



# July 2020 PLANNING COMMISSION MEETING

## Agenda Item No. 3

TXT-2020-02 Proposed Code Amendments

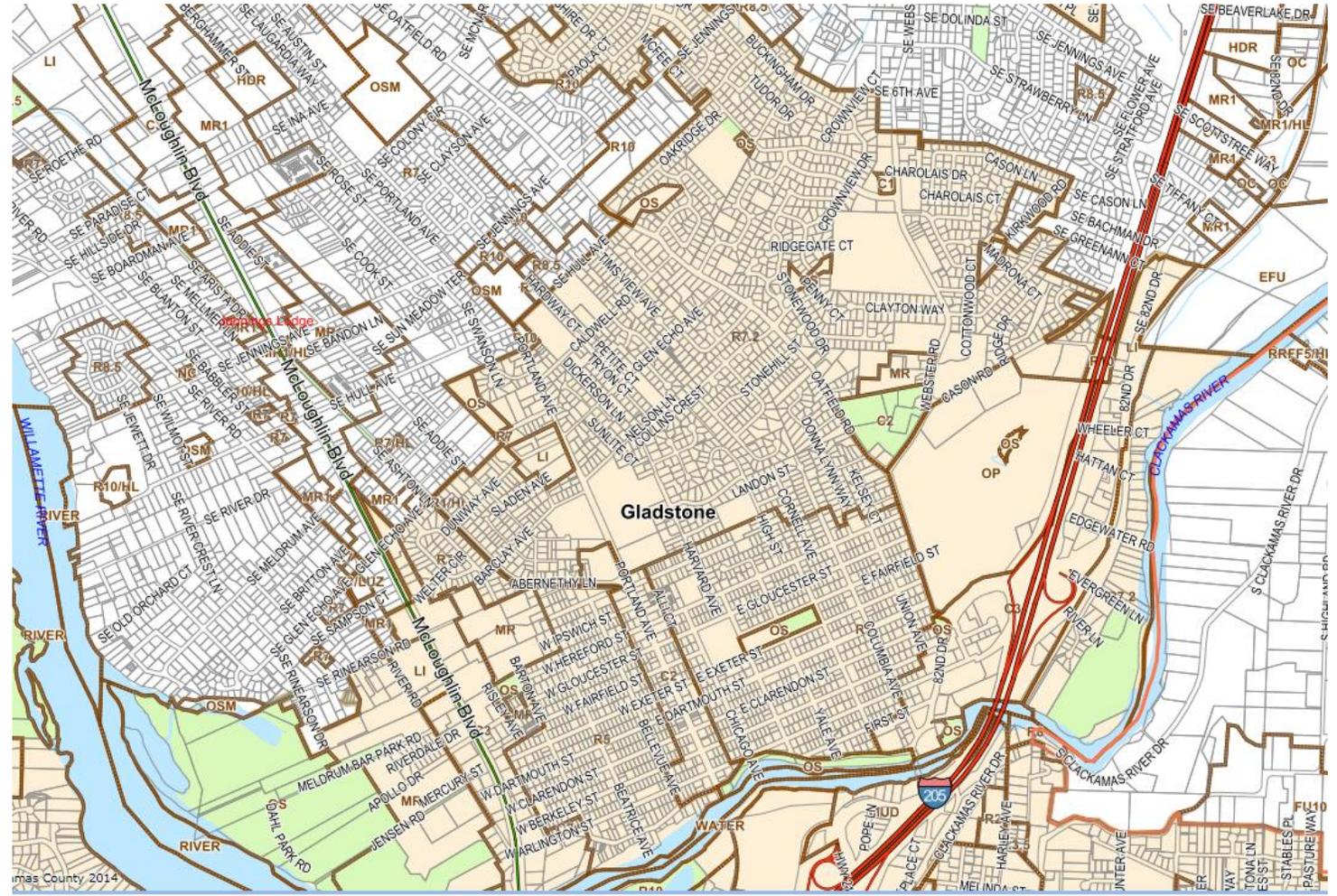
# Proposed Amendments

## SECTION 17.06. DEFINITIONS

- “Vacation Rental”
- “Vacation Occupancy”

## SECTION 17.18.070. OFF-STREET PARKING STANDARDS.

- Parking standard when one Community Service Facility or Civic Use is substituted for another on the same parcel.



## Section 17.06 Background

### **17.12 R-7.2—SINGLE-FAMILY RESIDENTIAL DISTRICT & 17.10 R-5—SINGLE-FAMILY RESIDENTIAL DISTRICT**

- (I) 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.

Change made to GMC March 10, 2020 through Ordinance 1499

## Proposed Definition-

“Vacation Rental” means a dwelling unit, or accessory dwelling unit, providing vacation occupancy.

### Current Definitions:

#### 17.06.013 Accessory dwelling unit

“Accessory dwelling unit” means an additional, smaller, subordinate dwelling unit located on the same lot as a detached single-family dwelling. An accessory dwelling may be created as a detached structure or within, or as an addition to, a detached single-family dwelling or accessory structure.

