



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

Tuesday, February 18, 2020

**6:30 P.M. CALL TO ORDER
ROLL CALL
FLAG SALUTE**

CONSENT AGENDA

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

1. Approval of January 21, 2020 Meeting Minutes

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.

REGULAR AGENDA

2. Monthly Planning Report – January 2020
3. **Public Hearing:** File TXT-2020-01 – R-5 and R-7.2 Zoning District Text Amendments – Accessory Dwelling Units (ADU's) – Remove additional off-street parking and owner-occupancy requirements for ADU's in the R-5 and R-7.2 Zoning Districts (Chapters 17.10 and 17.12 of the Gladstone Municipal Code) unless ADU's are used as vacation rentals. Modify Chapter 17.78 (Home Occupations) to include a procedure for permitting ADU's as vacation rentals.
4. Discussion of Annual Work Plan for 2020 (March 24, 2020 is the target date for a joint work session with City Council to discuss the 2020 Planning Commission Work Plan).

BUSINESS FROM THE PUBLIC - Visitors: This is a second 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



CONSENT AGENDA

GLADSTONE PLANNING COMMISSION MEETING MINUTES of January 21, 2020

Meeting was called to order at 6:30 P.M.

ROLL CALL:

Commissioner Andriel Langston, Commissioner Malachi de AElfweald, Commissioner Les Poole, Commissioner Patrick Smith

ABSENT:

Commissioner Natalie Smith

STAFF:

Tami Bannick, City Recorder; Joy Fields, Senior Planner; Jacque Betz, City Administrator; Tom Mersereau, City Councilor/Liaison

OATH OF OFFICE FOR NEW MEMBERS:

Commissioners Michael Milch and Darren Williams were sworn in by Ms. Bannick.

ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR:

Ms. Bannick said that Commissioner Natalie Smith nominated Commissioner Milch for Chair. Nomination was seconded by Commissioner Patrick Smith.

Commissioner de AElfweald nominated Commissioner Poole for Chair. Commissioner Poole accepted.

Ms. Bannick took a roll call vote for Commissioner Milch for Chair: Commissioner Langston - yes. Commissioner de AElfweald – no. Commissioner Poole – no. Commissioner Patrick Smith – yes. Commissioner Williams – yes. Commissioner Milch – yes.

Ms. Bannick took a roll call vote for Commissioner Poole for Chair: Commissioner Langston – no. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Patrick Smith – no. Commissioner Williams – yes. Commissioner Milch – no.

Commissioner Milch was elected Chair (4-3).

Commissioner Langston and Commissioner Natalie Smith nominated Commissioner Poole for Vice Chair. Nomination was seconded by Commissioner Patrick Smith.

Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Patrick Smith – yes. Commissioner Williams – yes. Commissioner Milch – yes. Commissioner Poole was elected Vice Chair with a unanimous vote.

CONSENT AGENDA:

1. Approval of November 19, 2019 Meeting Minutes

Commissioner Poole said he wanted to clarify some language – that he discovered an inequity in the parking plan configuration and clarified it and the applicant agreed to submit a new parking plan. Ms. Fields said the applicant has come back with an updated parking agreement that included the five parking spaces on that parcel with the three behind the residence and two in front of the residence. It was agreed to add on “to correct an error in the original application” at the end of the second sentence in paragraph three under “Discussion” of Public Hearing File Z0425-19-D.

Commissioner de AElfweald made a motion to approve the Consent Agenda as amended. Motion was seconded by Commissioner Poole. Motion passed unanimously.

BUSINESS FROM THE PUBLIC:

None.

REGULAR AGENDA:

2. Monthly Planning Reports – November and December 2019:

Ms. Fields went over the planning reports. In November there were 7 customer service contacts, 46 customer phone/email contacts, 9 building permits with land use review, 1 pre-application conference, and 1 administrative decision. In December there were 3 customer service contacts, 30 customer phone/email contacts, 5 building permits with land use review, no pre-application conferences, and 1 administrative decision (sign permit issued).

Chair Milch asked about the building permit regarding 250 W. Hereford Street. Ms. Fields said it is her understanding that it is not a replacement of an existing home – it is a new home being built on a vacant lot but it appears that there is already a house there so she will get clarification. Commissioner de AElfweald asked about the proposed zone change on Webster. Ms. Fields said a multi-family housing development would like to expand their parking and storage capabilities and include a playground.

Commissioner Patrick Smith asked if anything had been filed regarding the vacant teen rehabilitation facility on Webster – Ms. Fields said no. Ms. Betz said that Clackamas County is in the process of purchasing that property – it is one of the first projects with the Metro Affordable Housing Bond. They are doing public outreach now and are in the process of a land sale agreement. It will be single-senior housing of approximately 45 units, plus offering some other services.

Commissioner Langston made a motion to accept the November and December 2019 planning reports. Motion was seconded by Commissioner Williams. Motion passed unanimously.

