

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

**Tuesday, September 16, 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 July 15, 2014 and August 19, 2014 Meetings.

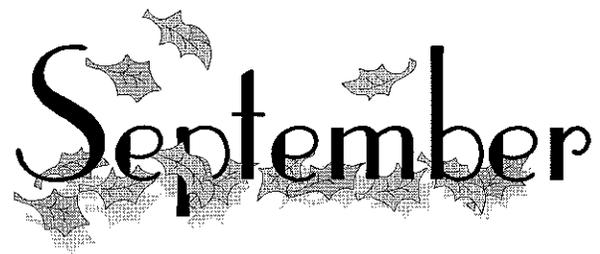
**REGULAR AGENDA**

2. Election of Vice-Chair – *With the recent resignation of Kim Sieckmann due to his appointment to the City Council, the commission shall elect a vice-chair to serve until 12-31-2015 (no attachments).*
3. Public Hearing: Z0319-14-M, Partition application; divide subject property into two (2) parcels, one with existing residence and the second for future residential development. Subject property is zoned R-7.2, Single-Family Residential, at 17940 Oatfield Road; east side of Oatfield Road, north of Ridgeway Drive.
4. Work Session: Gladstone Code Review

**BUSINESS FROM THE PLANNING COMMISSION**

**ADJOURN**



The word "September" is written in a large, black, serif font. The letters are partially obscured by a cluster of stylized, grey, leaf-like shapes that appear to be falling or blowing across the text. The entire graphic is centered at the top of the page.

September

## **CONSENT AGENDA**



## GLADSTONE PLANNING COMMISSION MEETING MINUTES - July 15, 2014

Meeting was called to order at 7:00 PM.

### **ROLL CALL:**

The following city officials answered roll call: Commissioner Kirk Stempel; Commissioner Pat McMahon; Commissioner Kim Sieckmann; Commissioner Tammy Stempel, Chairperson; Commissioner Kevin Johnson; Commissioner Steve Johnson

### **ABSENT:**

Commissioner Michele Kremers;

**STAFF:** Jolene Morishita, Assistant City Administrator; Davis Doughman, City Attorney; Clay Glasgow, City Planner;

### **SWEARING IN NEW PLANNING COMMISSIONER:**

Chairperson Stempel introduced the new Planning Commissioner, Steve Johnson

*Assistant City Administrator Morishita administered the oath of office. Commissioner Steve Johnson took the oath, and did so vow.*

*Chairperson Stempel explained the commission's goal.*

### **CORRESPONDENCE:**

None

### **CONSENT AGENDA:**

1. Minutes of May 20, 2014:

Commissioner Sieckmann told the panel that he had not completed one of the items requested getting clarification from the City Council regarding 8.12.070. It had also not been put on the agenda for the following month.

*Commissioner made a motion to accept the minutes as written.*

Chairperson Stempel had a question regarding item 1.3, first paragraph, "...does the city have the authority to allow a 1.5 foot lift on the sidewalk. Shouldn't that be 1.5 inches?" Commissioner Sieckmann admitted that he was the one that had asked the original question, and that it was 1.5 feet.

*Commissioner Kevin Johnson seconded the motion. Motion passed unanimously.*

### **Regular Agenda:**

2. Discussion of Webster Road Property:

Assistant City Administrator Morishita explained the mayor had suggested that the Planning Commission look at the appropriateness of the zoning as it stands right now, if the Council should determine to sell this piece of property.

City Planner Glasgow explained that it was an odd shaped piece of property with poor egress, though he had not actually seen a traffic study for the area. He added that the value is higher than it would be if put into a residential zoning.

Commissioner Sieckmann asked if the property meets the five criteria that are required for reclassifying the zoning. City Planner Glasgow and City Attorney Doughman referred to the City Policy Manual and found the five requirements in section 17.68. City Planner Glasgow said that he had not studied the requirements for that section and did not know if the property met the requirements.

Commissioner Sieckmann suggested that the commission look at what criteria is required for a zone change, and if the property meets that criteria. City Attorney Doughman suggested that the mayor was looking for some suggestion about whether the current zoning of the property is appropriate. He added that he thought the Council was looking for some guidance from the Commission about whether the zoning makes sense as it is currently. Commissioner Sieckmann reiterated that, in any case, the Commission has a set of criteria that must be met to change the zoning for that piece of property.

Commissioner Sieckmann also suggested that, if the property is going up for sale, the Commission go back into the archives to see what the conditions were when the property was condemned, to see what conditions or changes need to be made, even if the City does not do a zone change.

Commissioner Kevin Johnson compared the current situation to the zone change in Arlington when the Commission considered that there was too little commercial property. He considered that this may make it difficult to justify any zoning changes that would remove Webster from the commercial zoning. If the Commission could put conditions on the property or zoning, it could alleviate some of the issues they had with Arlington.

Chairperson Stempel understands that the current zoning for the property is very inclusive, allowing residential, commercial, or mixed use, but not industrial. Any changes made to the property conditions should include things like setback, frontages, such as compared to Portland Avenue. She was not sure if the Commission could make such changes.

Commissioner Steve Johnson wanted to know if the original owner wanted to quarry rock from the property, and how the property was being used. Several of the commissioners and the City Attorney stated that those may have been the original plans, but it never happened. Later, there was a tweak to the code to prevent things like that from happening. After some discussion, City Planner Glasgow iterated that mining was not allowed in any of the zoning conditions with Gladstone therefore mining is disallowed.

City Attorney Doughman stated that whoever bought the property would need to remove a certain amount of rock to make the property usable. He also stated that the city could put certain conditions Disposition and Development Agreement for prospective landowners to define how the property is to be used.

Commissioner Sieckmann recalled that the contractors had used rock crushing machines to recycle concrete and use available rocks to fill the property where the Walgreen's was built. He wanted to know if this was going to be allowed on the Webster property. City Planner Glasgow

stated that the rock crushing was allowed because they had to provide so much fill to make the property usable; they were engineering a fill. Incidental uses would be allowed, but mining is not and rock processing would not be allowed on the Webster property.

Commissioner Sieckmann advised that the Commission advise the Council that the Webster property is properly designated, as Community Commercial. The Commission could look at putting other restrictions or conditions on the property or in the zone if the Council so wished. Commissioner Kevin Johnson stated that this may not be necessary if the conditions were put into a Disposition and Development Agreement as previously discussed. City Attorney Doughman stated that it would all still have to be consistent with the codes. If something needed to be different than the code, then that would need to be addressed in conditions or restrictions.

Commissioner Sieckmann was concerned that any restrictions or conditions written into the deed would affect the pricing on the property. Commissioner Kevin Johnson was concerned that any changes made to the C2 zoning definition would affect every C2 zoned property in the city, and much of that is geared toward Portland Avenue.

City Planner Glasgow observed that there is merit to City Attorney Doughman's idea for putting the property out for an RFP, with a definition of how the city would like to see the property used. Other property had been sold successfully through the RFP process with satisfactory results. The Webster property could be sold the same way without having to address any of the restrictions or conditions to zoning or to a property disposition agreement.

Chairperson Stempel stated that she thinks the Commission can advise the Council that the property zoning is appropriate for the property, and that the Commission could delve into it deeper if the Council wishes. The response is appropriate at this time when asked to do something so broad and general. Commissioner McMahon stated that any changes at this time may change the value of the property, so it is better left alone at this time. Commissioner Sieckmann wants to make sure that the Council understands that the zoning is appropriate, but that the property comes with headaches like it is now.

Commissioner Kevin Johnson is concerned about a rumor that is going around that if the property goes up for sale, that the original owner has the option to buy the property back, and that zoning and deed definitions would revert to what they were when the City took ownership of the property. City Attorney Doughman said that there was a lot of speculation about what might have been said in judge's chambers during the law suits involved when the City originally obtained the property, but he had seen nothing in writing that said that Leahy could do anything with the property if he got it back. He saw nothing that would allow the property to revert to original zoning or conditions.

Commissioner McMahon asked if Leahy has the right of first refusal if the City decided to sell. City Attorney Doughman said that they would probably need to approach with the option, since the language is so ambiguous. However, Leahy would have to come up with the original \$3 million, plus 9% interest per year to recover the property – and the last appraisal of the property put it at about \$2.5 million.

*Chairperson Stempel was unsure about how the decision should be presented to the Council that the zoning is appropriate, and that the Commission could look into it further if the Council*

*so requested. Staff suggested that one of the Commissioners be at the Council Meeting to answer any questions that they might have. Assistant City Administrator said that she didn't know how City Administrator Boyce would want it communicated, so she would put it in a Staff Note.*

3. Discussion of Ordinance 1450 – Establish a Planning Pre-Application Conference Fee – City Council Requested the Planning Commission make a Recommendation to the Council:

Chairperson Stempel solicited explanation from the staff regarding this item. City Planner Glasgow stated that the county just bumped its pre-application conference fees to \$300 which is credited to the applicant when application is made. He is not convinced that the pre-application fee would be very effective, since pre-application conferences are so rare in Gladstone – most pre-apps are done over the phone or over the counter with just him and the applicant.

Assistant City Administrator Morishita told the Commission that the request was made by Sisul Engineering because they were doing pre-application conferences on behalf of the City; this present a problem, since the City has to pay when Sisul meets with someone. If the applicant does not follow through with the application, then the City is out the cost of the engineering fee. Discussion ensued regarding the necessity of the pre-application conference, and how useful it is.

Several questions were asked by the Commission about why Sisul is doing the pre-apps instead of the City Planner and staff. City Planner Glasgow explained that the players are different: when the applicant is asking for a County building permit, then Clackamas County Planning does the pre-apps. If the application is specific to the Gladstone, then only City staff is involved.

Commissioner Sieckmann admitted that he was confused about Sisul – are they contracted to do City planning? City Planner Glasgow explained that Sisul is contracted just like he is, where he is a contract planner, but Sisul is a public works planner.

City Attorney Doughman and Assistant City Administrator Morishita explained that the recent problem stems from a number of pre-applications for multi-family housing being made, then withdrawn, then reapplied – each one requiring consultation with Sisul because of the impact on water and sewer capacity.

Commissioner Sieckmann wanted to know if this proposed ordinance would be applicable to any pre-application meeting, not just with Sisul, but with all City agencies. City Planner Glasgow is concerned that the city would lose some of its flexibility, as has the county, because the county now requires pre-application on almost all of its applications, causing a huge workload. He thinks that any pre-application requirements should have enough flexibility in it to allow city staff personnel to determine if a pre-application meeting is actually necessary. Chairperson Stempel observed that \$300 could not cover the cost of the numbers of people that have been required at some of the pre-application hearings that she has attended.

Commissioner Kevin Johnson is concerned that setting a pre-application fee of \$300 may seem like a lot for someone who actually only needs about 5 minutes of time to have questions answered. City Planner Glasgow said that the County had set the fee to \$300 for a 50% cost recovery for the meetings. He also stated that if you formalize the process, that it will make

things less flexible, and that it would slow things up somewhat. He did say that it would help weed out those that were not serious about completing the application process.

City Attorney Doughman noted that the ordinance could be written in a way to allow the kind of flexibility to allow City agencies to do the pre-application without a formal conference. If a pre-application fee is applied, it can become problematic for the "5-minute calls" and it would seem quite unfriendly to charge someone \$300 before you are even willing to talk with them.

Commissioner Steve Johnson observed that the \$300 fee would help to reduce the frivolous applications.

Commissioner Kevin Johnson wanted to know what determined the difference between a major and a minor. He thinks the definition is backward, and should be stated as "What is not minor, is major." If written as such, the Commission would only have to define the minor applications then anything that does not fit the "minor" definition would be a major. Commissioner Sieckmann reiterated the need for defining the minor.

