



**GLADSTONE PLANNING COMMISSION REGULAR AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE
Tuesday, January 16, 2024 – 6:30 p.m.**

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.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83729451021?pwd=toT-6OnkHr1SgcDOjAJWZOjCse2WAw.2-FFa0UIwSQw7G4T>

Passcode: 065152

Or One tap mobile :

+16694449171,,83729451021#,,,,*065152# US; +17193594580,,83729451021#,,,,*065152# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 669 444 9171 US; +1 719 359 4580 US; +1 720 707 2699 US (Denver)

Webinar ID: 837 2945 1021

Passcode: 065152

If members of the public would like to comment on an agenda item (either virtually or in person) please email your comments to bannick@ci.gladstone.or.us prior to 12:00 p.m. (noon) on January 16, 2024. Individuals attending in person may submit a speaker card to the City Recorder prior to the beginning of the meeting. Comments are limited to three (3) minutes.

The Planning Commission will also have *Business from the Audience* at the end of the meeting. To speak during this time, (either virtually or in person) please email bannick@ci.gladstone.or.us prior to 12:00 p.m. (noon) on January 16, 2024 with your name, topic of discussion, and city of residence. Individuals attending in person may submit a speaker card to the City Recorder prior to the beginning of the meeting. Comments are limited to three (3) minutes.

6:30 P.M. CALL TO ORDER

ROLL CALL

FLAG SALUTE

OATH OF OFFICE: Re-appointment of Natalie Smith and Jacob Wease

1. Election of Chair and Vice-Chair – Gladstone Municipal Code Chapter 2.10.050 (6) Chairperson and Vice-Chairperson: At its first meeting in January of each year members of the committee shall elect a chair person and a vice-chairperson

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 be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

2. Approval of December 19, 2023 Meeting Minutes

REGULAR AGENDA

3. Monthly Planning Report – December 2023
4. **CONTINUED PUBLIC HEARING:** TXT-23-03. Gladstone Municipal Code Amendments for Chapter 17.78 – Home Occupation.

BUSINESS FROM THE PUBLIC - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN

Upcoming Meeting Dates:

- January 31, 2024 – 5:30 pm – Annual Volunteer Orientation & Ethics Training – via Zoom
- February 20 2024 – 6:30 pm – Planning Commission Meeting

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 bannick@ci.gladstone.or.us. Staff will do their best to respond in a timely manner and to accommodate requests.

January

CONSENT AGENDA



GLADSTONE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 19, 2023

Meeting was called to order at 6:31 P.M. (In Person and via Zoom)

ROLL CALL:

Chair Natalie Smith, Commissioner Jacob Wease, Commissioner Andriel Langston, Commissioner Andrew Labonte, Commissioner Pat Smith, Commissioner Thomas Mersereau

ABSENT:

Commissioner Jennifer Volbeda

STAFF:

Tami Bannick, City Recorder; Heather Austin, Senior Planner; Hayley Kratz, Office Assistant

CONSENT AGENDA:

1. APPROVAL OF OCTOBER 17, 2023 MEETING MINUTES:

Commissioner Langston made a motion to approve the Consent Agenda. Motion was seconded by Commissioner Labonte. Ms. Bannick took a roll call vote: Commissioner Wease – yes. Commissioner Langston – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Chair Smith – yes. Motion passed with a unanimous vote.

REGULAR AGENDA:

2. MONTHLY PLANNING REPORT – NOVEMBER 2023:

Ms. Austin said the reports are included in the packet. She said it was a pretty average month. There were slightly fewer customer phone/email contacts. They had five building permits that were submitted/reviewed.

Chair Smith asked about the replacements of manufactured homes on River Road – if that was within the Two Rivers community. The answer was yes – they received a grant to replace some of the units and to do some upgrades.

3. CONTINUED PUBLIC HEARING: DR-23-06 – CONSTRUCTION OF A NEW 7,458 SQ. FT. WAREHOUSE STORAGE BUILDING – 6075 DUNIWAY AVENUE:

Chair Smith opened the public hearing at approximately 6:35 P.M.

