

### GLADSTONE CITY COUNCIL WORK SESSION AGENDA CIVIC CENTER COUNCIL CHAMBERS October 24, 2023 - 5:30 PM

**5:30 p.m.**CALL TO ORDER ROLL CALL
FLAG SALUTE

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

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Or One tap mobile:

+13462487799,,83610872446#,,,,\*176291# US (Houston); +16694449171,,83610872446#,,,,\*176291# US

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The public is welcome to attend the Work Session in person, or on-line however, no public comment will be allowed.

### **WORK SESSION**

### 1. CERTIFIED LOCAL GOVERNMENT PROGRAM

Kuri Gill, Oregon Heritage Certified Local Government Program Coordinator will provide an overview of the Certified Local Government Program.

### 2. PROPOSED AMENDMENTS TO GLADSTONE MUNICIPAL CODE CHAPTER 17.78 – HOME OCCUPATIONS

The City Council will discuss proposed changes to the Home Occupation Chapter 17.78 of the Gladstone Zoning and Development Code.

### 3. USE OF UNAPPROPRIATED AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Staff will update the City Council on the unappropriated balance of ARPA funds and encourage a discussion on the use of the beginning funds.

### 4. UPDATED CITY COUNCIL AGENDA PLANNING DOCUMENT

**ADJOURN** 

### **Upcoming Meeting Dates:**

- November 14, 2023 Regular City Council Meeting- 6:30 p.m.
- November 28, 2023 City Council Work Session 5:30 p.m.

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

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

# WORK SESSION #1

### City of Gladstone Staff Report

Report Date: October 17, 2023 Meeting Date: October 24, 2023 Gladstone City Council To:

From:

Jacque M. Betz, City Administrator

Marci Jory, Economic Development/Tourism Coordinator

### AGENDA ITEM

Presentation from Kuri Gill, Oregon Heritage, Certified Local Government Program Coordinator.

### History/Background

When the City created the economic development/tourism coordinator position, one of the essential duties is to research and initiate efforts to become a Certified Local Government through the U.S. National Park Service. The reason a Certified Local Government Program is managed by the National Park Service is that the National Historic Preservation Act established a nationwide program of financial and technical assistance to preserve historic properties- buildings, structures, sites, neighborhoods, and other places of importance in the historical and cultural life of the nation. A local government can participate directly in this program when the State Historic Preservation Office (SHPO) certifies that the local government has established its own historic preservation commission, meeting Federal and state standards.

The basic certification requirements for local governments are as follows:

- Establish a historic preservation commission and appoint interested and qualified residents to serve. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- Pass a preservation ordinance that outlines how the local government will address historic preservation issues.
- Agree to participate in updating and expanding the state's historic building inventory program. SHPO takes the lead in this effort by maintaining the master database and the files for the statewide inventory and by providing grants to survey additional properties.
- Agree to review and comment on any National Register of Historic Places nominations of properties within the local government boundaries. Nominations are usually submitted by the property owners themselves or other members of the public. SHPO administers the National Register program in Oregon.
- Affirm that it will fulfill its obligation to enforce existing state preservation laws. This includes a designation process for historic properties.

This program would provide the City of Gladstone and the Gladstone Historical Society opportunities for funding, technical assistance, and other preservation successes.

10/18/23 Department Head Signature Date Date

### OREGON STATE HISTORIC PRESERVATION OFFICE CERTIFIED LOCAL GOVERNMENT PROGRAM

### LOCAL GOVERNMENT PARTICIPATION PROCEDURES AMENDED 2001

### INTRODUCTION

Federal historic preservation funds are available to Certified Local Governments (CLGs) through the State Historic Preservation Office (SHPO). Funds may be used for a variety of CLG program activities such as: program administration, survey and inventory, planning, public or commission education, heritage tourism, development, and National Register nominations.

The National Historic Preservation Act as amended (16 U.S.C. 470, et seq.) and applicable federal regulations (36 CFR 61) require that each state make a minimum of 10% of the state's allocation of federal funds available to certified local governments, as well as one half of any annual appropriations to the National Historic Preservation Fund in excess of \$65,000,000, in a manner to be determined by the U.S. Secretary of the Interior. Traditionally, Oregon has made a high percentage of its allocation available to CLGs to carry out preservation projects. Standards and procedures for allocating those funds are set forth in Oregon Administrative Rules 736-55-005 through 736-55-015.

### I. CERTIFICATION OF LOCAL GOVERNMENTS

### A. Purpose

The purpose of this document is to set forth procedures for the certification of and transfer of funds to local governments wishing to participate directly in the State Historic Preservation Program in Oregon. Local governments strengthen their local historic preservation efforts by achieving Certified Local Government (CLG) status from the National Park Service (NPS). NPS and State governments, through their State Historic Preservation Offices (SHPOs), provide valuable technical assistance and small matching grants to diverse communities whose local governments are endeavoring to keep for future generations what is significant from their community's past. In turn, NPS and states gain the benefit of local government partnership in the national historic preservation program.

### B. Eligibility

The goals of Oregon's local government participation program are to certify as many local governments as possible for direct administrative participation in the state's historic preservation program, and that each Certified Local Government program should attain high standards of stability, authority, and credibility.

Local governments that wish to participate in the Certified Local Government program must meet the statutory definition of a local government and must meet the minimum requirements specified below (*Historic Preservation Fund Grants Manual, Glossary*—11).