#### 17.06.155 Dwelling unit.

“Dwelling unit” means one or more rooms for occupancy by one family for living purposes that is identified by a single street address and has common entrances and internal access. Trailer coaches shall not be considered as dwelling units, except when located in mobile home courts or parks.

## Proposed Definition-

“Vacation Occupancy” as defined by ORS 91.100, means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

- (a) The occupant rents the unit for vacation purposes only, not as a principal residence;
- (b) The occupant has a principal residence other than at the unit; and
- (c) The period of authorized occupancy does not exceed 45 days.

## HB 2001 -

“...does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner occupancy or off-street parking.”

**ORS 90.100** - “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

- (a) The occupant rents the unit for vacation purposes only, not as a principal residence;
- (b) The occupant has a principal residence other than at the unit; and
- (c) The period of authorized occupancy does not exceed 45 days.

**Definitions-** “Vacation Rental” is used in Sections 17.10.020(5)(I) and 17.12.030(5)(I) per Ordinance 1499. Proposed definition of “Vacation rental” relies on the definition of “Vacation Occupancy” from ORS 90.100

**Gladstone Municipal Code -** **Section 17.68** establishes the authorization for amendments and zone changes. **Section 17.94.060** specifies that the Planning Commission shall hold a public hearing and make a recommendation to the City Council

**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.*

**Statewide Planning Goals and Guidelines -**

**Goal 1:** Citizen Involvement  
**Goal 10:** Housing  
**Goal 12:** Transportation

## Section 17.18.070 Background

- Clackamas County is in the initial stages of designing a new library for the city, planned for the site of the old Gladstone City Hall.
- The property is zoned C-2 and is subject to Section 17.18 of the Gladstone municipal Code.
- An existing provision in the city's code, 17.18.070(1), generally allows new commercial uses in the C-2 zone to be substituted for old uses without providing any additional off-street parking if the existing building not expanded by more than ten percent (10%) of the floor area used for commercial purposes on January 1, 1980.
- Because both the prior use and future use of the old City Hall site are better described as institutional or civic rather than commercial, it is not clear whether the county could rely on 17.18.070(1) to build the library without any additional off-street parking if the building was modified.

Therefore, the City Council supported the Planning Commission to consider adding the following text amendment:

## Section 17.18.070 Proposed Change -

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

(2) If a community service facility or civic use allowed outright is substituted for another on the same property, whether in the same building or a new building, no more off-street parking shall be required than was possessed by the previous facility or use.

## Section 17.18.070 Proposed Change Continued -

~~(2)~~(3) When an existing residence in the C-2 zoning district along Portland Avenue is converted to commercial or mixed use development, additional off-street parking shall not be required, subject to the following standards:

- (a) The new commercial use shall not exceed a “B” occupancy rating as described in the Oregon Structural Specialty Code or its successor and shall be identified in GMC Section 17.18.020 (2), (5) or (8);
- (b) Signs shall be on-building and indirectly illuminated;
- (c) The use shall generate low traffic volumes and require minimal off-street parking; and
- (d) Structures and landscaping shall retain a residential appearance.

# Current Zoning Map- Excerpt showing C-2 Zoning District

## City of Gladstone ZONING

- Local Commercial - C1
- Community Commercial - C2
- General Commercial - C3
- Light Industrial- LI
- Multi-Family Residential - MR
- Office Park - OP
- Open Space - OS
- Single-Family Residential - R-7.2
- Single-Family Residential - R-5
- City Limits
- Urban Growth Boundary
- Parcels
- Paper Streets
- Railroad
- Rivers



**Community Service Facility - 17.18.020 (9)** "Community service facility such as a fire station, library, community center, park, utility facility or meeting hall."

**Gladstone Municipal Code - Section 17.68** establishes the authorization for amendments and zone changes. **Section 17.94.060** specifies that the Planning Commission shall hold a public hearing and make a recommendation to the City Council

**Gladstone Comprehensive Plan -**

**Transportation Goal:**

*"To promote a safe, efficient and convenient multi-modal transportation system that emphasized mass transit and a street circulation pattern designed to serve people first."*

**Policy 1:** "Promote decreased reliance on the private automobile"

## Gladstone Comprehensive Plan -

### Facilities And Services Goal:

*“To provide and maintain needed facilities and services in a timely, orderly and efficient manner to serve urban development in the Gladstone area.”*

**Policy 9:** “Continue to coordinate library services with Clackamas County to ensure that they keep pace with present and future resident demand.”

**Policy 10:** “Continue to espouse a policy of concentrating library facilities and services in the existing central location.”

## Statewide Planning Goals and Guidelines -

**Goal 1:** Citizen Involvement

**Goal 11:** Public Facilities and Services

**Goal 12:** Transportation

## RECOMMENDATIONS

Planning staff are recommending **APPROVAL** of the proposed text changes to the Gladstone Municipal Code Chapters 17.06, that include the addition of “Vacation Rental” and “Vacation Occupancy” in Chapter 17 Definitions

and

Approval of the proposed text changes to 17.18.070 to support the re-development of community service facilities and civic uses in the C-2 zoning district.