Discussion grew regarding the need for flexibility in the pre-application requirements, to avoid fees and to expedite the processes.

Commissioner Sieckmann bought up the need for defining "minor" again to make sure that the minor applications are well defined, and that the major items would be any that was not defined in the minor definition.

City Planner Glasgow did a short review of the "minor" things that he does, reflecting on the questions that he answers on a daily basis. He illustrated his point by setting a scenario in which he would stop the process to charge a fee before answer further questions if the fee structure was made without flexibility. He illustrated the point again by sharing how the County had become way too cumbersome with required pre-applications for nearly everything.

Chairperson Stempel asked how he would word the ordinance so that it would allow the flexibility. City Planner Glasgow acknowledged that the County ordinance already had the proper wording to allow the flexibility, but that it was not being used properly. Commissioner McMahan suggested that the pre-app be defined by the number of City staff that involved in the pre-app conference.

After Commissioner Sieckmann reiterated the need for defining the minor pre-apps, he stated that Commission also needs to establish a process for determining for controlling the pre-apps and determining who would be involved. With so many agencies involved and unaware of each others pre-app conferences, it is possible for one applicant to have several pre-app conferences with the different agencies. He wants to make sure that the process and communications are in place to get the applicant to the correct agency for the pre-application meeting. Chairperson Stempel interjected that we need a gate keeper and concurred that someone needs to determine if a pre-application conference is needed and who should meet.

City Attorney Doughman concurred with the Commission that fees are warranted in those meeting where several of the staff needs to be present for a pre-application conference, but not necessary for those conferences that can be handled in a phone conversation or over the

1-5

counter. City Planner Glasgow sees no problems with the way that the ordinance is written, since it contains no definition for a pre-application conference.

Commissioner Kevin Johnson asked if there was another way for applicants to get the answers to their questions on those matters without having to go to Sisul. Chair Stempel suggested they should go to City Planner Glasgow, who then admitted that he was not that kind of engineer, and he would typically defer questions like that to another agency or staff.

Discussion within the Commission and Staff indicated that they are in consensus regarding the need for having Pre-application fees for those applications that require addition staff and agencies to be involved, but no fees for those pre-applications that can be handled one-on-one across the counter or phone.

When City Planner Glasgow asked if the Commission wanted a point person for pre-application requests, Chairperson Stempel affirmed it. City Planner Glasgow suggested that the role be appointed to the City Administrator. Commissioner Kevin Johnson remarked that he does not understand how applicants can buy a piece of property and expect someone else to do their engineering. City Attorney Doughman answered that much of the pre-app meetings with the city are less engineering, and more exploratory in nature – trying to find what the City already knows.

Chairperson Stempel explained that in her experience with pre-application meetings with the county, there is usually little engineering; it is more about evaluating the application then generating checklist to let the applicant know what other steps they need to take, what documentation they need, and what may still be needed to complete the application. It is not engineering the project; it is more related to the paperwork part of it (administration). She says that we should never have Sisul engineering a project.

Commissioner Sieckmann reiterated his position on defining the minor projects then was concerned that the ordinance does not state what happens when the application moves forward – is the fee applied to the actual application. Chairperson Stempel believes that the fees should be kept separate because the County does the permitting for the City, and the County is collecting its own fees. The pre-application fees would be used to recover the costs to the City for doing pre-application conferences, separate from that which the County draws –two separate entities.

Commissioner Sieckmann wants a process, or a point person, to direct the applicants to City Planner Glasgow, or direct them to the proper agency, and determine if there will be a fee, and if so, how much should the fee be.

Chairperson Stempel stated that she does not believe that the Commission is ready to make a decision on the ordinance. Commissioner Sieckmann thinks the Commission needs to work with staff to work out some of the specifics of the ordinance and determine who the point person should be before presenting it to Council. There may be issues that the Council had not thought about, and that Staff may be able resolve some of the issues before making the recommendation to Council. Commissioner McMahon concurred.

*Assistant Morishita suggested that she present the ordinance and summation of the commission's discussion/questions to the City Administrator. After the staff has a procedure which he approves, she will return it to the Commission for their comments.*

City Planner Glasgow states that the City and County work well together, and that the communications is great between the agencies.

Chairperson Stempel noticed that in the Pre-application Conference Sheet, there was a clause that indicated a need for the "location of existing trees, recommend a tree survey." The City does not have any tree requirements, so is this clause necessary? City Planner Glasgow recommended that the clause be changed to read "...location of existing vegetation," and drop the part about the tree survey.

4. Work Session: Gladstone Code Review:

Chair Stempel stated that since she missed a couple of meetings, she would defer to Commissioner Sieckmann to lead the work session. City Planner Glasgow acknowledged that he also missed the last meeting, but he had researched what some of the other cities had done about Clear Vision, and that the results varied widely.

Chairperson Stempel stated that she like the way Milwaukie developed their Clear Vision document. City Planner Glasgow said that he believed the sight lines should be a 20 foot triangle from the edge of the street right of way so that it takes into account any future expansion of the roads.

Commissioner Sieckmann referred to page 4-27 of the packet and cited that the example there from the City of Gresham was well written – very short and straight to the point. City Planner Glasgow concurred and pointed out that it varied depending on the classification of the road which adds some complexity, but that it included drawings to illustrate the points properly.

Commissioner Steve Johnson wanted to know how this compares to the City's own standards, and do we have problems with our current standards. Chairperson Stempel stated that the City's current standards are confusing, and that we are looking for something that would be simple. City Planner Glasgow explained that the current standard is very simple in concept, but difficult to share. He illustrated using a diagram from the Gresham plan. He added that the City Attorney may be interested in Section 8, under Nuisances, because it also involves Clear Vision. Discussion ensued about why it would be in both sections of the plan.

City Attorney Doughman said that he would talk with Sean about the inclusion of the Clear Vision stuff in the Nuisance section. Commissioner Sieckmann referred him to the location within the code at Section 8.04.140.

City Planner Glasgow held up an example of what the Commission is going with, but said that he did not like the text. The text that he would like to use is the examples that he provided in the first two pages of the Clear Vision drafts. Chairperson Stempel said that the example is fine, but she would like to see the something like the graphic from Gresham 9.02.02 inserted in it.

Commissioner Sieckmann preferred the second option, but it had 30 inches stated, and it also omitted railroad. City Planner Glasgow read an example that set the Clear Vision standard from



30 inches to eight feet. City Attorney added that the current line reads “eight feet above the intersection.” While reading through the article, City Planner Glasgow observed the numbers were kind of arbitrary. Commissioner Sieckmann stated that it was between three feet and eight feet.

Chairperson Stempel changed her document, removing 30 inches, changing it to 3 feet. City Planner Glasgow liked the three foot height since it agreed with the 36 inch fence height requirement.

*The Commission reached consensus and decided to move the new code forward. City Planner Glasgow made sure that he had the correct plan with which to continue. Chairperson Stempel acknowledged that it was correct – the Gresham one.*

**Chairperson Stempel introduced the next topic as Noise Control on page 4-30 of the packet.**

Commissioner Sieckmann stated that they had only made a couple of changes to this code, one of which the Commission had added a Table of Noise Standards, from the ORS codes. On page 4-37, they had taken out “City Council” and put it under the jurisdiction of the “City Administrator.” He said that he and Assistant City Administrator Morishita and done a more thorough review of the code after the May planning session, to amend all of the occurrences of “City Council” to “City Administrator” so that the document stayed consistent. They had also changed the “Chautauqua Festival” to “special events.” They now have a Special Events Permit to cover all incidences.

Commissioner Steve Johnson asked why the City allowed outside paging in this day and age – why is outside paging allowed at all? It seems that the auto lots do an excessive amount of outside paging. The schools also do outside paging, but it is more confined and necessary. City Attorney Doughman stated that it is something that they can take a look at. Commissioner Steve Johnson continued that modern technology affords us with better ways of communicating with staff in the lots than shouting into a paging system.

Chairperson Stempel concurred that the outdoor paging is something that should be further studied. She solicited for response regarding what action should be taken.

Commissioner Sieckmann had a question regarding 4-36, just be low the table. What is GMC Section 8.12.070(5)? He also wondered why we allow refuse collection at 4 a.m. City Attorney looked up the statute and could not find it, only finding evidence that the section may have been eliminated in 1983 or 2002.

*Commissioner Sieckmann proposed that the Commission approve the changes that they had made to the code, and that staff looks into correcting GMC Section 8.12.070 (1) (f) to eliminate the reference to GMC 8.12.070(5) or add the section into the GMC.*

*He also stated that the staff could come back with something on paging next month. He explained that they are approving the changes that have been made so that the Commission can move on without having to address them again.*

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Commissioner Steve Johnson addressed Section M on page 4-34 regarding animals. How were the numbers here established – regarding the noises for 10 minutes if the animal is being provoked? There was a discussion regarding the definitions of provoked, continuous noise by a dog or guard bird, and why this number was set. City Planner Glasgow says it is like having a burglar alarm; as long as the burglar is there, the noise can continue. Commissioner McMahon wants to know how this code is even enforceable.

The discussion moved to code enforcement and who was responsible for enforcing noise code.

*Chairperson Stempel stated that the County is responsible for the enforcement – the City pays them to do so. She suggested that they leave the code as is, then solicited for agreement. Commissioner Steven Johnson agreed that the problem lies in code enforcement, a discussion which is outside the scope of the work session.*

Commissioner Sieckmann solicited for anyone having problems with the edits that are in the packet. He declared that there would still be two things about noise to discuss next month (September), including Amplified Noise and a reference to Phantom.

**Chairperson Stempel directed the Commission to Section 8.04 (Nuisances), section 4.48.**

Commissioner Sieckmann stated that the edits that he had were in taking the control out of the Councils hands, and bestowing it to the courts. City Attorney Doughman said that he had a couple of items that did not get put into the packet. One was the clarifying of the cost issue in abating a nuisance (referring to 8.04.180) (then he passed out pages to the Commission). Chairperson Stempel said that it looked great.

Referring to the handout, Commissioner Sieckmann asked the city attorney, in regards to (c) for an explanation of what would happen after someone filed a notice of objection with the City Recorder. Chairperson Stempel explained that it was defined in the complete document, that the handout contained only the change. City Attorney Doughman explained that a court would hear any objection.

*Commissioner Sieckmann solicited for agreement with the edits in the packet that City Staff did under the direction of the Commission and with the city attorney's change to abatement cost in accordance with the handout. The Commission had consensus.*

Commissioner McMahon referred the Commission to the hedge issue on the first page of a packet that he held up. He said that they had talked about it two months earlier regarding the heights of hedges between houses that run all the way to the sidewalk. Is there a requirement? City Attorney Doughman explained that he went with the definitions that were already in the code that defined board fences, walls, or evergreen hedges that restrict vision by as much as 80%. He said that for Clear Vision at the front of the house, anything that applied to a fence or a wall in the code would also apply to a hedge, eliminating the need for another definition.

Commissioner Steve Johnson wanted to know what the allowable height was for a hedge that runs from the front of a house to the street on a non-corner lot. Answer: 3 feet.

City Attorney Doughman wanted to know when the 3 foot standard had been set for fences and hedges at the front of the house. City Planner Glasgow explained that it had nothing to do with

Clear Vision except on the corners. It was a matter of livability standards to make and keep an open environment.

Commissioner Steve Johnson explained that hedges are categorized with fences, but trees are exempt and they can be as tall as desired. Commissioner McMahon concurred, because trees are not sight obscuring.

City Attorney pointed out that hedges that were planted and were taller than six feet when the code went into effect would need to be grandfathered in as a protected, non-conforming use.