She went over the procedure to be followed. She asked if there were any abstentions from the Commissioners – there were none. She asked if there were any significant ex parte/pre-hearing contacts or conflicts of interest – there were none. All the Commissioners had viewed the site. She asked if any member of the audience wished to challenge the right of any Commissioner to hear this matter – none did. She asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of the City Council on this matter – none did.

Chair Smith said this is an item in which they will be receiving public testimony. Any interested person may present testimony concerning the proposed amendments. The public hearing is your opportunity to comment before the City makes a decision. She went over the procedures for testifying.

Ms. Austin briefly went over the staff report/Power Point presentation again. The public hearing was opened at the October 17th, 2023 meeting and was continued to tonight's meeting. This project is for the Fire Restoration Company. There is no proposed off-street parking or exterior storage and there is no longer a requirement to provide off-street parking. The project is zoned light industrial. This use is permitted outright in this zoning district. It is approximately .5 acres in size. It doesn't fall within the flood plain or any environmental overlays in the City. She, Mr. Caniparoli, and the City Engineer met with the applicant team and talked through the conditions that were being recommended in the previous staff report. She went over the changes that have been proposed (landscaping strips buffering the loading area, the loading area is now shown as asphalt rather than gravel, bicycle parking/pedestrian accessibility that connects to the public sidewalk, windows above the garage and man doors, etc.). There were also changes to the public improvements that are indicated in the Public Works memo in the packet. The changes that were made to the site plan resulted in the City being able to revise the conditions to just three bullet points (building materials/finishes, site photometrics, and trash/disposal/recycling collection provisions).

APPLICANT TESTIMONY:

Greg Philo, applicant, explained that in elevation 4/west elevation it is an exposed timber frame truss that is outside as a cover where bicycles are parked and will be stained wood. He shared examples of the stain color, sheet metal color, and wainscot. The entire building has a metal roof.

PUBLIC TESTIMONY:

None. There has been no correspondence received pertaining to this matter.

Commissioner Pat Smith made a motion to close the public hearing. Motion was seconded by Commissioner Langston. (There was no vote taken)

DISCUSSION:

Commissioner Langston said he appreciated the work that the applicant put in to revise the application – it is very clear and thorough now.

Ms. Austin said that staff continues to recommend approval with the conditions as provided.

Commissioner Langston made a motion to approve application DR-23-06 with special conditions 1 through 4. Motion was seconded by Commissioner Pat Smith. Ms. Bannick took a roll call vote: Commissioner Mersereau – yes. Commissioner Pat Smith – yes. Commissioner Labonte - yes. Commissioner Langston – yes. Commissioner Wease – yes. Chair Smith – yes. Motion passed with a unanimous vote.

4. PUBLIC HEARING – TXT-23-03 – GLADSTONE MUNICIPAL CODE (GMC) AMENDMENTS FOR CHAPTER 17.78 – HOME OCCUPATION LICENSES:

Chair Smith opened the public hearing at approximately 6:51 P.M. She went over the order of business to be followed.

Commissioner Pat Smith said that he is a partner in a 13-person partnership – since he does the office work the City business license is in his name. They have no financial interest in this matter. They conduct no business in the City of Gladstone other than making notes, mailings, and writing checks. He does not see this as a conflict of interest, but he will defer to the rest of the Planning Commission. The other Commissioners did not have any issues with that. Commissioner Wease said his wife runs a photography business and editing happens in their home.

He works primarily from his home office. The other Commissioners did not have any issues with that.

Chair Smith went over the procedures for testifying.

She asked if there were any abstentions from the Commissioners – there were none.

Ms. Austin went over the staff report/slide presentation. City staff has proposed these updates to the GMC in response to some issues that have come up over the past couple of years with the current home occupation process, as well as the changing environment of home-based businesses. They are trying to make sure that the language is easy for applicants and clear/objective for staff to implement and answer questions about. This language would be applicable to new home occupations. There were multiple staff members involved in this. The updates were reviewed by the City Attorney's office.

