



**GLADSTONE PLANNING COMMISSION AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE
Tuesday, April 19, 2022 – 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/86372036326?pwd=TVpDeGVMQURydTQzaFVMNXRTc2ZLZz09>

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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 April 19, 2022.

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 April 19, 2022 with your name, topic of discussion and city of residence.

(Zoom participant speaking instructions will be emailed to persons who request to speak and posted on the city's website)

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 February 15, 2022 Meeting Minutes

REGULAR AGENDA

2. Monthly Planning Report – February and March 2022
3. **Public Hearing:** File TXT-2022-01. The Planning Commission will consider making a recommendation to the Gladstone City Council to approve amendments to housing in Chapter 17 of the Gladstone Municipal Code. These amendments are intended to bring the code into compliance with House Bill (HB) 2001.
4. Update on Gladstone Housing Code Initiatives and Downtown Revitalization Efforts (no attachments).

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

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 know 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.



CONSENT AGENDA

GLADSTONE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 15, 2022

Meeting was called to order at 6:32 P.M. (via Zoom)

ROLL CALL:

Chair Natalie Smith, Commissioner Andriel Langston, Commissioner Michael Milch, Commissioner Andrew Labonte, Commissioner Les Poole, Commissioner Thomas Mersereau, Commissioner Jennifer Volbeda

ABSENT:

None

STAFF:

Joy Fields, Senior Planner; Tammy Stempel, Mayor/Liaison; Jacque Betz, City Administrator; Chad Jacobs, City Attorney; Tami Bannick, City Recorder

CONSENT AGENDA:

1. Approval of January 18, 2022 Meeting Minutes

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

REGULAR AGENDA:

2. MONTHLY PLANNING REPORT – JANUARY 2022:

Ms. Fields went over the report. They had one member of the public come to the customer service counter. She responded to 47 phone calls/emails, reviewed four building permits that required land use review, and held one pre-application conference. She noted an error that said she attended the January Planning Commission meeting, which she will correct. The City Council held an appeal hearing regarding Z0483-21 – the conditional use for the church on Glen Echo to provide pre-school/daycare services. The applicant's request to remove the sidewalk from the special conditions of approval was approved. The pre-application conference is for a potential new building for a cabinet display/showroom. The building permits included a solar panel, home renovation, a sign permit, and revisions.

3. PUBLIC HEARING: FILE Z0028-22-D, CONSTRUCTION OF A NEW 6,200 SQ. FT. LIBRARY AT THE SITE OF THE FORMER CITY HALL/POLICE DEPARTMENT BUILDING, LOCATED AT 525 PORTLAND AVENUE:

Chair Smith recused herself from this hearing – she has been actively involved in the planning of the new library, serving on the Library Task Force and serving on the Library Board. She doesn't want to put the citizens in any kind of jeopardy with any issues/problems.

Vice Chair Langston took over the meeting. He went over the procedures to be followed in this quasi-judicial hearing. He said this is an item in which they will be receiving public testimony. Public testimony will be called for in three groups: testimony in favor of the proposal, testimony opposed to the proposal, and neutral testimony. He went over the procedure for those who wish to participate.

He opened the public hearing at approximately 6:39 P.M.

He asked if any other member of the Planning Commission intended to abstain from participation in this hearing for any reason – none did. He asked if any member of the Planning Commission has a conflict of interest regarding this issue – none did. He asked if any member of the Planning Commission had any ex parte contact, including visits to the site, or any contacts they've had with people involved or people who have an opinion about this issue that were outside of the normal hearing process. None of the Commissioners had any significant ex parte contacts. Commissioner Labonte has been by the site. Commissioner Milch has attended some of the task force meetings, but just to listen and not participate in the choices that were made. Commissioner Poole has visited the site.

Vice Chair Langston asked if there were any challenges to any of the declarations or anyone who believes that a Commissioner should not participate in this hearing – there were none.

Vice Chair Langston reminded everyone that in this kind of land use hearing if you testify you must raise all issues you wish to address at this hearing. If your issue is not raised at this hearing it cannot be raised later in any appeal. Your comments should state why the application should or should not be approved and include your proposed modifications you believe are necessary for approval according to the standards. Because this is the initial evidentiary hearing state law grants any party the right to request a continuance of this hearing or ask that the record remain open after the hearing is closed. If you do not raise specific issues at the final evidentiary hearing or by the close of the record or fail to provide statements or evidence to allow the local government or its designee to respond to the issue you will not be able to appeal the decision to the Land Use Board of Appeals based on that particular issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes any action for damages in circuit court. Ms. Fields went over the staff report. This is a public hearing to hear about the proposed library at the corner of Dartmouth and Portland Avenue and to specifically address the exceptions requested by the applicant to review and bring up any concerns about the design review findings and to specifically request an adjustment for the orientation of the front door of the proposed library. If anyone would like to hold the hearing open or provide more testimony they can request that at the end. The proposed project is the construction of a new building, a library, which is a 6,200 sq. ft. building that will include a main reading room, areas designated for teens and younger children, a staff work room, and a community meeting room that opens up onto Dartmouth that could be used after hours. There is also an exterior courtyard proposed on the north part of the site. The site has previously been the City Hall/Police Department, a fire station, and a library.

There are no known environmental overlays, so there is no flood plain or habitat conservation area that need to be addressed. The zoning of the property is C-2, a commercial zone, and it is approximately 0.21 acres in size. The notice of tonight's hearing was sent to the applicant, the owner of the property, and the property owners within 250 feet of the property. The application and notice of the application were also sent to the City of Gladstone, the Public Works Department, the Fire Department, the Police Department, Engineering, and WES. Comments were received from the Public Works Department jointly with the Engineering Department, as well as WES and the Fire Department.

Libraries and Community Service facilities are identified as a use allowed outright in the C-2 zoning district, therefore it is not a special use and there are no key findings related to a special use. There are no minimum setbacks. There is a maximum setback along Portland Avenue – that is met by the applicant using structural components of the awning and the building to go up to five feet from Portland Avenue. Off-street parking is usually required, however, there is an exception to off-street parking if a community service facility or civic use that is allowed outright is substituted

for another community service facility or civic use on the same property, whether it's in the same building or new building, as long as the total lot coverage is not expanded by more than 10% of the lot coverage of the prior building on the property. In that case, no more off-street parking shall be required than was possessed by the previous facility or use. The library is a community service facility. The applicant provided that the previous use, City Hall, covered approximately 95% of the lot, which is approximately 8,690 sq. ft. The maximum height in the C-2 zoning district is 35 feet – the maximum height of the proposed building is approximately 22 feet. Equipment setbacks are supposed to be 10 feet from residential zoning districts, unless it's on the roof, and they meet those requirements. There is a multi-family residential development to the west, which needs to be considered when looking at equipment and potential noise and impacts. The applicant is asking for an exception to the maximum fence height. An exception may be granted pursuant to the review of an application for a conditional use alteration, expansion, or a change of use of a non-conforming use or a design review. The fence that is proposed is architectural metal panel that creates a continuation of a wall for the courtyard. The applicant is proposing to use an architectural metal panel screen to create a barrier between the parking lot and the courtyard. The exception is needed because they are proposing that these panels be 11 feet tall, which exceeds the 6-foot height limit for fences/walls in the Gladstone code. If the Planning Commission wishes to grant an exception under Section 17.18.0607, that will need to be specified. All design review applications are reviewed against division for developmental standards of the Gladstone Municipal Code (GMC).

The applicant is proposing to have 15% of the site landscaped – that includes the courtyard area in the back, along with a strip along Portland Avenue and Dartmouth. It also includes street trees. The applicant did not provide any sign designs with their application, so they will have to submit another land use application for a sign. It will be reviewed administratively and will be compared to Section 17.52 of the code to insure that it meets the regulations in the GMC. The clear vision requirements are met by having the recessed entryway and having no visible barriers for the traffic turning on Portland or Dartmouth.

The applicant provided information regarding drainage, grading, and utilities. This information was reviewed by the City of Gladstone Public Works and the contracted engineer – the proposal meets the requirements and there are special conditions of approval to insure that they meet the City standards.

Commissioner Poole asked if there were changes approved by the City Council regarding the use of metal. Ms. Fields was not aware of that.

Ms. Fields said the applicant is requesting an adjustment because the GMC requires that the front door along Portland Avenue faces Portland Avenue – in this design, although the entrance vestibule faces both Portland and Dartmouth, the door actually faces Dartmouth. The applicant is requesting an adjustment to allow for that door orientation. This project went through a lot of public input and design workshops and provided a lot of opportunities for feedback from the community. The applicant is proposing that the orientation in this manner provides for the best flow of visitors into the library. This is a very unusual situation because it is a court-ordered library, and they have to use this lot. The final design of the building was approved by the City Council and the County Commissioners. Ms. Betz wanted to clarify that the land lease agreement was what went before the City Council at their last meeting. As part of the settlement agreement the City will allow the County to build the library at the old City Hall site and the County will lease that property for \$1/year. Prior to that policy decision Clackamas County was providing a presentation to the City Council and the annual library report and they also updated them on the design review application,

but the City Council made no decisions regarding that presentation. Commissioner Poole thinks it's an ideal solution in terms of safety, parking, and flow.

Ms. Fields said that staff has reviewed the material against the GMC and are recommending approval of the design review application with fourteen special conditions of approval. She went over those special conditions regarding landscaping, signage, lighting, ADA access, sidewalks, water, sanitary sewer, storm drainage, erosion control, streets, easements, construction plans, pre-construction conference, and as-built submittals.

Commissioner Mersereau asked about the letters from the Clackamas Fire District and WES – they had comments that needed to be considered for approval. Ms. Fields said they are incorporated into the special conditions of approval and the notes in the staff report. The applicant has copies of them. Commissioner Mersereau asked if the comments regarding pipe size, etc. were noted – Ms. Fields said the requirements of the City are verified/documentated in the pre-construction conference with the City.

APPLICANT TESTIMONY:

Mitzi Olson, Library Director of Gladstone/Oak Lodge Libraries, said that our citizens have dreamed of and waited for this new library for a long time. The current library building is almost 60 years old with ADA challenges and structural issues that severely limit its appeal and usefulness to the community. The new modern library will be an inclusive, welcoming resource – a resource that enhances individual and community life by offering gathering space and free open access to programs and services that help meet the diverse and evolving educational, recreational, cultural, and informational needs of the citizens of Gladstone. They have had significant community involvement in the design process. Members of the task force helped to select the design team. They have been meeting since January 2019. They unanimously voted to recommend that the BCC accept the master plan and also approved value-engineered changes to align the project budget. Sina Meier, Project Architect with Opsi Architecture, gave a slide presentation regarding the site plan and features.

PUBLIC TESTIMONY:

Vice Chair Langston went over the procedures to be followed.

There was no public testimony.

STAFF RECAP/RECOMMENDATION:

Ms. Fields said staff recommends approval of the design review application, including the exception to the fence height as allowed in the C-2 zoning district, and the requested adjustment of the door orientation with the fourteen special conditions of approval.

APPLICANT REBUTTAL:

None.

Commissioner Poole wanted to reiterate that the door orientation is reasonable and is safer. He said he is concerned about the possibility of glare/reflection off the sun shielding and metal on the building. Ms. Meier said that is something they can study, and they will take that into consideration.

Commissioner Milch thinks with the height of the vehicles at the Fire Department and the relative height of the rest of the buildings in the surrounding area an 11-foot fence is far superior to the normally allowed 6-foot fence, so he supports that exception. He also supports the orientation of the front door toward Dartmouth. He hopes the area around the entrance to the community meeting

room is well lit for after hours use. Ms. Meier said the entry areas will have lighting on the building itself.

Commissioner Mersereau made a motion to close the public hearing. Motion was seconded by Commissioner Milch. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Poole – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Motion passed with a unanimous vote.

Vice Chair Langston closed the public hearing at 7:34 P.M. & 7:36 P.M.

DISCUSSION:

Vice Chair Langston said he agrees that the orientation of the door is acceptable and safer. He also agrees with the higher fence on the Fire Station side.

Commissioner Labonte asked if the fence is designed to be a sound barrier or just privacy and if sound-proof fencing was discussed. Ms. Meier said it's mainly visual screening, but they could study the acoustics and costs involved.

Mr. Jacobs pointed out that since the public hearing is closed they shouldn't be having a back-and-forth discussion with the applicant.

Commissioner Poole was hoping that the fencing materials are attractive. He would support doing anything they can to make the fence as solid as possible. He asked if they needed to include something regarding a parking management/plan. Ms. Fields said the Planning Commission is going to be reviewing the Downtown Revitalization Plan this year and may include a desire to have a parking management plan in the entire downtown area. This application did not include parking management because of the exception for no additional off-street parking being required in the C-2 zoning district. Staff did not make a condition of approval for a parking management plan, but the Planning Commission can consider it. There was a traffic analysis included in the application that identified that it was not anticipated to have more traffic visiting this library than the existing library and the impact to the roads/parking would be limited.

Commissioner Mersereau suggested that the windows can be made from plastic that is bulletproof and would help cut down on noise.

Commissioner Mersereau made a motion to approve the Design Review application, including the C-2 Exception for the fence height, and the requested adjustment of the door orientation, with the 14 Special Conditions of approval. Motion was seconded by Commissioner Volbeda. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Poole – yes. Commissioner Mersereau – yes. Commissioner Volbeda – yes. Motion passed with a unanimous vote.

(Chair Smith took over the meeting at this point.)

4. PLANNING COMMISSION 2022 WORK PLAN OBJECTIVES:

Ms. Bannick shared the work plan from 2021. Chair Smith asked if the Commissioners wanted to score the objectives. It was agreed that they would roll over the objectives from 2021. Chair Smith asked when there would be a draft version from the Code Audit Committee to review. Ms. Bannick and Commissioner Langston pointed out the timelines mentioned in agenda item #5. Commissioner Milch said the ADU requirements would be incorporated in the Housing Code Audit

so it should be removed as an individual objective. Everyone agreed that #1 and #2 should be together. He said the Transportation Parking Management/Strategies is an important goal to continue.

Commissioner Poole thinks they need to give more credence to what happens where the Trolley Trail hits Portland Avenue near the Senior Center – he feels they need to consider how to integrate it into the downtown traffic. Ms. Fields said it should be addressed in agenda item #5.

5. UPDATE ON GLADSTONE HOUSING CODE INITIATIVES AND DOWNTOWN REVITALIZATION EFFORTS:

Ms. Bannick said they will keep the Planning Commission apprised of all the meetings. The March 15th and April 19th will probably involve the Planning Commission.

Commissioner Milch feels that it would be appropriate for the Commissioners to participate in the webinars since they are talking about having legislative action on this. He feels that listening to the public input would be useful.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE COMMISSION:

Commissioner Milch:

He said it's very exciting to see progress being made on the library project. It will mean good things for the downtown economy. He is glad to have been a part of it.

Commissioner Labonte:

He is also excited about the library.

He gave an update regarding the Traffic Safety Board. They have been told there will be a rapid flashing beacon installed on the corner of Webster/Cason near the Nature Park. They have been discussing speed reduction on Webster Road and Oatfield Road. They are mindful of the expense of these projects. There have been some issues regarding pedestrian safety in the neighborhoods near Exeter and Fairfield. He understands that the City might be making the speed limit 20 MPH in the area of the new daycare/pre-school on Glen Echo. They are looking closely at the tolling project. There are concerns regarding the entrance to Meldrum Bar Park.

Commissioner Volbeda:

She appreciates that they are looking at early procurement on the library project. She thinks the library will be a beautiful addition.

Commissioner Mersereau:

He is very happy to finally get to the design review process for the library.

Commissioner Poole:

He thinks they made a good choice in making Natalie Smith the Chair. He said recusing herself from the public hearing in a very professional manner goes a long way with him.

Chair Smith:

She thanked everyone for doing an excellent job with the public hearing. She felt it was important to recuse herself because she didn't want there to be any issues to slow down the process because she has been working on getting a new library since 2010.

She thanked the City for providing supplies to the Commissioners.

She wants to do her best and welcomes any input to run effective and efficient meetings.

She is working with the City to figure out a process to report code violations.

ADJOURN:

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

Meeting adjourned at approximately 8:13 P.M.

Minutes approved by the Planning Commission this _____ day of _____, 2022.

Natalie Smith, Chair



REGULAR AGENDA



City of Gladstone Monthly Report

February 2022

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YEAR TOTALS
Customer Service Counter Contacts	1	2											3
Customer phone/email Contacts	47	67											114
Building Permits with Land Use Review	4	4											4
Pre-application Conferences	1	0											1
Administrative Decisions	0	1											1

PLANNING COMMISSION ACTIONS/DECISIONS

- Z0028-22 approved - Gladstone Public Library Design Review

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- None

PRE-APPLICATION CONFERENCES

- None

ADMINISTRATIVE PERMITS

- ZINFO0048-22 – Land Use Compatibility Statement for Tom's Auto Sales

BUILDING PERMITS WITH LAND USE REVIEW

FEBRUARY			
Date	Address	Building Permit #	Description
02/02/22	17448 QUAIL Ct	B0705021	Revised Plans Remodel
02/07/22	420 PORTLAND Ave	B0022822	Commercial alteration
02/15/22	17917 Oatfield Rd	B0727821	Revised Plans Addition
02/15/22	19605 RIVER	MH0000322	New Manufactured Home Placement

FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
3/15/22	Gladstone Middle Housing Zoning Code Amendments Work Session



City of Gladstone Monthly Planning Report March 2022

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YEAR TOTALS
Customer Service Counter Contacts	1	2	1										4
Customer phone/email Contacts	47	67	52										166
Building Permits with Land Use Review	4	4	6										14
Pre-application Conferences	1	0	0										PI1
Administrative Decisions	0	1	1										2

PLANNING COMMISSION ACTIONS/DECISIONS

- Gladstone Middle Housing Zoning Code Amendments Work Session – No land use action taken during March meeting.