Commissioner Sieckmann asked if fences and hedges could be taller than 3 feet in the back yard. City Attorney Doughman read a section of the code that stated that fences and walls not subject to the front line can be taller than 6 feet. Commissioner Sieckmann argued that, the way it is written, the hedges in the back yard would fall under the same guidelines and would be considered with the walls and fences. He suggested making it 3(a)(i) and putting it right under article 3, then it would apply to the back yard.

*Chairperson Stempel asked if the city attorney would bring that back for review in the next meeting.*

Commissioner Steve Johnson wants to know why the Commission is concerned with hedges at all. Commissioner Sieckmann explained that hedges could isolate houses and take away the open feel of a community just like fences can. Group discussed views about hedges and fences in the front of the house and along a street facing sidewalk.

Commissioner Kevin Johnson wants to know how the height restriction is applied when two houses are set back at different depths. City Planner Glasgow explained that the height is measured to the front of the house on the same property – it depends on who owns the hedge.

Commissioner Sieckmann suggested that they keep the fences, walls, and hedges at the front of the house at three feet to maintain livability and open feeling. Commissioner Kevin Johnson challenged regarding whose livability we are talking about; the person that owns the house may want more privacy and desire taller hedges. He also challenged the Commission to look around the neighborhood and see how many houses already have hedges that are taller than three feet.

Commissioner Steve Johnson requested a picture or drawing of what the Commission is looking for if they are going to table the issue for now. Discussion ensued about what kind of picture or drawing is needed.

Question was asked how this would apply to corner lots. The same thing would be applied for livability, but Clear Vision would apply for sight lines.

*The hedge code is tabled to allow the commissioners to drive around town and take a survey of the existing fences, walls, and hedges before making decisions about the hedge height code and enforcement.*

Commissioner McMahon asked if the Commission is getting us a new bridge. Chairperson Stempel said that she needs to talk to City Administrator Boyce about it. The County and the Metro need to talk to City Administrator Boyce to change some of the wording on the grant to

include a potential donated bridge instead of just an existing bridge. They need to talk to City Administrator Boyce and get his okay, but they have been unable to get hold of him.

*Chairperson Stempel said that she would provide Assistant City Administrator Morishita with a list of items for the next meeting and copies of the applicable codes that they will be discussing.*

**Adjourn:**

Meeting was adjourned at 9:05 p.m.

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

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





MINUTES OF GLADSTONE PLANNING COMMISSION MEETING - August 19, 2014

Meeting was called to order at 7:00 PM.

**Roll Call:** The following city officials answered roll call: Commissioner Michele Kremers; Commissioner Kevin Johnson; Commissioner Steve Johnson; Chairperson Tammy Stempel

**Absent:** Commissioner Kirk Stempel; Commissioner Pat McMahon; Commissioner Kim Sieckmann.

**Staff:** Jolene Morishita, Assistant City Administrator; Davis Doughman, City Attorney; Clay Glasgow, City Planner.

**Resignation of Planning Commissioner and Vice Chair, Kim Sieckmann:**

Chairperson Stempel acknowledged former Planning Commissioner Kim Sieckmann. Kim Sieckmann, 145 W. Dartmouth, tendered his resignation as Planning Commissioner and thanked the members of the Planning Commission and staff, then acknowledged his pleasure of having worked with them for the past 13 years as a Planning Commissioner. Chairperson Stempel wished him good luck on his new position on City Council.

**Nomination and Election of Replacement Vice Chairperson:**

*Chairperson Stempel noted that it would not be fair to the absentee commissioners to nominate and elect someone to the position in their absence. She suggested that this item be deferred to the September meeting of the Planning Commission. The Commission and staff agreed.*

**Correspondence:**

None

**Consent Agenda:**

None

**Regular Agenda:**

1. Discussion of Gladstone Booster's Request to Be Able to Install Banners as an Code Exemption in Right-of-Way on Existing PGE Poles

City Planner Glasgow deferred the wording of the request to the Gladstone Booster Club, then noted that their request to hang banners in the right-of-way could not be done because of the wording of the City of Gladstone Sign code. The signs do not meet the requirements of several sections of Chapter 17.5.2 signs of the Gladstone Municipal Code. He explained that the City would have to write some sort of text exemption to the code in order for the request to go. He deferred further comment to City Attorney David Doughman.

City Attorney Doughman explained that he agreed with the City Planner's assessment of the situation, then went on to explain that sign regulation in Oregon is extraordinarily tricky. The Oregon Constitution prohibits the examination of the contents of the message on such banners/signage. Therefore, it is necessary to judge the signs by other factors

then consider that any exceptions that they make for one applicant must be applied to all other applicants.

Karla Schumaker, booster member at Gladstone High School, introduced Jessica Carl and Mike Wou, also members of the Booster Club, and Natalie Osburn, Principal at Gladstone High School. She explained that the banners were like those being used in several spots in Oregon City advertising their farmers' market. She addressed the problem in which the signage may break code regarding public right-of-way. She believes that they may have a solution if the City is willing to work with the school district.

City Planner Glasgow explained that he had received an email from City Administrator Pete Boyce regarding the Boosters response to the sign code. He said that he found several things that did not fit the sign code, (1) being in the public right-of-way, (2) specific prohibition about attaching signs to utility poles, and (3) dimensional standards that are not met.

Karla Schumaker pointed out that there is an exception on the public right-of-way if it is a government owned sign. She asked that if the city partnered with the school district, is it possible to make an exception. City Attorney Doughman asked for clarification of the role of the Boosters, since his understanding of their role is that it was a private organization that worked on behalf of the school. Karla Schumaker explained that it was the Boosters' goal to enhance the facilities and the sports activities. City Attorney asked if the signs that were made by the Boosters would actually become property of the school district; if so, the signs would be the school district's property and, regardless of the textual information, display on school property could be achievable – it really goes to who owns the speech. Karla Schumaker explained that the signs would start on the poles next to the softball fields and go all the way to the parking lot.

Chairperson Stempel noted that she had called PGE regarding placing signs on their poles, and had been given to understand that they would not allow it. She did admit that she might have been asking the wrong question. Karla Schumaker explained that they had obtained the pole numbers and filled out written request for permission to put the signage on the PGE poles. She is wondering as an alternative if the banners could be classified as flags instead of signs, so that they can be considered under another city ordinance. She pointed out that there were several examples of signage infractions around the area where they want to put their banners.

City Attorney Doughman explained that they had faced these issues before and heard about the infractions; the problem is enforcement. The sign codes were written to make them defensible after lawsuits resulted in billboards along I205 freeway. Regulating the signs by their content and purpose is a violation of the Oregon Constitution. It is inevitable that almost every block has a violation.

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Karla Schumaker states that she believes that the signs would beautify the area down there, draw attention to the spirit that we have down there, and draw attention to the school zone. She states that she had seen them on universities and other businesses.

Chairperson Stempel pointed out that many of the signs that Schumaker was observing were probably on private property, and not in the public right-of-way. The Commission cannot be selective about where it gives exemptions for signage, if they elect to do it there, they have to be willing to do it everywhere.

Commissioner Kremers asked why the signs had to be placed on the poles along Portland Avenue. Why can't they just be placed on the poles that the school owns – those in the school parking lot? Karla Schumaker responded that the other poles are part of the backup plan – they just would not have the impact as they would on the poles along Portland Avenue. Commissioner Kevin Johnson pointed out that on the football side, there are no poles on which to hang banners, they would have to be hung on the light poles. Karla Schumaker stated that they have no plans to put any of the banners along the football side.

Commissioner Steve Johnson asked how this would affect the enforcement of the sign codes along McLoughlin Boulevard if the exemption were created for the signs along Portland Avenue. How would allowing this affect enforcement? Would it set a precedent that they would have to deal with?

City Attorney Doughman explained that the basic answer is yes – it would set precedence. He also needs to know if all six of the poles in reference are in the public right-of-way, because it presents a whole different set of perspectives if any of the poles are on school district property. But allowing any signage on the public right-of-way by a private group would set a precedence that could be challenged by any other special interest groups, which is what he had assumed about the Booster Club when he first examined this. If the school district had ownership of the signage, it presents yet another set of circumstance. If the signs are owned by the school, and all other codes are met, then he does not see where it would cause an impact by others wanting to do the same thing. If the commercial lots have infraction after infraction, then having these signs up under some set of criteria would probably not undermine that. Commissioner Steve Johnson observed that having all of the "i"s dotted and "t" crossed would make it so that they can enforce those commercial sign codes. Commissioner Kevin Johnson pointed out that it would be necessary to stay within the size criteria – he would not want to have to make exceptions for the size. Chairperson Stempel concurred that they would want to do as few exceptions as possible.

Commissioner Kevin Johnson questioned that since this is a government entity, we don't have to worry about a private or commercial enterprise coming in and asking for the same thing. City Attorney Doughman stated that they could still ask, but the answer would be no.

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City Planner Glasgow, questioned as to whether these signs could be called government owned, since the intent of that section is based on another section of the code which specifically calls that out for institutional uses, in which he feels the school fits. Those are dealt with in Section 17.5.2.090 under signs and residential zoning districts. Section 17.5.2.090, sub 5, Commercial and Institutional Use Standards has a specific list of dimensional standards and that kind of thing for institutional uses, approved as either a conditional use or as a non-conforming use.

Karla Schumaker questioned again if that would apply if the City took part ownership of the signs. Commissioner Kevin Johnson injected, "Of the City, and not just the school district." City Planner explained that this brings it back to him as an intent issue in which government signs are meant for regulatory purposes, such as speed limits, and stop signs – the typical signs that you see, not for a school. Commissioner Kevin Johnson questioned how that pertained to Christmas lights and signs put up on PGE poles at Christmas time. City Planner Glasgow explained that those fall under a separate section as temporary usage. Karla Schumaker argued that these signs could be classified as temporary usage, and that the Booster Club could move the signs (rotate them) around occasionally to make sure that they remained temporary.

City Planner Glasgow explained that there is one of two ways of dealing with this if the Boosters wanted to pursue it. You (the City) can replace the code in a whole mess of places or you can simply stamp schools can do whatever they want – that means the school district can do this specific series of signs; school districts, the city, the Booster Clubs, or whatever somehow associated with the school or the city can do that. That would be the cleanest way – just put a phrase in the code that addresses this particular type of sign. Otherwise it gets into the dimensional standards and intent, and that will come back and bite you when someone comes along and wants to put commercial signs up. We have to be so careful because you get into freedom of expression issues, which gets in to constitutional issues which you cannot violate. If you start limiting or allowing the placement of signs based on content, you will lose – it is just a matter of when. City Attorney Doughman concurred with City Planner Glasgow, that it could be handled with a specific clause for the school or the city. But he would be worried without having this in some kind of very descriptive sign code.

Commissioner Kevin Johnson asked if we would have fewer problems or the same problems if the city took over the signage. City Attorney Glasgow concurred with the City Planner's suggested resolution and concerns about the issue. He sees where this application of signage falls under "institutional uses that are non-conforming uses or that are approved as conditional uses in residential zones." The requested application is both of those. Karla Schumaker referred to the email that had been sent to the City Planner, and she believes that they had addressed all of the code issues. City Planner Glasgow apologized that he had not had time to study the email response because he got it so late in the day. He pointed out that under exemptions even for government owned or maintained signs in the public right-of-way, the following signs do not require a sign permit, but must otherwise conform to this chapter standards, so the Booster Club still has all of the dimensional stuff to deal with, which includes number and size. They are

immediately in violation of the code, because they go over one sign and over five feet of size on the sign. City Planner Glasgow said that he was originally hoping that the City Council would just approve the request, but they had referred it back to the Planning Commission for approval. He said that he saw the problems when he compared it back to the sign code – and this is a really well written sign code.