Staff is recommending approval of the proposed text amendments by the Planning Commission to the City Council for their public hearing meeting to be held on January 9, 2024.

PUBLIC TESTIMONY:

There was no correspondence received related to this matter.

Kim Sieckmann said he has held a home occupation for approximately 30 years. He watched the City Council meeting related to this issue. He said it looks like the Police Department and Code Enforcement are looking for more latitude to help them with enforcement. He agreed with the Council that clear and concise is very important. He feels that more latitude and more interpretation of the code is a problem. He said over the past thirty years there have been numerous Code Enforcement officers and they worked directly under a Police Sergeant – so you're working with multiple people's interpretation. He said since this only applies to new home occupation permits, he wants to know how they are going to keep track of that. He wants to know which set of rules he follows – the ones that were in place when he got his or the current ones. He feels they need to clarify when you need to have a business license and home occupation. 17.78.010 and 17.78.020 – he feels they need to clarify what triggers you to be required to have a home occupation permit. He thinks the removal of prohibited uses is a slippery slope/can of worms. He said it seems odd to him that they have eliminated “automotive” and “animal breeding” because if it meets the other criteria it's not a problem. He feels it is discriminatory. He feels the language is vague and unfair in 17.78.040-2. 17.78.040-8 & 9 – he said these tend to conflict with each other in regard to parking and traffic. 17.78.020-5 – the old language is simple and concise. They have taken out trip calculations and he feels that should be left in.

Ms. Austin said what triggers the home occupation is a business license, if it's in a residential zoning district. There are specific requirements/triggers related to obtaining a business license. The removal of auto repair and kennels – this is based on experience with the things that have the most impact on residential users. These businesses do impact neighbors.

Primary source of income – she was an advocate for removing this because it's hard to implement and she doesn't feel it impacts anyone.

Deliveries – this is speaking to the deliveries to the residences as opposed to commercial/industrial users. They could change it to “other residential deliveries” to make it clearer. They could define “vicinity” as “within 250 feet of the residence”.

She went over the parking/traffic section. She feels they need to strike that the parking shall be accommodated on site because they can't require that. She agreed that the term "monopolize" is a little loose.

There was discussion regarding the purpose/intent. Ms. Kratz said that in 17.78.010, #1 – it states what they were asking for. Mr. Sieckmann said it is pretty vague. There was further discussion regarding complaints, baseline, revocation, etc.

There was further discussion regarding "vicinity". It was agreed to clarify that it is "within 250 feet of the residence". There was discussion regarding truck size.

Commissioner Pat Smith complimented the City Council, City staff, and Ms. Austin on taking a deep dive into this. He agreed that they needed clarity of language. He said they need to be consistent in how they do things. If they aren't going to allow or limit pallet deliveries they need to do it for everybody, not just most people. He feels they need to be specific about what can be done as opposed to granting a wish list and hope it's okay. Ms. Austin confirmed that he would prefer to see the list on page 4-15 (159 of 170) put back in and expand it to try to accommodate all the home occupation uses. Commissioner Smith said he doesn't think it's fair for the Police Department to have to decide what's okay and what isn't okay.

Commissioner Wease would like to have more clarification regarding headquarters for craftsman or salesman. Ms. Austin said that most things can be a home occupation if they meet the design and function criteria, so that was where they focused it. They don't want to be restrictive of the types of uses that are happening, but if they can obtain a business license and meet these criteria so that they're not having the impacts on the neighbors, staff felt that was a fair way to do that. They are trying to make sure they aren't inadvertently excluding a valid use, but making sure it's clear what they will exclude, which is anything that doesn't meet the criteria. She pointed out that as long as current home occupancy permit holders continue their home occupation and continue getting their business license, their current standing stays the same. If they lapse their business license or stop their home occupation/business and want to start up again, the new standards would apply if it is after these become applicable. Chair Smith suggested that once this is approved and implemented the information should be put in the City newsletter so that everyone is aware. Ms. Austin said they discussed including the information with business license renewals as well. There was discussion regarding employees.