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- Gladstone Middle Housing Zoning Code Amendments Work Session – No land use action taken during March meeting.

PRE-APPLICATION CONFERENCES

- None

ADMINISTRATIVE PERMITS

- Z0099-22 – Sign Permit for 18000 Webster Rd

BUILDING PERMITS WITH LAND USE REVIEW

MARCH				
Date	Address	Building Permit #	Description	
03/01/22	735 E CLARENDON	B0036222	Commercial remodel	
03/02/22	605 BARBARY	B0108322	Solar Panels	
03/02/22	7040 VALLEY VIEW	B0061922	Fire Repair	
03/02/22	16711 SE VALLEY VIEW	B0119722	Cell Tower Maintenance	
03/08/22	875 BELLEVUE	B0106822	Fire Repair	
03/08/22	6820 OAKRIDGE DR	B0126422	Replacement Deck	

FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
4/19/22	Gladstone Middle Housing Zoning Code Amendments Public Hearing



REGULAR AGENDA



Agenda Item No. 3

PC Meeting Date: 04/19/22

STAFF REPORT

File No: TXT-2022-01;

Applicant or Presenter: City of Gladstone and MIG

Project Location: Residential Zoning Districts Citywide including: R7.2, R5 and MR Zoning Districts

Project Description: In the spring of 2021, the City of Gladstone initiated the Zoning Code Rewrite project to align local policies and standards to the recently adopted Housing Bill 2001 (HB 2001). House Bill 2001 requires local governments, including Gladstone, to allow duplexes, triplexes, fourplexes, townhomes, and cottage clusters in areas currently zoned for single family and multifamily homes.

SUMMARY

In the spring of 2021, the City of Gladstone initiated the Zoning Code Rewrite project (the project) to update Title 17 of the Municipal Code related to needed housing. This project is a critical opportunity to implement policies around improved housing choices in Gladstone, engage all community members including those who have traditionally been under-represented in the decision-making process, and align local policies and standards to the recently adopted Housing Bill 2001 (HB 2001).

House Bill 2001 requires local governments, including cities within the Portland Metro Area with more than 1,000 residents, to allow duplexes on every lot currently zoned for residential use and allow additional middle housing types such as triplexes, fourplexes, townhomes, and cottage clusters in areas where infrastructure is sufficient. The bill also requires that local land use regulations do not cause unreasonable cost or delay in permitting middle housing.

The bill defines “Middle housing” as duplexes, triplexes, quadplexes, townhomes, and cottage clusters, although historically part of the housing stock of many communities, these housing types have recently been omitted from many local zoning regulations, particularly in areas zoned for single-family dwellings.

These proposals are subject to Chapter 17.68, Amendments and Zone Changes and Chapter 17.94, Hearings, of Title 17 of the Gladstone Municipal Code. As proposed edited, planning staff find the amendments consistent with all applicable standards from Title 17 of the Gladstone Municipal Code (GMC), the Statewide Planning Goals and Metro's Functional Plan.

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EXHIBITS

Exhibit 1. Location Map

APPENDIX: SUBSTANSIVE FILE DOCUMENTS

- A. Draft Amendments**
- B. Public Notice,**
- C. PAPA Notice**
- D. Comments Received**

I. PUBLIC NOTICE

Published In: Clackamas Review, DLCD’s post-acknowledgment plan amendment website (PAPA), and on the Gladstone Website; Needed Housing Advisory Committee; City Council and Planning Commission work session; Gladstone Website and Gladstone Weekly Update.

Responses Received: Comments were received from the public through an online survey and through a committee meeting and joint work session with the City of Gladstone Planning Commission and City Council.

II. CONSISTENCY WITH STATEWIDE PLANNING GOALS

- 1. Goal 1 – Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Goal 1 requires the City to incorporate six key components in its public involvement program:

- **Citizen Involvement:** An officially recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- **Communication:** Mechanisms for effective two-way communication between the public and elected/appointed officials;
- **Influence:** Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- **Technical Information:** Access to technical information used in the decision-making process, provided in an accessible and understandable format;

- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policymakers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

The following is a summary of activities undertaken by the City as part of the City's community engagement effort to support the production and adoption of the Housing Code Amendments.

The City conducted public meetings and work sessions that were open public forums held between November 2021 and April 2022. Each work session included opportunities for elected officials, appointed officials, and the public, to review draft code amendments, discuss key aspects, and answer questions. The City also hosted an informational project webinar on the City's website and an online survey to solicit feedback on the proposed code changes.

The City publicized these work sessions on the City of Gladstone website, through the City newsletters and during other public meetings.

The first public meeting held with the Planning Commission presented the scope of work to be completed as part of the HB 2001 code amendments. The meeting also included an overview of the findings from the Summary Report and introduced the Downtown Overlay Zone process. The Planning Commission was generally supportive of needed housing and code changes to Portland Ave. The Commission expressed the need for the process to consider parking, traffic and infrastructure impacts. An additional request around increasing the accessory dwelling unit size was also expressed.

The City also held a joint working session with the Planning Commission and City Council on March 15, 2022 to review the proposed amendments. The following summarizes general comments by the Planning Commission and City Council and responses by City staff and consultant team:

- Encourage ADA accessibility in the design of all new housing in Gladstone.
 - Response: Although the intent of middle housing is to provide a broader range of housing types including for seniors and older adults, ADA accessibility is not part of the proposed amendments. ADA standards are addressed in the Building Code and any applicant will be required to meet these standards during review of individual applications.
- Ensure required parking is provided off-street.
 - Response: The amendments will specify that all required parking must be provided off-street.
- Transit access is limited in Gladstone which does not provide adequate options when also lowering required parking.
 - Response: Point noted. The proposed amendments meet the minimum requirements of recent Oregon Administrative Rules related to parking requirements. An applicant still has the burden of proof to show that infrastructure is available or will be made available to service the development.

- Remove middle housing as a permitted use as currently proposed in the MR (Multi-Family Residential (Zone).
 - Response: Point noted. The proposed amendments will be modified to address this comment.
- Consider impacts of allowing Planned Unit Development in any zone, especially given larger lots along 82nd Ave.
 - Response: Point noted. The proposed amendments will be modified to address this comment.

Where appropriate and not in conflict with HB2001 and the Division Rules, comments and proposed revisions are shown in blue as part of the hearing materials for the Planning Commission.

In addition, the City hosted an online survey to allow community members to provide feedback on proposed changes. Survey responses were collected and initially presented to the joint Technical Advisory Committee and Needed Housing Advisory Committee and at the joint work session. Following the work session, the survey was reopened for those interested to participate. The two major findings from the survey indicated that respondents wanted to “encourage more intense residential development in undeveloped areas at the edges of town” when asked what strategies would be most effective at creating positive and desirable housing opportunities in Gladstone. Another key finding was that many respondents indicated that including standards that ensured middle housing looks and feels like the existing single family housing inventory is the right direction to pursue.

At the same time of the survey was launched, a recorded community webinar was posted to the project website. This webinar provided an overview of the process, the requirements of HB 2001 and directed viewers to the survey.

The City’s prior initiatives related to the provision of more housing choice (the Downtown Revitalization Plan, 2018; and the Housing Code Audit, 2019) entailed extensive community engagement, including community forums, and information on the City website. The City appointed a diverse group of community stakeholders to serve on an Advisory Committee for the Housing Code Audit, and all members of that Committee have been invited to participate in the housing code amendment work sessions as well as the Planning Commission hearings on the topic.

For this effort, the Needed Housing Advisory Committee (NHAC) made up of seven community and industry representatives, along with the Technical Advisory Committee (TAC), provided guidance throughout the process with three meetings held between September 2021 and April 2022.

Based on the findings above, the code amendments and Comprehensive Plan amendment to implement HB 2001 as referenced, is consistent with Statewide Planning Goal 1.

Goal 2 – Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Statewide Planning Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual base, and follow their plan when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans and programs must be coordinated with comprehensive plans.

Generally, the housing code amendments are consistent with the current Comprehensive Plan and implements several goals. Currently the Gladstone Comprehensive Plan includes the following Goals:

Land Use Planning Goals: *“To provide and maintain a high standard for Gladstone’s quality of life.” And “To ensure a factual base for land use decisions and actions and to establish a planning process and policy framework for this purpose.”*

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.”*

Because the Comprehensive Plan provides the land use policy guidance for the City, amendments and clarifications to the plan are also proposed to ensure that it is consistent with the proposed development code text amendments.

Notice of the housing code amendment package consideration was provided to Metro and DLCDC through the Post-Acknowledgement Plan Amendment website and distribution system.

Therefore, the code amendments and Comprehensive Plan amendment to implement HB2001 as referenced, are consistent with Statewide Planning Goal 2.

Goals 3 -4 – Agricultural and Forest Lands:

Finding: These goals are not applicable because the housing code amendments do not change the City of Gladstone policies required to meet these goals that are directed at rural areas and counties.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Goal 5 aims to protect natural resources and conserve scenic and historic areas and open spaces. Particularly in urban areas, the emphasis of Goal 5 is on the inventory and conservation of wetlands, riparian zones, and wildlife habitats. In addition to Goal 5, the City is required to comply with Metro Title 13 for all mapped resources located within

the UGB. By meeting the requirements of Title 13, the City also complies with Goal 5 for riparian areas and wildlife habitat. Metro Title 13 is addressed in the findings for the Urban Growth Management Functional Plan.

The Gladstone Municipal code contains the following zoning overlays that were adopted by the City to provide protection for Significant Natural Resources under Statewide Planning Goal 5 and to comply with the provisions of OAR 660, Division 23:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.26 OS—Open Space District;
- 17.27 WQ—Water Quality Resource Area District;
- 17.28 GW—Greenway Conditional Use District; and
- 17.29 FM—Flood Management Area District.

The City of Gladstone works closely with the Gladstone Historical Society to promote the enjoyment, research, documentation, preservation and public enrichment of the history and heritage of Gladstone, Oregon and the surrounding local area. The Gladstone Municipal Code, Chapter 2.48, includes the ability for a Historic Preservation Board to review alterations to historic landmarks. A 2009 survey of historical resources in downtown Gladstone found that 19% (22 buildings) of the buildings surveyed were potentially eligible for designation on the National Register. Recently, the City worked with the Gladstone Historical Society to display the history of Gladstone in the newly constructed City Hall.

HB 2001 and the accompanying Oregon Administrative Rules (OARs) allows a City to regulate and/or limit development of middle housing on the Goal-Protected Lands.

The housing code amendments neither reduce, nor increase, the pressure for the redevelopment of historic resources. The housing code amendments do not modify these natural resource zoning overlay districts or historic preservation efforts. The Comprehensive Plan Update, through the adoption of the housing code amendments, does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the natural resource zoning districts in the Gladstone Municipal Code. Goal 5 does not directly apply to the housing code amendment or comprehensive plan amendment because no new Goal 5 program is advanced by this amendment and no existing Goal 5 program is changed by this amendment.

Based on the findings above, the Comprehensive Plan Update to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 5.

Goal 6 – Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Finding: Goal 6 instructs local governments to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. Comprehensive Plans must demonstrate consistency with

the administrative rules related to air, water, and land quality established by the Environmental Quality Commission (EQC).

Under the oversight of the EQC, the Oregon Department of Environmental Quality (DEQ) regulates air, water, and land through its permitting actions under the federal Clean Water Act and Clean Air Act. The Department of State Lands and the Army Corps of Engineers regulate jurisdictional wetlands and waters of the state and the country, respectively. The City of Gladstone Public Works department regulates impervious surface and stormwater runoff throughout the City through design standards applied to development. The Clackamas County Water Environmental Services and Oak Lodge also provide sewer and stormwater services for City residents. The Gladstone Municipal Code (GMC) has the following overlay districts that are related to water quality, wetlands, and surface water:

- 17.25 HCAD—Habitat Conservation Area District;
- 17.27 WQ—Water Quality Resource Area District; and
- 17.29 FM—Flood Management Area District.

While air quality is largely regulated by DEQ, the City can impose conditions of approval on land use approvals that require minimizing air pollution and carbon emission impacts through actions such as vegetative plantings and conservation.

The Federal Transit Administration and Federal Highway Administration enforce noise standards for federally-funded rail and highway projects. The Oregon Noise Control Act authorizes cities and counties to adopt and enforce noise ordinances and standards of their own. Gladstone regulates noise through the GMC Chapter 8.12 Noise Control, which designates prohibited noises and maximum permissible environmental noise and sound levels. Gladstone's Zoning Code (Chapter 17) also includes noise-related provisions in several sections of the code, often referring to the City's Noise Ordinance in Chapter 8.12 or standards of the DEQ.

HB 2001 and the accompanying Oregon Administrative Rules (OARs) allows a City to regulate and/or limit development of middle housing on the Goal-Protected Lands.

The housing code amendments package does not modify existing water resource zoning overlay districts or noise ordinance. The adoption of the amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the water resource zoning districts in the Gladstone Municipal Code. Goal 6 does not directly apply to the housing code amendments, or comprehensive plan amendment because no new Goal 6 program is advanced by this amendment and no existing Goal 6 program is changed by this amendment. Therefore, Goal 6 is not applicable to the housing code amendments and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 6.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendment as referenced, is consistent with Statewide Planning Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards: To protect people and property from natural hazards.

Finding: Goal 7 requires local comprehensive plans to address Oregon’s natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Natural hazards applicable to Gladstone include floods, landslides, weak foundation soils, earthquakes, and wildfires. Goal 7 calls for local governments to respond to new hazard inventory information provided by federal and state agencies by adopting or amending plan policies and implementing measures as needed. For riverine flood hazards, local governments must adopt and implement local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements. In implementing natural hazard plans and policies, the State goal urges local governments to do the following: coordinate plans with emergency preparedness and recovery programs; consider stormwater management as a means to address flood and landslide hazards; consider nonregulatory approaches to implementing hazard plans; and to require technical reports when reviewing development requests in hazard areas.

The City of Gladstone complies with Goal 7 by regulating development in hazard-prone areas through the Municipal Code, the Public Works Design Guidelines and MOU’s with Clackamas County on fire response and other emergency preparedness efforts. The following Gladstone Municipal Code Chapters address flooding and landslides:

17.27 WQ—Water Quality Resource Area District.

17.29 FM—Flood Management Area District.

Additionally, the Design Review and Conditional Use land use processes address applicable natural hazards.

HB 2001 and the accompanying Oregon Administrative Rules (OARs) allow a City to regulate and/or limit development of middle housing on the Goal-Protected Lands.

The housing code amendments do not modify existing zoning overlay districts or design standards related to protecting development from hazards. The adoption of the housing code amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 7 does not directly apply to the housing code amendments or comprehensive plan amendment because no new Goal 7 program is advanced by this amendment and no existing Goal 7 program is changed by this amendment.

Therefore, Goal 7 is not applicable to the housing code amendments and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 7.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 7.

Goal 8 – Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.

The City of Gladstone has a robust system of parks, recreation facilities and trails, including 14 neighborhood parks, community gardens, and natural areas. All of Gladstone’s parks are owned and managed by the City. The City completed a Parks Master Plan in 2017. Many of the current parks are included in the Open Space District that is regulated by Chapter 17.26 of the Gladstone Municipal Code.

HB 2001 and the accompanying Oregon Administrative Rules (OARs) allow a City to regulate and/or limit development of middle housing on the Goal-Protected Lands.

The housing code amendment does not modify existing open space overlay districts or the Parks Master Plan. The adoption of the housing code amendments does not propose any changes to the Parks Master Plan, adopted inventories, the Comprehensive Plan Map, or the overlay zoning districts in the Gladstone Municipal Code. Goal 8 does not directly apply to the housing code amendment or comprehensive plan amendment because no new Goal 8 program is advanced by this amendment and no existing Goal 8 program is changed by this amendment.

Therefore, Goal 8 is not applicable to the housing code amendments and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 8.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 8.

Goal 9 – Economy of the State: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Goal 9 ensures cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens. To be ready for these opportunities, local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth.

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 City.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

Finding: Goal 10 concerns urban lands designated for residential use. Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density (specifically at an overall density of 10 or more units/acre with the opportunity for 50 percent of new units to be attached single family or multifamily) to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The findings for Goal 10 Housing, based on the City’s proposed 2020 Housing Needs Analysis (HNA), include findings that demonstrate that Gladstone currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has a need for additional capacity to provide for needed housing during the next 20 years. The HNA provides information about the factors that could affect housing development, including demographics, affordability trends, workforce housing availability, and development patterns.