City Attorney Doughman acknowledged that it seemed that all of the Commissioners would like to be able to put the signs up along Portland Avenue, but the current code does not allow that. Chairperson Stempel agreed, but said that when she called PGE, the answer was, “No.” Karla Schumaker asked that if PGE did not give them approval, are there restrictions about putting the banners up in the school parking lot? City Planner Glasgow says that the short answer is, “no,” but there are still dimensional restrictions, including number, size, and height. Karla Schumaker asked if there would be restrictions on 6 each 24 in. by 36 in. signs. City Planner Glasgow said that they could have them on a temporary basis, but that they would have to be rotating them.

Commissioner Kevin Johnson asked for clarification if we can make this happen somehow if PGE agrees? City Attorney says yeah, if PGE agrees, but it will take some creative thinking. Karla Schumaker expressed that she was hoping that they could have the banners hung by the first football game. City Attorney Glasgow explained that was not likely to happen, since they would have to change this code; this would be a long process and the Planning Commission does not meet again until September 16. He also explained that they would have to notify the state, and that it would take an additional 35 days before they held their hearing. Even after the Planning Commission makes their recommendation, the Council would still have to adopt it, so they would be looking late into the fall before the request could be approved.

Commissioner Kevin Johnson asked if, technically, the signs could be put up for one night, then taken down. City Attorney Doughman replied, “Technically no.” He explained that they cannot put signs on any utility poles. Commissioner Kevin Johnson asked if they could put the signs up if they did not use the PGE poles. City Planner Glasgow stated that, the way he was reading it, they could put up two signs and that they would have to be moving them around from pole to pole. Commissioner Kevin Johnson asked if they could put all six of them up for one night. City Planner Glasgow stated that it would constitute a sign code violation.

City Planner Glasgow challenged why PGE would allow anyone to put signs on their poles. City Attorney Doughman responded with, “Excellent communications.” Karla Schumaker also replied that PGE did require the insurance. The policy is a \$2 M policy. Even if they didn’t have the insurance, it would fall under the schools insurance. A discussion ensued between City Attorney Doughman and Karla Schumaker about when she expected to have a response from PGE, when had she filed the request, and with whom she had been working at PGE. He expressed that if PGE does not approve the request, it would not be of value for the Planning Commission to pursue code changes to allow the signage. If they do approve the usage of the poles, he and the City Planner could meet to figure out which avenue to take for the signage.

City Attorney Doughman sees the approval of the request may cause problems. If granting, would it be providing equal treatment or equal protection? Would it appear to be treating one party favorably while treating everyone else by a different set of rules? He suggested that she get the answers from PGE then contact City Planner Glasgow. Karla encouraged the staff to look over the paperwork to see what can be done.

Commissioner Steve Johnson asked if the sign code was fairly modern. City Attorney Doughman said that it was about 10 years old and fairly modern. He also asked how Oregon City could get away with allowing this kind of signage in their city. Chairperson Stempel replied that Oregon City owns many of their utility poles. City Attorney Doughman asked if they were utility poles or light poles, because the light poles are definitely owned by the city. He said that he would check on that because he knew the lawyer in Oregon City very well.

Discussions ensued between Karla Schumaker and Commissioner Kevin Johnson, and between City Attorney Doughman and Chairperson Stempel regarding who had been contacted at PGE, and if Karla had been referred to the right person. Chairperson suggest that if he has trouble, that Karla Schumaker should contact Paula Conway of PGE – she is their PR person.

Karla asked where we go from here. Chairperson Stempel responded that they need to wait for PGE to make sure that they can move forward. Commissioner Kremers suggested that the Boosters could still hang temporary signs for the football games, one at the entrance, and one at the exit. Karla Schumaker replied that they do not have the banners yet.

### **Regular Work Session, Gladstone Code Review:**

#### Clear Vision:

Chairperson Stempel referred the Commissioners to a synopsis from the previous meeting. Commissioner Kevin Johnson asked about the final sketch of that they were supposed to have received. City Planner Glasgow provided the Commissioners with a copy of the draft for discussion.

Chairperson Stempel congratulated City Planner Glasgow on his fine artwork in the plans. After looking over the plans, Commissioner Kevin Johnson raised a question about the fences and hedges. City Planner suggested that they already have limitations on fence height around the front of the house at 36 inches. Chairperson Stempel reminded the commissioners that they had been discussing whether they were going to include hedges and plantings in the 36 inch limitations along with the fencing. She explained that the Clear Vision articles were fine, it also included Clear Vision requirements regarding the driveways. City Attorney Doughman reminded them that several of them were going to drive around to make observations regarding the hedge and fence heights around the City. Chairperson Stempel reiterated that the Clear Vision requirements were fine, that the focus now needs to be on the heights of the bushes and planting at the front of the houses.

H7

Commissioner Steve Johnson states that he believes the focus needs to be on Clear Vision at intersections. Commissioner Kevin Johnson asked if driveways had been in the codes before. City Planner Glasgow pointed out that the driveways are one of the more critical areas, since drivers are always backing out. Commissioner Steve Johnson stated that the fences had been included, but not the plantings. Driveways had not previously been included in the descriptions – they had been included for fences, but not for plantings. City Planner Glasgow said why worry about them except at Clear Vision areas. If you do, then you have to start worrying about limiting trees – what is a hedge? Commissioner Kevin Johnson asked for a better definition of a hedge – is it a tree, or one specific kind of bush? City Planner Glasgow clarified that they were talking about only the hedges in the front yard.

Chairperson Stempel stated that for the hedges that she observed around the city, about 74% of them were already trimmed below 36 inches. She acknowledged that 26% is still a big number for those that were taller. Commissioner Kevin Johnson observed that from Webster, coming over to Las Verdes coming over toward his house that there were eight to ten homes in violation. A couple of the commissioners admitted that they would also be in violation. Commissioner Steve Johnson stated that he let his grow to cover the unsightly junk cars parked in his neighbor's driveway. He believes that neighbors should be able to grow their plantings to cover up eye sores – such plantings have definite value. He also stated that he had serious concerns about code enforcement. He reiterated that, for that reason, the Commission should concentrate on intersections, and not worry so much about the driveways.

After discussion, Chairperson Stempel suggested that they leave the hedge codes for the front yards as they are written.

Commissioner Steve Johnson asked if the driveway part of this was already in the Gladstone Municipal Code for driveways. City Planner Glasgow pointed out that it was in the example that he had written up. City Attorney tried to find it in his copy of the code, referring to Section 17.5.4. They found no mention of a driveway, other than the exception for one who services eight or more cars. It only mentioned intersections and railroad tracks. Commissioner Kevin Johnson questioned whether they are trying to address a non-existing problem. Chairperson Stempel believes that the problem exists, but the person who could answer the question is not present. She said that she could ask for statistics from the police department. City Planner Glasgow said that he believes that the information is pretty available from the IT manual. He also noted that several of the other districts with whom he works have driveways listed in their code. The City of Gresham, who he used as an example, has a 10 foot requirement on driveways for Clear Vision.

Assistant City Administrator Morishita asked if the Commission wanted her to get feedback from Code Enforcement for the September Planning Meeting. Chairperson Stempel affirmed it.

#### Noise Control:

Commissioner Steve Johnson asked if they were going to discuss outdoor paging. Chairperson Stempel said that they had decided not to pursue that further in the code, but they were having the city attorneys look into what other municipalities are doing about it. City Planner Glasgow stated that the police can enforce the noise restrictions using a decibel meter. City Attorney

Doughman said that Sandy has a defined noise control policy, but they have not issued citations for a very long time.

Commissioner Steve Johnson stated that he believes that outdoor paging should be banned, since mobile device provide such good contact abilities now. He believes that a ban would make the city more livable. City Attorney Doughman suggested that they approach those establishments that use outdoor paging to see how they would be affected by a ban.

*Chairperson Stempel wanted to table the issue until there were more people to provide feedback and input on the issue.*

#### Chronic Nuisances:

Commissioner Steve Johnson said that he would like more time to review the statute. Commissioner Kevin Johnson asked what they are trying to do with the last two items (Chronic Nuisances and Zoning Districts). Chairperson Stempel explained that they were to clean them up, just like they had done to the others. This is just the next natural progression to get things done.

Commissioner Kremers asked if perpetual garage sales were a chronic nuisance. Chairperson Stempel replied that they can be. They both referred to one that was being conducted out on Oatfield. Discussion ensued between the Commissioners.

#### Zoning Districts:

Chairperson Stempel explained that they have home constructions going on around the city (currently 3), and that she is getting lots of questions from people who may be concerned about some of them. The City Planner suggested that they were going to get three more houses soon. Chairperson Stempel stated that she is getting quite a few questions about the one being built on Oatfield, right off of Ridgegate – Matt Green-Hite’s property. City Planner Glasgow explained that the new structure is a duplex in a bulbous little cul-de-sac, and Green-Hite’s property and the duplex would be using one driveway, along with the duplex traffic that is already on the cul-de-sac.

Chairperson Stempel was a little concerned that the Planning Commission had not been notified about the new construction. She stated that she remembered that they had an agreement with the City Planner to be notified when new construction was to begin. City Planner Glasgow promised to redouble his efforts to make sure that the Commission was notified when new construction is scheduled.

City Planner Glasgow told the Commission that Les Smeltzer would be coming in with three new single-family dwellings where they had approved the partition about six to eight months ago, and that they would stick out and would be extremely visible when you are coming across the bridge. They are going to be very tall houses just down the road from Walgreen’s.

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Chairperson Stempel said that she also heard rumor about the Arlington/Portland Avenue lot. City Planner Glasgow explained that it was still only rumor – they are not ready for any kind of construction and engineering has not been done.

She also stated that she thinks that it is time to set some kind of design standard for Portland Avenue in the hopes that when someone decides to start the redevelopment, we would have something in place to guide it. She wants the City Planner to consider the design standard because the timing is right. Commissioner Kremers observed that there had been some new construction on Portland Avenue and she would also like to see some design for the area. Chairperson Stempel noted that there were little pockets that are starting to improve, and she would like to see something that would kind of “brand” the city.

Commissioner Steve Johnson asked if the Chairperson had some specific example in mind. City Planner Glasgow gave examples of the design plans by Sisters and Molalla, who is adopting a sort of Western theme. He feels that Gladstone has a unique opportunity to because Gladstone is such a residential city, yet it has that mixed use strip that makes it a Mayberry type downtown area.

City Planner Glasgow would like to see more effort spent on the C2 and C3 zoning laws to improve the image of the city. Since you have the Portland Avenue plans from David Evans and Associates as a starting point, just work off that and decide what you want the city to look like.

Commissioner Steve Johnson stated that he is interested in seeing more so that he can get an idea of what she has in mind.

The Commission decided to postpone any further discussion regarding Zoning and Chronic Nuisance.

**Adjourn:**

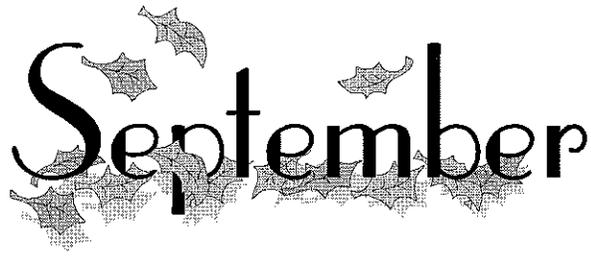
Meeting was adjourned. No time given.

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

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

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The word "September" is written in a large, black, serif font. The letters are partially obscured by a cluster of stylized, grey, textured leaves and branches that appear to be layered behind the text.