3. Discussion of House Bill 2001 and Senate Bill 1051 and how it will impact future efforts in Gladstone:

Ms. Fields gave a presentation. They will be receiving more information regarding Gladstone and how Gladstone is impacted at the next meeting where there will be a public hearing on proposed code amendments. Prior to that public hearing she asked if it would be beneficial to give an overview of House Bill 2001 as well as Senate Bill 1051 and House Bill 2003 so that they are all aware of all the housing related legislation that they may hear about in the news, from neighbors, or as their role as Planning Commissioners during public hearings. House Bill 2003 directs municipalities with more than 10,000 residents to complete a housing needs analysis and provide for strategies to implement the needs identified in the housing needs analysis. We have until September 1, 2020 to let DLCDC (Department of Land Conservation and Development) know how we are going to be moving forward with this. Senate Bill 1051 required that clear and objective criteria is an option for developers of housing developments and that accessory dwelling units are permitted on all residentially zoned lots within the metro area. House Bill 2001 removed the parking and owner occupancy requirements from ADU (accessory dwelling unit) regulations and is requiring that all residentially zoned parcels allow at least a duplex on the parcel and that quadplexes, tri-plexes, townhomes, and cluster homes are provided for in certain areas. They will receive more guidance from DLCDC through the development of the model code that they have to complete by December of 2020. So nothing needs to be done in relation to House Bill 2001 until after there is a model code to consider. Commissioner de AElfweald said there is an exception for

ADU's that are used as vacation rentals and asked if Airbnb's count as a vacation rental – yes. In regard to House Bill 2003 there was a regional housing needs analysis conducted and Gladstone was a part of that, along with Clackamas County and other jurisdictions in Clackamas County. That can serve as a base line for the housing needs analysis that Gladstone develops and finalizes and adopts to be in compliance with House Bill 2003. There has already been a lot of work done that identifies the buildable lands and forecast for needed housing in the future within the city limits of Gladstone, however, it will need to be tweaked and finalized prior to adoption. Chair Milch pointed out that they already engaged Siegel Planning Services to do an analysis of our code so we are a little bit ahead of the game on this. Ms. Fields said that Gladstone received a grant to finalize the housing needs analysis and the code audit. The DLCDC anticipates that Gladstone will have an updated housing needs analysis adopted prior to 2022. Once that happens it resets the clock and every six years from that date Gladstone will need to amend/update the housing needs analysis. Chair Milch asked if the census will have any impact on what we do – Ms. Fields said it may have bearing on future forecasts. There was discussion regarding rent burden, ADU's, etc. Ms. Fields said that part of the code audit will address Senate Bill 1051, which requires that there must be a clear and objective option for developers who are developing housing. Clarification of setbacks may be one of the items that are addressed.

Ms. Fields said that House Bill 2001 is an opportunity for municipalities to review their code and allow for more middle housing. Requiring ADU's to have additional parking and owner occupancy was determined in House Bill 2001 not to be reasonable. Senate Bill 1051 required ADU's to be allowed, but local jurisdictions were allowed to have reasonable regulations pertaining to ADU's. House Bill 2001 said owner occupancy requirement and requiring additional parking for that accessory dwelling unit is not reasonable, therefore you cannot require owner occupancy or additional parking in excess of what that primary dwelling requires unless they are used as vacation rentals. There was further discussion/clarification on ADU's.

Ms. Fields provided some visual examples of what middle housing could be. There was further discussion/clarification. House Bill 2001 mentions that townhouses have to be allowed in areas – we don't know what "areas" means. She provided examples of townhouses. Cluster cottages are another one that have to be allowed "in areas". House Bill 2001 will potentially impact all of the zoning districts. There was further discussion regarding lot sizes, zoning, etc.

Ms. Betz said that Gladstone is trying to get ahead of the housing issues they are dealing with. They applied for a grant and the State awarded them \$26,000. ECONorthwest did the Clackamas County housing needs analysis. The consultant has agreed to finish Gladstone's piece. Gladstone has to do the housing needs analysis and develop a community engagement strategy. ECONorthwest is going to take our baseline housing needs analysis and get it into a draft form by September 2020 and then they will help us get it adoption ready by the next deadline. We have already done a lot of work on the housing code audit and the Downtown Revitalization Plan code changes. They want to take all three of those products and adopt them at the end of the year. In order to do that we need to hire an additional consultant to do that work because the planning staff can't do that. The DLCDC is going to have another round of grants mid 2020 that we will apply for – so their goal is to take the housing needs analysis information, the work done on the housing code audit, the Downtown Revitalization Plan, do our community engagement, package it, and then implement the changes. Part of the housing needs analysis is going to require a technical advisory committee and the Planning Commission has to be engaged with that. She feels that addressing affordable housing is going to be a main charge of the Planning Commission.

Commissioner de AElfweald asked if there was any current plan to update any of the infrastructure based on the requirement that we increase the housing. Ms. Betz said she thinks they need to do

the housing needs analysis first and then that piece would come after that. She said Metro has included five million dollars in their proposal for infrastructure for Portland Avenue with the work we already did in the Downtown Revitalization. There was further discussion regarding infrastructure, adding ADU's, etc.

Chair Milch brought up the fact that Gladstone has never had neighborhood associations that could help with the planning of projects that might impact their neighborhoods. He feels that having a community involvement program that made use of neighborhood associations might help us in trying to implement some of these changes. Commissioner Poole said we need to proceed very carefully because as change comes we find all kinds of people involved and that creates confusion and disruption. There was further discussion regarding ADU's, SDC's, infrastructure, population growth, etc.

4. Discussion of Annual Work Plan for 2020 (March 24, 2020 is the target date for a joint work session with City Council to discuss the 2020 Planning Commission Work Plan):

Chair Milch suggested looking at and scoring the work plan goals from 2019.