The Housing Needs Analysis adopted in 2021 includes the City’s buildable lands inventory (BLI) for housing within the UGB. The BLI is required by Goal 10 and ORS 197.296 to ensure that current use designations provide an adequate short- and long-term land supply for housing development for meeting existing needs and those of projected growth. It analyzes existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand. The housing code amendments do not propose to change the buildable lands inventory, or housing needs analysis but rather amends the zoning districts to allow middle housing using the same standards or less restrictive standards than those applicable to the detached single household residential units.

The proposed housing code amendments related to middle housing amend the R-5 and R-7.2 zoning districts so that middle housing types are allowed outright in these zones. A definition for “middle housing” is added to the code to clarify that this means Duplex, Triplex, Quadplex, Cottage Cluster, or Townhouse in the R-5 or R-7.2 zones. The proposed amendments also

propose a clearer definition for multi-households, five to eight dwelling units, and allows these uses as a conditional use in the R-5 district and on arterial and collector streets in the R-7.2 district. The MR district has also been amended to allow Duplexes outright in this District. Additionally, Triplex, Quadplex, Cottage Cluster, and Townhome uses were added to the existing allowance of Detached Single Household Dwellings with a conditional use permit. This would ensure that middle housing types are afforded the same process as an approval for detached single-households but would not conflict with the BLI for needed multi-household units.

Other amendments related to middle housing include amending 17.76.020(6) to allow for nonconforming multi-household buildings to be rebuilt to the same footprint in the event the building is damaged or destroyed. Chapter 17.38.060(4) has been amended so that middle housing in Planned Unit Developments utilize the setbacks of the underlying zoning district. The proposed housing code amendments further the State's goal of providing for more middle housing types.

The findings for Goal 10 also illustrate that the current policies in the Comprehensive Plan support housing affordability and housing type diversity to encourage a variety of housing options for households of all incomes. The current Comprehensive Plan housing goals includes an emphasis on the preservation of existing homes, with a policy that calls out those that are historically significant.

EXCERPTS FROM GLADSTONE COMPREHENSIVE PLAN

Land Use Planning Goals: *“To provide and maintain a high standard for Gladstone’s quality of life.” And “To ensure a factual base for land use decisions and actions and to establish a planning process and policy framework for this purpose.”*

Land Use Planning Objectives: *1) “To provide for adequate levels of housing, services, shopping, employment, transportation and recreation facilities for the city’s residents. 2) To relate land use actions to housing, open space, recreation, transportation, utilities, shopping facilities, jobs, police and fire protection, and other social needs. 3) To protect property values and livability. And 4) To direct development away from flood plains, hazard areas, stream banks, places with unique natural value, and other desirable permanent public open spaces.”*

Residential Use Policy:

5. Allow housing types ranging from low to high density units, providing for variation in the design of housing units.

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.”*

Housing Objectives: *1) “To provide for the housing needs of a minimum population of 12,000 by the year 2000. 2) To utilize housing resources to the maximum. 3) To minimize housing costs. 4) To promote and preserve the integrity, aesthetic quality and compatibility of neighborhoods. 5) 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. 6) To minimize adverse social, economic and environmental impacts.”

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.

- a. Work with Clackamas County in applying for federal housing assistance funds.*
- b. Explore the feasibility of offering density bonuses to developers who provide for federally subsidized low and moderate income housing units within developments.*
- d. Solicit the participation of the building industry, lending institutions and school district in a program for supplying housing structures to meet the special needs of the physically limited and elderly.*

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

- a. Work with Clackamas County in applying for federal funds for housing and neighborhood rehabilitation and improvements.*
- b. Work with the building industry, lending institutions and school district in rehabilitation and/or maintenance programs.*
- c. Explore ways of encouraging an on-going maintenance program of existing multi-family structures and landscaping.*

The City's proposed housing code amendments responds to the City's updated Housing Needs Analysis and supports additional housing opportunities by allowing middle housing.

Based on the findings above the housing code amendments and Comprehensive Plan amendment are consistent with Statewide Planning Goal 10.

Goal 11 – Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The City conducted a Water System Master Plan and a Sanitary Sewer Master Plan in 2014. In 2017, a Sanitary Sewer Master Plan, Parks Master Plan and Transportation System Plan were completed. The Housing Code Amendments and Comprehensive Plan amendment do not propose any changes to the adopted master plans, the Comprehensive Plan Map, or the Gladstone Municipal Code related to public facilities and services. The housing code amendments or comprehensive plan amendment proposes no new Goal 11 program and no existing Goal 11 program is changed by this amendment. The housing code amendment do not propose to change the comprehensive land use plan policies or implementing regulations regarding public facilities and services for compliance with Statewide Planning Goal 11.

Based on the findings above, the Comprehensive Plan Update to adopt the housing code amendment as referenced, is consistent with Statewide Planning Goal 11. The OARs allow for a city to require that existing infrastructure or proposed improvements can adequately support middle housing development. Requirements also allow the City to plan for adequate infrastructure where middle housing is allowed with the amendments.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

Finding: 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. The City of Gladstone completed a Transportation System Plan in 2017. The Housing Code Amendments and Comprehensive Plan amendments do not propose any changes to the adopted Transportation System Plan. The housing code amendments and comprehensive plan amendment proposes no new Goal 12 program and no existing Goal 12 program, or standard, is changed by this amendment. The housing code amendment does not propose to change the comprehensive land use plan policies or implementing regulations regarding transportation and compliance with Statewide Planning Goal 12.

Based on the findings above, the Comprehensive Plan amendment to adopt and incorporate the housing code amendments as referenced, is consistent with Statewide Planning Goal 12.

Goal 13 – Energy Conservation: To conserve energy.

Finding: Goal 13 requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The housing code amendments package does not modify existing design standards or land use regulations related to energy conservation. The adoption of the proposed housing code amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code as it relates to energy conservation. Goal 13 does not directly apply to the housing code amendments or comprehensive plan amendment because no new Goal 13 program is advanced by this amendment and no existing Goal 13 program is changed by this amendment. Therefore, Goal 13 is not applicable to the housing code amendments and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 13.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 13.

Goal 14 – Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The entirety of the city and its Urban Growth Management Area is located within the Regional Urban Growth Boundary (UGB). As such, this amendment will not result in the transition of any land from rural to urban uses, or result in population or employment growth outside of the UGB. The housing code amendment does not modify the Gladstone Urban Growth Management Area, the UGB, or existing zoning requirements related to urbanization. The adoption of the housing code amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code as it relates to the Urban Growth Boundary. Goal 14 does not directly apply to the housing code amendments or comprehensive plan amendment because no new Goal 14 program is advanced by this amendment and no existing Goal 14 program is changed by this amendment. Therefore, Goal 14 is not applicable to the housing code amendments and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 14.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendments as referenced, is consistent with Statewide Planning Goal 14.

Goal 15 – Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Gladstone is bordered on one side by the Willamette River and the Greenway. Therefore, the Gladstone Municipal Code includes Chapter 17.28 that establishes the land use regulations related to the Greenway Conditional Use District. The housing code amendment does not modify the Greenway Conditional Use District, or existing zoning requirements related to the Willamette River Greenway. The adoption of the housing code amendment does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code as it relates to the Willamette River. Goal 15 does not directly apply to the housing code amendment or comprehensive plan amendment because no new Goal 15 program is advanced by this amendment and no existing Goal 15 program is changed by this amendment. Therefore, Goal 15 is not applicable to the housing code amendment and associated comprehensive plan amendment because the amendment does not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 15.

Based on the findings above, the Comprehensive Plan amendment to adopt the housing code amendment as referenced, is consistent with Statewide Planning Goal 15.

Goals 16-19 – Estuarine Resources, Coastal Shore lands, Beaches and Dunes, and Ocean Resources:

Finding: The City of Gladstone is not subject to these four Statewide Planning Goals. Therefore, they are not applicable to the housing code amendment, or the comprehensive Plan amendment to adopt the housing code amendment.

III. FINDINGS RELATED TO GLADSTONE MUNICIPAL CODE

Once the housing code amendments are finalized and recommended by the Planning Commission and adopted City Council, the Comprehensive Plan will need to be amended to reference the housing code amendments as part of the consistency with Statewide Planning Goal 10.

The City of Gladstone planning staff finds:

17.68.010 AUTHORIZATION TO INITIATE AMENDMENTS.

(1) An amendment to the text of this title or the Comprehensive Plan may be initiated by the City Council, the City Planning Commission or the City Administrator or his designee.

(2) An amendment to the Zoning Map or to the Comprehensive Plan Map may be initiated by:

(a) The City Council;

(b) The City Planning Commission;

(c) The City Administrator or his designee; or

(d) By application of a property owner, contract purchaser or authorized agent of the subject property.

(3) The request by a property owner for a map amendment shall be accomplished by filing an application with the city using forms prescribed by the city and submitting the information required from the applicant under Section 17.68.050.

Finding: The request came from the City Administrator through an adopted legislative bill. This criterion is met.

17.68.020 Review process. *Applications under this chapter shall be reviewed pursuant to GMC Division VII (administrative procedures).*

Finding: The housing code amendments was submitted and was reviewed by the Planning Commission and City Council joint work session on March 15, 2022 and a public hearing is being held on the final draft. The amendment to the comprehensive plan to incorporate the housing code amendments as referenced is being reviewed according to GMC Division VII. This criterion is met.

17.68.040 Conditions.

(1) City Council may require conditions. When necessary to properly relate new developments to existing or anticipated conditions in the vicinity or to make possible a higher quality of development than would otherwise be possible, the City Council may determine that a zone change will be accompanied by the acceptance or accomplishment of certain specified

conditions. Conditions and requirements invoked pursuant to a zoning map amendment shall thereafter apply to the property so zoned.

(2) *Acceptance of conditions.* Such conditions shall be designed to further the objectives of the comprehensive plan and the zoning ordinance codified in this title and shall clearly set forth, in written form or upon drawings, all restrictions and requirements which will be applicable to the property rezoned. Where a zone change is made subject to such conditions, it shall become effective upon written acceptance and filing of the applicable terms and conditions by the property owner and by any other person intending to have an ownership interest in or to develop the property. The signed acceptance of conditions shall be filed with the City Recorder and a certified copy shall also be filed in the county deed records at the expense of the petitioner.

(3) *Type of conditions.* Conditions may include special measures designed to limit use or density, screen or separate buildings or portions of the site from adjoining property; limit access from important thoroughfares or through residential areas; provide additional right-of-way for an abutting street, preserve or provide public access to greenspace, floodplains, or river frontage; improve bicycle or pedestrian safety and connectivity; or improve transit capacity and efficiency.

(4) *No variance of ordinance standards.* In connection with the adoption of a zoning amendment, ordinance standards may be varied only when the Planning Commission finds that the development proposed and covered by specific limiting conditions will provide benefits and safeguards equal to or better than those possible under a strict interpretation of the zoning ordinance. In no case shall a use not specifically permitted within the zoning district be allowed under this section and Section 17.68.050. When circumstances as described in GMC Section 17.72.020 (circumstances for granting) exist, the regular variance procedures shall be followed.

(5) *Building permit conditions.* In addition to conditions as described above in this section, the Council may also provide that a zoning amendment will become effective upon satisfactory performance by the applicant of certain conditions or actions, such as a bona fide application for a building permit within a specified period of time.

Finding: Staff are not recommending any special conditions. This criterion does not apply.

17.68.050 Evidence supplied by applicant. The applicant seeking a zoning map change pursuant to the provisions of GMC Section 17.68.010 must show by a preponderance of the evidence all of the following, unless otherwise provided for in this title:

(1) *Granting the request fulfills a public need; the greater departure from present development policies or land use patterns, the greater the burden of the applicant.*

(2) *The public need is best carried out by granting the petition for the proposed action, and that need is best served by granting the petition at this time.*

(3) *The proposed action is consistent with the comprehensive plan and Metro's Functional Plan (Metro Code 3.07), and the Transportation Planning Rule (OAR 660-012-0060).*

(4) *Proof of significant change in a neighborhood or community or a mistake in the planning or zoning for the property under consideration, when relevant.*

(5) *The property and affected area is presently provided with, or concurrent with development can be provided with, adequate public facilities, including, but not limited to, the planned function, capacity, and performance standards of the transportation system as adopted in the transportation system plan.*

(6) *The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing and planned uses in the area, consistent with the Transportation Planning Rule (OAR 660-012-0060). Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*

Finding: This project is not seeking a zoning map change. Therefore, this criterion is not applicable.

17.70.010 Authorization to grant or deny.

2) Conditions of Approval. In addition to the specific requirements of this title, including those set forth in GMC Chapter 17.62 (special uses), and the comprehensive plan, approval of a conditional use may be granted subject to additional conditions that are found necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place and manner of operation;*
- (b) Requiring design features that minimize environmental impacts such as noise, vibration, smoke, dust, fumes and glare;*
- (c) Requiring increased setbacks, lot area, lot depth and lot width;*
- (d) Limiting building height, size, lot coverage and location on the site;*
- (e) Designating the size, number, location and design of vehicle access points;*
- (f) Requiring street right-of-way to be dedicated and streets to be improved;*
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;*
- (h) Limiting the number, size, location, height and lighting of signs;*
- (i) Regulating the location and intensity of outdoor lighting;*
- (j) Requiring a sight-obscuring fence or hedge to screen the conditional use from adjacent to or nearby property;*
- (k) Construction of off-site transportation improvements to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and*
- (l) Upgrade or construct public facilities to city standards.*

Finding: Currently there are no conditions recommended. This criterion is met.

IV. CONSISTENCY WITH METRO’S FUNCTIONAL PLAN (METRO CODE 3.07),

Finding: The purpose of the Metro Urban Growth Management Functional Plan is to “implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO) including the Metro 2040 Growth Concept and the Regional Framework Plan.” The plan provides requirements for a local jurisdiction to provide adequate housing capacity within the urban growth boundary including but not limited to density and affordability.

The proposed amendments are mandated by the state, inconsistencies within the Metro Functional Plan will need to be brought into compliance with the HB 2001 and Division 46 of the OARs, by the agency. As presented here, the proposed amendments do not conflict with the purpose of the Functional Plan and, therefore, this criterion is met.

V. CONSISTENCY WITH TRANSPORTATION PLANNING RULE (OAR 660-012-0060).

Finding: Chapter 639, Section 3(5) of Oregon Laws 2019 provides that “[w]hen a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.”

The Middle Housing Code Amendments are legislative changes to Gladstone’s land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-household dwellings. Therefore, the City is not required to consider whether the amendments significantly affect an existing or planned transportation facility. Based on the above findings, this criterion is met.

RECOMMENDATION: The Planning Commission recommends that the City Council approve the draft amendments proposed for the Comprehensive Plan and Gladstone Municipal Code, as found in the Planning Commission packet and amended by the Planning Commission.

