Adjacent to Transit**

The following requirement applies to all new commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street. (Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

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**Milwaukie Municipal Code**

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[TITLE 8 HEALTH AND SAFETY](#)  
[CHAPTER 8.04 NUISANCES](#)

**[ remove highlighting ]**

✓ **8.04.130 FENCES**

- A. No person may construct or maintain a barbed-wire fence or allow barbed wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six (6) inches above the top of a board or picket fence which is not less than seven (7) feet high.
- B. No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person. (Ord. 1028 § 12, 1964)

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Title 17 ZONING AND DEVELOPMENT  
DIVISION IV. DEVELOPMENT STANDARDS

**Chapter 17.54 CLEAR VISION**

**Note**

\* Prior history:

17.54.030 **History:** Ord. 1131 §2 (part), 1990; Repealed by Ord. 1366, 2005.

**17.54.010 Applicability.**

Clear vision standards shall apply to all development in the city.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990; Ord. 1366, 2005.

**17.54.020 Clear vision area.**

(1) Obstruction Prohibited. On property at any corner formed by the intersection of two streets, or a street and a railroad, it is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstructions to the view higher than three feet above the level of the center of the adjacent intersection with that triangular area between the property line and a diagonal line joining points on the property lines at the distance from the intersection specified in this regulation. In the case of rounded corners, the triangular areas shall be between the lot lines extended in a straight line to a point of intersection and so measured, and a third side which is a line across the center of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish clear-vision areas:

Right-of-Way (in feet)	Measurement Each Lot Line (in feet)
80'	20'
60'	30'
50' or less	40'

(2) Exceptions. Provisions set out in Subsection (1) of this section shall not apply to:

(a) Public utility poles; trees trimmed (to the trunk) to a line at least eight feet (8') above the level of the intersection; provided, that the remaining limbs and foliage of the trees must be trimmed as to leave, at all seasons, a clear and unobstructed cross-view of the intersection; saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view of the intersection, supporting members of appurtenances to permanent buildings existing on the date when this ordinance in this Chapter becomes effective; official warning signs or signals; places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted ten or more feet above the ground and whose supports do not constitute an obstruction as described in Subsection (1) of the section.

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(b) At a driveway serving a parking lot with capacity of more than eight automobiles and at corners of an intersection of a street controlled by stop signs or a traffic signal if the street intersection or driveway has an unobstructed sight distance specified in a 2001 publication titled "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials (AASHTO), summarized in the table below; however, the Planning Commission may approve a driveway location with less than minimum intersection sight distance if no other suitable location is available:

Posted Speed Limit	Minimum Intersection Sight Distance
20	225 ft.
25	280 ft.
30	335 ft.
35	390 ft.
40	445 ft.
45	500 ft.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2 (part), 1990; Ord. 1366, 2005.

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