1. Review Gladstone Municipal Code Title 17.80.100 to determine extending design review land use approval: (This has been changed. This was given a score of 5 – it's been completed.)
2. Implement Elements of the Gladstone Revitalization Plan: (This was given a grade of 2 – there has been a little bit of progress, but this should be held over for the 2020 work plan.)
3. Address Affordable Housing: (This should be held over for the 2020 work plan.)
4. Land Use Training for Planning Commissioners: (This was given a score of 5 with the exception of the new Commissioners.)

Suggestions for the 2020 work plan:

Commissioner Poole strongly recommends that intertwined with development is transportation – he said we have a need to include transportation and parking in our thoughts. Chair Milch feels that it is a very important aspect of some of the other things that they are talking about doing, such as housing.

Commissioner de AElfweald said a lot of the codes are outdated, such as energy codes. He would like to look forward and encourage code that would be more forward-looking in terms of better energy use or being more self-sufficient.

Commissioner Patrick Smith said we should offer our services to the City Council, if needed, to look at municipal code revisions, such as membrane structures.

Commissioner de AElfweald asked if we should look into whether there are options we can do to help with the homeless aspect. Chair Milch said that affordable housing is one aspect. There was discussion regarding allowing people to sleep in their cars, land use codes/municipal codes, conditional use permit process, etc. There is a provision in which groups who want to provide those kinds of services would be able to do it with a conditional use permit.

The work plan will be discussed further at the next meeting. The goal is to finalize the plan in order to present it to the City Council in March.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE COMMISSION:

Commissioner Williams:

He said he has been a contractor since 1992; he mainly buys, fixes, and sells homes. He has built subdivisions, new homes, has 22 tenants, etc.

Chair Milch:

He said he was on the City Council for a while, he has followed what the Council and Planning Commission has done. He said it can be a challenge to deal with a public who doesn't come to meetings at all or comes only when they are angry with you. He commends the Commission on how they have dealt with those situations. He looks forward to working with everyone.

Ms. Bannick reminded everyone of the volunteer committee orientation that is coming up on January 28th at 6:00 p.m.

Ms. Fields said they should have received information from DLCD regarding an upcoming event on January 30th to discuss House Bill 2001 and House Bill 2003.

ADJOURN:

Meeting adjourned at approximately 8:10 P.M.

Minutes approved by the Planning Commission this _____ day of _____, 2020.

Michael Milch, Chair



REGULAR AGENDA



City of Gladstone Monthly Report | January 2020

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	January	YEAR TOTALS
Customer Service Counter Contacts	5	5
Customer phone/email contacts	43	43
Building Permits with Land Use Review	5	5
Pre-application conferences	1	1
Administrative Decisions	2	2

PLANNING COMMISSION ACTIONS/DECISIONS

- None

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- None

PRE-APPLICATION CONFERENCES

- 18085 Webster Road – proposal for new garages, storage and recreation space.

ADMINISTRATIVE PERMITS

- Z-0502-19 – 76 Station sign revisions
- Z-0536-19 – 2-lot partition on Columbia Ave

BUILDING PERMITS WITH LAND USE REVIEW

JANUARY

Date	Address	Building Permit #	Description
01/07/2020	19640 McLoughlin	B0684819	Tenant improvement
01/07/2020	810 E. Arlington Street	B0691019	Tenant improvement and site development
01/08/2020	810 E. Arlington Street	B0544019	Replacement of freestanding sign
01/08/2020	19495 McLoughlin	B0001220	New wall sign
01/24/2020	W. Arlington St	B0442819	New commercial building

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic
City Wide	Proposed code amendments related to Accessory Dwelling Units. Public hearing scheduled for February 18, 2020.



REGULAR AGENDA



Agenda Item No. 3

PC Meeting Date: 02/18/20

STAFF REPORT: PROPOSED CODE AMENDMENTS

Application No.: TXT-2020-01;

Applicant: City of Gladstone,

Project Location: Citywide

Zoning: R-5 and R-7.2 Zoning Districts

Project Description: Remove the additional off-street parking and owner-occupancy requirements for ADU's in the R-5 and R-7.2 Zoning Districts (Chapters 17.10 and 17.12 of the Gladstone Municipal Code) unless they are used as vacation rentals. Modify 17.78 to include a procedure for permitting ADU's as vacation rentals.

SUMMARY OF STAFF RECCOMENDATION

The Planning staff are recommending removing the owner occupancy and parking requirements for Accessory Dwelling Units (ADU) and changing the Home Occupation chapter to address vacation rentals. The changes include: (1) Removing parking requirements for ADUs, (2) Removing owner occupancy through deed restrictions, and (3) Including vacation rentals as a Type II Home Occupation with permitting requirements that ensure parking and owner occupancy as required by underlying zoning districts.

The proposed amendments attempt to update Title 17 of the Gladstone Municipal Code (GMC), specifically Sections 17.10, 17.12 and 17.78 to address the requirements of HB 2001 while providing the City of Gladstone with additional tools to permit vacation rentals. Requiring owner occupancy and one additional parking space per ADU were determined by the state to be "unreasonable" regulations. However, the local jurisdictions are permitted to include those regulations for ADUs if the ADU is used as a vacation rental. These proposed code amendments are subject to: ORS 90.100, 197.175, 197.303, 197.312.

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APPENDIX: Proposed Amendments

- A. 17.10 Redline**
- B. 17.12 Redline**
- C. 17.78 Redline**

I. PUBLIC NOTICE

Sent to: Clackamas Review for inclusion in the January 22, 2020 edition. Sent to the City of Gladstone Department Heads.