EXHIBITS

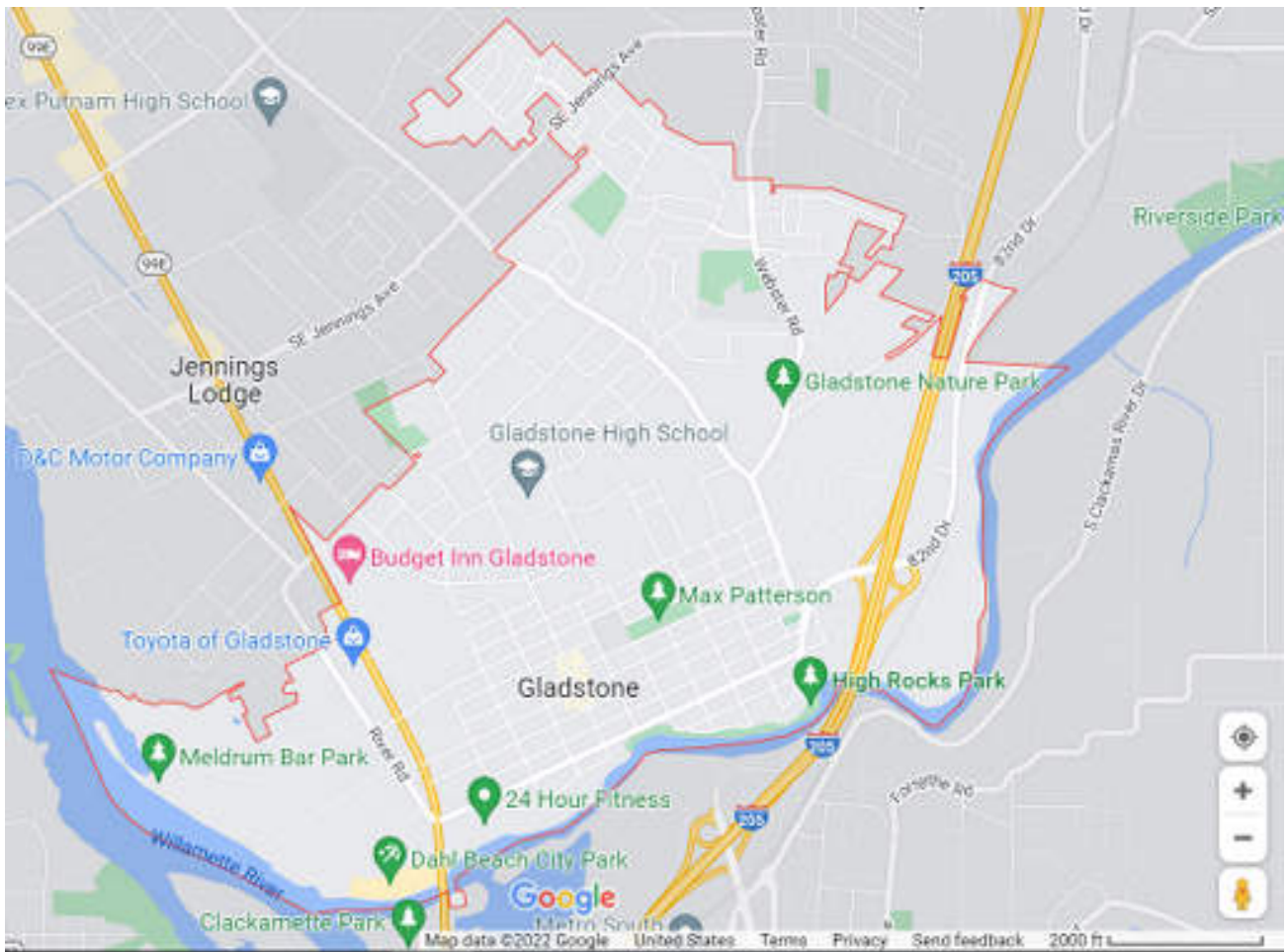


EXHIBIT 1
Location Map
Citywide

CHAPTER 17.06

DEFINITIONS

Chapter 17.06 DEFINITIONS*

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- 17.06.010 Access.
- 17.06.013 Accessory dwelling unit.
- 17.06.015 Accessory use or accessory structure.
- 17.06.020 Alley.
- 17.06.035 Automobile service station.
- 17.06.040 Automobile storage or repair garages.
- 17.06.045 Boarding house, lodging house or rooming house.
- 17.06.050 Building.
- 17.06.055 Building height.
- 17.06.060 Building line, front.
- 17.06.065 Building official.
- 17.06.070 Carport.
- 17.06.075 Cattery.
- 17.06.080 Change of use for purposes of the greenway zone only.
- 17.06.085 Chapter.
- 17.06.090 City.
- 17.06.095 City Council.
- 17.06.100 City Administrator or designee.
- 17.06.105 Comprehensive plan.
- 17.06.115 Day care center.
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- 17.06.125 Development permit.
- 17.06.130 Drinking establishment.
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- 17.06.14140 Dwelling, multi-~~family-household~~.
- 17.06.14245 Dwelling, single-~~family-household~~.
- 17.06.14350 Dwelling, two-~~family-household~~ or “Duplex”.
- 17.06.14055 Dwelling unit.
- 17.06.144 Dwelling, three-household or “Triplex”.
- 17.06.145 Dwelling, four-household or “Quadplex”.
- 17.06.146 Townhouse.
- 17.06.147 Townhouse Project.
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* Prior history:

17.06.025 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.030 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.110 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 § 1, 2002.
17.06.185 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1334, 2004.
17.06.190 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1334, 2004.
17.06.320 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1171 §1(K), 1993.
17.06.330 **History:** Ord. 1131 §2, 1990; Ord.1179 §11(B), 1993; Repealed by Ord. 1323 §1, 2002.
17.06.335 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1171 §1(L), 1993.
17.06.425 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323§1, 2002.
17.06.490 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323§1, 2002.
17.06.495 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1323 §1, 2002.
17.06.502 **History:** Ord. 1161 §1, 1992; Renumbered to §17.06.504 by Ord. 1323 §1, 2002.

17.06.505 **History:** Ord. 1131 §2, 1990; Renumbered to §17.06.507 by Ord. 1323 §1, 2002.

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

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

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

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

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

17.06.005 Generally.

The words and phrases used in Title 17 shall have the meanings set out in Chapter 17.06 (definitions) unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.010 Access.

“Access” means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.013 Accessory dwelling unit.

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

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1289, 2000

17.06.015 Accessory use or accessory structure.

“Accessory use” or “accessory structure” means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.020 Alley.

“Alley” means a street which affords only a secondary means of access to the property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.035 Automobile service station.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, or automobile and truck maintenance and repair, and the supplying of other incidental customer services and products, but not painting, body and fender work, and storage of autos and trucks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.040 Automobile storage or repair garages.

“Automobile storage or repair garages” means a premises used for the storage, repair, or sale of used automobile vehicles or automotive parts.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.045 Boarding house, lodging house, or rooming house.

“Boarding house,” “lodging house” or “rooming house” means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be served.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.050 Building.

“Building” means a structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding thirty inches in height above the average grade of the adjoining ground.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.055 Building height.

“Building height” means the vertical distance measured from the adjoining street center line grade as established by the city to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to a mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.060 Building line, front.

“Front building line” means a line parallel and adjacent to the front of that structure which is closest to the front lot line. For purposes of this definition, the front of a structure is the side facing the front lot line. A front building line extends from one side lot line to the opposite side lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.065 Building official.

“Building official” means the building official of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.070 Carport.

“Carport” means a stationary structure consisting of a roof with its supports and not more than two walls, or a storage cabinet substituting for one of the walls, and used for sheltering a motor vehicle, boat or recreation vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.075 Cattery.

“Cattery” means ten or more cats owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.080 Change of use for purposes of the greenway zone only.

“Change of use for purposes of the greenway zone only” means a different use than that which existed on December 6, 1975. It includes a change that requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building that does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which permanent substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.085 Chapter.

“Chapter” means a portion of this ordinance identified by a four digit number (for example, Chapter 17.06, Definitions.)

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.090 City.

“City” means the City of Gladstone, Oregon.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.095 City Council.

“City Council” means the governing body of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.100 City Administrator or designee.

“City Administrator” or “designee” means the administrator of the city or a person designated by the City Administrator.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.105 Comprehensive plan.

“Comprehensive plan” means the official plan adopted by the city for the guidance of growth and improvement, including modifications or refinements which may be made from time to time.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.115 Day care center.

“Day care center” means any facility, institution, establishment or place not a part of a school that provides day care to thirteen or more children, including children of the provider, regardless of full or part-time status, under thirteen years of age.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.117 Days.

“Days” means calendar days without reference to business days or holidays unless specifically stated to the contrary.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.120 Development for purposes of the greenway zone only.

“Development for purposes of the greenway zone only” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, parking lots, mining, dredging, filling, grading, paving, excavation or drilling operations, to bring about growth or availability, to construct or alter a structure, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.125 Development permit.

“Development permit” means a building permit, subdivision approval, temporary permit, or any other permit required by the city before development can occur.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.130 Drinking establishment.

“Drinking establishment” means a place of business which requires a permit and/or license from the Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.135 Durable and dustless surface.

“Durable and dustless surface” means a surface providing a hard topping which is free from mud conditions in wet weather and dusty conditions in dry weather, specifically including concrete or asphaltic concrete or like material but specifically excluding gravel and dirt.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.1401 Dwelling, multi-family household.

“Multi-family household dwelling” means a building ~~or portion thereof~~, designed for occupancy by ~~three~~ five or more ~~families~~ households living independently of each other.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.1452 Dwelling, detached single-family household.

“Single-family household dwelling unit” means a detached building containing one dwelling unit located on a single lot, ~~and designed for occupancy by one family only.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.15043 Dwelling, two-family household or “Duplex”.

“Two-family household dwelling unit” means a detached ~~or attached~~ building containing two dwelling units ~~on a single lot and designed for occupancy by two families independent of each other.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.15540 Dwelling unit.

“Dwelling unit” means one or more rooms for occupancy by one family household 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.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(1), 1993.

17.06.144 Dwelling, three household or “Triplex”.

“Three household dwelling unit” or “Triplex” means three attached or detached dwelling units on a single lot in any configuration.

17.06.145 Dwelling, four household or “Quadplex”.

“Four household dwelling unit” or “Quadplex” means four attached or detached dwelling units on a single lot in any configuration.

17.06.146 Townhouse.

“Townhouse” means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot and shares at least one common wall with an adjacent dwelling unit.

17.06.147 Townhouse Project.

“Townhouse Project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

17.06.148 Cottage Cluster.

“Cottage cluster” means a grouping of three, four or more detached dwelling units per acre with a building footprint of less than 900 square feet each that includes a common courtyard on a single lot or on individual lots.

17.06.149 Middle Housing.

“Middle Housing” means Duplex, Triplex, Quadplex, Cottage Cluster, or Townhouse in the R-5 or R-7.2 zone and is subject to the Oregon Administrative Rules Chapter 660, Division 46 Middle Housing in Medium and Large Cities.

17.06.160 Easement.

“Easement” means a grant of the right to use a strip of land for specific purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.165 Eating establishment.

“Eating establishment” means a place of business which serves food but does not require a permit and/or license from the Oregon Liquor Control Commission.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.170 Exterior.

“Exterior” means any portion of the outside of a structure which can be seen from a public place.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.175 Family Household.

~~“Family”“Household” means one person or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.;~~ occupying a dwelling unit as their usual place of residence. This definition shall not apply to group homes, foster homes, or homes for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.180 Fence or hedge, sight-obscuring.

“Sight-obscuring fence or hedge” means a fence consisting of wood, metal, masonry or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least eighty percent (80%).

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.195 Floor area.

“Floor area” means the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

- (1) Attic space providing headroom of less than seven feet.
- (2) Basement or cellar.
- (3) Uncovered steps or fire escapes.
- (4) Private garages, carports or porches.
- (5) Accessory water towers or cooling towers.
- (6) Accessory off-street parking or loading spaces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.200 Foster home.

“Foster home” means any dwelling occupied and maintained by a person or persons licensed or certified by the state or other authorized agency to provide extended or temporary care, food, and lodging in such home for not more than seven dependent individuals beyond the number defined as a [family household](#). A foster home is not a hospital, nursing home, or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any other domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.205 Frontage.

“Frontage” means property abutting on a street.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.210 Grade, ground level.

“Ground level grade” means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.213 Gross leasable area (GLA).

“Gross leasable area (GLA)” means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.214 Home for the aged.

“Home for the aged” means a supervised personal care facility where staff provide services to residents. A home for the aged is not a group home, foster home, hospital, or nursing home.

Statutory Reference: ORS Ch. 197, Ch. 227

17.06.215 Group home.

“Group home” means any home occupied and maintained by a person or persons licensed by the state or other appropriate agency to provide extended or temporary care, food and lodging in such home for from eight to ten dependent individuals beyond the number defined as a [family household](#). A group home is not a foster home, hospital, nursing home or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.220 Home occupation.

“Home occupation” means an occupation, profession, or craft which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family household residing within the dwelling place; provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise, storage materials, signs or articles or objects awaiting or in the process of repair, remodeling, or modification on the premises which can be seen from the exterior of the dwelling. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.225 Hospitals, ~~nursing homes and homes for the aged.~~

~~“Hospitals,” “nursing homes” and “homes for the aged” means the same as defined in the Oregon Revised Statutes.~~

~~“Hospital” means a medical facility licensed by the state of Oregon that provides health services on a primarily inpatient basis.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

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

17.06.230 Hotel.

“Hotel” means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.233 Institutional use.

“Institutional use” means a church, school, public facility, hospital, nursing home or home for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000; Ord. 1292 §1, 2000.

17.06.235 Intensification of use for purposes of the greenway zone.

“Intensification of use for purposes of the greenway zone” means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below in this section is an intensification when it will substantially alter the appearance of the structure. (Intensification shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction has been undertaken by July 1, 1976.) Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of the greenway includes the practices and activities customarily related to the use and enjoyment of one’s home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this district. Seasonal increases in gravel operation shall not be considered an intensification of use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.240 Kennel.

“Kennel” means four or more dogs with permanent canine teeth owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.245 Landscaping.

“Landscaping” means the improvement of land by means such as contouring, plantings, fencing and the placement of outdoor structures.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.247 Land use decision.

“Land use decision” includes a final decision or determination that concerns the adoption, amendment, interpretation or application of the goals, comprehensive plan provision, land use regulation, but does not include:

- (1) A decision which is made under the city’s development standards which do not require interpretation or the exercise of facts, policy, or legal judgment.
- (2) A decision which approves, approves with conditions or denies a subdivision or partition and is consistent with the city’s development standards.
- (3) Approval or denial of a building permit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.250 Livestock.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.255 Loading space.

“Loading space” means an off-street space or berth on the same lot or parcel with a building or use or contiguous to a group of buildings or uses for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.260 Lot.

“Lot” means a unit of land that is created by a subdivision of land. For the purposes of this title, “lot” includes “parcel” and “lot of record” unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.265 Lot area.

“Lot area” means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.270 Lot, corner.

“Corner lot” means the total area of a lot abutting on two or more streets, other than an alley, at their intersection.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.275 Lot coverage.

“Lot coverage” means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.280 Lot depth.

“Lot depth” means the average horizontal distance between the front lot line and rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.282 Lot, flag.

“Flag lot” means a lot that has access to a street by means of a narrow deeded strip of land or easement.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.285 Lot line.

“Lot line” means the property line bounding a lot.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.290 Lot line, front.

“Front lot line” means a lot line separating a lot from a street other than an alley. In the case of a corner lot, either of the lot lines separating the lot from a street other than an alley may be designated by the property owner as the front lot line with the other such lot line designated as a street side lot line. Except as modified by GMC Subsection 17.76.040(5), the front lot line of a flag lot, for the purposes of determining minimum yard requirements, shall be a line within the boundaries of the lot by a distance equal to the width of the narrow deeded strip of land or easement providing access to the lot from the street. The line shall be parallel to the lot line that extends from the street to the lot line opposite and most distant from the street.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.295 Lot line, rear.

“Rear lot line” means the lot line that is opposite and most distant from the front lot line. In the case of an irregular

or triangular shaped lot, the rear lot line is a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.300 Lot line, side.

“Side lot line” means any lot line not a front or rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.301 Lot line, street side.

“Street side lot line” means a side lot line separating a lot from a street other than an alley.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.305 Lot of record.

“Lot of record” means a lot or parcel in a recorded plat. For units of land that are not lots or parcels in a recorded plat, “lot of record” means a unit of land or aggregate of contiguous units of land held in a single ownership, as recorded in the office of the Clackamas County Recorder on October 26, 1971.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.310 Lot, through.

“Through lot” means an interior lot having frontage on two streets other than alleys.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.315 Lot width.

“Lot width” means the average horizontal distance between the side lot lines.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.325 Major remodeling.

“Major remodeling” means any work that substantially alters the exterior appearance of a structure or off-street parking area.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.328 Manufactured dwelling.

“Manufactured dwelling” means a single family household dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure was constructed on or after June 15, 1976, and met the requirements of the Federal Manufactured Housing Construction and Safety Standards and Regulations in effect at the time of construction, consistent with 1989 Oregon Laws, Chapter 380, 1989. This definition shall not apply to structures known as “modular homes” where such modular homes are constructed in accordance with all requirements of the state building code for modular homes and bear the Seal of Approval of the State of Oregon,

Building Codes Agency.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1171 §1(A), 1993; Ord. 1179 §11(A), 1993.

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

17.06.336 Mini-storage.

“Mini-storage” means a storage and warehousing service within a building(s) primarily for individuals to store personal effects and by business to store materials for operation of an industrial or commercial enterprise located elsewhere. In no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. The location of an owner or manager residence on the premises is permitted.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1256 §1, 1998.

17.06.338 Mixed use development.

“Mixed use development” means development or buildings where land uses are mixed together. This can include residential and commercial, or office and retail. Uses may be mixed in one building “vertically” where there is one use on the ground floor and a different use above in one building, or “horizontally” where a variety of uses are next to each other in one building.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.340 Mobile home.

“Mobile home” means a single **family household** dwelling originally designed and constructed to be movable or portable, constructed to be transported on its own chassis and designed originally without a permanent foundation, whether or not a permanent foundation is subsequently provided, or two or more units separately transportable but designed to be joined into an integral unit, and which do not conform to all requirements of the building code for other residences and not meeting the definition of “manufactured dwelling.”

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(B), 1993.

17.06.345 Mobile home court or mobile home park.

“Mobile home court” or “mobile home park” means four mobile home units or more for rent within five hundred feet of one another on a lot, tract, or parcel.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.350 Model unit real estate office.

“Model unit real estate office” means a permanent residential structure located in a developing subdivision used for the promotion of sale of units in the subdivision, so long as the model unit real estate office is at all times available for sale, lease, lease option or exchange as a residential dwelling.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.355 Motel.

“Motel” means one or more buildings designed or used as temporary living quarters for transients.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.358 Net acre.

“Net acre” means an area measuring forty-three thousand five hundred sixty (43,560) square feet, which excludes:

- (1) Road rights-of-way and other public dedications through or on the edge of the land; and
- (2) Environmentally constrained areas, including open water areas, areas in the FM District, areas in the WQ District, natural resource areas protected under statewide planning Goal 5 in the Comprehensive Plan, slopes in excess of twenty-five percent (25%) and wetlands requiring a federal fill and removal permit under Section 404 of the Clean Water Act.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000; Ord. 1334, 2002.

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

17.06.360 New construction.

“New construction” means a structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.365 Nonaccess reservation.

“Nonaccess reservation” means a street plug or a one foot right-of-way width owned by the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.370 Nonconforming use.