### C. Minimum Requirements

Federal regulations specify that to qualify for and maintain certified state and local government status one must:

1. "Enforce appropriate state or local legislation for the designation and protection of historic properties." (ORS 197.040 & ORS 197.225—ORS 197.245, OAR 660-023-0200)

In the absence of comprehensive state legislation to this end, participating local governments must have adopted an ordinance that enables the designation and protection of local historic properties. Local ordinance provisions must be consistent with the purposes of the National Historic Preservation Act. In addition, local governments shall be responsible for enforcing applicable state legislation and other local ordinances affecting historic properties in Oregon. A list of statutes is available from SHPO.

2. "Establish by state or local law an adequate and qualified historic preservation review commission composed of professional and lay members." 36 CFR 61.6(e)(2). All commission members shall have demonstrated *positive* interest, competence, or knowledge of historic preservation.

The chief elected local official(s) shall appoint a majority of landmark commission members from preservation professionals and/or persons working in historic preservation-related disciplines (archaeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation planning and history), to the extent that these members are available in the community. Professional and preservation-related educational and experience standards are available from SHPO.

A participating local government may be certified with less than a majority of its membership being preservation professionals or employed in historic preservation-related disciplines; however, participating local governments must demonstrate that they have made a reasonable effort to fill the required positions to the extent that such preservation professionals and lay members are available in the community. If unable to fill the required positions with preservation professionals or persons in

preservation-related disciplines, the participating local government must agree to retain consultants with appropriate expertise in cases where expertise may be required. This is particularly important when considering National Register nominations or other actions that would impact properties which are normally evaluated by a professional.

Prior to filling commission vacancies, CLGs must seek SHPO review of qualifications of proposed commission replacement members to ensure that requirements of this section have been met.

Local governments are encouraged to employ or to assign staff specialists to assist the landmarks commission and in general to assist in administering all government activities involving historic resources. The professional expertise of such staff persons, if appropriate, can be used to fulfill the requirement stated above for the landmarks commission regarding the retention of professional expertise. Additionally, if staff persons are fully participating members of the landmarks commission, their professional qualifications may be applied to meet the minimum requirements stated above for landmarks commission membership regarding a majority of preservation professionals and/or persons working in historic preservation-related disciplines that must be represented on the landmarks commission. To avoid any potential liability for conflicts of interest, CLGs must include provisions in their written procedures that meet NPS requirements (*Historic Preservation Fund Grants Manual*, Chapter 3, subsections C(1)(2)).

At a minimum, a landmarks commission must have the authority to recommend designation and protection of local historic landmarks and local historic districts, establish an adequate and qualified historic preservation review commission, maintain a system for the survey and inventory of properties that furthers the purposes of the National Historic Preservation Act as amended (16 U.S.C. 470 et seq.), provide for adequate public participation in the local historic preservation program, and satisfactorily perform the responsibilities delegated to it under the above Act. These authorities must be contained in the enabling ordinance. "Protection" mechanisms <u>must</u> include design review authority for alterations and changes made to locally designated landmarks and National Register properties, and authority to review and delay proposals to demolish or remove all or parts of locally designated historic landmarks and National Register properties as well.

In carrying out the above responsibilities, or any duties mutually agreed to by the SHPO and the applicant, the Certified Local Government and landmarks commission shall ensure that their activities are complementary to and carried out in coordination with those of the State Historic Preservation Office, as outlined in 36 CFR 61, or the *Historic Preservation Fund Grants Manual*. Final signature authority for delegated responsibilities must remain with the state.

The SHPO is responsible for making orientation materials and training available to local commissions and staff. SHPO staff will make every effort to provide training programs in historic preservation, and to keep CLGs informed of training opportunities that are available from other sources. Training expenses for local landmarks commission members and staff are allowable costs for participating local agreements, if the training program is approved by the SHPO. The SHPO will conduct training sessions in accounting requirements and other procedures necessary for local participation in the state program.

3. "Maintain a system for the survey and inventory of historic properties."

Local surveys must contain the minimum information for each property required for the Statewide Inventory of Historic Properties. The State shall issue guidelines for local survey and inventory systems to ensure that such systems and the data produced can be readily integrated into SHPO inventories, the statewide comprehensive historic preservation plan, and other appropriate State and local planning processes. CLG survey data shall be in a format consistent with SHPO inventory requirements and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation." Survey and inventory guidelines will be provided to the local government, and the SHPO will require that the local government be responsible for the satisfactory completion of inventory forms. Inadequate or incomplete inventory forms will be returned to the local government for completion or revision.

Participating local governments must maintain and make available to the public a copy of the Statewide Inventory for the local government's jurisdiction, and provide to the SHPO a copy of completed survey information for each property added to the local inventory, except for those archeological records which are exempted from public disclosure under ORS 192.500(L).

4. "Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register."

Landmarks commission meetings of participating local governments must be held in conformance with State of Oregon public meetings statutes. A summary of public testimony and landmarks commission discussion about all nominations to the National Register of Historic Places generated from within the local government's jurisdiction must be forwarded to the SHPO when the nomination is forwarded. A summary of similar testimony before, as well as any discussion and action taken by, other local agencies such as planning commissions and city councils must also be forwarded if local ordinance requires review by these other agencies, or if a proposed nomination was reviewed by them.

Rules of procedure regarding the evaluation of potential National Register properties, designation of local historic districts, design review, or any other related activities shall be available for public inspection and comment prior to and after their formal adoption and implementation, with the exception of disclosure exemptions listed in Section 304 of the National Historic Preservation Act of 1966 (16 U.S.C. 470w-3). Copies of such procedures shall be forwarded to the SHPO.

CLGs shall provide a copy of meeting agendas and minutes on a quarterly or more frequent basis.