Comments Received: Chief of Police informed staff that Code Compliance had no issues with proposed code amendments. No other comments were received.

II. DLCD NOTICE

- 1. DLCD File#001-20.** DLCD was notified of the proposed changes to the Gladstone Municipal Code on 1/10/2020. The proposed changes to 17.10 and 17.12, along with the dates of the public hearings, were submitted through the Post-Acknowledgement Plan Amendment (PAPA) online system. Confirmation of the submission was received.

Comments Received: None.

III. PROPOSED AMENDMENTS

- 1. SECTION 17.10.** R-7.2 Single-Family Residential District, the proposed changes include removing the one additional parking space and owner occupancy requirement for accessory dwelling units. A subsection for ADUs used for vacation rentals was added with requirements for one off-street parking space and owner-occupancy of one of the units (Appendix A).
- 2. SECTION 17.12.** R-5 Single-Family Residential District, the proposed changes include removing the one additional parking space and owner occupancy requirement for accessory dwelling units. A subsection for ADUs used for vacation rentals was added with requirements for one off-street parking space and owner-occupancy of one of the units (Appendix B).
- 3. SECTION 17.78.** Home Occupations, the proposed changes including vacation rentals as a Type II Home Occupation subject to the requirements of the underlying zoning district (Appendix C). The re-organization of items to clarify the difference between a Type I and Type II Home Occupation. Moving the definition and parking requirements for “instructional services” to 17.78.020(11) that addresses that permit type.

IV. ANALYSIS AND FINDINGS

A. GLADSTONE MUNICIPAL CODE

Section 17.68 establishes the authorization for amendments and zone changes. Amendments may be initiated by the City Council, the City Planning Commission or the City Administrator or his designee. Procedures for reviewing amendments follow the administrative procedures in GMC Division VII. This criteria is met.

Section 17.94.060 specifies that the Planning Commission shall hold a public hearing and make a recommendation to the City Council on amendments to the text of the Gladstone Municipal Code. This criteria is met.

B. GLADSTONE COMPREHENSIVE PLAN

Housing Goal:

“To meet the housing needs of all segments of the population through optimum utilization of housing resources for the construction, rehabilitation and maintenance of the diversity of housing types at appropriate locations, price ranges and rent levels, while preserving and enhancing the integrity and identity of existing residential neighborhoods.”

Policy 1 “Provide a choice of housing type, density and price range.”

Policy 2 “Promote the development of high density housing around commercial and/or industrial centers served by mass transit transfer stations.”

Policy 3 “Promote the supply of adequate housing.”

Policy 4 “Promote the upgrading and preservation of existing housing unit and neighborhoods, with special emphasis on historically significant homes.”

The proposed text amendments would allow Accessory Dwelling units without requiring additional parking, or owner occupancy. This is anticipated to promote additional housing units with a variety of type, density and price ranges, in support of the Gladstone Comprehensive Plan Housing Policy 1 and 3. Providing a permitting process for ADUs used as vacation rentals is anticipated to also support Policy 1 and 3 by allowing for the supply of adequate housing.

C. STATEWIDE PLANNING GOALS AND GUIDELINES

- a. Goal 1 – Citizen Involvement: The amendments do not propose to change the structure of the City’s citizen involvement program. Notice of the proposed amendments was provided to the local newspaper, the Clackamas Review.
- b. Goal 2 – Land Use Planning: Statewide Planning Goal 2 does not apply to TXT-2020-01 because the amendments do not propose to change the City’s land use planning process. The City will continue to have a comprehensive land use plan and implementing regulations consistent with that plan.
- c. Goal 3 -4 – Agricultural and Forest Lands: These goals are not applicable because the TXT-2020-01 amendments does not change the Clackamas County policies required to meet these goals that are directed to counties.
- d. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: Goal 5 is not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources within the City of Gladstone.

f. Goal 6 – Air, Water and Land Resources Quality: Goal 6 is not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 6.

g. Goal 7 – Areas Subject to Natural Disasters and Hazards: This Statewide Planning Goal is also not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations regarding natural disasters and hazards.

h. Goal 8 – Recreational Needs: Goal 8 is not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations related to recreational needs.

i. Goal 9 – Economy of the State: Goal 9 is not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations related to economic development and analysis in the County’s urban areas.

j. Goal 10 – Housing: Goal 10 concerns urban lands designated for residential use. The amendments do not propose to rezone land for residential purposes or to reduce the amount of land already zoned for residential development. The amendments are in line with state legislation related to housing.

k. Goal 11 – Public Facilities and Services: Goal 11 is not applicable because the text amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding public facilities and services.

l. Goal 12 – Transportation: Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. OAR 660-012-0060 requires any comprehensive plan amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system. Evaluation by staff is that the amendment will not impact the transportation system because it does not increase the number of housing units or accessory dwelling units allowed on a parcel. House Bill 2001 allows amendments to land use regulations related to middle housing to not consider the existing or planned transportation facility.

m. Goal 13 – Energy Conservation: Goal 13 is not applicable because the amendments do not propose to change the comprehensive land use plan energy conservation policies or implementing regulations.

n. Goal 14 – Urbanization: Goal 14 is not applicable to the amendments do not propose to change comprehensive land use plan policies or implementing regulations regarding urbanization.

o. Goal 15 – Willamette River Greenway: Goal 15 is not applicable because the amendments do not propose to change comprehensive land use plan policies or implementing regulations regarding the Willamette River Greenway (WRG).

p. Goals 16-19 – (Estuarine Resources, Coastal Shore lands, Beaches and Dunes, and Ocean Resources): City of Gladstone is not subject to these four Statewide Planning Goals.