“Nonconforming use” means a lawful existing use at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1266 §1, 1998.

17.06.372 Nonconforming development.

“Nonconforming development” means development of a site which was lawfully existing at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of this title, including but not limited to minimum parking, minimum landscaping, etc.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1266 §2, 1998.

17.06.373 Nursing Home

“Nursing Home” means a facility that provides medical care, nursing, and other health services to its residents. A

nursing home is not a group home, foster home, hotel, hospital, or home for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

17.06.375 Open space.

“Open space” means land that is undeveloped and that is planned to remain so indefinitely. “Open space” also refers to land zoned OS, Open Space District, and developed with uses identified in GMC Chapter 17.26 (OS open space district).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1334, 2002.

17.06.380 Owner.

“Owner” means the person holding fee title to the land, or where there is a recorded land sale contract, the purchaser there under.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1334, 2002.

17.06.385 Parcel.

“Parcel” means a unit of land that is created by a partitioning of land. For the purposes of this title, “parcel” includes “lot” and “lot of record” unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.390 Parking space.

“Parking space” means an area available for the parking of a standard or compact vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.395 Partition.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in GMC Section 17.06.400.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.400 Partition land.

“Partition land” means to divide a lot of record into two (2) or three (3) parcels within a calendar year, but does not include a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; divisions of land made pursuant to a court order, including, but not limited to, court orders and proceedings involving testate or intestate succession; or an adjustment of a property line by the relocation of a common boundary where an additional lot of record is not created and where the existing lot of record reduced in size by the adjustment complies with the provisions of this title. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single lot of record until such time as the property is further subdivided or partitioned.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(M), 1993; Ord. 1323 §1, 2002.

17.06.405 Pedestrian way.

“Pedestrian way” means a right-of-way for pedestrian traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.410 Person.

“Person” means an individual, firm, partnership, corporation, company, syndicate, association, social or fraternal organization or any legal entity, and including any trustee, receiver, assignee, or any group or combination acting as a unit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.415 Planning Commission.

“Planning Commission” means the Planning Commission of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.416 Plat.

“Plat” means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.418 Porch, front.

“Front porch” means a front entrance to a dwelling covered by a separate roof or an extension of the dwelling roof. Enclosure walls shall extend no more than half the distance from the front porch to the porch eaves. A front porch shall be used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.419 Primary building wall.

“Primary building wall” means an exterior building wall that contains a public entrance to the premises and faces either a street or a parking area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.420 Primary zoning district.

“Primary zoning district” includes the following: R-7.2, R-5, MR, C-1, C-2, C-3, OP, LI, and OS.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.426 Property line adjustment.

“Property line adjustment” means the relocation of a common property line between two (2) abutting lots of record.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.430 Recreation vehicle park.

“Recreational vehicle park” means an area designated by the person establishing, operating, managing or maintaining the same for overnight camping in recreation vehicles or for a short duration by the general public or any segment of the public. Recreation vehicle park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association, or ownership. Overnight camping of mobile homes is not allowed within recreation vehicle parks. A recreation vehicle park shall not include a municipal, county, state or federal park or recreation area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1198 §1(A), 1994.

17.06.435 Recreation vehicle.

“Recreation vehicle” means a vacation trailer or self-propelled vehicle or structure equipped with wheels for highway use which is intended for human occupancy and is being used for recreation or vacation purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet, and has a floor space of less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath and toilet rooms.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990

17.06.440 Residential home.

“Residential home” means the same as a foster home as defined in GMC Section 17.06.200.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.445 Residence.

“Residence” means a dwelling unit as defined in GMC Section 17.06.155.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.450 Residential planned unit development.

“Residential planned unit development” means a residential (R) planned unit development as allowed under GMC Chapter 17.38 (planned unit development) and is at least eighty thousand square feet in any zoning district or combination thereof. A planned unit development less than eighty thousand square feet must be approved by Planning Commission per GMC 17.38.020.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

~~**17.06.451 ——— Large Scale Planned Unit Development**~~

~~A planned unit development that encompasses 2 acres or more in any zoning district or combination thereof.~~

17.06.455 Residential zoning district.

“Residential zoning district” means the R-7.2, R-5 and MR zones.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.460 Right-of-way.

“Right-of-way” means the area between boundary lines of a street or other easement, whether improved or unimproved.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.465 Roadway.

“Roadway” means the portion of a street right-of-way developed for vehicular traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.470 Seasonal.

“Seasonal” means limited to a period of no more than six months in any twelve-month period, but related to a unique or an annually occurring event or condition.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.475 Section.

“Section” means a portion of this title identified by a seven-digit number, such as GMC Section 17.10.020 (uses allowed outright) in the R-7.2 zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.480 School, commercial.

“Commercial school” means a place where instruction is given to pupils in arts, crafts, trades or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.485 School, primary, elementary, junior high or high.

“Primary, elementary, junior high or high schools” includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.491 Senior housing center.

A “senior housing center” means a residential facility providing dwelling units without full kitchens (known as residential suites) for those aged sixty-five and older and dwelling units with full kitchens. Up to fifteen percent of the total number of dwelling units may be provided as single-family household units or duplex units with full kitchens. A senior housing center is a congregate care facility which provides common services including but not limited to transportation of residents, three meals per day in a common facility and other non-medical care congregate services.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1280 §1, 1998.

17.06.492 Setback, front.

“Front setback” means the horizontal distance between a front lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.493 Setback, rear.

“Rear setback” means the horizontal distance between a rear lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.494 Setback, side.

“Side setback” means the horizontal distance between a side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.496 Setback, street side.

“Street side setback” means the horizontal distance between a street side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.497 Sidewalk.

“Sidewalk” means a pedestrian walkway with permanent surfacing to city standards.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.500 Sign.

“Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.501 Sign, electronic message center.

“Electronic message center sign” means a sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and may include electronic time and/or temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1161 §1, 1992; Ord. 1323 §1, 2002.

17.06.503 Sign, monument.

“Monument sign” means a sign that extends to the ground or that has a support that places the bottom of the sign

less than two feet (2') from the ground.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.504 Sign, segmented message.

“Segmented message sign” means any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1161 §1, 1992; Renumbered from 17.06.502 by Ord. 1323 §1, 2002.

17.06.506 Sign, tri-vision.

“Tri-vision sign” means a sign where the display surface is composed of triangular louvers that rotate periodically to allow three (3) images to be displayed.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1, 2002.

17.06.507 Story.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six feet (6') above grade as defined in this section for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade as defined in this section at any point, such basement, cellar or unused under floor space shall be considered a story.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Renumbered from 17.06.505 by Ord. 1323§1, 2002.

17.06.510 Story, half.

“Half-story” means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.515 Street.

(1) “Street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms road, highway, lane, avenue, place, court, way, circle, drive, alley or similar designation.

(2) “Alley” means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(3) “Arterial” means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(4) “Collector” means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

(5) “Cul-de-sac” (dead-end street) means a short street having one end open to traffic and terminated by a vehicle

turnaround.

(6) “Marginal access street” means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(7) “Minor street” means a street intended primarily for access to abutting properties.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.520 Structure.

“Structure” means something constructed or built and having a fixed base on or fixed connection to the ground or another structure to include a mobile home.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.525 Subdivide land.

“Subdivide land” means to divide a lot of record into four (4) or more lots within a calendar year.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.06.530 Subdivision.

“Subdivision” means either an act of subdividing land or an area or a tract of land subdivided as defined in GMC Section 17.06.525.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.535 Temporary structure real estate offices

“Temporary structure real estate offices” means a temporary structure located in a subdivision used for the promotion of a sale of residential units in a developing subdivision.

Statutory Reference: ORS Ch. 197, Ch. 27

History: Ord. 1131 §2, 1990.

17.06.537 Temporary structures.

“Temporary structures” means an area covered by a plastic, tarp, fabric, or metal membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It does not include greenhouses or weather proofing of a vehicle, boat, or other individual item by tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

History: Ord. 1482 §1, 2018.

17.06.540 Title.

“Title” means that portion of the Gladstone Municipal Code identified by a two-digit number, such as Title 17, zoning and development.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.542 Transit street.

“Transit street” means a street on which public transit stops are located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1, 2000.

17.06.545 Use.

“Use” means the purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.548 Utility facility.

“Utility facility” means buildings, structures or any constructed portion of a system that provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990, Ord. 1431, 2011.

17.06.550 Utility substation.

“Utility substation” means a facility that provides for the location of utility service apparatus that includes, but is not limited to: telephone exchanges; public utility structures, without shops, garages or general administrative offices; transmission and receiving towers, and/or earth stations.

History: Ord. 1502 §1, 2020.

17.06.551 Vacation rental.

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

History: Ord. 1502 §1, 2020.

17.06.553 Vacation occupancy.

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

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

History: Ord. 1502 §1, 2020.

17.06.555 Vegetation.

“Vegetation” means plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

17.06.560 Vehicle.

“Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990.

CHAPTER 17.10

R-7.2

SINGLE-FAMILY RESIDENTIAL

Chapter 17.10

R-7.2—SINGLE-~~FAMILY~~HOUSEHOLD 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 households and individuals~~ desiring to live in an environment of single-household ~~dwellings, including low density and middle housing dwellings on the periphery of neighborhoods.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1499 §1 (Exh. A), 2020.

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 household~~ dwelling, including a manufactured dwelling.
- (2) ~~Two family dwelling on a collector or minor arterial.~~ Middle housing.
- (3) Foster home.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1188 §1, 1994; Ord. 1323 1, 2002; Ord. 1499 §1 (Exh. A), 2020.

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:

- (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 for structures that:
 - (A) Are detached from other buildings on the same lot by a minimum of 10 feet;
 - (B) Do not exceed a height of one story; and
 - (C) Do not exceed a floor area of 450 square feet.
 - (b) Either the side, except a street side, or rear setback may be reduced to three feet for structures that do not exceed a floor area of 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 GMC 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 30 inches in height shall be five feet. The minimum front and street side setbacks for such courtyards, patios and decks shall be 15 feet. No setbacks shall be required for uncovered courtyards, patios or decks 30 inches 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 in height.

(b) Fences and walls not subject to subsection (3)(a) of this section shall not exceed six feet 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 ~~be a minimum of 400 square feet and~~ not exceed ~~400~~ 800 square feet;

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

(d) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing facade 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;

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

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

(g) The windows of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit;

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

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

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

(A) 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

(B) 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. The minimum front setback for ponds no greater than five feet wide and no more than two feet deep shall be three feet.

(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; Ord. 1499 §1 (Exh. A), 2020.

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 household dwelling, ~~three-five-~~ eight-unit ~~complexes building~~ 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.
- (8) Group homes.
- (9) Planned unit development (PUD).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002; Ord. 1499 §1 (Exh. A), 2020.

17.10.050 Dimensional standards.

Except as provided in GMC Chapters 17.38 (Planned Unit Development), 17.72 (Variances) and 17.76 (Exceptions), the following dimensional standards shall apply in an R-7.2 zoning district:

<u>Minimum Lot Area</u>		
<u>Detached single household</u>	<u>7,200 sf</u>	
<u>Middle Housing</u>	<u>3,600 sf</u>	
<u>Multi-household dwellings</u>	<u>3,600 sf per dwelling unit</u>	
<u>Other uses</u>	<u>7,200 sf</u>	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
<u>Minimum Setbacks</u>		

<u>Front Setback</u>	<u>20 ft</u>	Except that a front porch may project a maximum of five feet into a required front setback area
<u>Side Setback</u>	<u>20% of the average lot width or 15 ft, whichever is less, but in no case will be less than 5 ft (except for townhouses)</u> <u>7.5 ft or 5 ft due to irregular shaped lots</u>	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area <u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u>
<u>Street Side Setback</u> <u>Interior side setback</u>	<u>20 ft</u> <u>5 ft</u>	<u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u>
<u>Rear Setback</u>	<u>15 ft</u>	<u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u> <u>Setbacks for Manufactured homes in a mobile home park are subject to the standards in Section 17.62.070 (4).</u>
Maximum Building Height	35 ft	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.
Minimum Density		
	Subdivisions and PUDs shall provide a minimum density of 80% of the maximum density per net acre.	
<u>Maximum Density</u>		
<u>Detached single household dwelling</u>	<u>one dwelling unit per 7,200 square feet of lot area or eight units per net acre</u>	<u>This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.</u>
<u>Middle Housing</u>	<u>None</u>	
<u>Sufficient Infrastructure</u>	<u>Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a residential development application.</u>	

~~(1) Lot Area.~~

- ~~(a) For a single family dwelling, the minimum lot area shall be 7,200 square feet;~~
- ~~(b) For two family or multi household dwelling, the minimum lot area shall be 3,600 square feet per dwelling unit;~~
- ~~(c) For other uses, the minimum lot area shall be 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 20 feet, except that a front porch may project a maximum of five feet into a required front setback area;~~
- ~~(b) Except on a corner lot, the total side setback shall be a minimum of 20 percent of the average lot width or 15 feet, whichever is less, but in no case shall a side setback be less than five feet;~~
- ~~(c) A rear setback shall be a minimum of 15 feet;~~
- ~~(d) On a corner lot, the street side setback shall be a minimum of 20 feet and the other side setback shall be a minimum of five feet;~~
- ~~(e) Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area;~~

~~(3) Building Height. Maximum building height shall be 35 feet. 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) All PUDs with residential uses must include a mix of two or more middle housing types for a minimum of 25% of the total dwelling units proposed.~~

~~(a) 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.~~

- ~~(a) Subdivisions and PUDs shall provide a minimum density of 80 percent of the maximum density per net acre. For the purpose of this provision, maximum density shall be one dwelling unit per 7,200 square feet of lot area or six units per net acre.~~

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1289 §1, 2000; Ord. 1323 §1, 2002; Ord. 1499 §1 (Exh. A), 2020.

17.10.055 Cottage Cluster Standards.

The following dimensional standard apply to cottage clusters development in the R-7.2 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Dimensional Standards

- (a) Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot area that apply to detached single family dwellings in the R-7.2 zone.

(b) Setbacks and Building Separation.

(A) Setbacks. Cottage clusters shall meet the minimum setback standards:

- Front setbacks: 10 feet
- Side setbacks: 5 feet
- Rear setbacks: 10 feet

(B) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

(c) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

(d) Off-Street Parking.

(A) Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

(B) On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

17.10.060 Design standards.

(1) Attached Garage. The following standard shall apply to the construction of a garage attached to a single-family household dwelling ~~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 50 percent of the length of the street-facing building facade. 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) Single-Household Dwelling.

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

~~(B)~~ (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 40 square feet in area and neither the width nor the depth shall be less than five feet.

(b) Duplex, Triplex, Quadplex and Townhouse.

1. Connect to any on-site parking and the public right-of-way with a pedestrian pathway that is a minimum of 4 ft wide. The pathway may use a driveway surface.

(3) **Design Features.** Single-~~family household~~ dwellings and ~~two-family dwellings~~ duplexes, triplexes, quadplexes, townhomes, and cottage clusters shall include at least two of the following design features on each dwelling unit:

- (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 16 inches);

(i) Recessed garage entrance for street-facing garage (minimum 16 inches).

(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 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement, the 12-inch limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet in height for each twelve feet in 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 dwellings constructed under the Oregon Residential Specialty 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; Ord. 1499 §1 (Exh. A), 2020.

17.10.065 Cottage Cluster Design Standards

The following design standards apply to cottage clusters development in the R-7.2 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Cottage Orientation. Cottages must be clustered or abut around a common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):

(a) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path that is at least 4 ft wide.

(b) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

(A) Have a main entrance facing the common courtyard;

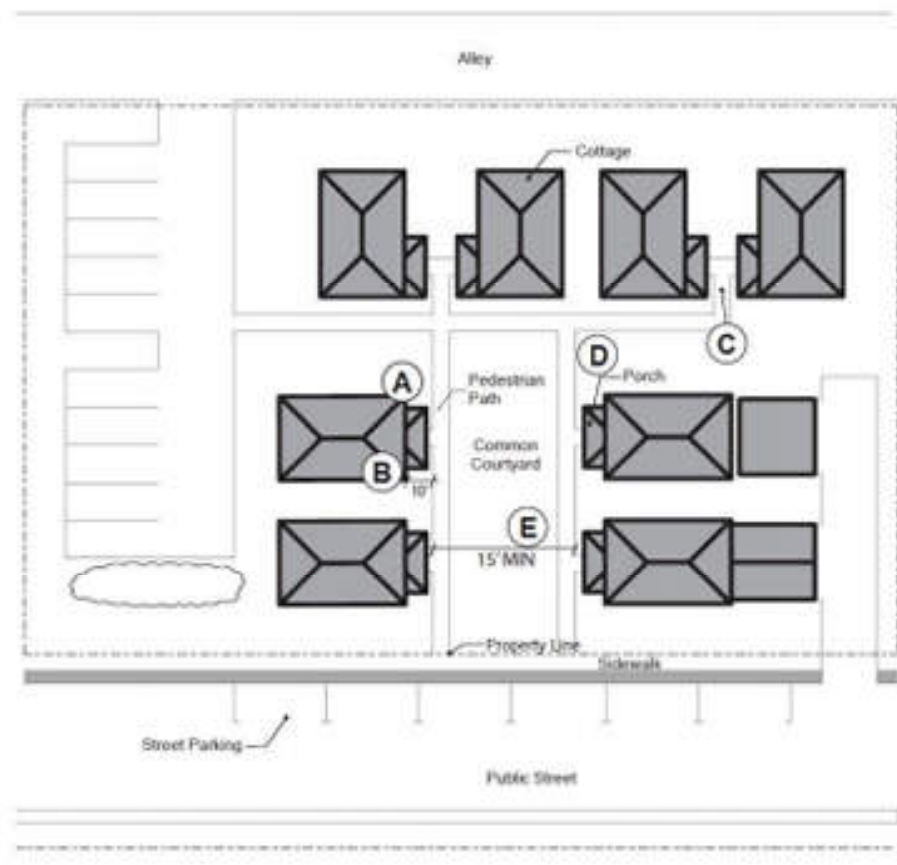
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(C) Be connected to the common courtyard by a pedestrian path.