5. "Satisfactorily perform the responsibilities delegated to it under the Act."

Participating local governments must meet the four basic requirements above, and participate in the National Register nomination process pursuant to I C. A major review of the CLG's program operation and administration will be performed at least once every four years. Ideally, this evaluation will be conducted in person at the local government, although a written evaluation process may be substituted (q.v., "CLG Evaluation Questionnaire"). In addition, periodic monitoring of CLG activities will ensure that performance is consistent and coordinated with the identification, evaluation, and protection priorities of Oregon's comprehensive historic preservation planning process, and that of federal work program standards regarding SHPO accountability.

The SHPO shall outline procedures and standards by which the performance of CLGs in program operation and administration will be evaluated (q.v., "Annotated Performance Standards—2001"). Written records shall be maintained for all state evaluations of CLGs so that results are available for the Secretary's performance evaluations of states. Evidence of a Certified Local Government's failure to perform agreed upon participation responsibilities may be presented to the State Historic Preservation Officer by SHPO staff. The SHPO may cause the matter to be scheduled for review and discussion by the State Advisory Committee on Historic Preservation. At any time the State determines that the CLG's

performance is inadequate, the State shall recommend corrective measures in writing that the local government must take.

In the event a Certified Local Government does not take recommended measures within 180 calendar days of receipt of the SHPO request to correct inadequate performance, or otherwise fails to perform adequately its duties and responsibilities under this program, or no longer meets the minimum eligibility requirements, the SHPO shall initiate decertification of the Certified Local Government to participate in the program. The state's proposal for decertification of a local government will cite specific reasons and will be appropriately documented. The local government is decertified if the National Park Service concurs in writing with SHPO's recommendation to decertify the local government.

When a local government is decertified, the state will conduct suspension and, if necessary, termination of financial assistance procedures as specified in the *Historic Preservation Fund Grants Manual*.

If at any time the Certified Local Government voluntarily requests decertification, such a request shall be granted without prejudice by the State Historic Preservation Office. Notice of such decertification will be forwarded to the National Park Service.

### D. CLG Participation in the National Register Nomination Process

Before a property within the jurisdiction of the Certified Local 1. Government may be considered by the state for nomination to the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official(s), and the local historic preservation commission. Notification will occur at least sixty, but no more than 120, calendar days prior to the scheduled meeting of the State Advisory Committee on Historic Preservation. The local commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register, on forms provided by the SHPO. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official(s) shall transmit the report of the commission and their recommendation to the State Historic Preservation Officer on the property's National Register eligibility. Except as provided in subparagraph 2 of this section, after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the state shall make the nomination pursuant to 36 CFR 60. The state may expedite this process with the concurrence of the Certified Local Government.

- 2. If both the landmarks commission and the chief local elected official(s) recommend that a property not be nominated to the National Register because the property does not meet National Register criteria, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer, an appeal is filed with the state pursuant to 36 CFR 60. If such an appeal is filed, the state shall follow the procedures for making a nomination pursuant to section 101(a) of the National Historic Preservation Act of 1966 as amended. Any report and recommendations made under this section shall be included with any nomination submitted by the state to the Secretary of the Interior.
- 3. Nominations to the National Register which are received from applicants within a Certified Local Government which chooses to apply for a "Basic Participation" grant as outlined in II B(1) shall be processed using procedures outlined in I C(1) and (2).

Certified Local Governments that receive grant awards to complete individual, theme, multiple property, or district nominations to the National Register shall, in addition to being responsible for the satisfactory completion of these nominations to SHPO specifications, be required to:

- a. Provide, in a timely manner, a list of all affected property owners that must receive official notification from SHPO, pursuant to 36 CFR 60, within 90 calendar days of a scheduled meeting of the State Advisory Committee on Historic Preservation.
- b. Attend the scheduled meeting of the State Advisory Committee on Historic Preservation and introduce and provide comments to the committee on each nomination submitted by the CLG for review by the committee.
- c. Edit, revise, and prepare each nomination for signature by the SHPO pursuant to SACHP comments and SHPO staff procedures. Unsatisfactory submittals will be returned to the Certified Local Government for revision.
- d. Be responsible for any subsequent request for additional information or technical corrections from the National Register of Historic Places regarding any nomination submitted to the SHPO by the Certified Local Government.

### **E.** Application Process for the Certification of Local Governments

The chief elected official(s) of the local government may request certification from Oregon's State Historic Preservation Office. The request for certification consists of the CLG Application and includes the following:

- 1. A written certification agreement provided by SHPO and signed by the chief elected official(s) that the local government meets and will fulfill all the requirements and standards for certification outlined above.
- 2. A copy of the local historic preservation ordinance establishing a local historic preservation commission.
- 3. Resumes of each commission member.
- 4. Resumes of each staff member (if applicable).
- 5. A copy of all local ordinances, resolutions, etc., already in place which deal with historic preservation issues.
- 6. A statement that the local government, in appointing landmarks commission members, has sought applicants among preservation professionals or within preservation-related disciplines to the extent available in the community. The local government must be able to demonstrate that qualified persons were sought.

Applications must discuss how the local government satisfies the five minimum requirements listed in Section I, B(1-5). Initially, the application will be reviewed by the State Historic Preservation Office, and the local government will be notified of any omissions or suggested changes, if necessary. Upon receipt of an adequately documented CLG Application, the State Historic Preservation Office shall review the request and respond to the chief elected officials within thirty calendar days.

When a local government certification request has been approved by the State, the State Historic Preservation Officer shall sign a written certification agreement that lists the minimum responsibilities required by the federal regulations, and any additional responsibilities delegated to all CLGs in the state by the SHPO.