V. RECOMMENDATIONS

Planning staff are recommending APPROVAL of the proposed text changes to the Gladstone Municipal Code Chapters 17.10, 17.12, and consideration and approval of changes to 17.78 to support the processes needed to permit vacation rentals.



APPENDIX A

17.10 Redline

Chapter 17.10 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.10.010 Purpose.**
- 17.10.020 Uses allowed outright.**
- 17.10.030 Accessory uses allowed.**
- 17.10.040 Conditional uses allowed.**
- 17.10.050 Dimensional standards.**
- 17.10.060 Design standards.**
- 17.10.070 Exemptions to uses permitted outright.**

17.10.010 Purpose.

The purpose of an R-7.2 district is to implement the comprehensive plan and to provide land for families and individuals desiring to live in an environment of single-family dwellings with low density multi-family dwellings on the periphery of neighborhoods.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990.

17.10.020 Uses allowed outright.

In an R-7.2 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Single-family dwelling, including a manufactured dwelling.
- (2) Two-family dwelling on a collector or minor arterial.
- (3) Foster home.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1188](#) §1, 1994; Ord. [1323](#) 1, 2002.

17.10.030 Accessory uses allowed.

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter [17.54](#) (clear vision). The following accessory uses shall be allowed in an R-7.2 zoning district:

Gladstone Municipal Code:

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1710.html#17.10>

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(1) Buildings. Garages and carports, storage and other buildings, as follows:

(a) Either the side, except a street side, or rear setback may be reduced to five feet (5') for structures that:

(A) Are detached from other buildings on the same lot by a minimum of ten feet (10');

(B) Do not exceed a height of one (1) story; and

(C) Do not exceed a floor area of four hundred fifty (450) square feet;

(b) Either the side, except a street side, or rear setback may be reduced to three feet (3') for structures that do not exceed a floor area of one hundred twenty (120) square feet.

(c) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

(d) A setback does not apply to Portable Storage Containers as defined in Chapter [5.22](#).

(2) Courtyards, Patios and Decks. The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setbacks shall be required for uncovered courtyards, patios or decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

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

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

(b) Fences and walls not subject to Subsection (3)(a) of this Section shall not exceed six feet (6') in height.

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

Gladstone Municipal Code:

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1710.html#17.10>

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(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter [15.28](#) (temporary dwellings).

(5) Accessory dwelling units, subject to the following standards:

(a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;

(b) The floor area of an accessory dwelling unit shall not exceed four hundred (400) square feet;

(c) An accessory dwelling unit shall not contain more than one bedroom;

~~(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner-occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;~~

~~(e) One off-street parking space shall be provided in addition to the off-street parking space required by GMC Chapter [17.48](#) (off-street parking and loading) for the primary dwelling unit;~~

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same ~~or visually similar to as~~ those of the primary dwelling unit with respect to type, size, placement, and color;

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same ~~or visually similar to as~~ those of the primary dwelling unit with respect to type, size, placement, and color;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

Gladstone Municipal Code:

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1710.html#17.10>

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(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section [17.10.050](#).

(l) An accessory dwelling unit used as a vacation rental shall provide:

(1) One off-street parking space in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit; and

(2) A deed restriction requiring owner-occupancy of one of the units recorded in the Clackamas County Clerk's Office in a form prescribed by the City. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the accessory dwelling unit is being used as a vacation rental.

(6) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

(7) Home Occupations. Home occupations shall be subject to GMC Chapter [17.78](#) (home occupations).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1289](#) §1, 2000; Ord. [1323](#) §1, 2002; Ord. [1392](#) §3, 2007.

17.10.040 Conditional uses allowed.

In an R-7.2 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter [17.70](#) (conditional uses):

- (1) Multi-family dwelling, three to eight unit complexes on a collector or minor arterial.
- (2) Church and associated buildings and structures.
- (3) Fire station or similar public use necessary to provide service or preserve public safety in the area.
- (4) Community center, day care center.
- (5) Nursing homes and homes for the aged.
- (6) School and associated buildings, structures and facilities.
- (7) Utility facility provided that no outside storage is involved.

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(8) Group homes.

(9) Planned unit development (PUD).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1323](#) §1, 2002.

17.10.050 Dimensional standards.

Except as provided in GMC Chapter [17.38](#) (planned unit development), Chapter [17.72](#) (variances) and Chapter [17.76](#) (exceptions), the following dimensional standards shall apply in an R-7.2 zoning district:

(1) Lot Area:

(a) For a single-family dwelling, the minimum lot area shall be seven thousand two hundred (7,200) square feet;

(b) For a two-family or multi-family dwelling, the minimum lot area shall be three thousand six hundred (3,600) square feet per dwelling unit;

(c) For other uses, the minimum lot area shall be seven thousand two hundred (7,200) square feet, or as established by the Planning Commission, as provided by GMC Chapter [17.70](#) (conditional uses).