(c) Cottages within 20 feet of a street property line may have their entrances facing the street.

(d) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



(2) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

(a) The common courtyard must be a single, contiguous piece.

(b) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

(c) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(d) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

(e) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(3) Pedestrian Access.

(a) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(A) The common courtyard;

(B) Shared parking areas;

(C) Community buildings; and

(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

(b) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(4) Parking location and access.

(a) Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(b) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

(c) Clustered parking. Off-street parking may be arranged in clusters and separated from common spaces by at least four (4) feet of landscaping.

(5) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(6) Garages and carports.

(a) Garages and carports (whether shared or individual) must not abut common courtyards.

(b) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

(c) Individual detached garages must not exceed 400 square feet in floor area.

(d) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

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; Ord. 1499 §1 (Exh. A), 2020.

CHAPTER 17.12

R-5 SINGLE-FAMILY RESIDENTIAL

Chapter 17.12

R-5—SINGLE-~~FAMILY~~HOUSEHOLD 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~~ household and middle housing multi-family dwellings.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1499 §1 (Exh. B), 2020.

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 household dwelling, including a manufactured dwelling.
- (2) ~~Duplex Middle housing.~~
- ~~(2)~~(3) 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; Ord. 1499 §1 (Exh. B), 2020.

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 story; and
 - (C) Does not exceed a floor area of 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 GMC 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 30 inches in height shall be five feet. The minimum front and street side setbacks for such courtyards, patios and decks shall be 15 feet. No setbacks shall be required for uncovered courtyards, patios and decks 30 inches 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 in height;

(b) Fences and walls not subject to subsection (3)(a) of this section shall not exceed six feet 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 be a minimum of 400 square feet and not exceed ~~400~~ 800 square feet;

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

(d) Only one entrance, other than a vehicular entrance to a garage, may be located on the street-facing facade 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;

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

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

(g) The windows of an accessory dwelling unit shall be the same or visually similar to those of the primary dwelling unit;

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

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

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

(A) 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

(B) 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. The minimum front setback for ponds no greater than five feet wide and no more than two feet deep shall be three feet.

(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; Ord. 1499 §1 (Exh. B), 2020.

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-household dwelling, ~~three-five~~-to-eight-unit ~~complexes-building~~.
- (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 200 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; Ord. 1499 §1 (Exh. B), 2020.

17.12.050 Dimensional standards.

Except as provided in GMC Chapters 17.38 (Planned Unit Development), 17.72 (Variances) and 17.76 (Exceptions), the following dimensional standards shall apply in an R-5 zoning district:

<u>Minimum Lot Area</u>		
<u>Detached single household</u>	5,000 sf	
<u>Duplex and Triplex</u>	<u>5,000 sf</u>	
<u>Quadplex</u>	<u>7,000 sf</u>	

<u>Cottage Cluster</u>	<u>7,000 sf</u>	
<u>Townhouse Project</u>	<u>5,000 sf</u>	<u>The average minimum lot area for a townhouse dwelling shall be 1,500 sf</u>
<u>Multi-household dwellings</u>	2,500 sf per dwelling unit	
<u>Other uses</u>	5,000 sf	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
<u>Minimum Setbacks</u>		
<u>Front Setback</u>	20 ft	Except that a front porch may project a maximum of five feet into a required front setback area
<u>Side Setback</u>	5 ft	
<u>Street Side Setback</u>	20 ft	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area
<u>Rear Setback</u>	15 ft	<p><u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u></p> <p><u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u></p>
<u>Maximum Building Height</u>	35 ft	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.
<u>Minimum Vegetation</u>		
<u>Multi-household dwelling</u>	At least 20% of the total area of the lot	The minimum area that must be left or planted with trees, shrubs, grass, etc.
<u>Minimum Density</u>	Subdivisions and PUDs shall provide a minimum density of 80 percent of the maximum density per net acre.	

Maximum Density	one dwelling unit per 5,000 square feet of lot area or eight units per net acre	
Sufficient Infrastructure	Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.	

~~(1) Lot Area.~~

- ~~(a) For a single family dwelling, the minimum lot area shall be 5,000 square feet;~~
- ~~(b) For a multi-family dwelling, the minimum lot area shall be 2,500 square feet per dwelling unit~~
- ~~(c) For other uses, the minimum lot area shall be 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 20 feet except that a front porch may project a maximum of five feet into a required front setback area;~~
- ~~(b) A side setback shall be a minimum of five feet;~~
- ~~(c) A rear setback shall be a minimum of 15 feet;~~
- ~~(d) A street side setback shall be a minimum of 20 feet;~~
- ~~(e) Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area.~~

~~(3) Building Height. Maximum building height shall be 35 feet. 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 20 percent of the total area of the lot.~~

~~(5) All PUDs with residential uses must include a mix of two or more middle housing types for a minimum of 25% of the total dwelling units proposed.~~

~~(a) 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 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 80 percent of the maximum density per net acre. For the purposes of this provision, maximum density shall be one dwelling unit per 5,000 square feet of lot area or eight 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; Ord. 1499 §1 (Exh. B), 2020.

17.12.055 Cottage Cluster Standards.

The following dimensional standard apply to cottage clusters development in the R-5 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Dimensional Standards

(a) Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot area that apply to detached single family dwellings in the R-5 zone.

(b) Setbacks and Building Separation.

(A) Setbacks. Cottage clusters shall meet the minimum setback standards:

- Front setbacks: 10 feet
- Side setbacks: 5 feet
- Rear setbacks: 10 feet

(B) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

(c) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

(d) Off-Street Parking.

(A) Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

(B) On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

17.12.060 Design standards.

(1) Attached Garage. The following standard shall apply to the construction of a garage attached to a single-family household dwelling or ~~two-family dwelling duplex~~. 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 50 percent of the length of the street-facing building facade. 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 ~~to a dwelling of a single family dwelling and the main entrance of each unit of a two family dwelling~~ shall:

(a) Single Household Dwelling.

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

~~(B)~~ (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 40 square feet in area and neither the width nor the depth shall be less than five feet.

(b) Duplex, Triplex, Quadplex and Townhouse.

1. Connect to any on-site parking and the public right-of-way with a pedestrian pathway that is a minimum of 4 ft wide. The pathway may use a driveway surface.

(3) Design Features. ~~Detached~~ Single-family household dwellings, duplexes, triplexes, quadplexes, townhomes, and cottage clusters shall include at least two of the following design features on each dwelling unit:

- (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 16 inches);

(i) Recessed garage entrance for street-facing garage (minimum 16 inches).

(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, back-filled foundation and enclosed at the perimeter such that no more than 12 inches of the enclosing material is above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet in height for each 12 feet in 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 dwellings constructed under the Oregon Residential Specialty 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; Ord. 1499 §1 (Exh. B), 2020.

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

17.12.065 Cottage Cluster Design Standards

The following design standards apply to cottage clusters development in the R-5 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Cottage Orientation. Cottages must be clustered or abut around a common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):

(a) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path that is at least 4 ft wide.

(b) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

(A) Have a main entrance facing the common courtyard;

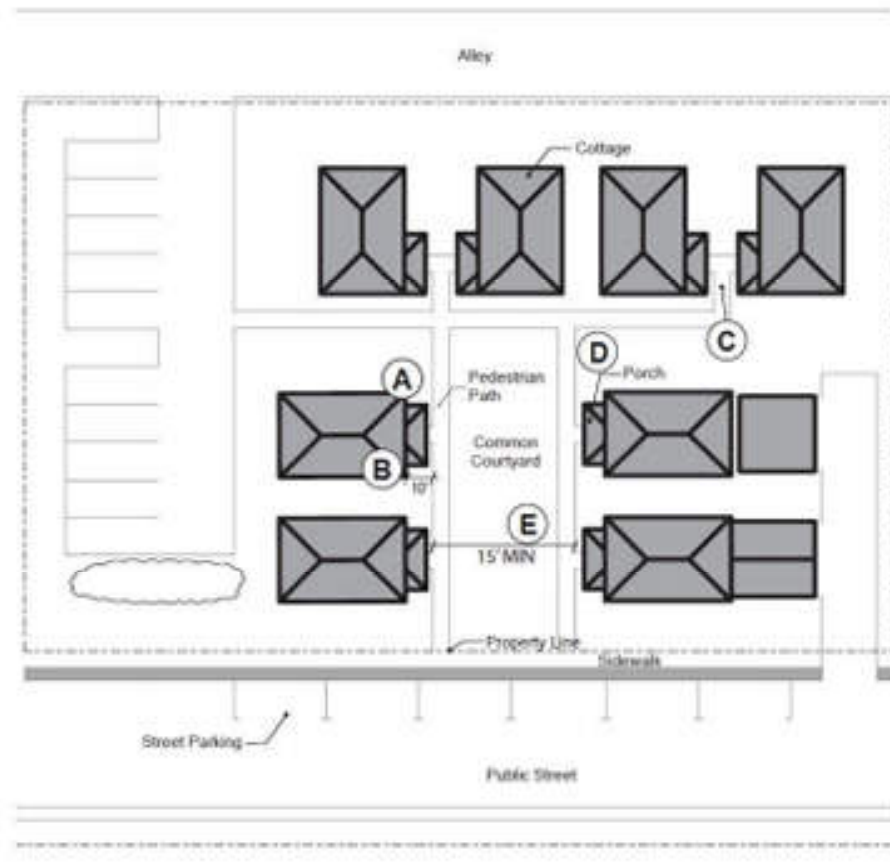
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(C) Be connected to the common courtyard by a pedestrian path.

(c) Cottages within 20 feet of a street property line may have their entrances facing the street.

(d) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



(2) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- (a) The common courtyard must be a single, contiguous piece.
- (b) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
- (c) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- (d) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
- (e) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(3) Pedestrian Access.

(a) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(A) The common courtyard;

(B) Shared parking areas;

(C) Community buildings; and

(D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

(b) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(4) Parking location and access.

(a) Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(b) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

(c) Clustered parking. Off-street parking may be arranged in clusters and separated from common spaces by at least four (4) feet of landscaping.

(5) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(6) Garages and carports.

(a) Garages and carports (whether shared or individual) must not abut common courtyards.

(b) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

(c) Individual detached garages must not exceed 400 square feet in floor area.

(d) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 17.14

MR MULTI-FAMILY RESIDENTIAL

Chapter 17.14

MR—MULTI-~~HOUSEHOLD~~~~FAMILY~~ RESIDENTIAL DISTRICT

Sections:

- 17.14.010 Purpose.
- 17.14.020 Uses allowed outright.
- 17.14.030 Accessory uses allowed.
- 17.14.040 Conditional uses allowed.
- 17.14.050 Dimensional standards.

17.14.010 Purpose.

The purpose of an MR district is to: implement the comprehensive plan and to provide land for ~~families and individuals households~~ desiring to live in an environment of higher density ~~multi-family dwellings residential development~~ with proximity to mass transit, shopping and service facilities.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (Part), 1990.

17.14.020 Uses allowed outright.

In an MR zoning district, the following uses and their accessory uses are allowed outright:

- (1) ~~Duplex Two-family dwellings.~~
- (2) ~~Triplex Multi-family dwellings.~~
- ~~(3) Quadplex~~
- ~~(4) Townhouse~~
- ~~(5) Cottage Cluster~~
- ~~(6) Multi household dwellings~~

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.030 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 MR 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 setback 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 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) 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').

(6) 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 (Part), 1990; Ord. 1171 §1(F), 1993; Ord. 1323 §1, 2002; Ord. 1392 § 4, 2007.

17.14.040 Conditional uses allowed.

In an MR zoning district, the following uses and their accessory uses are allowed subject to GMC Chapter 17.70 (conditional uses):

- (1) Detached Single-~~household family~~ dwelling, Triplex, Quadplex, Townhouse, and Cottage Clusters.
- (2) Church and associated buildings and structures.
- (3) Community center, day care center, meeting hall.
- (4) Mobile home park.
- (5) Nursing homes and homes for the aged.
- (6) School and associated structures and facilities.
- (7) Utility facility provided no outside storage is involved.
- (8) Local commercial uses listed under GMC Section 17.16.020 (uses permitted outright).
- (9) Foster homes.
- (10) Group homes.
- (11) Planned unit development.

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.050 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 MR zoning district:

<u>Minimum Lot Area</u>		
<u>Detached</u> single household	5,000 sf	
<u>Duplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Triplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Quadplex</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Townhouse</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Cottage Cluster</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Multi-household dwellings</u>	3,000 sf + 1,000 sf per dwelling unit	
<u>Other uses</u>	5,000 sf	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
<u>Minimum Setbacks</u>		
<u>Front Setback</u>	20 ft	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area
<u>Side Setback</u>	5 ft	
<u>Street Side Setback</u>	20 ft	<u>Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached.</u> <u>Cottage Cluster minimum setbacks can be reduced to 5 feet, if there is more than 150 square feet per dwelling unit of common open space provided, as define in Section 17.12.065(2).</u>
<u>Rear Setback</u>	15 ft	
Maximum Building Height	35 ft	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.
Minimum Vegetation	At least 20% of the total area of the lot	<u>must be left or planted in trees, shrubs, grass, etc.</u>
Minimum Density		
	80% of the maximum number of units allowed under <u>GMC Subsection 17.14.050(1) Minimum Lot Area.</u>	In no case shall the minimum density exceed thirty (30) units per net acre. Exception. Where an existing two-family or multi-family development is being altered or expanded, it shall not be required to comply with the minimum density standard provided the alteration or expansion does not result in a net loss of units. Mobile home parks shall provide a minimum density of eight (8) units per net acre.
<u>Maximum Density</u>	<u>None</u>	

~~(1) Lot area:~~

- ~~(a) For a single family dwelling, the minimum lot area shall be five thousand (5,000) square feet;~~
- ~~(b) For a two family or multi family dwelling, the minimum lot area three thousand square (3,000) feet, plus one thousand (1,000) square feet per dwelling unit;~~
- ~~(c) For other uses, the lot area shall be a minimum of five thousand (5,000) square feet or as established by the Planning Commission as provided in GMC Chapter 17.70 (conditional uses);~~

~~(2) Setback Requirements:~~

- ~~(a) A front setback shall be a minimum of twenty feet (20');~~
- ~~(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 Section.~~

~~(4) Minimum Vegetation. The minimum area that must be left or planted in trees, shrubs, grass, etc., shall be at least twenty percent (20%) of the total area of the lot.~~

~~(5) All PUDs with residential uses must include a mix of two or more middle housing types for a minimum of 25% of the total dwelling units proposed~~

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 large-scale planned unit development, providing 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 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 the achievement of the plan.

~~(6) Minimum Density.~~

~~(a) Developments of two family or multi householdfamily dwellings shall provide a minimum density of eighty percent (80%) of the maximum number of units allowed under GMC Subsection 17.14.050(1). In no case shall the minimum density of any residential dwelling units exceed thirty (30) units per net acre.~~

~~(b) Exception. Where an existing middle housing development two family or multi householdfamily development is being altered or expanded, it shall not be required to comply with the minimum density standard provided the alteration or expansion does not result in a net loss of units.~~

~~(c) Mobile home parks shall provide a minimum density of eight (8) units per net acre.~~

Statutory Reference: ORS Ch. 197, Ch. 227

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

17.14.055 Cottage Cluster Standards.

The following dimensional standard apply to cottage clusters development in the R-5 zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(1) Dimensional Standards

(a) Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot area that apply to detached single family dwellings in the R-5 zone.

(b) Setbacks and Building Separation.

(A) Setbacks. Cottage clusters shall meet the minimum setback standards:

- Front setbacks: 10 feet
- Side setbacks: 5 feet
- Rear setbacks: 10 feet

(B) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

(c) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

(d) Off-Street Parking.

(A) Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

(B) On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- (i) The space must be abutting the subject site;
- (ii) The space must be in a location where on-street parking is allowed by the jurisdiction;
- (iii). The space must be a minimum of 22 feet long; and
- (iv) The space must not obstruct a required sight distance area.

(2) Design Standards

The following design standards apply to cottage clusters development in the MR zone. Where conflicts arise between the standards within this section and elsewhere in the code, the standards of this section will supersede.

(a) Cottage Orientation. Cottages must be clustered or abut around a common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):

(A) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path that is at least 4 ft wide.