The SHPO shall then forward to the Secretary of the Interior a copy of the approved request and the signed certification agreement, as well as a signed review checklist. If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO prior to fifteen working days after receipt of the request. The NPS shall provide written notice of what

is necessary for the request for concurrence to be approved. The effective date of certification is the date of National Park Service concurrence.

### II. TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS

### A. Introduction

Under the provision of the National Historic Preservation as amended (16 U.S.C. 470 <u>et seq.</u>), at least ten percent of Oregon's annual Historic Preservation Fund (HPF) allocation shall be designated for transfer to Certified Local Governments.

All Certified Local Governments are eligible to compete for the funds from the state's ten percent CLG reserve, as well as in additional program areas provided they meet the criteria set forth in Section I B. Applications for grant funds shall be made during the SHPO annual grant application process, and according to instructions in the SHPO's *Grant Application Manual*.

Any funded activities must meet the Secretary of the Interior's "Standards for Archaeology and Historic Preservation," and be activities eligible for Historic Preservation Fund assistance.

In any year in which the total annual National Park Service grant appropriations to the states exceeds \$65,000,000, one-half of the excess shall be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

Certified Local Governments receiving HPF grants from the CLG share shall be considered subgrantees of the state.

No Certified Local Government is automatically entitled to receive funds, and the Oregon SHPO is not required to award funds to all governments that are eligible.

Transferred monies shall not be applied as matching share for any other Federal grant. State directed specific uses of CLG funds are to be for activities that are eligible for Historic Preservation Fund assistance. State directed specific uses of CLG funds are to be consistent with the state comprehensive historic preservation planning process.

State awarded CLG funds must be sufficient to produce a specific impact and to generate effects directly as a result of the funds transfer. The requirement for tangible results may not be waived, even if there are many otherwise eligible applicants for the amount set aside for CLG share. The State may choose to use additional funds from its regular Historic Preservation Fund annual grant to satisfy competing demands. The State shall ensure that no CLG receives a disproportionate share of its yearly CLG allocation.

### B. Allocation of Funds to Certified Local Governments

Two levels of participation in Historic Preservation Fund (HPF) grants are available to Certified Local Governments: "Basic Participation," and "other" HPF Projects. In Oregon, both levels of funding must be matched with non-federal funds at a 50/50 match ratio or greater.

Allowable costs for all HPF-funded projects must be incurred in specific and quantifiable activities which have specific impacts and tangible results (measurable products).

### 1. **Basic Participation**

A Certified Local Government desiring to participate in the Historic Preservation Fund grants program may request a basic participation grant of up to \$3,000, which must be matched with non-federal funds at a 50/50 match ratio or greater. The standard grant request form will be used to apply for the basic participation funds.

The CLG Basic Participation Grants are non-competitive. They will be awarded to CLGs that meet the basic program activity requirements and demonstrate that 50% matching funds are available. Reporting and funds management requirements are the same as those for all other HPF subgrants, as described in the *Historic Preservation Fund Grants Manual*, with one exception: billings will occur once per year, at project completion.

Payment for all HPF grants is made on a reimbursement basis only. These grant and matching funds are to be used to pay allowable direct costs such as salaries, contracts, printing, mileage, and postage for tangible historic preservation products flowing from:

- \* Preservation ordinance work; development, revision, implementation.
- \* Review and comment on National Register Nominations.
- \* Landmarks Commission meetings.
- \* Staff and Landmarks Commission education and training.
- \* Brochure or educational material development.

Any indirect cost rate included in the grant application budget detail must be pre-approved by SHPO. Indirect costs may not be included in the federally-assisted program budget or claimed for reimbursement unless the local government has a current indirect cost rate established by agreement with the federal government. This agreement must be submitted to SHPO, and approved prior to grant award. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of the federal "Standards for Allowability of Costs", included in the *Grant Application Manual*.

At a minimum, participating CLGs must agree to:

- a. Maintain and fulfill satisfactorily all of the minimum CLG requirements, as previously specified in Section I, B and C, of this document.
- b. Maintain adequate financial management systems. Local financial management systems shall be in accordance with the standards specified in OMB Circular A-102, Attachment G, "Standards for Grantee Financial Management Systems." Local financial management systems shall be auditable in accordance with the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
- c. Adhere to all requirements of the *Historic Preservation Fund Grants Manual* and OMB Circular A-133.
- d. Adhere to any requirements mandated by Congress regarding use of federal historic preservation funds.

### 2. Other Historic Preservation Fund Projects

For preservation activities other than those listed as basic participation, CLGs may apply for funds in regular HPF grant-assisted program areas as described in the *Historic Preservation Fund Grants Manual*. These projects may include survey and inventory, planning, National Register nominations, community education, and development projects.

Two project categories have been added. The first category is funding for landmarks commission staff time and expenses to monitor the State's special assessment properties in their jurisdiction and to prepare written reports on the properties' compliance with program requirements. The second category of-eligible for funding is graduate student internships with the CLG agency.

Special assessment activities will require written reports and could include, but are not limited to: random on-site inspections and observation reports (on SHPO supplied forms); open house visitation; and alteration or rehabilitation observations. A complete updated listing of special assessment properties in each community will be provided by SHPO.