There was discussion regarding "grandfathered" permits and enforcement issues. Commissioner Wease asked if they should go a step further to notify current home occupancy permit holders of these changes. Ms. Kratz said they don't have email addresses for everyone, but letters containing the agenda for tonight's meeting were mailed out to the approximately 60-70 home occupation business license holders. They could do that again to provide the information regarding changes and notify the ones who have not renewed of the implications involved.

Commissioner Pat Smith asked if the recommendation was for parking of business vehicles on the street to be prohibited. Ms. Austin said the parking situation is so fluid now that they can't require people to have on-site parking in a lot of places. She said she withdrew that recommendation and it didn't carry forward to staff's recommendation.

There was further discussion regarding employees. Ms. Austin read the current language. They are changing it to require that an employee has to reside in the dwelling to be a part of the business. You can have employees, but they can't engage in your home occupation.

Commissioner Pat Smith made a motion to close the public hearing. Motion was seconded by Commissioner Wease. Ms. Bannick took a roll call vote: Commissioner Wease – yes. Commissioner Langston – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau - yes. Chair Smith – yes. Motion passed with a unanimous vote.

Chair Smith closed the public hearing at 8:00 P.M.

Discussion:

Commissioner Wease asked if there is room for verbiage in the purpose statement – to allow business permit holding residents to conduct business out of their home in these specific circumstances. Ms. Austin read that section of 17.78.010. They would change it to: Permit business license holding residents. Commissioner Wease had concerns regarding commercial vehicles – such as on-site detailing. He asked if they needed to call out commercial services to automotives specifically because they have already said that everything must happen inside the walls of the residence, so they have already addressed the public nuisance side with that verbiage. There was discussion regarding liability insurance, hazardous materials, DEQ requirements, mobile detailing services, etc. Ms. Austin said there may be issues with vehicles waiting to be worked on.

Commissioner Pat Smith made a motion to carry this over after the changes come back to discuss at the January meeting. Motion was seconded by Commissioner Langston. Ms. Bannick took a roll call vote: Commissioner Mersereau – yes. Commissioner Pat Smith – yes. Commissioner Labonte – yes. Commissioner Langston – yes. Commissioner Wease – yes. Chair Smith – yes. Motion passed with a unanimous vote.

5. 2024 LONG-RANGE PLANNING WORK PROGRAM:

Ms. Austin wanted to provide a snapshot of what’s coming their way and add any items that she may have overlooked. She went over the current list (further information is included in the packet):

- Gladstone Town Center Project
- Climate Friendly and Equitable Communities (CFEC) Parking Reform
- Re-zoning of Meldrum Bar Park and Gladstone Nature Park
- State-Mandated Code Updates

There was discussion regarding the funding, scope, timelines, etc.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Wease missed the financial disclosure at the last meeting. He said he lives in the City of Gladstone and owns his home. He works for Comcast. His wife has a photography business and operates all over the state, but the editing is done in their home. He has a 401K and some stocks.

Commissioner Mersereau said he enjoyed the meeting and wished everyone a Merry Christmas and happy New Year.

Commissioner Labonte wished everyone a happy and safe holiday. He is excited for getting the open space designation for the Nature Park and Meldrum.

Commissioner Pat Smith asked if there were any applications for the seats that are expiring at the end of the year. They decided at the last City Council meeting to reappoint Commissioner Wease and Commissioner Natalie Smith.

Chair Smith wished everyone a Merry Christmas and happy New Year. She thanked everyone for all their work, support, and efforts.

ADJOURN:

Commissioner Langston made a motion to adjourn the meeting. Motion was seconded by Commissioner Wease. Ms. Bannick took a roll call vote: Commissioner Mersereau – yes. Commissioner Pat Smith – yes. Commissioner Labonte – yes. Commissioner Langston – yes. Commissioner Wease – yes. Chair Smith – yes. Motion passed with a unanimous vote.

Meeting was adjourned at approximately 8:25 P.M.

Minutes approved by the Planning Commission this _____ day of _____, 2024.