(2) Setback Requirements:

(a) A front setback shall be a minimum of twenty feet (20') except that a front porch may project a maximum of five feet (5') into a required front setback area;

(b) Except on a corner lot, the total side setback shall be a minimum of twenty percent (20%) of the average lot width or fifteen feet (15'), whichever is less, but in no case shall a side setback be less than five feet (5');

(c) A rear setback shall be a minimum of fifteen feet (15');

(d) On a corner lot, the street side setback shall be a minimum of twenty feet (20') and the other side setback shall be a minimum of five feet (5');

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

(3) Building Height. Maximum building height shall be thirty-five feet (35'). Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.

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

(5) Minimum Density. Subdivisions and PUDs shall provide a minimum density of eighty percent (80%) of the maximum density per net acre. For the purpose of this provision, maximum density shall be one (1) dwelling unit per seven thousand two hundred (7,200) square feet of lot area or six (6) units per net acre.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1289](#) §1, 2000; Ord. [1323](#) §1, 2002.

17.10.060 Design standards.

(1) Attached garage. The following standard shall apply to the construction of a garage attached to a single-family or two-family dwelling. An existing garage, legally constructed prior to the adoption of this standard, that does not conform to this standard may be remodeled or expanded provided such remodeling or expansion shall not further reduce the structure's compliance with this standard.

(a) The length of the garage wall facing the street may be up to fifty percent (50%) of the length of the street-facing building façade. On corner lots only one street-facing garage wall must meet this standard unless there are two garages, such as in the case of a two-family dwelling.

(2) Main entrance. The main entrance of a single-family dwelling and the main entrance of each unit of a two-family dwelling shall:

(a) Face the street lot line. On a corner lot, the main entrance may face either street lot line or the corner; or

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(b) The main entrance shall open onto a covered porch that has an entrance that faces the street lot line. The porch and its roof shall each be at least forty (40) square feet in area and neither the width nor the depth shall be less than five feet (5').

(3) Design features. Single-family and two-family dwellings shall include at least two (2) of the following design features:

- (a) Dormer;
- (b) One or more windows that face the street lot line;
- (c) Cupola;
- (d) Bay or bow window;
- (e) Gable;
- (f) Covered porch entry;
- (g) Eaves (minimum six inches projection); and
- (h) Offset on building face or roof (minimum sixteen inches (16")).

(4) Manufactured dwellings. All manufactured dwellings on individual lots in this district shall meet or exceed the following design standards:

- (a) The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet;
- (b) The manufactured dwelling shall be placed on an excavated, backfilled foundation and enclosed at the perimeter such that no more than twelve inches (12") of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve inches (12") of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement, the twelve inch (12") limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet (3') height for each twelve feet (12') width;

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(d) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material on surrounding dwellings;

(e) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the Uniform Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification standards. Additional manufacturer’s certification shall not be required in such cases.

(f) The manufactured dwelling shall have a garage or carport constructed of like materials. An attached or detached garage may be approved in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1188](#) §1, 1994; Ord. [1289](#) §1, 2000.

17.10.070 Exemptions to uses allowed outright.

Manufactured housing shall not be allowed in any area designated in an acknowledged Comprehensive Plan or land use regulation as an historic district or on residential land immediately adjacent to an historic landmark.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1188](#) §1, 1994; Ord. [1323](#) §1, 2002.



APPENDIX B

17.12 Redline

Chapter 17.12
R-5—SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.12.010 Purpose.**
- 17.12.020 Uses allowed outright.**
- 17.12.030 Accessory uses allowed.**
- 17.12.040 Conditional uses allowed.**
- 17.12.050 Dimensional standards.**
- 17.12.060 Design standards.**

17.12.010 Purpose.

The purpose of an R-5 district is to implement the comprehensive plan and to provide land for families and individuals desiring to live in an environment of medium density, mixed single-family and multi-family dwellings.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990.

17.12.020 Uses allowed outright.

In an R-5 zoning district, the following uses and their accessory uses are allowed outright:

- (1) Single-family dwelling, including a manufactured dwelling.
- (2) Mobile home park, subject to GMC Section [17.62.070](#) (mobile home park).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1144](#)§1, 1991; Ord. [1171](#) §1(C), 1993; Ord.1291 §1, 2000; Ord.1323 §1, 2002.

17.12.030 Accessory uses allowed.

Accessory uses shall comply with all the requirements of this zoning district, except as this section allows to the contrary. All accessory structures shall be subject to GMC Chapter [17.54](#) (clear vision). The following accessory uses shall be allowed in an R-5 zoning district:

- (1) Buildings. Garages and carports, storage and other buildings, as follows:

(a) Either the side, except a street side, or rear setback may be reduced to zero for one accessory structure provided such structure:

(A) Is detached from other buildings;

(B) Does not exceed a height of one (1) story; and

(C) Does not exceed a floor area of four hundred fifty (450) square feet;

(b) A wall of rated, fire-resistive construction may be required by the Oregon Structural Specialty Code or its successor.

(c) When more than one accessory structure is present including a Portable Storage container as defined in Chapter [5.22](#), a setback does not apply to the Portable Storage Container.

(2) Courtyards, Patios and Decks. The minimum side, except street side, and rear setbacks for uncovered courtyards, patios and decks in excess of thirty inches (30") in height shall be five feet (5'). The minimum front and street side setbacks for such courtyards, patios and decks shall be fifteen feet (15'). No setbacks shall be required for uncovered courtyards, patios and decks thirty inches (30") or less in height. When calculating the height of a courtyard, patio or deck, railings and benches shall be excluded from the calculation.