September

**REGULAR AGENDA**



# City of GLADSTONE

## STAFF REPORT TYPE II PARTITION

FILE NUMBER: Z0319-14-M  
APPLICANT: Mathew Green-hite  
DATE: September 9, 2014

### I. GENERAL INFORMATION

- A. PROPOSAL: This is a request to divide the subject property (approximately 0.39 acre) into two (2) parcels.
- B. LEGAL DESCRIPTION: T2S, R2E, Section 17CA, Tax Lot 20202
- C. SITE ADDRESS: 17940 Oatfield Road
- D. LOCATION: east side of Oatfield Road, north of Ridgegate Drive.
- E. ZONING DISTRICT: R-7.2; Single-Family Residential
- F. COMPREHENSIVE PLAN DESIGNATION: Low Density Residential
- G. SITE INFORMATION: The subject property is approximately 17,000 square feet in size with a single family residence in place.
- H. VICINITY DESCRIPTION: This part of Gladstone is generally residential in nature.

### II. FINDINGS AND CONCLUSIONS

This application is subject to Chapter 17.10, R-7.2 – Single-Family Residential District; Division III, Chapter 17.34 Partitions; and Division IV, Development Standards of Title 17 of the Gladstone Municipal Code (GMC).

- A. Subsection 17.10.050 of the GMC identifies the dimensional standards of the R-7.2 zoning district. The proposed lots are shown as satisfying the minimum lot size of

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

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

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

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

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

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

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

7,200 square feet. Other use and dimensional standards will be applied upon residential development.

**This criterion can be satisfied.**

- B. Chapter 17.34 of the GMC establishes the submittal requirements and administrative process applicable to partitions. The applicant either has or can comply with these provisions.

**This criterion can be met.**

- C. *Pursuant to Chapter 17.50.020 of the GMC, curbs and sidewalks are required on at least one side of a public street.* The two (2) proposed parcels are shown as sharing a driveway, along approximately 44 feet of road frontage. Frontage is along an unusual half cul-de-sac along Oatfield Road. No comments have been received from Public Works as of this staff report. A condition of approval will require satisfaction of requirements of that agency.

**This criterion is met.**

- D. Chapter 17.48 of the GMC regulates off-street parking and loading. This section requires one off-street parking space per single-family dwelling. This requirement will be applied at the time when building permit applications are filed.

**This criterion can be met.**

- E. Chapter 17.50 of the GMC establishes requirements for vehicular and pedestrian circulation.

*Subsection 17.50.020 (1) Impervious Surface. Provide for the least amount of impervious surface necessary to adequately serve the type and intensity of proposed land uses within developments as well as providing adequate access for service vehicles.*

A shared driveway is proposed. This will provide for the least amount of impervious surface necessary to adequately serve the proposed uses. As of this staff report not comments have been received from either Public Works or the Fire District. Conditions of approval can ensure compliance with those agencies.

**This criterion can be met with conditions.**

*Subsection 17.50.020(2) Traffic Separation. Provide when feasible, a separation of motor vehicular, bicycle and pedestrian traffic.*

Shared driveway is shown, coming from the half cul-de-sac along Oatfield Road. Pedestrian facilities and a bike path are in place along Oatfield Road.

**This criterion is met.**

*Subsection 17.50.020(3) Curbs and Sidewalks. Provide curbs, associated drainage, and sidewalks within the right-of-way or easement for public roads and streets. As*

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noted, above, frontage is along an unusual bulb-out along Oatfield Road. Appropriate drainage, sidewalks etc. shall be as required through Public Works.

**This criterion is satisfied.**

*Subsection 17.50.020(4) Traffic Volume Expansion. Provision shall be made to accommodate any increased volume of traffic resulting from the development. If streets adjacent to or serving the site are inadequate, widening, dedication of property for future widening, or other street improvements may be required. The development shall be designed to minimize traffic volume increases on minor streets and underdeveloped streets. The proposed development will result in one (1) additional residential property. The Institute of Transportation Engineers Trip Generation, 6<sup>th</sup> edition manual estimates that single-family dwelling generates 10 one-way trips per day. There is no evidence in the record that indicates that the transportation system cannot accommodate additional traffic expected from this development.*

**This criterion can be met.**

*Subsection 17.50.40(1) establishes minimum right-of-way and roadway widths. Proposed private driveway is shown as 15 feet in width. This should be discussed. ts these standards at this location.*

**This criterion is met.**

*Subsection 17.50.40(14) Curbs and Driveway. Curb cuts and driveway installations shall be installed, according to City standards. A condition of approval shall require that future curb cuts and driveways to the individual lots be installed according to city standards.*

**This criterion can be met.**

*Subsection 17.50.40(15) Sidewalks. Sidewalks shall be installed on both sides of a public street and at any special pedestrian way within a development. The proposed access is to a fully developed public street.*

**This criterion does not apply.**

*Subsection 17.50.040.(16) Bicycle and Pedestrian Routes. Bicycle/pedestrian routes shall be required when consistent with Map 5 of the Comprehensive Plan and when necessary to provide a system of interconnecting walkways and safe, convenient access to a transit stop, or a school, park, church, day care center, library, commercial center, community center, or similar facility. Map 5 of the Comprehensive Plan identifies Oatfield Road as a bikeway at this location. Right-of-way width and road development is adequate to support this designation.*

**This criterion is satisfied.**

- F. Subsection 17.56 of the GMC establishes surface water drainage requirements. Any subsequent building permit proposal will be required to comply with the drainage requirements of the plumbing code administered by Clackamas County.

**This criterion can be met.**

- G. Chapter 17.58 of the GMC establishes standards for grading and fill and requires enforcement of Chapter 70 of the Uniform Building Code (UBC). The city contracts with Clackamas County for administration of grading permits. The county enforces its own Excavation and Grading Ordinance in lieu of Chapter 70 of the UBC.

**This criterion can be met.**

- H. Chapter 17.60 of the GMC establishes requirements for utilities. Adequate services exist at this location for the proposed use. New utilities, such as electricity, are required to be underground unless the utility provider prohibits this. Condition of approval will require that water and sanitary sewer improvements be constructed to Gladstone and Tri-Cities standards, respectively, that plans be submitted to those agencies for approval prior to construction and that utilities be developed in accordance with the requirement of Chapter 17.60.

**This criterion can be met.**

- I. *Chapter 17.64 of the GMC* identifies the design standards for land divisions. The proposed lots generally comply with the minimum lot width and depth requirements of this chapter. At 17.64.030(2) the code states that, a lot shall have a minimum frontage of twenty feet (20') on a street other than an alley. This is met as shown.

**This criterion is satisfied.**

Comments received in response to notice:

No comments have been received as of date of this staff report.

#### **IV. RECOMMENDATION**

Based on the above findings, and as modified through discussion by the Planning Commission staff recommends approval of this proposed partition, and further recommends the following conditions:

1. Compliance with Oregon Revised Statutes, Clackamas County Surveyor's Office and Clackamas County Clerk's Office requirements for completion of a plat shall be required.
2. The driveway for the new parcels shall be installed to city standards prior to final inspection of a building permit for each new lot. Curbs/sidewalks as required by public Works.
3. If required by Clackamas County's Excavation and Grading Ordinance, the applicant shall obtain a grading permit from the county for cut and fill on the subject property.

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4. All development shall satisfy requirements of the Gladstone Fire Department, to include residential sprinkler systems in each new home as discussed by the Fire Marshal.
5. Water and sanitary sewer improvements shall be constructed to Gladstone and Tri-Cities standards. Stormwater management as per City of Gladstone. Plans shall be submitted to appropriate agencies including WES for approval prior to construction.
6. Surface water issues relative to the new driveway and other improvements shall satisfy Section 17.56 of the Gladstone Municipal Code.
7. All utilities shall be developed pursuant to Chapter 17.60 of the GMC.
8. Prior to approval of the final partition plat, any required right-of-way improvements shall be installed and existing streets and other public facilities damaged during development shall be repaired or the applicant shall file a financial guarantee of performance in a form acceptable to the city attorney. The financial guarantee must be valid until the improvements are complete, as determined by the city.
9. Accessory structure on proposed Parcel 2B shall be removed prior to recording of final plat.



This map was prepared for  
assessment purpose only.