Natalie Smith, Chair

January

REGULAR AGENDA





City of Gladstone Monthly Planning Report December 2023

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YEAR-TO-DATE TOTALS
Customer Service Counter Contacts	1	1	1	1	0	1	0	0	0	0	1	1	7
Customer phone/email Contacts	48	37	31	43	34	27	20	32	42	44	32	33	423
Building Permits with Land Use Review	4	6	2	4	8	4	2	6	9	8	5	9	67
Code Compliance Review	1	1	1	0	0	0	1	0	0	0	0	0	4
Pre-application Conferences	1	0	1	0	0	0	1	1	1	0	2	0	7
Administrative Decisions	2	2	0	0	0	0	2	0	1	0	0	0	7

PLANNING COMMISSION ACTIONS/DECISIONS

- DR 23-06 FIRE Restoration Warehouse Building Approved
- Home Occupation Code Update continued to January 2024 Planning Commission meeting

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- No City Council Land Use Actions/Decisions in December 2023

PRE-APPLICATION CONFERENCES

- None in December

ADMINISTRATIVE PERMITS

- No Administrative Permits in December

BUILDING PERMITS WITH LAND USE REVIEW

Date	Address	Permit #	Description
12/05/23	1085 Portland Ave	B0515823	Exterior ADA upgrades and interior improvements to existing Commercial Structure for new Happy Rock Coffee Roasting Co. coffee shop and roastery. Review Cycle #3. Gladstone Zoning Standards continue to be met.
12/14/23			Review Cycle #4. Gladstone Zoning Standards continue to be met.
12/05/23	530 E Gloucester St	B0635823	
12/06/23	6635 Canterbury Dr	B0633923	Addition to existing home meeting setbacks and height requirements for zone.
12/08/23	555 Collins Crest	B0561923	Addition to existing home meeting setbacks and height requirements for zone.
12/12/23	8405 Cason Road	B0558923	Addition to existing home meeting setbacks and height requirements for zone.
12/14/23	465 Portland Ave	B9620523	The Brew- Conversion of a patio cover into a deck for access by the upstairs apartment on the rear of the building. Meets dimensional standards of C-2 zone in Downtown Core Overlay.
12/14/23	735 E Clarendon St	B0596123	Interior tenant improvement to existing office building. No proposed changes to exterior of building, building footprint, parking or site access. Business office use permitted in C-3 zoning.
12/26/23	525 Portland Ave.	B0569623	New library generator and trash enclosure approved.

FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
01/09/24	City Council- Accept DLCD Grant for Town Center and CFEC Parking Project
01/16/24	Planning Commission- Home Occupation Code Update (Continued)

January

REGULAR AGENDA





Agenda Item No. 4

PC Meeting Date: 12/19/2023 (Original)
Continued to 01/16/2024

Staff Memo: GMC 17.78 Home Occupation Code Amendments

File No.: TXT-23-03

Applicant or Presenter: City of Gladstone

Project Location: Properties Eligible for Home Occupations

Project Description: City staff propose updates to Gladstone Municipal Code (GMC) Chapter 17.78- Home Occupations. The criteria of GMC Chapter 17.78 will apply to any new home occupation submittal in the city of Gladstone.

SUMMARY

The Planning Commission opened a public hearing to review the proposed updates to Gladstone Municipal Code (GMC) Chapter 17.78- Home Occupations on December 19, 2023. The Planning Commission accepted the staff report and public comments and discussed the proposed changes. Several updates to the proposed language were requested by the Planning Commission, with the public hearing left open and continued to the date certain of January 16, 2024.

City staff have updated the proposed language and included it with this memo in both a “markup” version and a “clean” version.

Staff continue to recommend that the Planning Commission recommend approval of the revised updates to GMC 17.78- Home Occupations to the City Council at their meeting on February 13, 2024.