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

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

(b) Fences and walls not subject to Subsection (3)(a) of this Section shall not exceed six feet (6') in height.

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

(4) Storage. Storage of boats, trailers, pickup campers, coaches, motorhomes and similar recreation equipment. Occupancy of such equipment is subject to a temporary permit under GMC Chapter [15.28](#) (temporary dwellings).

(5) Accessory dwelling units, subject to the following standards:

(a) Only one accessory dwelling unit per lot shall be permitted. An accessory dwelling unit shall not be permitted on a lot occupied by two or more dwelling units;

(b) The floor area of an accessory dwelling unit shall not exceed 400 square feet;

(c) An accessory dwelling unit shall not contain more than one bedroom;

~~(d) Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the other unit is being rented or otherwise occupied. Prior to issuance of a building permit establishing an accessory dwelling unit, a deed restriction requiring owner-occupancy of one of the units shall be recorded in the Clackamas County Clerk's Office in a form prescribed by the City;~~

~~(e) One (1) off-street parking space shall be provided in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit;~~

(f) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing façade of the structure containing the primary dwelling unit unless this structure had additional entrances before the accessory dwelling unit was created and the number of entrances will not be increased;

(g) The exterior finish materials—including siding, trim and roofing—of an accessory dwelling unit shall be the same ~~or visually similar to as~~ those of the primary dwelling unit with respect to type, size, placement, and color;

(h) The roof pitch of an accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling unit;

(i) The windows of an accessory dwelling unit shall be the same ~~or visually similar to as~~ those of the primary dwelling unit with respect to type, size, placement, and color;

(j) The eaves on an accessory dwelling unit shall project from the structure walls the same distance as the eaves on the primary dwelling unit;

(k) An accessory dwelling unit shall comply with the minimum yard requirements and maximum building height established in GMC Section 17.12.050.

(l) An accessory dwelling unit used as a vacation rental shall provide:

(1) One off-street parking space in addition to the off-street parking space required by GMC Chapter 17.48 (off-street parking and loading) for the primary dwelling unit; and

(2) A deed restriction requiring owner-occupancy of one of the units recorded in the Clackamas County Clerk's Office in a form prescribed by the City. Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for as long as the accessory dwelling unit is being used as a vacation rental.

(6) Swimming Pools, Ponds and Hot Tubs. The minimum side, street side and rear setbacks for swimming pools, ponds and hot tubs shall be three feet (3'). The minimum front setback for ponds no greater than five feet (5') wide and no more than two feet (2') deep shall be three feet (3').

(7) Home Occupations. Home occupations shall be subject to GMC Chapter [17.78](#) (home occupations).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1171](#) §§1(E) & 1(F), 1993; Ord. [1289](#) §1, 2000; Ord. [1323](#) §1, 2002; Ord. [1392](#), §3, 2007.

17.12.040 Conditional uses allowed.

In an R-5 zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter [17.70](#) (conditional uses):

- (1) Multi-family dwelling, three to eight unit complexes.
- (2) Medical/dental office at the intersection of minor arterials or collectors.
- (3) Church and associated buildings and structures.
- (4) Community center, day care center.
- (5) Fire station or similar public use necessary to provide service or preserve public safety in the area.
- (6) Planned unit development.
- (7) Nursing homes and homes for the aged.
- (8) School and associated buildings, structures and facilities.
- (9) Utility facility provided that no outside storage is involved.

(10) Community commercial within two hundred feet from the Portland Avenue C-2 district.

(11) Group homes.

(12) Boarding house, rooming house, lodging house.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1323](#) §1, 2002.

17.12.050 Dimensional standards.

Except as provided in GMC Chapter [17.38](#) (planned unit development), Chapter [17.72](#) (variances) and Chapter [17.76](#) (exceptions), the following dimensional standards shall apply in an R-5 zoning district:

(1) Lot Area:

(a) For a single-family dwelling, the minimum lot area shall be five thousand (5,000) square feet;

(b) For a multi-family dwelling, the minimum lot area shall be two thousand five hundred (2,500) square feet per dwelling unit;

(c) For other uses, the minimum lot area shall be five thousand (5,000) square feet, or as established by the Planning Commission, as provided by GMC Chapter [17.70](#) (conditional uses).

(2) Setback Requirements:

(a) A front setback shall be a minimum of twenty feet (20') except that a front porch may project a maximum of five feet (5') into a required front setback area;

(b) A side setback shall be a minimum of five feet (5');

(c) A rear setback shall be a minimum of fifteen feet (15');

(d) A street side setback shall be a minimum of twenty feet (20');

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

(3) Building Height. Maximum building height shall be thirty-five feet (35'). Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.

(4) Minimum Vegetation. For multi-family dwellings, the minimum area that must be left or planted with trees, shrubs, grass, etc., shall be at least twenty percent (20%) of the total area of the lot.

(5) Exceptions in Case of Large Scale PUD. The dimensional standard of this section may be modified by the Planning Commission in the case of a plan and program for a planned unit development, providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(6) Minimum density. Subdivisions and PUDs shall provide a minimum density of eighty percent (80%) of the maximum density per net acre. For the purposes of this provision, maximum density shall be one (1) dwelling unit per five thousand (5,000) square feet of lot area or eight (8) units per net acre.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1131](#) §2, 1990; Ord. [1289](#) §1, 2000; Ord. [1291](#) §1, 2000; Ord. [1323](#) §1, 2002.