Internships with CLGs will require coordination with SHPO and a college or university having an accredited graduate program in historic preservation. The college/university internship program must require that a specific work program or objective be developed, and that a designated supervisor be identified. 180 hours is the minimum number of hours required for internships over a single term. For an internship to be considered for matching funds by the SHPO, a specific project must be identified that meets all other HPF funding eligibility priorities, and have a final product. The types of projects a CLG/Internship Program may consider are: historic context development, survey, National Register nomination, design guidelines for historic districts, educational materials such as walking tour brochures or technical briefs, and special projects. CLGs considering an internship should contact the appropriate college or university graduate program in historic preservation and the SHPO.

All program area HPF applications, including the Basic Participation Grant, must use the regular Grant Application Form, and individual rules for each program area must be followed. Program area HPF grant applications are open and competitive. If the CLG is awarded both the Basic Participation Grant and a grant for another Historic Preservation Fund project, one Agreement will be written to include both projects.

# WORK SESSION #2

### City of Gladstone Staff Report

Report Date: October 18, 2023 Meeting Date: October 24, 2023 To: Gladstone City Council

From: Jacque M. Betz, City Administrator

### **AGENDA ITEM**

Work session for Council to discuss proposed changes to the Home Occupation Chapter (17.78) of the Gladstone Zoning and Development Code.

### HISTORY/BACKGROUND

Gladstone currently requires residents who wish to operate a business within their residential property to obtain a Home Occupation Permit. The current Home Occupation Code language has been difficult to interpret and has resulted in confusion on behalf of both those applying for a permit and those reviewing and approving the permit. The current language also does not account for the changes in remote work that have become prevalent worldwide over the past several years.

### PROPOSAL AND RECOMMENDED COUNCIL ACTION

City staff from the Administration, Economic Development, Planning and Police Departments have worked together to craft the changes proposed to Chapter 17.78 of the Gladstone Zoning and Development Code.

In order to update Chapter 17.78, the language must be reviewed by the Planning Commission and then the City Council in public hearings. Staff are preparing the documentation to begin that process with a public hearing before the Planning Commission at their meeting on December 19, 2023 and before the City Council at their meeting on January 9, 2024.

Staff recommend the City Council review and discuss the proposed language update, provide any needed revisions and move the proposed code update forward through the public hearing process.

### **OPTIONS**

 The City Council could choose to not move the proposed code update forward through the public hearing process.

10/18/23

Department Head Signature

ure Date

Heather M Austin

City Administrator

Signature

Date

### GLADSTONE MUNICIPAL CODE CHAPTER 17.78

### PROPOSED CHANGES - REDLINE VERSION

### Chapter 17.78 HOME OCCUPATIONS

### Sections:

17.78.010 Uses allowed as home occupations. Purpose

17.78.020 Applicability and Exemptions

17.78.03016 Type I and Type II home occupations. Prohibited Home Occupations

17.78.040 Approval criteria and standards.

17.78.020 Limitations on home occupations.

17.78.0530 Procedure to establish and maintain a home occupation.

17.78.060 Action regarding complaints and violation of standards.

**17.78.070 Violations** 

### 17.78.010 Uses allowed as home occupations. Purpose

The purpose of this chapter is to:

- (1) Permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full-scale enterprise; and
- (2) Establish approval criteria and standards to ensure that a home occupation is conducted as a lawful use that is subordinate to the residential use of the property and is conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

### 17.78.020 Applicability and Exemptions

(1) A person shall not carry on a home occupation, or permit such use to occur, on property that the person owns or is in lawful control of, contrary to the provisions of this chapter.

- (2) Exemptions from the provisions of this chapter are:
  - (a) Garage sales, yard sales, estate sales, and similar activities;
  - (b) Hobbies that do not result in payment to those engaged in the activity;
- (3) A home occupation permit and associated fee are required for each property on which a home occupation is undertaken.

In all zones, home occupations in the same lot accessory to the principal residential uses shall be permitted only in the following categories:

- (1) Office for professional, personal or business services.
- (2) Studio for arts, handicrafts or tutoring.
- (3) Shop for limited or customer production or minor repair service.
- (4) Headquarters for a craftsman or salesman.

Statutory Reference: ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990.

### 17.78.016 Type I and type II home occupations.

- (1) Except for a sign pursuant to 17.78.020 (9), a Type I home occupation may generate only incidental traffic, subject to the requirements of this chapter, and otherwise shall exhibit no evidence that a business is being conducted from the premises.
- (2) Type II home occupations may generate limited traffic from customers, clients and students, subject to the requirements of this chapter.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1356 §1, 2004

### 17.78.030 Prohibited Home Occupations

The following uses are not allowed as a home occupation or business venture in or associated with a dwelling unit:

- (1) Any and all commercial services to automobiles, RV, Boat or the like. This may include washing and lubrication services, automobile and truck maintenance and repair, painting, body and fender work, and storage.
- (2) Animal breeding and kennels as defined in 17.06.240

### 17.78.040 Approval criteria and standards.

All home occupations shall comply with the following:

- (1) A home occupation may be conducted only at the primary residence of the permittee.

  Persons, including employees, other than members of the permittee's family who also reside in the dwelling shall not engage in the home occupation.
- (2) There shall be no more than three deliveries per week to the subject dwelling by suppliers.
- (3) Offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the home occupation are prohibited. A home occupation is subject to the provisions of Chapter 8.04 Nuisances.
- (4) The home occupation shall be operated entirely within the dwelling unit and any conforming accessory structure. The total area that may be used in an accessory building for the home occupation, including materials and product storage, shall not exceed 800 square feet or 25 percent of the combined residence and accessory structure gross floor area, whichever is smaller. Indoor storage of materials or products shall comply with the building, fire, health, and housing codes.
- (5) A home occupation shall not require a change in the applicable building code use classification of the dwelling unit, as determined by the building official. Any accessory building that is used in the home occupation must meet the applicable building code requirements.
- (6) More than one business activity constituting two or more home occupations is allowed on one property only if the combined floor space of the business activities does not exceed 800 square feet or 25 percent of the combined gross floor area of the residence and accessory structure, whichever is smaller. Each home occupation shall apply for a separate home occupation permit, if required by this chapter, and each shall also have a separate business license.
- (7) Storage and/or distribution of toxic or flammable materials, and spray-painting or spray-finishing operations that involve toxic or flammable materials which in the judgment of the fire marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties are prohibited. The person conducting the home occupation shall make available to the fire marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.