The findings of fact supporting the proposed Comprehensive Plan Text Amendment are found in the staff report prepared for the December 19, 2023 Planning Commission meeting. No changes are proposed to these findings (Pages 4-1 through 4-13 of the Packet found [here](#) and also as identified below):

https://www.ci.gladstone.or.us/sites/default/files/fileattachments/planning_commission/meeting/9986/pcpacket.12192023.pdf)

**Chapter 17.78
HOME OCCUPATIONS**

Sections:

17.78.010 ~~Uses allowed as home occupations. Purpose~~

17.78.020 Applicability and Exemptions

17.78.030~~16~~ Type I and Type II home occupations. Prohibited Home Occupations

17.78.040 Approval criteria and standards.

17.78.020 ~~Limitations on home occupations.~~

17.78.050 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 business license-holding 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 engage in a home occupation that does not comply with the provisions of this chapter. A person shall not or permit such a home occupation use to occur on property that the person owns or is in lawful control of if the home occupation does not comply with the provisions of this chapter., contrary to the provisions of this chapter.~~

~~(2) Any business operating from a residential property must obtain a home occupation and a Gladstone business license unless specifically exempted by GMC 17.78.020(3), below.~~

~~(23) 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;~~

~~(c) Remote office workers who work for a business whose license is held outside of the City of Gladstone.~~

~~(43) 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 a 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. Headquarters, office and/or administrative functions related to automobile-related businesses may be allowed as a home occupation with no automobile services conducted on the site of the home occupation.

(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) Deliveries to the home occupation shall be similar to deliveries to other residences residential deliveries within 250 feet of the property in the vicinity. Vehicles used for delivery and pick up may not include heavy trucks (i.e. two or more axles).

(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. All activities must be in completely enclosed, hard-sided structures. Exterior activities, storage or display of goods, equipment or materials is prohibited. 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. Any parking generated by patrons shall be able to be accommodated on-site.

(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 quietness.~~

~~(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 be affixed directly to the dwelling. The total size of all combined signage 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.

(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 p~~Permits 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.~~

~~(6) The city shall not issue a business license until a home occupation permit is issued by the City Administrator or designee.~~

~~(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 Administrator or designee. ~~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.

**GLADSTONE
MUNICIPAL
CODE
CHAPTER
17.78
HOME OCCUPATIONS

FINAL VERSION**

Chapter 17.78 HOME OCCUPATIONS

Sections:

17.78.010 Purpose

17.78.020 Applicability and Exemptions

17.78.030 Prohibited Home Occupations

17.78.040 Approval criteria and standards.

17.78.050 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 Purpose

The purpose of this chapter is to:

(1) Permit business license-holding 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 engage in a home occupation that does not comply with the provisions of this chapter. A person shall not permit a home occupation to occur on property that the person owns or is in lawful control of if the home occupation does not comply with the provisions of this chapter.

(2) Any business operating from a residential property must obtain a home occupation and a Gladstone business license unless specifically exempted by GMC 17.78.020(3), below.

(3) 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;
- (c) Remote office workers who work for a business whose license is held outside of the City of Gladstone.

(4) A home occupation permit and associated fee are required for each property on which a home occupation is undertaken.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

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 a 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. Headquarters, office and/or administrative functions related to automobile-related businesses may be allowed as a home occupation with no automobile services conducted on the site of the home occupation.

(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) Deliveries to a home occupation shall be similar to other residential deliveries within 250 feet of the property. Vehicles used for delivery and pick up may not include heavy trucks (i.e. two or more axles).
- (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. All activities must be in completely enclosed, hard-sided structures. Exterior activities, storage or display of goods, equipment or materials is prohibited. 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 on-street parking.

(10) 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.

(11) No enlargements or alterations to the dwelling or an accessory building for the sole purpose of conducting a home occupation are permitted.

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

(13) Signs advertising the home occupation or any aspect thereof shall be affixed directly to the dwelling. The total size of all combined signage not exceed a total of one square foot in area and shall be affixed directly to the dwelling.

Statutory Reference: ORS Ch. 197 and 227

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

17.78.050 Procedure to establish and maintain a home occupation.

(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.

(3) A permit for a home occupation may be revoked at any time if the requirements of this code are not being met.

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 Administrator or designee. 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 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.