17.12.060 Design standards.

(1) Attached garage. The following standard shall apply to the construction of a garage attached to a single-family or two-family dwelling. An existing garage, legally constructed prior to the adoption of this standard, that does not conform to this standard may be remodeled or expanded provided such remodeling or expansion shall not further reduce the structure's compliance with this standard.

(a) The length of the garage wall facing the street may be up to fifty percent (50%) of the length of the street-facing building façade. On corner lots only one street-facing garage wall must meet this standard unless there are two garages, such as in the case of a two-family dwelling.

(2) Main entrance. The main entrance of a single-family dwelling and the main entrance of each unit of a two-family dwelling shall:

(a) Face the street lot line. On a corner lot, the main entrance may face either street lot line or the corner; or

(b) The main entrance shall open onto a covered porch that has an entrance that faces the street lot line. The porch and its roof shall each be at least forty (40) square feet in area and neither the width nor the depth shall be less than five feet (5').

(3) Design features. Single-family dwellings shall include at least two (2) of the following design features:

- (a) Dormer;
- (b) One or more windows that face the street lot line;
- (c) Cupola;
- (d) Bay or bow window;
- (e) Gable;
- (f) Covered porch entry;
- (g) Eaves (minimum six inches (6") projection); and
- (h) Offset on building face or roof [minimum sixteen inches (16")].

(4) Manufactured dwellings. All manufactured dwellings on individuals lots in this district shall meet or exceed the following design standards:

- (a) The manufactured dwelling shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet;
- (b) The manufactured dwelling shall be placed on an excavated, back-filled foundation and enclosed at the perimeter such that no more than twelve inches (12") of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve inches (12") of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve-inch (12") limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet (3') height for each twelve feet (12') width;
- (d) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material on surrounding dwellings;
- (e) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwelling constructed under the Uniform Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification standards. Additional manufacturer's certification shall not be required in such cases.

(f) The manufactured home shall have a garage or carport constructed of like materials. An attached or detached garage may be approved in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. [1144](#) §1, 1991; Ord. [1171](#) §1(D), 1993; Ord. [1188](#) §1, 1994; Ord. 1289 §1, 2000; Ord. [1291](#) §1, 2000.

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



APPENDIX C

17.78 Redline

HOME OCCUPATIONS

Sections:

- 17.78.010 Uses allowed as home occupations.**
- 17.78.016 Type I and Type II home occupations.**
- 17.78.020 Limitations on home occupations.**
- 17.78.030 Procedure to establish and maintain a home occupation.**

17.78.010 Uses allowed as home occupations.

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.

[\(5\) Vacation rentals \(as defined in ORS 90.100\).](#)

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. 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.

(2) Type II home occupations may generate limited traffic from customers, clients and students, subject to the requirements of this chapter. 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.

Statutory Reference: ORS Ch. 197 and 227

Gladstone Municipal Code:

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1778.html#17.78>

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History: Ord. [1356](#) §1, 2004

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.

(2) No dwelling shall 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.

(6) No significant enlargements or alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted.

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

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(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.

(9) Signs advertising 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. 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.

(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) Vacation rentals, including but not limited to the rental of accessory dwelling units, may be permitted as a Type II home occupation and are subject to the requirements of the underlying zoning district.

~~(14)~~(15) 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)~~(16) 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. Except for vacation rentals, where the an entire accessory dwelling unit may be utilized for the home occupation.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. [1131](#) §2, 1990; Ord. [1356](#), 2004

Gladstone Municipal Code:

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1778.html#17.78>

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17.78.030 Procedure to establish and maintain a home occupation.

(1) 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.

(3) Permits for home occupancy 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.

Excerpt from the Gladstone Comprehensive Plan:

Housing

GOAL:

To meet the housing needs of all segments of the population through optimum utilization of housing resources for the construction, rehabilitation, and maintenance of a diversity of housing types at appropriate locations, price ranges, and rent levels, while preserving and enhancing the integrity and identity of existing residential neighborhoods.

OBJECTIVES:

- To provide for the housing needs of a minimum population of 12,000 by the year 2000.
- To utilize housing resources to the maximum.
- To minimize housing costs.
- To promote and preserve the integrity, aesthetic quality, and compatibility of neighborhoods.
- To adapt the type and density of housing to the nature of the neighborhood in order to provide the widest possible range of housing choice and to enhance neighborhood stability and identity.
- To minimize adverse social, economic, and environmental impacts.



REGULAR AGENDA

Gladstone Municipal Code Chapter 2.10.050 Organization and Operation:

- (1) **Annual Work Plan:** Each board, commission and committee shall prepare an annual work plan which will have elements of the city's strategic plan. These work plans shall be discussed and approved by the City Council in a joint work session.

Below are items discussed at the January 21, 2020 Planning Commission meeting. The work plan should include items the Planning Commission would like to review, discuss and make recommendations to City Council for their approval. These items are intended for the Planning Commission efforts, not direction for staff.

GLADSTONE PLANNING COMMISSION
Draft - WORK PLAN OBJECTIVES – 2020

1. Implement Elements of the Gladstone Revitalization
2. Address Affordable Housing
3. Transportation / Parking
4. Code Revisions – Energy Efficiency
5. Code Revisions – Nuisance / Membrane Structures