- (8) A home occupation shall not require any on-street parking other than that normally required for the residence.
- (9) Customers and clients of the home occupation shall not visit the business between the hours of 8:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or monopolize on-street parking.

### 17.78.020 Limitations on home occupations.

Any such home occupation shall comply with the following limitations:

- (1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building.
- (210) No-A dwelling shall not be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations.
- (3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential district.
- (4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.
- (5) Any home occupation which causes abnormal automobile or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited. Type I home occupations may generate no more than six (6) one-way trips per day, which shall be incidental to operation of the home occupation. Type II home occupations may generate no more than ten (10) one-way client and commercial trips per day, except home occupations relating to instructional services, where no more than twenty (20) one-way student trips may be permitted. As used in this chapter, "instructional services" are characterized by one or more persons leading another person or group of persons in a given course or subject of study. No more than four (4) student vehicles may be parked on the property and/or in the street right of way at any one time. No commercial motor vehicle that is subject to the state vehicle mile tax, such as long-haul trailers, as defined in ORS 801.208, may be allowed as part of a home occupation. In conformance with GMC 10.04.230 (1)(f), this standard does not preclude the parking of a truck (tractor) portion of such a commercial vehicle on private property.

(116) No significant enlargements or alterations to thea dwelling or an accessory building for the

sole purpose of conducting a home occupation shall be are permitted.

(127) The premises shall at all times be maintained as residential in appearance, cleanliness and

auietness.

(8) Dimensions, power rating or weight of such equipment and tools used in the conduct of a

home occupation shall not exceed that of normal household equipment and tools.

(139) Signs advertising the home occupations or any aspect thereof shall not exceed a total of

one square foot in area and shall be affixed directly to the dwelling.

(10) Any materials used or any item produced or repaired on the premises shall not be displayed

or stored so as to be visible from the exterior of the building.

(11) Tutoring, instructional, counseling or personal services which cannot be conducted except

by personal contact may be permitted as a Type II home occupation and shall be by appointment

only between the hours of 7:00 a.m. and 10:00 p.m. and shall not be oriented toward or attract

passers by.

(12) An office for a physician or dentist may be permitted as a Type II home occupation primarily

for emergency cases and as an accommodation for retired or part-time practitioners and not as a

principal office for the practice of the profession.

(13) Retail activity shall be limited to the mail order type of business.

(14) Except as set forth in subsection (11) and (12) of this section, customer and client contact

shall be primarily by telephone or mail and not on the premises.

(15) No more than twenty-five percent of the floor area as defined in GMC Section 17.06.195

(floor area) may be used for the operation of a home occupation including storage of equipment,

materials, and completed products.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1356, 2004

17.78.0530 Procedure to establish and maintain a home occupation.

{00860984: 1 }

- (1) A person engaging in a home occupation must use the dwelling as the person's primary residence, pay the one-time home occupation fee, comply with the provisions of this chapter, and acquire an annual business license.
  - (a) A home occupation permit will become invalid if the permittee applicant fails to renew the annual business license fee before the expiration period or moves from the residence.
- (2) Property owners/residents located within 100 feet of the home occupation will receive notice of the home occupation application 15 days before the city issues a decision on the application.
  - (a) A person may submit any comments or concerns regarding the application to the City in writing, including identifying the relevant requirement(s) of this chapter
  - (b) If the city determines that the application does not comply with the requirement(s) of this chapter, the business will be required to come into compliance with the standards before the home occupation will be approved. The establishment and maintenance of a Type I or Type II home occupation is subject GMC Division VII (administrative procedures) and the requirements below.
- (2) Applicants for a Type II home occupation are subject to the following requirement. Notwithstanding subsection (a) of this section, no permit for a Type II home occupation shall be issued by the City Administrator or his designee until or unless the applicant has received favorable approval, as indicated by signatures on the authorized application form of owners or contract purchasers of not less than seventy-five (75%) of all property in the area bound by lines one hundred fifty feet (150') from and parallel to the boundary of lines of the lot proposed to contain each home occupation. The area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.
- (a) An applicant for a Type II home occupation who resides in an apartment complex, mobile home park or other similar multi-family housing complex, may obtain the signed approval of a resident manager in lieu of seventy-five percent (75%) of the property owners within one hundred fifty feet (150') of the proposed home occupation.
- (33) A pPermits for a home occupation upancy may be revoked at any time if the requirements of this code are not being met.
- (4) If, in the opinion of the applicant, the City Administrator or his designee has acted arbitrarily and capriciously in withholding or revoking a permit for home occupation, he may request an

interpretation of the code by the Planning Commission. In such cases, the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the Planning Commission on any day between eight a.m. to ten p.m.

- (5) A home occupation permit shall remain valid indefinitely, subject to payment of annual business license fee, unless a substantial increase in intensity of the permitted use occurs, which shall require application for a new permit.
- \_<del>(6) The city shall not issue a business license until a home occupation permit is issued by the City Administrator or designee.</del>
- (7) A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues.