D.L.C.  
FENDAL CASON NO. 50

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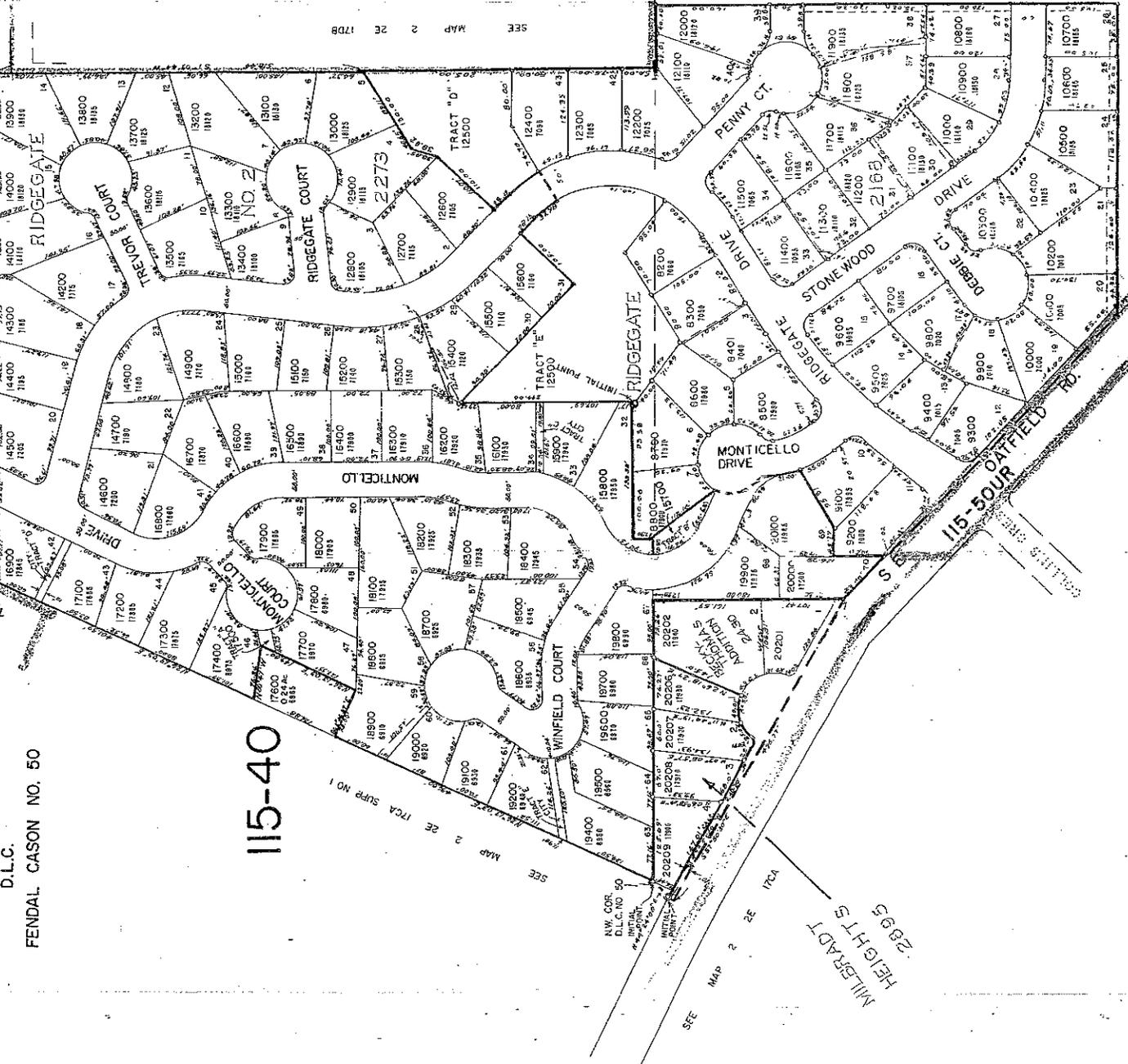
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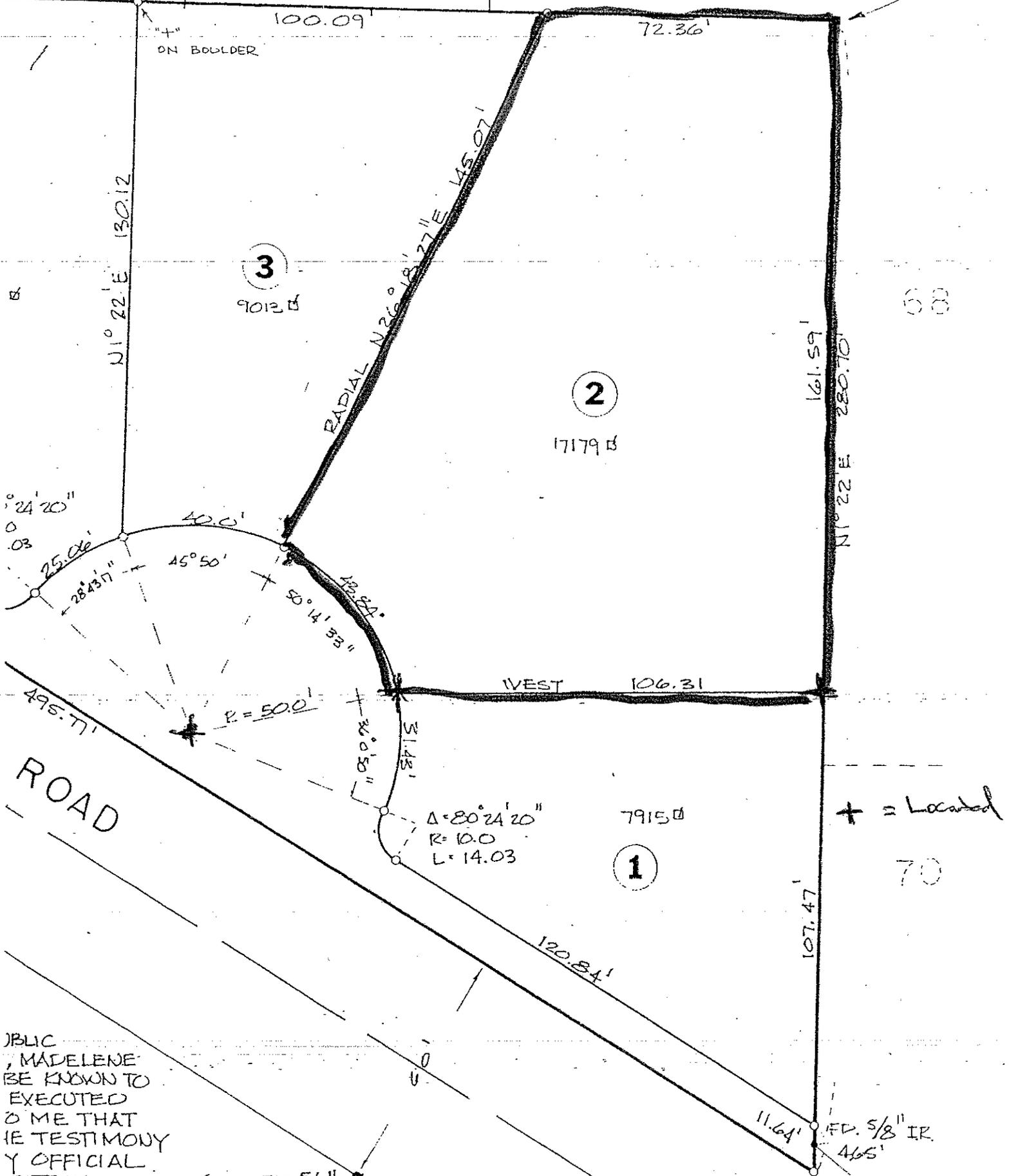
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58

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STATE of OREGON  
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 I.R.

1980 Survey

+ = Located





**GLADSTONE CODE REVIEW**  
**Items Discussed at the August 19, 2014 GPC Meeting**  
**Items for Discussion / Consideration at the September 16, 2014 GPC Meeting**

- **Chapter 8.12 Noise Control**

-This topic was not a part of our original list, but was added due to concerns.

RECOMMENDATION: Upon further discussion it was decided that a letter would be sent to those businesses within Gladstone that currently utilize the external speaker system letting them know this issue is being discussed within the Planning Commission. We would like to know their thoughts on creating fair language that benefits both the businesses and surrounding residential community. Commissioner/Chair Stempel will help Jolene create the letter to be sent.

- **Chapter 17.06.180 Fence or Hedge, Sight Obscuring**

- This section was brought up per the clear vision discussion. The city attorney made a suggestion to add the following section to (3) Fences and Walls intending to include Hedges as part of this chapter....

RECOMMENDATION: Upon further discussion it was decided that we would not include hedges in this section of Chapter 17.06.180.

**NEXT STEPS:**

The next scheduled Code and Ordinance Review work session will cover the following items:

**VI Chapter 8.06 Chronic Nuisances**

-As with Section 8.04, this was the main topic of the work session, so we should address this section for clarification and application.

**VII Division 2 Zoning Districts—Commercial**

-To continued looking at encouraging development, we should start with the commercial zoning districts C1, C2, C3 + OP and L1. Clackamas County is combining some of their commercial and industrial districts to make it easier to navigate. Is this something we should consider since our commercial zones are so small?

- Begin the discussion on design standards for the Portland Avenue commercial corridor.

## Gladstone Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 8 HEALTH AND SAFETY](#)**Chapter 8.06 CHRONIC NUISANCE PROPERTY**

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**8.06.010 Incorporation of state statute.**

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Any reference to state statute incorporated into this Chapter refers to the statute in effect on the effective date of this ordinance.

**Statutory Reference:**

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

**8.06.020 Definitions.**

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As used in this Chapter, or any Code provision referenced by this Chapter, the following definitions apply:

- (1) "Chief of Police" means the Chief of the Gladstone Police Department or designee.
- (2) "City Administrator" means the City Administrator or designee.
- (3) "Chronic Nuisance Property" means:
  - (a) Property on which 3 (three) or more Nuisance Activities exist or have occurred during any 60 (sixty) day period;
  - (b) Property within 300 (three hundred) feet of which any person associated with the property has engaged in 3 (three) or more Nuisance Activities during any 60 (sixty) day period;
  - (c) Property that, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause of the possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.940 through ORS 475.995 has occurred within the previous 30 (thirty) days, and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or;
  - (d) Property on which 6 (six) Nuisance Activities exist or have occurred over a 6 (six) consecutive month period.
- (4) "Nuisance Activities" are defined as any of the following activities, behaviors or conduct:
  - (a) Harassment, as defined in ORS 166.065;
  - (b) Intimidation, as defined in ORS 166.155 through ORS 166.165;
  - (c) Disorderly conduct, as defined in ORS 166.025;
  - (d) Assault, as defined in ORS 163.160, ORS 163.165, ORS 163.175, or ORS 163.185;
  - (e) Menacing, as defined in ORS 163.190;
  - (f) Sexual abuse, Contributing to the sexual delinquency of a minor, or Sexual misconduct, as defined in ORS 163.415 through 163.445;
  - (g) Noise, as defined in Chapter 8.12 of this Code;
  - (h) Prostitution or related offenses, as defined in ORS 167.007 through ORS 167.017;
  - (i) Alcoholic liquor violations as defined in ORS 471.105 through ORS 471.482;

- (j) Offensive littering as defined in ORS 164.805;
- (k) Criminal trespass as defined in ORS 164.243 through ORS 164.265;
- (l) Theft as defined in ORS 164.015 through ORS 164.140;
- (m) Arson or related offenses as defined in ORS 164.315 through ORS 164.335;
- (n) Delivery, manufacture or possession of a controlled substance, as defined in ORS 475.005, or related offenses, as defined in ORS 167.203 through ORS 167.262 and ORS 475.840 through ORS 475.912;
- (o) Illegal gambling or related offenses, as defined in ORS 167.117, or made punishable by ORS 167.108 through ORS 167.164;
- (p) Criminal mischief as defined in ORS 164.345 through ORS 164.365;
- (q) Unlawful drinking, as defined in GMC 9.08;
- (r) Fire or discharge of a gun or weapon, as defined in Chapter 9.52 of this Code;
- (s) Unlawful use or possession of weapons or firearms, as defined in ORS 166.180 through ORS 166.350;
- (t) Offenses Against Public Peace, as defined in GMC 9.12, GMC 9.18, GMC 9.20, GMC 9.25, GMC 9.26, GMC 9.28, GMC 9.36, GMC 9.40, GMC 9.44, and GMC 9.50;
- (u) Nuisances, as defined in Chapter 8.04 of this Code;
- (v) Fireworks violations as defined in ORS 480.110, 480.120, 480.130, 480.140(1), 480.150, 480.160 and 480.165; and
- (w) Any attempt to commit (as defined in ORS 161.405), and or/conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.

(5) "Of record" means:

(a) With regard to real property, that an owner's interest is recorded in the public records provided for by Oregon statutes where the owner's interest must be recorded to perfect a lien or security interest or provide constructive notice of the owner's interest; or

(b) With regard to personal property, that an owner's interest is recorded in the public records under any applicable state or federal law where the owner's interest must be recorded to perfect a lien or security interest, or provide constructive notice of the owner's interest.

(6) "Owner" means the person or persons of record having any legal or equitable interest in property.

(7) "Property" means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, apartment, house, building or structure or any separate part or portion thereof whether permanent or not.

(8) "Responsible Party" means the Owner of record for the property, or the Owner's manager or agent or other person in control of the property on behalf of the Owner.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

### **8.06.030 Chronic nuisance property.**

(1) The Nuisance Activities listed in Section 8.06.020(4) are hereby declared to be public nuisances of the sort that commonly recur in relation to a given property, thereby requiring the remedies set out in the Chapter.

(2) Any property within the City of Gladstone which becomes Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

(3) Any person who is a Responsible Party for Property which becomes a Chronic Nuisance property shall

be in violation of this Chapter and subject to its remedies.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

### **8.06.040 Pre-filing notification procedure.**

(1) Except as otherwise noted herein, notwithstanding Subsection 1.08.020(2) of this Code, this section sets out procedures to be used in processing an infraction of this Chapter.

(2) When the Chief of Police or designee receives 2 (two) or more police reports documenting the occurrence of incidents on or within 300 (three hundred) feet of a Property, the Chief of Police or designee shall independently review such reports to determine whether they describe the activities, behaviors or conduct listed under Section 8.06.020(4). Upon such a finding, the Chief of Police or designee shall notify the Responsible Party in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:

(a) The street address or a legal description sufficient for identification of the Property.

(b) A statement that the Chief of Police or designee has information that the Property may be a Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police or designee shall offer the Responsible Party an opportunity to propose a course of action that the Chief of Police or designee agrees will abate the Nuisance Activities giving rise to the violation.

(c) Require the Responsible Party to respond to the Chief of Police or designee within 10 (ten) days to discuss self-abating the Nuisance Activities.

(3) When the Chief of Police or designee receives a police report documenting the occurrence of additional Nuisance Activity on or within 300 (three hundred) feet of a Property after notification as provided by Subsection (2); or, in the case of Chronic Nuisance Property as defined in GMC 8.06.020(3)(c) or (d), for which notice under Subsection (2) is not required, the Chief of Police or designee shall notify the Responsible Party in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

(a) The street address or a legal description sufficient for identification of the Property.

(b) A statement that the Chief of Police or designee has determined the property to be a Chronic Nuisance Property with a concise description of the Nuisance Activities leading to that determination.