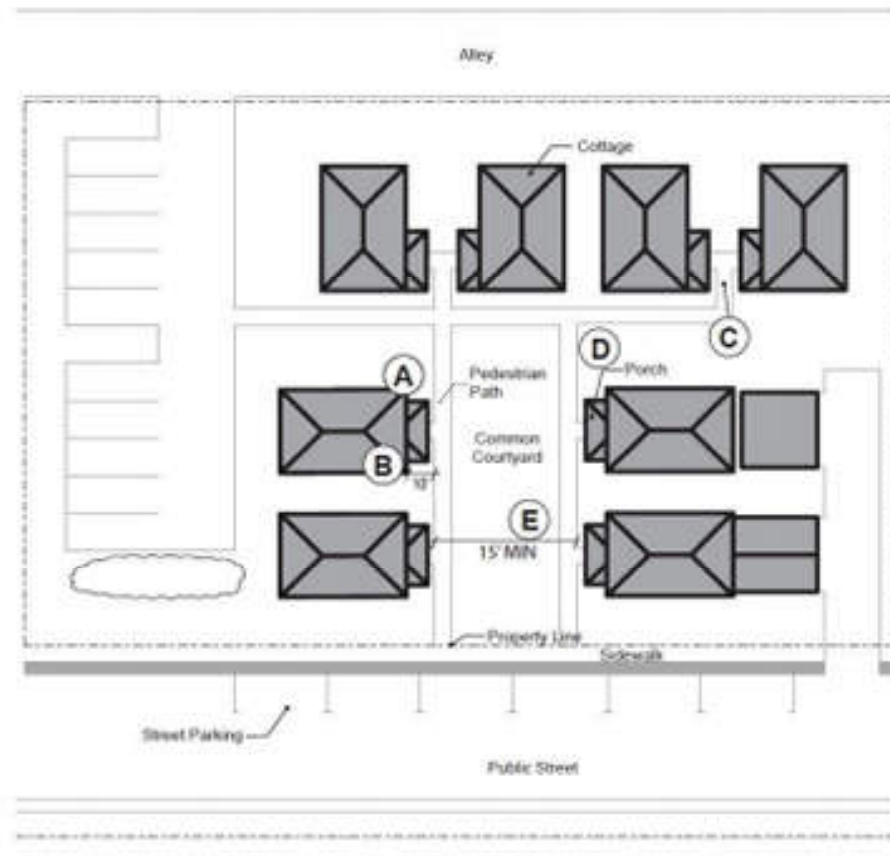
(B) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

- (i) Have a main entrance facing the common courtyard;
- (ii) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
- (iii) Be connected to the common courtyard by a pedestrian path.

(C) Cottages within 20 feet of a street property line may have their entrances facing the street.

(D) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 1. Cottage Cluster Orientation and Common Courtyard Standards



(b) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

(A) The common courtyard must be a single, contiguous piece.

(B) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

(C) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(D) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

(E) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

(c) Pedestrian Access.

(A) An accessible pedestrian path that is at least 4 feet wide must be provided that connects the main entrance of each cottage to one or all the following:

(i) The common courtyard;

(ii) Shared parking areas;

(iii) Community buildings; and

(iv) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

(B) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(d) Parking location and access.

(A) Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(B) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

(C) Clustered parking. Off-street parking may be arranged in clusters and separated from common spaces by at least four (4) feet of landscaping.

(e) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(f) Garages and carports.

(A) Garages and carports (whether shared or individual) must not abut common courtyards.

(B) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

(C) Individual detached garages must not exceed 400 square feet in floor area.

(D) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 17.38

PLANNED UNIT DEVELOPMENT

Chapter 17.38

PLANNED UNIT DEVELOPMENT

Sections:

- 17.38.010 Purpose.
- 17.38.020 Applicability.
- 17.38.030 Uses permitted outright.
- 17.38.040 Accessory uses.
- 17.38.050 Conditional uses.
- 17.38.060 Development standards.
- 17.38.070 Submittal requirements.
- 17.38.080 Review and approval.

17.38.010 Purpose.

The purpose of a planned unit development is to:

- (1) Encourage a more creative and flexible approach in the development of land consistent with the uses of the underlying zoning district(s).
- (2) Promote the retention of open space for integration in an efficient and aesthetically desirable manner with the overall development.
- (3) Provide the opportunity for a mixture of land uses in a creative approach to development by allowing flexibility in design, building placement, circulation, off-street parking areas, and use of open space.
- (4) Foster variety in a development pattern that is consistent with the goals and policies of the comprehensive plan.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.020 Applicability.

A PUD may be established on a site of at least eighty thousand square feet in any zoning district or combination thereof. A PUD shall not be established on less than eighty thousand square feet unless the Planning Commission finds that a smaller site is suitable due to special features, such as topography, geography, size and shape, or other unique features.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.030 Uses permitted outright.

Uses permitted outright are those uses listed as primary uses in the zone(s) in which the development is located.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.040 Accessory uses.

The following uses may be allowed when developed in conjunction with a primary use:

- (1) Accessory structures consistent with the primary uses of the underlying zoning district(s).
- (2) Recreational facilities including, but not limited to, swimming pools, tennis courts, and playgrounds.

(3) Offices, buildings, and facilities required for the operation, administration, and maintenance of the PUD and for recreation purposes, such as golf courses, recreation rooms, and vehicle storage areas.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.050 Conditional uses.

Conditional uses may be established within a residentially zoned PUD, pursuant to GMC Chapter 17.70 (conditional use). Approval shall not be granted unless the proposal satisfies the criteria set forth in the special use requirements of GMC Chapter 17.62 (special uses):

- (1) Schools, libraries, community hall.
- (2) Retirement homes, group homes, day care centers.
- (3) Churches.
- (4) Utility facility (provided no outside storage is involved), fire station or similar public service facility.
- (5) Medical/dental office when fronting a collector or minor arterial.
- (6) Convenience establishments of a commercial and service nature, including stores, laundry, dry cleaning, beauty shops, barber shops, and convenience grocery stores (but specifically excluding gas stations, repair garages, drive-in restaurants, and taverns), provided:
 - (a) Such convenience establishments are an integral part of the general plan of development and provide facilities related to the needs of the prospective residents;
 - (b) Such convenience establishments and their parking, loading, and maneuvering areas shall occupy an area not exceeding a ratio of one-half (1/2) acre per one hundred (100) dwelling units;
 - (c) Such convenience establishments will be located, designed, and operated to efficiently service the needs of persons residing in the planned unit development and not persons residing elsewhere;
 - (d) Such convenience establishments will not, by reason of location, construction, manner of hour of operation, signs, lighting, parking, traffic, or other characteristics, have adverse impacts on residential uses within or adjoining the PUD;
 - (e) Such convenience establishments shall not have building permits issued for their construction until at least one hundred (100) dwelling units are constructed within the PUD.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.38.060 Development standards.

In consideration of a planned unit development, the requirements of the city's development standards shall be observed unless modified by this section or as follows:

- (1) Site Adaption. To the maximum extent possible, the plan and design of the development shall assure the natural and/or unique features of the environment are preserved.
- (2) Lot Arrangement. All lots within the development shall have reasonable access to open space, recreational features, or service amenities. Care shall be taken to ensure adequate lot width for easements and building footprints in residential areas.

(3) Access. No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this title.

(4) Setbacks:

(a) The minimum front and street side setbacks shall be twenty feet (20') for residential uses, except for middle housing development as regulated by the underlying base zone. No front or street side setbacks shall be required for other uses;

(b) The minimum side and rear setbacks shall be three feet (3');

(c) Setbacks for the perimeter of the planned unit development shall be the same as required for the underlying zoning district, except for middle housing development as regulated by the underlying base zone. When a lot line abuts a more restrictive zoning district, the setback of the more restrictive zoning district shall apply. Exceptions to this requirement may be granted pursuant to the conditional use review process for the planned unit development and subject to the following criteria:

(A) The size, shape, topography or allowed use of the adjoining property is such that impacts occurring to this property from setback infringement would be negligible, and

(B) The design of the planned unit development would be superior because of such a setback infringement, and

(C) The exception would be consistent with this title and the comprehensive plan.

(5) Community Services. The city may request dedication of proposed open space which is reasonably suited for use as a public park or other recreation or community purpose, taking into consideration such action as size, shape, topography, access, location, or other unique features.

(6) Building Height. Buildings shall not exceed a height of thirty-five feet (35') except as follows:

(a) Limits may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout as provided in Section 507 of the Structural Specialty and Fire Life Safety Code edition of the current Uniform Building Code;

(b) Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aeriels, flagpoles and similar objects not used for human occupancy are not subject to building height limitations of this subsection.

(7) Open Space:

(a) All PUDs shall have a minimum of twenty percent (20%) of the gross site area retained in open space. Such open space shall include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops, or recreational facilities;

(b) All improvements associated with the open space shall be constructed or guaranteed consistent with provisions of GMC Chapter 17.96 (improvement guarantees);

(c) Ownership of open space shall be in one of the following manners:

(A) A homeowners association in common for all owners within the development may be approved; membership shall be mandatory and in perpetuity and dissolution of such an association cannot occur without Planning Commission approval;

(B) Dedication of the open space to the city for management as public property may be approved by the Planning Commission and the City Council;

(C) Conservation easements may be approved when the Planning Commission determines such easements will protect the intent and purpose of this code and will be in the public interest.

(8) Off-street parking shall be required pursuant to GMC Chapter 17.48 (off-street parking and loading).
Additionally:

(a) Parking may be provided on each lot or in designated parking areas close to the dwelling units they serve.

1. On street parking may be counted towards the minimum parking requirements if the applicant can show adequate right of way width and 17.48.030(1)(f) are met.

2. Cluster parking for Cottage Cluster developments are regulated by the design standards regulated by the underlying base zone.

(b) Guest parking may be required in consideration of street width, traffic volume, transit amenities, and pedestrian circulation;

(c) Recreational vehicle parking may be required. If required, it shall be located so as to be compatible with the surrounding development, including adjacent properties.

(9) Density. Planned unit development shall be subject to the residential base densities and minimum densities per net acre identified in the underlying zoning district(s).

Statutory Reference: ORS Ch. 197 and 227

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

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

17.38.070 Submittal requirements.

In addition to complying with the submittal requirements of GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses), the applicant shall submit the following:

(1) A statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form.

(2) A table showing:

(a) The total number of acres;

(b) The percent distribution by use;

(c) The percent of nonresidential uses, such as off-street parking, streets, parks, open space, recreational areas, commercial uses, industrial uses, public facilities, and any other appropriate delineations;

(d) The overall density of residential development, with a breakdown of density by dwelling types;

(e) The construction schedule for the phasing and timing of each portion of the development.

(3) A draft of the proposed restrictive covenants, easements, and reservations of non-dedicated open space.

Statutory Reference: ORS Ch. 197 and 227

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

17.38.080 Review and approval.

Review and approval of a planned unit development shall be subject to GMC Chapters 17.32 (subdivisions) and 17.70 (conditional uses). Approval of a planned unit development shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee within one year of the date of the final decision unless a time extension is granted pursuant to GMC Section 17.70.040 (time limit on permit).

Statutory Reference: ORS Ch. 197 and 227

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

CHAPTER 17.48

OFF-STREET PARKING AND LOADING

Chapter 17.48

OFF-STREET PARKING AND LOADING

Sections:

- 17.48.010 Applicability.
- 17.48.020 Single-family and two-family residential standards.
- 17.48.030 Standards for developments subject to design review.
- 17.48.040 Design requirements for permanent off-street parking and loading.
- 17.48.050 Bicycle parking standards.
- 17.48.060 Car pool and van pool parking.

17.48.010 Applicability.

Off-street parking and loading standards shall apply to all development permits.

Statutory Reference: ORS Ch. 197 and 227

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

17.48.020 Single-family household and middle housing two-family residential standards.

At the time of construction or substantial exterior improvement of a single-family household dwelling or middle housing dwelling unit, a minimum of one off-street parking space per dwelling unit shall be provided. ~~At the time of construction or substantial exterior improvement of a two-family dwelling duplex, a minimum of one and one-half off-street parking spaces per dwelling unit shall be provided. The off-street parking space or spaces shall be located on the same lot as the dwelling.~~

~~(a) On-street parking may count towards fulfilling the off-street parking requirements where on-street parking is allowed and the applicant can demonstrate that on-street parking is available. On-street parking must be available on the subject site's frontage in order to be credited towards the off-street parking requirement. On-street parking credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.~~

Statutory Reference: ORS Ch. 197 and 227

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

17.48.030 Standards for developments subject to design review.

At the time of construction, enlargement, or change of use of any structure or development subject to GMC Chapter 17.80 (Design Review), except as provided in the C-2 district, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established under this title:

(1) Calculation of Parking Requirements.

(a) Square Footage as Basis for Requirement. Where square feet of the structure or use is specified as the basis for the parking requirement, the calculation shall be based on the gross leasable area (GLA).

(b) Number of Employees as Basis of Requirement. When the number of employees is specified as the basis for the parking space requirement, the calculation shall be based on the number of employees working on the premises during the largest shift at peak season.

(c) If more than one use occupies a single structure or lot, the total minimum and maximum parking requirements for the structure or lot shall be the sum of the requirements for all uses. Where it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly to the use with highest minimum parking requirement.

(d) When calculation of a minimum or maximum parking requirement results in a fractional space requirement, such fraction shall be rounded down to the nearest whole number.

(e) Owners of two or more uses, structures or lots may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap. Satisfactory legal evidence shall be presented to establish the joint use. Shared parking spaces shall be included in the calculation of the minimum parking requirement for each of the joint users. For the purpose of calculating the maximum permitted parking for each of the joint users, shared spaces shall be apportioned between the joint users.

(f) On-street parking may count towards fulfilling ~~up to one-quarter of~~ the off-street parking requirements where on-street parking is allowed and the applicant can demonstrate that on-street parking is available. On-street parking must be available on the subject site's frontage in order to be credited towards the off-street parking requirement. On-street parking credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

(g) Parking spaces fulfilling the minimum off-street parking space requirement shall not be used for display or storage and shall not be rented, leased or assigned to any other person or organization, except as authorized under subsection (l)(e) of this section.

(h) Off-Site Parking. ~~Except for single-family dwellings~~ For multi-household dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 500 feet walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

(2) Minimum and maximum permitted parking.

(a) The number of surface parking spaces provided at no charge for a particular use shall not be less than the minimum nor exceed the maximum parking ratios identified for that use in Table 1. Minimum parking ratios for those uses not identified in Table 1 (below) shall be determined by the Planning commission during design review.

(b) For purposes of the maximum parking ratios identified in Table 1 (below), Zone A shall include those areas where 20-minute peak hour transit service is provided within a one-quarter (1/4) mile walking distance for bus transit stops or stations or one-half (1/2) mile walking distance for high capacity transit stops or stations. Zone B shall include all other areas.

(c) The following types of parking spaces are exempt from the maximum parking ratios:

- (A) Parking spaces in parking structures;
- (B) Fleet parking spaces;
- (C) Parking spaces used to store vehicles that are for sale, lease or rent;
- (D) Employee carpool parking spaces that are clearly delineated with signs;
- (E) Dedicated valet parking spaces.

(d) Upon expansion of a nonconforming development or nonconforming use that does not comply with minimum or maximum parking ratios, additional parking spaces shall be provided as follows:

- (A) If the existing number of parking spaces is less than the minimum parking ratio in Table 1 (below), the number of additional parking spaces required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.

(B) If the existing number of parking spaces exceeds the maximum parking ratio in Table 1 (below), additional parking spaces may only be provided if compliance with the maximum parking ratio will be met for the entire development or use following the expansion.

(e) Exceptions to the minimum and maximum parking ratios may be granted pursuant to GMC Section 17.80.090 (minor exception). Exceptions exceeding twenty-five percent (25%) of the requirement shall be subject to GMC Chapter 17.72 (variances).