**Statutory Reference:** ORS Ch. 197 and 227 **History:** Ord. 1131, 1990; Ord. 1356, 2004.

### 17.78.060 Action regarding complaints and violation of standards.

- (1) A complaint may be filed by the City of Gladstone or the public. A complaint shall be filed with the City. Planning Department. A complaint shall clearly state the objection to the home occupation, based on the criteria in this chapter.
- (2) A complaint shall be reviewed by the Code Compliance Officer or designee. The City may approve the continuation of the home occupation use as it exists, revoke the home occupation permit, or compel measures to be taken to bring the home occupation into compliance with this chapter. The operator of the home occupation may appeal the decision in accordance with GMC 17.92.010.
- (3) If it is determined, in exercise of reasonable discretion, the home occupation that is the subject of the complaint will negatively affect public health and/or safety, the City may order the home occupation activities to cease pending exhaustion of all appeals. Violation of such an order shall be deemed a violation of this code.

### 17.78.070 Violations.

A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues.

# WORK SESSION #3

### City of Gladstone Staff Report

Report Date : October 18, 2023

Meeting Date : October 24, 2023

To : Gladstone City Council

From Jacque Betz, City Administrator and Cathy Brucker, Finance Consultant

### **AGENDA ITEM**

Update on use of American Recovery Plan (ARPA) Funds

### History/Background

The U.S. Department of Treasury launched the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide financial relief in emergency funding for eligible governments. The City of Gladstone received \$2,737,344.

Eligible uses of the funds include the following:

- Revenue recovery due to COVID-19 impacts
- Support of public health expenditure recovery
- Economic recovery for Gladstone (such as small business assistance and utility and rental assistance)
- Recognition pay or premium pay for essential employees
- Infrastructure investment for water, sewer, and broadband

### Restricted Uses:

- Cannot provide property (or levy) tax reductions
- No pension fund deposits
- No debt service payments

Staff will update the City Council on the use of the ARPA Funds at the work session.

Department Head Signature Date City Administrator Signature Date

### **AMERICAN RESCUE PLAN FUND**

The City of Gladstone received \$2,737,344 in funding from the American Rescue Plan Act issued by the Federal government — United States Treasury. These funds are accounted for within this Reserve Fund, but considered part of the General Fund from a reporting standpoint. Funds were received in two separate tranches of \$1,368,672 spanning fiscal years 2021-22 and 2022-23. The funds are recognized in Grant Revenue when actually spent, and are budgeted to be expended within the 2023-2025 Biennium. The City will roll over any unspent funds as of June 30, 2025 but must commit by December 31, 2024 and expend in full by December 31, 2026.

esource	s			
		Biennium		2023-2025
Account	<b>.</b>	2021-2023		Adopted
Code	Description	Final Budge	<u>t</u>	Biennium
309999	FUND BALANCE	\$	-	2 267 24
315080	OTHER GRANTS	2,737,34	4	2,367,34
	Total Resources	\$ 2,737,34	4 \$	2,367,34
Requireme	nts - 150			
Account		Biennium 2021-2023		2023-2025 Adopted
Code	Description	Final Budge		Biennium
	Personnel Services		-	
450900	RECOGNITION AWARD	\$ 142,50	0	
470000	ASSOCIATED PAYROLL COSTS	43,05	0	
	Total Personnel Services	\$ 185,55	0 \$	
	Materials & Services			
500110	CONTRACTUAL & PROFESSIONAL	\$ 200,00	0 \$	115,30
530200	EMERGENCY MANAGEMENT	50,00	0	17,60
530210	ARPA FUNDING (to be determined)	1,091,79	4	280,94
	Total Materials & Services	\$ 1,341,79	4 \$	413,84
	Capital Outlay			
	PLAYGROUND EQUIPMENT	\$	- \$	100,00
	Transfers out			
899100	TRANSFERS OUT TO GENERAL FUND	\$	- \$	653,50
899730	TRANSFERS OUT TO SEWER FUND	1,210,00	0	840,00
899750	TRANFERS OUT TO STORM WATER FUND		-	360,00
	Total Requirements	\$ 2,737,34		2,367,34

### 2023-2025 Biennium ARPA Funds

Account /Program	Original Budget	 rior Year Activity	2	Adopted 023-2025 Biennium	t	Activity hrough 30/2023	Adjusted Budget Balance 2023-2025
Personnel:							
Recognition Awards per Collective	-	185,550		-		-	-
Bargaining Agreements	\$ 185,550	\$ 185,550	\$	-	\$	-	\$ -
Contractual & Professional:							
GCAP/COVID Impact Assistance	100,000	50,000		30,570		5,000	25,570
Business Relief Assistance	55,000	-		55,000		-	55,000
Grant Writing Services	45,000	25,270		19,730		1,540	18,190
Gladstone Food Pantry	 -	10,000		10,000		-	-
	\$ 200,000	\$ 85,270	\$	115,300	\$	6,540	\$ 98,760
Emergency Management: Body Worn Cameras Program	25,000	23,753		_		_	_
Council Chamber Meeting Tech. Upgrades	15,000	14,078		_		_	_
Community Center Appliance Upgrades	5,000	3,756		-			-
Defibrillators (4)	5,000	4,846		-		-	-
Community Center tables	-	-		-		13,049	-
	\$ 50,000	\$ 46,433	\$	17,600	\$	13,049	\$ 4,551
Capital Outlay:							
Playground Equipment at Meldrum Bar Park	\$ -		\$	100,000	\$	-	\$ 100,000
Transfers Out:							
General Fund - Revenue Recovery	-			653,500		653,500	-
Sewer Fund - I & I Infrastructure Project	1,210,000			840,000		-	840,000
Storm Water - I & I Infrastructure Project	 -			360,000		-	360,000
	\$ 1,210,000		\$	1,853,500	\$	653,500	\$ 1,200,000
Funding Balance to be Allocated	\$ 1,091,794		\$	280,944			\$ 280,944
	\$ 2,737,344	\$ 317,253	\$	2,367,344	\$	673,089	\$ 1,684,255

<sup>\*</sup> any unspent funds to be added when FY 22/23 closed and balance finalized.