(c) Demand that the Responsible Party respond within 10 (ten) days to the Chief of Police or designee and propose a course of action that the Chief of Police or designee agrees should abate the occurrence of nuisance incidents.

(d) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Responsible Party at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Responsible Party notice of the Chief of Police's or designee's determination. Responsible Parties for a given Property shall be presumed from the following:

(i) The Owner of record or the Owner's agent, as shown on the tax rolls of Clackamas County;

(ii) The resident of the property, as shown in City water billing records.

(e) The Chief of Police or designee shall prepare an affidavit of mailing for any mailing of notice required under this subsection.

(4) If the Responsible Party fails to respond as required by Subsection (3), the Chief of Police or designee may refer the matter to the City Attorney. Prior to referring the matter to the City Attorney, the notice required by Subsection (3) shall also be posted at the Property for 10 (ten) days during which the Responsible Party may

respond.

(5) If the Responsible Party responds as required by Subsection (3) and agrees to abate activities, behaviors or conduct listed under Section 8.06.020(4) giving rise to the violation, the Chief of Police or designee may postpone referring the matter to the City Attorney. If an agreed course of action under Subsections (3) or (4) does not result in the abatement of the Nuisance Activities within 60 (sixty) days after written notice, or, if no agreement concerning abatement is reached within 60 (sixty) days after written notice, the Chief of Police or designee may refer the matter to the City Attorney.

(6) When a Responsible Party makes a response to the Chief of Police or designee as required by Subsections (2) or (3), any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence that is otherwise admissible or offered for any other purpose.

(7) The failure of any Responsible Party to receive notice as provided by Subsections (2) or (3) shall not invalidate or otherwise affect the proceedings under this Chapter.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

### **8.06.050 Commencement of actions—Summons and complaint.**

(1) A uniform infraction summons and complaint, containing the following parts, may be served upon any Responsible Party for a Chronic Nuisance Property, citing that party into Municipal Court.

(a) The summons;

(b) The complaint; and

(c) A description of the alleged occurrences leading to violation of this Chapter, stating the times and places of those occurrences.

(2) The uniform infraction summons shall contain the following information:

(a) The file number;

(b) The name and address of each respondent;

(c) The infraction with which the respondent is charged;

(d) The date, time, and place at which the hearing on the infraction is to take place;

(e) An explanation of the respondent's obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;

(f) An explanation of the respondent's right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;

(g) Notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the Court finds that the Property is a Chronic Nuisance Property.

(3) The uniform infraction complaint shall contain the following information:

(a) The date, time, and place the alleged infractions occurred;

(b) The date on which the complaint was issued;

(c) A legal description of the Property affected;

(d) An allegation that the Owners of record for the Property have been notified of the facts giving rise to the Chronic Nuisance Property determination at least ten (10) days prior to the filing of the action with the Court; and

(e) A notice to the respondent that a civil complaint has been filed with the Municipal Court.

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(4) Service of the summons and complaint shall be accomplished as described in GMC 1.08.055 of this Code. In addition to the affidavit described in Subsection (3) of that section, a return receipt of certified mailing which indicates delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the Post Office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

(5) The hearing for determination as to whether an infraction has been committed shall take place in the manner described in GMC 1.08.070.

(6) Subject to the limitations of GMC 1.08.055(3), a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the Court may prescribe the remedies described in this Chapter.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

### **8.06.060 Remedies.**

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(1) Upon finding that the respondent has violated this Chapter, the Court may:

- (a) Require that the Chronic Nuisance Property be closed and secured against all use and occupancy for a period of not less than 30 (thirty), but not more than 180 (one hundred and eighty), days; and/or
- (b) Assess a civil penalty not to exceed \$500 (five hundred dollars); and/or
- (c) Employ any other remedy deemed by the Court to be appropriate to abate the nuisance.

(2) In lieu of closure of the Property pursuant to Subsection (1), the respondent may file a bond acceptable to the Court. Such bond shall be in an amount set by the Court not to exceed the value of the Property closed as determined by the Court, and shall be conditioned upon the non-recurrence of any of the activities, behaviors or conduct listed at Section 8.06.020(5) of this Code for a period of 1 (one) year after the judgment. Acceptance of the bond described herein is further subject to the Court's satisfaction of the respondent's good faith commitment to abatement of the nuisance.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

### **8.06.070 Defenses—Mitigation of civil penalty.**

---

(1) It is a defense to an action brought pursuant to this Chapter that the Responsible Party at the time in question could not, in the exercise of reasonable care or diligence, determine that the Property was eligible under this Chapter to be a Chronic Nuisance Property, or could not, in spite of the exercise of reasonable care and diligence, control the activities, behaviors or conduct leading to the finding that the Property is a Chronic Nuisance Property. However, it is no defense under this subsection that the Responsible Party was not at the Property at the time of the activities, behaviors or conduct leading to the chronic nuisance situation.

(2) In implementing the remedies described in this Chapter, the Court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

- (a) The actions taken by the Owner(s) to mitigate or correct the problem at the Property;
- (b) The financial condition of the Owner;
- (c) Whether the problem at the Property was repeated or continuous;
- (d) The magnitude or gravity of the problem;

- (e) The cooperativeness of the Owner(s) with the City in remedying the problem;
- (f) The cost to the City of investigating and correcting or attempting to correct the condition;
- (g) Any other factor deemed by the Court to be relevant.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1337, 2003; Ord. 1393, 2007.

#### **8.06.080 Closure during pendency of action—Emergency closures.**

In addition to any other remedy available to the City under this Chapter, in the event that the Chief of Police or designee finds that a property constitutes an immediate threat to the public safety and welfare, the City may apply to any Court of competent jurisdiction for such interim relief as is deemed by the City Administrator or designee to be appropriate. In such event, the notification and commencement of action procedures set forth in Section 8.06.040 and 8.06.050 need not be complied with, provided that the procedures of Oregon Rules of Civil Procedure 79(B) are followed with regard to all persons entitled to service under this Chapter.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

#### **8.06.090 Enforcement of closure order—Costs—Civil penalty.**

(1) The Court may authorize the City to physically secure the Property against use or occupancy in the event that the Owner(s) fail to do so within the time specified by the Court.

(2) The Court may assess on the Owner the following costs incurred by the City in effecting a closure of the Property:

- (a) Costs incurred in actually physically securing the Property against use;
- (b) Administrative costs and attorneys fees in bringing the action for violation of this Chapter.

(3) The City Administrator may, within 14 days of written decision by the Court, submit a signed and detailed statement of costs to the Court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the Property, shall be forwarded to the Office of the City Finance Director who thereafter shall enter the same in the City's lien docket.

(4) Persons assessed the costs of closure and/or civil penalty pursuant to this Chapter shall be jointly and severally liable for the payment thereof to the City.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

#### **8.06.100 Tenant relocation costs.**

A tenant, as defined by ORS 90.100(41), of Chronic Nuisance Property may be entitled to reasonable relocation costs if, without actual notice, the tenant moved into the Property after the Owner or Owner's agent received notice of an action brought pursuant to this Chapter. Any allowable costs will be determined by the City, and shall be a liability upon the Owner of the Chronic Nuisance Property.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

#### **8.06.110 Attorney fees.**

---

In any action brought pursuant to this Chapter, the Court may, in its discretion, award reasonable attorneys fees to the prevailing party.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

#### **8.06.120 Severability.**

---

If any provision of this Chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the Chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected.

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

#### **8.06.130 Nonexclusive remedy.**

---

The remedy described in this Chapter shall not be the exclusive remedy of the City for the activities, behaviors or conduct described in Section 8.06.020(5).

**Statutory Reference:** ORS 221.410

**History:** Ord. 1393, 2007.

**Chapter 17.16 C-1—LOCAL COMMERCIAL DISTRICT**

**17.16.010 Purpose.**

The purpose of this district is to implement the Comprehensive Plan and to provide for the location of small businesses or services in proximity to residences in order to provide for personal service needs of the local area.

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

**History:** Ord. 1131 §2, 1990.

**17.16.020 Uses allowed outright.**

In a C-1 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Personal and business services such as barber or beauty shop, tailoring shop, sales agency, photography studio, small appliance repair and sales including radio, television and electronics;
- (2) Business or professional office;
- (3) Health services clinics;
- (4) Day care centers;

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

**History:** Ord. 1131 §2, 1990.

**17.16.030 Residential accessory uses.**

Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory uses shall comply with the standards applicable to accessory uses allowed in the R-7.2 zoning district.

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

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

**17.16.040 Conditional uses allowed.**

In a C-1 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Laundry or dry cleaning.
- (2) Laundromat.
- (3) Small grocery store or variety store.
- (4) Community service facilities such as a fire station, library, community center, park, utility facility or

meeting hall and governmental offices.

- (5) Nursing homes and homes for the aged.
- (6) Dwellings subject to GMC Subsections 17.10.050 (1) through (4).
- (7) Foster homes.
- (8) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (9) Business activities conducted in conjunction with a use allowed outright under GMC Section 17.16.020 (uses allowed outright), not conducted wholly within an enclosed building and not specifically provided for under GMC Subsections 17.16.050 (1) through (3).
- (10) Uses operating between 12:00 a.m. and 5:00 a.m.

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

**History:** Ord. 1131 §2, 1990; Ord. 1198 §1(B), 1994; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

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

### **17.16.050 Limitations on use.**

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a day care center;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas; and
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.16.040 (conditional uses allowed).
- (5) The use of portable storage containers as defined in Chapter 5.22.

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

**History:** Ord. 1131 §2, 1990; Ord. 1392 § 5, 2007.

### **17.16.060 Dimensional standards.**

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-1 zoning district:

- (1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').
- (2) Rear Setbacks. There shall be no minimum rear setback requirement except when a rear lot line abuts a residential zoning district, in which case the minimum rear setback shall be fifteen feet (15').
- (3) Side Setbacks. There shall be no minimum side setback requirement except when a side lot line abuts a residential zoning district, in which case the minimum side setback shall be fifteen feet (15').
- (4) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').

- (5) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.
- (6) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.
- (7) Building Height. The maximum building height shall be thirty-five feet (35'). Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard.
- (8) Equipment Setbacks. There shall be no minimum setback requirements for central air conditioners, heat pumps and similar equipment except when a lot line abuts a residential zoning district, in which case the minimum setback requirement from the lot line abutting the residential zoning district shall be ten feet (10').
- (9) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material:
- (a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.
  - (b) Fences and walls not subject to Subsection (9)(a) of this Section shall not exceed six feet (6') in height.
  - (c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.
  - (d) Fences and walls shall comply with GMC Chapter 17.54 (clear vision).
- (10) Portable Storage Container Setbacks. When a lot line abuts a residential district, a setback does not apply to Portable Storage Containers as defined in Chapter 5.22.

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

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

#### **17.16.070 Exceptions in case of large scale development.**

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

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

**History:** Ord. 1131 §2, 1990.

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.18 C-2—COMMUNITY COMMERCIAL DISTRICT**

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**17.18.010 Purpose.**

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The purpose of a C-2 district is to implement the comprehensive plan and to provide for the establishment of a community shopping center serving most of the occasional retail and specialty shopping needs of area residents and thus service a much larger area and a much larger population than is served by the C-1, local commercial district.

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

**History:** Ord. 1131 §2, 1990.

**17.18.020 Uses allowed outright.**

---

In a C-2 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Retail trade establishment, except when listed as a conditional use.
- (2) Business, governmental or professional office.
- (3) Medical clinic.
- (4) Financial institution.
- (5) Personal and business service establishments such as a barber shop, tailoring shop, printing shop, laundry or dry cleaning, sales agency, or photography studio, except as listed as a conditional use.
- (6) Eating or drinking establishment.
- (7) Hotel or motel.
- (8) Small appliance repair including radio, television and electronics repair.
- (9) Community service facility such as a fire station, library, community center, park, utility facility or meeting hall.
- (10) Mixed use development.

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

**History:** Ord. 1131 §2, 1990; Ord. 1289 § 1, 2000; Ord. 1323 §1, 2002.

**17.18.030 Residential accessory uses.**

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Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district. Such accessory use shall comply with the standards applicable to accessory uses allowed in the R-5 zoning district.

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

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

**17.18.040 Conditional uses allowed.**

In a C-2 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Automobile service station.
- (2) Dwelling subject to GMC Subsections 17.12.050 (1) through (5) except that the minimum lot area for a two-family dwelling shall be five thousand square feet.
- (3) Funeral home.
- (4) Small scale amusement or recreational facility such as a billiard or pool hall.
- (5) School and associated buildings, structures and facilities.
- (6) A use listed as a permitted outright use but not meeting the limitations of GMC Section 17.18.050 (limitations on use).
- (7) Planned unit development (PUD).
- (8) Foster homes.
- (9) Day care center.
- (10) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (11) Business activities conducted in conjunction with a use allowed outright under GMC Section 17.18.020 (uses allowed outright), not conducted wholly within an enclosed building and not specifically provided for under GMC Subsections 17.18.050(1) through (3).
- (12) Uses operating between 12:00 a.m. and 5:00 a.m.

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

**History:** Ord. 1131 §2 (Part), 1990; Ord. 1198 §1(C), 1994; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

**17.18.050 Limitations on use.**

All business activities, including service, repair, processing, storage and merchandise display shall be conducted wholly within an enclosed building except for the following:

- (1) Drive-through windows accessory to a use allowed outright;
- (2) Outdoor play areas accessory to a community service facility;
- (3) Display of merchandise along the outside of the walls of a building provided such display does not extend more than three feet (3') from the walls and does not obstruct required pedestrian or bicycle access, emergency access or off-street parking areas; and
- (4) Activities approved in conjunction with a conditional use allowed under GMC Section 17.18.040 (conditional uses allowed).
- (5) The following limitations apply to developments along Portland Avenue:
  - (a) All development shall provide ground floor windows along Portland Avenue. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances or display windows. Required windows may have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
  - (b) All buildings shall have their primary entrances face Portland Avenue. Primary entrance is defined as the

principal entry through which people enter the building. A building may have more than one primary entry, as defined in the Uniform Building Code.

(6) The use of Portable Storage Containers as defined in Chapter 5.22.

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

**History:** Ord. 1131 §2 (Part), 1990; Ord. 1323 §1, 2002; Ord. 1392 §6, 2008, Ord. 1404, 2008.

### **17.18.060 Dimensional standards.**

Except as provided in GMC Chapter 17.38 (planned unit development), Chapter 17.72 (variances), and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-2 zoning district:

(1) Setbacks. There shall be no minimum setback requirements, except a maximum setback of five feet (5') shall be maintained along Portland Avenue frontages.

(2) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines. An exception to the minimum setback standard for off-street parking shall be made for existing parking when the use complies with GMC Section 17.18.070 (off-street parking standards).

(3) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor;

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

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

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

(5) Density. Residential density shall not exceed that allowed in the R-5 zoning district.

(6) Hotels and Motels:

(a) The minimum lot area shall be five hundred (500) square feet per dwelling unit;

(b) The minimum frontage shall be one hundred feet (100').

(7) Fences and Walls. The following standards shall apply to fences and walls of all types whether open, solid, wood, metal, masonry or other material.

(a) When located between the front lot line and the front building line, fences and walls shall not exceed three feet (3') in height.

(b) Fences and walls not subject to Subsection (7)(a) of this Section shall not exceed six feet (6') in height.

(c) An exception may be granted to the maximum fence or wall height standards pursuant to review of an application for conditional use; alteration, expansion or change of use of a nonconforming use; or design review and when an exception is found necessary to provide adequate screening for the use.

(d) Fences and walls shall comply with GMC Chapter 17.54 (clear vision).

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

**History:** Ord. 1131 §2 (Part), 1990; Ord. 1140 §1, 1991; Ord. 1323 §1, 2002, Ord. 1404, 2008.

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

### **17.18.070 Off-street parking standards.**

(1) Where one commercial use allowed outright is substituted for another in an existing building and the building is not expanded by more than ten percent (10%) of the floor area used for commercial purposes on January 1, 1980, no more off-street parking shall be required than was possessed by the previous commercial use. Where successive expansions of a building are proposed, the total area of all expansions shall not exceed the ten-percent (10%) standard.

(2) When an existing residence in the C-2 zoning district along Portland Avenue is converted to commercial or mixed use development, additional off-street parking shall not be required, subject to the following standards:

(a) The new commercial use shall not exceed a "B" occupancy rating as described in the Oregon Structural Specialty Code or its successor and shall be identified in GMC Section 17.18.020 (2), (5) or (8);

(b) Signs shall be on-building and indirectly illuminated;

(c) The use shall generate low traffic volumes and require minimal off-street parking; and

(d) Structures and landscaping shall retain a residential appearance.

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

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

### **17.18.080 Exceptions in case of large scale development.**

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

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

**History:** Ord. 1131 §2 (Part), 1990.

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## Gladstone Municipal Code

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[DIVISION II. ZONING DISTRICTS](#)**Chapter 17.20 C-3—GENERAL COMMERCIAL DISTRICT**

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**17.20.010 Purpose.**

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The purpose of a C-3 district is to implement the comprehensive plan and to provide for general types of business and service establishments which would not likely be compatible with the uses permitted in C-1 and C-2, local and community commercial districts, and which would likely be detrimental to the adjoining residential areas unless effectively controlled.

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

**History:** Ord. 1131 §2, 1990.

**17.20.020 Uses allowed outright.**

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In a C-3 zoning district, the following uses and their accessory uses are allowed outright. Outside or open storage shall be an allowed accessory use.

- (1) Automobile service station, car wash or repair garage, body and fender paint shop, sales of new and used vehicles.
- (2) Business, governmental or professional office.
- (3) Community service facility such as a fire station, library, community center, park, utility facility, meeting hall or transit facility.
- (4) Eating or drinking establishment.
- (5) Financial institutions.
- (6) Funeral home.
- (7) Hotel or motel.
- (8) Medical clinic.
- (9) Personal and business service establishment such as a barber shop, tailoring shop, printing shop, laundry and dry cleaning, sales agency or photography studio.
- (10) Recreation vehicles sales, services, rental.
- (11) Recycling center.
- (12) Retail trade.
- (13) Roller rink, bowling alley, motion picture theater or similar extensive commercial amusement or recreational facility.
- (14) School and associated buildings, structures and facilities.
- (15) Small appliance repair including radio, television and electronics repair.
- (16) Small parts wholesaling or retailing.
- (17) Veterinary clinic or small animal hospital, but not including a kennel or a cattery.

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

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**History:** Ord. 1131 §2, 1990; Ord. 1270 §1, 1998; Ord. 1323 §1, 2002.

#### **17.20.030 Residential accessory uses.**

(1) Accessory uses allowed in a residential zoning district shall be allowed in connection with single-family, two-family and multi-family dwellings in this zoning district.

(2) Such accessory uses shall comply with the standards applicable to accessory uses allowed in the MR zoning district.

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

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

#### **17.20.040 Conditional uses allowed.**

In a C-3 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Planned unit development (PUD).
- (2) Wholesale distribution outlet, including warehousing.
- (3) Dwellings, subject to GMC Subsections 17.14.050(1) through (5).
- (4) Foster homes.
- (5) Day care center.
- (6) Off-street parking and storage of truck tractors and/or semi-trailers, subject to GMC Chapter 17.48 (off-street parking and loading) and Section 17.62.120 (off-street parking and storage of truck tractors and / or trailers).
- (7) Light manufacturing as an accessory use to a use allowed outright, subject to GMC Section 17.62.130 (light manufacturing).
- (8) Recreation vehicle park, subject to GMC Section 17.62.100 (recreation vehicle park).
- (9) Indoor mini-storage.
- (10) Uses operating between 12:00 a.m. and 5:00 a.m.

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

**History:** Ord. 1131 §2, 1990; Ord. 1198 §1(D), 1994; Ord. 1257 §1, 1998; Ord. 1289 §1, 2000; Ord. 1291 §1 (Part), 2000; Ord. 1323 §1, 2002; Ord. 1341, 2003.

#### **17.20.045 Screening.**

The following screening standards shall apply:

(1) Off-street parking and loading areas and business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a residential zoning district and from abutting unimproved public street rights-of-way where property on the opposite side of the unimproved right-of-way is in a residential zoning district.

(2) Business activities, such as service, repair, processing, storage and merchandise display, that are conducted outside of a wholly enclosed building, shall be screened from abutting properties where such properties are in a C-1 or C-2 zoning district and from abutting unimproved public street rights-of-way where property on the

opposite side of the unimproved right-of-way is in a C-1 or C-2 zoning district.

(3) Storage, with the exception of merchandise display, outside of a wholly enclosed building shall be screened from abutting improved public street rights-of-way. Off-street parking and loading areas for customer vehicles, employee vehicles and vehicles for sale are not required to be screened from improved public street rights-of-way. However, off-street parking and loading areas for other types of vehicle storage (e.g. towed vehicles, recreational vehicles being stored as a service) shall be screened from abutting improved public street rights-of-way.

(4) Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge.

(5) Required screening shall be reviewed pursuant to GMC Chapter 17.80 (design review). When design review is not required, screening shall be reviewed by the City Administrator or designee.

(6) Required screening shall be a minimum of six feet (6') high. With the exception of equipment and vehicles, stored merchandise and materials shall not exceed the height of required screening. Stored equipment and vehicles may exceed the height of the required screening provided such equipment and vehicles are not stacked on top of one another.

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

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

**History:** Ord. 1270 §2, 1998; Ord. 1323 §1, 2002; Ord. 1323 §1, 2002.

### **17.20.050 Dimensional standards.**

Except as provided in GMC Chapters 17.38 (planned unit development), Chapter 17.72 (variances) and Chapter 17.76 (exceptions), the following dimensional standards shall apply in a C-3 zoning district:

(1) Front Setbacks. There shall be no minimum front setback requirement except when a front lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum front setback shall be twenty feet (20').

(2) Street Side Setbacks. There shall be no minimum street side setback requirement except when a street side lot line abuts a residential zoning district or abuts a street where property on the opposite side of the street is in a residential zoning district, in which cases the minimum street side setback shall be twenty feet (20').

(3) Side and Rear Setbacks. There shall be no minimum side or rear setback requirements.

(4) Off-Street Parking. The boundary of any area developed or intended for off-street parking shall be located a minimum of five feet (5') from all property lines.

(5) Architectural Features. Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet (2') into a required setback area.

(6) Building Height. The maximum building height shall be thirty-five feet (35'). This restriction may be varied as follows:

(a) Maximum building height may be increased by one (1) story if the building is provided with an approved automatic sprinkler system throughout as provided in Section 506 of the Oregon Structural Specialty Code or its successor; vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are exempt from the maximum building height standard;

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

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

(8) Hotels and Motels:

(a) The minimum lot area shall be five hundred (500) square feet per dwelling unit;

(b) The minimum frontage shall be one hundred feet (100').

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

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

**History:** Ord. 1131 §2, 1990; Ord. 1140§2, 1991; Ord. 1323 §1, 2002; Ord. 1392 § 7, 2007.

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

### **17.20.060 Exceptions in case of large scale development.**

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

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

**History:** Ord. 1131 §2 (Part), 1990. Ord. 1392 § 8, 2007.

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