### WORK SESSION #4

	November 14, 2023 City Council Regular Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (October 2023)</li> </ul>	
Report	Clackamas Fire District	
	Consider approving an ordinance amending the franchise agreement with Gladstone Disposal	CA Betz
	Direction from Council on the use of opioid settlement funds towards a Behavioral Health Mobile Crisis position in Gladstone	PC Schmerber/CA Betz/FC Brucker, CC Behavior Health Staci England
	League of Oregon Cities Conference Debrief from Councilor Huckaby, Councilor Garlington, and City Administrator Betz	
	November 28, 2023 City Council Work Session 5:30 PM	
	Tree City USA Program (Invite FOGNAP)	Brittany Oxford ODFW
	Policy Guidance on the Climate Friendly & Equitable Communities Related to Oregon Administrative Rule (OAR) 66-012-0012	PC Austin/CA Betz
	Next steps for Gladstone Youth Council	
	November 30, 2023 City Council/School Board 5:30 pm	
	In the Gladstone Civic Center- dinner provided by City	
	December 12, 2023 City Council Regular Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (November 2023)</li> </ul>	

Donout	<ul> <li>Certify the results of the election on vacant city council position, renewal of police levy, renewal of fire levy.</li> </ul> Clackamas Fire District	
Report	Clackamas Fire District	
Tent.	Consider approval of a contract with Clackamas County for a Behavior Health Mobile Crisis position in the Gladstone Police Department	PC Schmerber/CA Betz
	Appointments to Boards, Committees, Commissions	City Council
	Consider approval of the Oregon Department of Transportation (ODOT) Local Agency Certification Program Supplemental project Agreement between ODOT, Clackamas County and the City of Gladstone, to deliver the Trolley Trail Bridge Project through the Local Agency Certification Program	CA Betz
	<b>December 26, 2023</b>	
	No Work Session- Holiday week	
	January 9, 2024 Regular City Council Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (December 2023)</li> <li>Certify the results of the election on vacant city council position, renewal of police levy, renewal of fire levy.</li> </ul>	
Report	Clackamas Fire District	
	Consider acceptance of the 2022-23 Fiscal Audit	FC Brucker/CA Betz
	Update on City Council Goals	
	Consider approval of an ordinance amending Chapter 17.78 Home Occupations	CR Bannick/EA Kratz

	January 23, 2024 City Council Work Session 5:30 PM	
	February 13, 2024 Regular City Council Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (January 2024)</li> </ul>	
Report	Clackamas Fire District	
	Consider awarding a contract to complete Phase 1 & 2 of the Gladstone Infrastructure Infiltration and Infill Reduction Program	PWD Caniparoli
	Consider approval of a resolution to update the Gladstone Hazard Mitigation Plan	
	February 27, 2024 City Council Work Session 5:30 PM	
	Unilateral Flushing Program	PWD Caniparoli
	March 12, 2024 Regular City Council Meeting 6:30 PM	
	• Financials	
	<ul><li>Legal costs on projects</li><li>Minutes from previous Council meetings</li></ul>	
	<ul> <li>Department Head Monthly Reports (February 2024)</li> </ul>	
Report	Clackamas Fire District	
	Consider awarding a contract for the Evergreen Stormline Replacement Project	PWD Caniparoli

	Consider awarding a contract to complete the Oak Lodge Water Services infrastructure projects per the IGA	PWD Caniparoli
	March 26, 2024 City Council Work Session 5:30 pm	
	Temporary Signs Per GMC 17.52.100	
	April 9, 2024 City Council Regular Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (March 2024)</li> </ul>	
Report	Clackamas Fire District	
	Consider approving the contract to complete paving projects (includes Webster Road between Cason Rd to the city limits.	PWD Caniparaoli
	April 23, 2024 City Council Work Session 5:30 PM	
	May 14, 2024	
	City Council Regular Meeting 6:30 pm	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> </ul>	

	Department Head Monthly Reports (April 2024)	
Report	Clackamas Fire District	
	Climate Friendly and Equitable Communities Parking Reform Legislation	
	May 28, 2024 City Council Work Session 5:30 pm	
	T 11 2024	
	June 11, 2024 City Council Regular Meeting 6:30 pm	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (May 2024)</li> </ul>	
Report	Clackamas Fire District	
	June 25, 2024 City Council Work Session 5:30 PM	

	July 9, 2024 City Council Regular Meeting 6:30 PM	
	<ul> <li>Financials</li> <li>Legal costs on projects</li> <li>Minutes from previous Council meetings</li> <li>Department Head Monthly Reports (June 2024)</li> </ul>	
Report	Clackamas Fire District	
	July 23, 2024 City Council Work Session 5:30 PM	
	To Be Set	
	Diversity, Equity, Inclusion Training/Working Shop	City Council/CA Betz
	Acceptance of Oregon Parks and Recreation Committee Grant for the paved loop trail at the Gladstone Nature Park	CA Betz/PWD Caniparoli
	RFQ/Q for Auditing Services (2024)	FC Brucker