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(1) RESIDENTIAL USES				
(a)	Single-household Family Dwelling	1 space	Not Applicable	Not Applicable
(b)	Duplex Two-Family or Multi-Family Dwelling-	1.5 spaces per dwelling unit	Min: None Max: None	Not Applicable
	Triplex/Quadplex	Lot sizes of less than 5,000 square feet, one (1) off-street parking space per development. Lot sizes of 5,000 square feet or more, two (2) off-street parking spaces per development.	Min: None Max: None	
	Townhouse	1 space per Townhouse dwelling unit	Min: None Max: None	
	Cottage Cluster	1 space per dwelling unit	Min: None Max: None	
	Multi Household Dwelling	1.5 spaces per dwelling unit		Not Applicable
(c)	Rooming-house or Boarding-house	Spaces equal to eighty percent (80%) of the number of guest accommodations plus one additional space for the owner or manager	Not Applicable	Not Applicable
(d)	Senior Housing Center	.5 spaces per residential suite	Not Applicable	Not Applicable
(2) COMMERCIAL RESIDENTIAL USES				
(a)	Hotel or Motel	1 space per guest room or suite plus 1 additional space for the owner or manager and 1 space per 2 employees	Not Applicable	Not Applicable
(3) INSTITUTIONAL USES				
(a)	Welfare or Correctional Institution, Nursing Home or Homes for the Aged	1 space per 10 beds for patients or inmates plus 1 space per 2 employees	Not Applicable	Not Applicable
(b)	Convalescent Hospital	1 space per 4 beds	Not Applicable	Not Applicable
(c)	Hospital	1.5 spaces per bed	Not Applicable	Not Applicable

17.48.030 Table 1						
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS						
USE	MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED			
(4) PLACES OF PUBLIC ASSEMBLY						
(a)	Church	1 space per 6 seats or 8 feet of bench length in the main auditorium or 75 square feet of floor area of a main auditorium not containing fixed seats	.6 space per seat or 1.33 feet of bench length in the main auditorium or 12.5 square feet of floor area of a main auditorium not containing fixed seats	.8 space per seat or 1.33 feet of bench length in the main auditorium or 12.5 square feet of floor area of a main auditorium not containing fixed seats		
(b)	Library, Reading Room	1 space per 400 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable		
(c)	Preschool, Nursery, Kindergarten, Day Care Center	2 spaces per full-time staff person	Not Applicable	Not Applicable		
(d)	Primary or Middle School	1 space per classroom plus 1 space per administrative employee plus 1 space per 4 seats or 8 feet of bench length in the main auditorium or 75 square feet of floor area of a main auditorium not containing fixed seats	Not Applicable	Not Applicable		
(e)	High School, College or Commercial School for Adults	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater	1.5 spaces per classroom plus 1.5 spaces per administrative employee plus 1.5 spaces for each 6 students or 1.5 spaces per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater	1.5 spaces per classroom plus 1.5 spaces per administrative employee plus 1.5 spaces for each 6 students or 1.5 spaces per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater		
(f)	Non-School Auditorium, Meeting Room, Community or Senior Center	1 space per 6 seats or 8 feet of bench length in an assembly room or 75 square feet of floor area of an assembly room not containing fixed seats, plus 1 space for each administrative employee, plus 1 space for each classroom for lounge, plus requirements for other uses included in the building	Not Applicable	Not Applicable		
(5) COMMERCIAL AMUSEMENT						
(a)	Stadium, Arena, Theater	1 space per 4 seats or 8 feet of bench length	.4 space per seat or 2 feet of bench length	.5 space per seat or 2 feet of bench length		
(b)	Bowling Alley	3 spaces per alley	Not Applicable	Not Applicable		
(c)	Dancehall	1 space 100 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable		

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(d)	Skating Rink	1 space per 200 square feet plus 1 space per 2 employees	Not Applicable	Not Applicable
(e)	Sports Club/Recreation Facility	4.3 spaces per 1,000 square feet	5.4 spaces per 1,000 square feet	6.5 spaces per 1,000 square feet
(f)	Tennis/Racquetball Court	1 space per 1,000 square feet	1.3 spaces per 1,000 square feet	1.5 spaces per 1,000 square feet
(6) COMMERCIAL USE				
(a)	Retail Store	1 space per 300 square feet	1 space per 196 square feet	1 space per 161 square feet
(b)	Service or Repair Shop, Retail Store Handling Exclusively Bulky Merchandise Such as Automobiles or Furniture	1 space per 600 square feet	1 space per 294 square feet	1 space per 161 square feet
(c)	Bank	1 space per 300 square feet	1 space per 185 square feet	1 space per 154 square feet
(d)	Office	1 space per 370 square feet	1 space per 294 square feet	1 space per 244 square feet
(e)	Medical, Dental Clinic	1 space per 256 square feet	1 space per 204 square feet	1 space per 170 square feet
(f)	Eating or Drinking Establishment Except Fast Food Restaurant with Drive-Thru	1 space per 300 square feet	1 space per 52 square feet	1 space per 44 square feet
(g)	Fast Food Restaurant with Drive-Thru	1 space per 300 square feet	1 space per 81 square feet	1 space per 67 square feet
(h)	Mortuary	1 space per 6 seats or 8 feet of bench length in chapels	Not Applicable	Not Applicable
(7) INDUSTRIAL USES				
<i>(a) Manufacturing and Processing</i>				
Less than 25,000 square feet		1 space per 600 square feet	Not Applicable	Not Applicable
Greater than or equal to 25,000 square feet and less than 50,000 square feet		1 space per 700 square feet	Not Applicable	Not Applicable
Greater than or equal to 50,000 square feet and less than 80,000 square feet		1 space per 800 square feet	Not Applicable	Not Applicable
Greater than or equal to 80,000 square feet and less than 200,000 square feet		1 space per 1,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 200,000 square feet		1 space per 2,000 square feet	Not Applicable	Not Applicable
<i>(b) Warehousing and Distribution</i>				
Less than 50,000 square feet		1 space per 2,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 50,000 square feet and less than 150,000 square feet		1 space per 5,000 square feet	Not Applicable	Not Applicable
Greater than or equal to 150,000 square feet		1 space per 5,000 square feet	Not Applicable	Not Applicable

17.48.030 Table 1				
MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS				
USE		MINIMUM REQUIRED	ZONE A MAX. ALLOWED	ZONE B MAX. ALLOWED
(c)	Rail and Trucking Terminal	1 space per employee	Not Applicable	Not Applicable
(d)	Wholesale Establishment	1 space per employee plus 1 space per 700 square feet of patron service area	Not Applicable	Not Applicable

17.48.030 FIGURE 1	
OFF-STREET PARKING DESIGN STANDARDS	
Parallel Parking	45° Parking
Minimum Turning Radius	60° Parking
	90° Parking

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1269 §1, 1998; Ord. 1282 §1, 1998; Ord. 1298 §1, 2000; Ord. 1483 §2 (Exh. 5), 2017.

17.48.040 Design requirements for permanent off-street parking and loading.

All structures and developments subject to design review shall provide permanent off-street parking and loading as follows:

(1) Parking and Loading:

- (a) Parking and loading areas shall be paved with asphalt and/or concrete meeting city standards, maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks;
- (b) Off-street parking and loading areas shall be screened from abutting properties located in a residential zoning district unless such abutting properties are developed with nonresidential uses. Required screening shall be accomplished by building placement, a landscaped earth berm or a sight-obscuring fence or hedge. Required screening shall be a minimum of six feet high and shall not conflict with GMC Chapter 17.54 (clear vision).
- (c) Areas for standing and maneuvering vehicles, other than for the off-street parking and storage of truck tractors and/or semitrailers, shall be paved with an asphalt and/or concrete surface meeting city standards. The parking of truck tractors and/or semitrailers in off-street parking areas used exclusively for the parking and/or storage of said vehicles may be allowed utilizing a durable and dustless surface other than an asphalt and/or concrete surface. Such surface must be graded, compacted and surfaced in such a manner that it will adequately support these vehicles, including trailer standing gear, will not produce dust, will not produce tracking of mud or other materials onto adjoining streets or properties, and otherwise complies with other applicable provisions of this code.

(2) Parking:

- (a) Required parking spaces shall be located not further than 200 feet from the building or use they are required to serve, measured in a straight line from the building;

- (b) Required parking shall be provided in the same zoning district or a different zoning district of a more intensive use;
- (c) In no case shall required parking for a commercial or industrial use be provided in a residential district, except for approved conditional uses;
- (d) Groups of more than four parking spaces shall be permanently marked and so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (e) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and setback a minimum of five feet from the property line. A bumper rail may be substituted for a curb;
- (f) Off-street parking and loading areas, including parking spaces and access aisles, shall meet or exceed the minimum dimensional standards identified in Tables 2 and 3 and Figure 1 (of this chapter). Access aisles shall be of sufficient width for all vehicular turning and maneuvering;
- (g) Up to 50 percent of required parking spaces may be provided for compact cars;
- (h) Parking areas shall be designed, to the maximum extent practicable, to avoid large, uninterrupted rows of parking spaces.

(3) Loading:

- (a) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school having a capacity greater than 25 students;
- (b) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use;
- (c) Off-street parking areas used to fulfill the requirements of this section shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs;
- (d) Loading facilities shall be located at least 20 feet from residential property. Loading spaces shall be located on the site and directly accessible to the main structure.

17.48.040 Table			
STANDARD PARKING DIMENSIONS IN FEET			
Parking Angle	Stall Width	Stall Depth	Aisle Width
45°	9.5'	18.0'	14.0'
60°	9.5'	18.0'	16.0'
90°	9.5'	18.0'	24.0'

17.48.040 Table			
COMPACT PARKING DIMENSIONS IN FEET			
Parking Angle	Stall Width	Stall Depth	Aisle Width
45°	8.5'	16.0'	14.0'
60°	8.5'	16.0'	16.0'
90°	8.5'	16.0'	24.0'

(e) Exceptions and Adjustments. Loading areas within a street right-of-way in areas zoned mixed-use commercial in the C-2 zoning district may be approved when all of the following conditions are met:

(A) Loading areas must be signed to limit the duration of the activity, which may not exceed one hour for each loading operation.

(B) Proposed loading areas must support a use that requires infrequent loading activity. Infrequent loading activity is defined as less than three operations that occur daily between 5:00 a.m. and 12:00 a.m., or all operations that occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone.

(C) The proposed loading area:

- (i) Does not unreasonably obstruct traffic;
- (ii) Will be limited to one loading activity at a time;
- (iii) Notwithstanding Portland Avenue, does not obstruct a primary emergency response route; and
- (iv) Is acceptable to the applicable roadway authority.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1298 §1, 2000; Ord. 1483 §2 (Exh. 5), 2017.

17.48.050 Bicycle parking standards.

(1) General Provisions.

(a) Applicability. Standards for bicycle parking apply to full-site design review of new construction for multi-family residential (four units and larger) and new commercial/industrial developments. The Planning Commission may grant exemptions to bicycle parking requirements in connection with temporary uses or uses that are not likely to generate the need for bicycle parking.

(b) Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides a weather-protected place to park bicycles for employees, students, residents, commuters, and others who generally stay at a site for at least several hours.

(c) Minimum Number of Spaces. All developments required to comply with this section shall provide a minimum five percent bicycle parking spaces based on the city's required minimum number of automobile parking spaces. In addition, the following applies:

- (A) All development shall have a minimum two short-term bicycle parking spaces; and

(B) If more than seven bicycle parking spaces are required, at least 50 percent of the spaces shall be provided as long-term bicycle parking.

(C) Notwithstanding subsection (1)(a)(A) of this section, 100 percent of all bicycle parking spaces for multi-family development of four units and more shall be provided as long-term bicycle parking.

(2) Location and Design.

(a) Short-Term Bicycle Parking. Short-term bicycle parking facilities are lockers or racks that meet the standards of this section and that are located inside a building, or located outside within 30 feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer;

(b) Long-Term Bicycle Parking. Long-term bicycle parking includes:

(A) Racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security).

(B) Covered outside bicycle parking spaces that meet the requirements of subsection (2)(g) of this section and are located within 100 feet of an entrance to the building;

(c) Signs. If the bicycle parking is not visible from the street or main building entrance, then a sign conforming to the city's standards for on-site traffic control, GMC Section 17.52.060(1), shall be posted indicating the location of the parking facilities;

(d) Rack Type and Dimensions.

(A) Bicycle racks must hold bicycles securely by the frame and be securely anchored;

(B) Bicycle racks must accommodate:

(i) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock, or approved substitute; or

(ii) Locking the frame and both wheels to the rack with a chain or cable not longer than six feet;

(C) The Planning Commission may approve alternate bicycle racks provided they are convenient and secure;

(e) Bicycle parking spaces must be at least six feet long and two feet wide. An aisle five feet wide for bicycle maneuvering must be provided;

(f) Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only;

(g) Covered Parking (Weather Protection).

(A) When required, covered bicycle parking shall be provided in one of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

(B) Where required covered bicycle parking is not proposed to be located within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.

(C) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1175 §3 (A), 1993; Ord. 1483 §2 (Exh. 5), 2017.

17.48.060 Car pool and van pool parking.

New industrial, institutional and office developments requiring full site design review, including government offices, with 50 or more employee parking spaces, shall designate at least 10 percent of the parking spaces for car pool or van pool parking. The car pool/van pool spaces shall be clearly marked “reserved – car pool/van pool only.”

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1175 §3 (B), 1993.

CHAPTER 17.62.070

MOBILE HOME PARK

17.62.070 Mobile home park.

Mobile home parks shall meet the requirements of Chapter 446, Oregon Revised Statutes, and the Rules and Regulations Governing the Construction and Sanitary Operation of Travelers' Accommodations and Trailer Parks adopted by the Oregon State Board of Health. In addition, the following minimum standards shall apply:

(1) Parking Space Requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall be provided in every mobile home park within two hundred feet (200') of the mobile home spaces served and at a ratio of one parking space for each two (2) mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.

(2) Fencing and Landscaping. A sight-obscuring fence or hedge not more than six feet (6') high shall enclose the mobile home park except at points of ingress and egress. A built-up fence, as distinguished from a hedge, shall be so located as to conform to front and side yard requirements of the zoning district and suitable landscaping shall be provided in the required yard.

(3) Density Standards:

(a) Maximum density shall be ten (10) units per net acre;

(b) Minimum density shall be eight (8) units per net acre.

(4) Yard Requirements. Front yard from abutting street shall be at least twenty-five feet (25') but no closer than fifty feet (50') from the center of the road. Side and rear yards shall be at least thirty feet (30') from any interior property line abutting property zoned R-7.2. Side and rear yard shall be at least ten feet (10') from any interior property line. ~~Mobile homes situated in one space shall be separated by at least ten feet (10') from mobile homes in an adjoining space. Each mobile home park shall be divided into spaces for each dwelling unit and each space shall have a~~ minimum side and rear yard of five feet (5') from an adjoining space.

(5) Recreation Area. A minimum of four thousand (4,000) square feet of recreation area shall be provided for each gross acre of land in the proposed mobile home park. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of ten thousand (10,000) square feet. The recreational site or sites are to be of a size and shape adequate for the intended use and location shall be convenient to all mobile home sites in the park.

(6) Area. The minimum area of a mobile home park shall be one (1) acre.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1289 §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.]

CHAPTER 17.76

EXCEPTIONS

Chapter 17.76

EXCEPTIONS

Sections:

- 17.76.010 Exceptions—Generally.
- 17.76.020 Nonconforming uses and nonconforming developments.
- 17.76.030 Lot size requirements.
- 17.76.040 Setback requirements.

17.76.010 Exceptions—Generally.

Exceptions to the requirements of this title may be granted under the provisions of this chapter.

Statutory Reference: ORS Ch. 197 and 227

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

17.76.020 Nonconforming uses and nonconforming developments.

(1) Continuance of a Nonconforming Use or a Nonconforming Development: Alteration of a Nonconforming Development. Except as provided herein, a nonconforming use may be continued but may not be altered or extended. The extension of a nonconforming use to a portion of a development which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this title is not an enlargement or expansion of a nonconforming use. A nonconforming development which conforms with respect to use may be altered or extended provided the alteration or extension conforms to the standards of this title.

(2) Discontinuance of a Nonconforming Use. If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to this title.

(3) Maintenance. Normal maintenance of structures and premises that are part of a nonconforming use shall be permitted provided there are no significant use or structural alterations. Normal maintenance may include painting, roofing, siding, interior remodeling, electrical work, plumbing work, re-paving of access roads and parking/loading areas, replacement of landscaping elements or other similar tasks. Normal maintenance does not include increasing the number of dwelling units, constructing new structures or constructing additions to existing structures except to the extent that an addition is necessary to render a structure accessible to the disabled.

(4) Alterations Required by Law. Alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration of the use or structures and premises associated with the use. Such alteration shall be subject to building, plumbing, electrical and other permit requirements in effect at the time the alteration is begun.

(5) Alterations Not Required by Law. A nonconforming use may be altered, expanded or changed to another nonconforming use pursuant to GMC Division VII (administrative procedures) and subject to the following criteria:

(a) The alteration, expansion or change of use will, after the imposition of conditions as authorized below, have no greater adverse impact on the neighborhood than the existing use. At a minimum, factors that shall be considered under this criterion include traffic generation, noise, vibration, smoke, dust, fumes, glare and visual compatibility with surrounding uses;

(b) Conditions of approval may be imposed on any alteration, expansion or change of use when deemed necessary to ensure the mitigation of any adverse impacts of such alteration, expansion or change of use. These conditions may include, but are not limited to, the following:

(A) Limiting the hours, days, place and manner of operation;

(B) Requiring design features that minimize environmental impacts such as noise, vibration, smoke, dust, fumes and glare;

- (C) Requiring increased setbacks, lot area, lot depth and lot width;
- (D) Limiting the building height, size, lot coverage and location on the site;
- (E) Designating the size, number, location and design of vehicle access points;
- (F) Requiring street right-of-way to be dedicated and streets to be improved;
- (G) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (H) Limiting the number, size, location, height and lighting of signs;
- (I) Regulating the location and intensity of outdoor lighting; and
- (J) Requiring a sight-obscuring fence or hedge to screen the nonconforming use from adjacent or nearby property.

(6) Destruction of a Nonconforming Use or a Nonconforming Development. If a nonconforming use or a nonconforming development is destroyed by any cause to an extent exceeding seventy-five percent (75%) of its fair market value as indicated by the records of the Clackamas County Assessor, a future use or development on the site shall conform to the requirements of this title. Nonconforming single-~~family household and multi-household~~ dwellings shall not be deemed nonconforming for the purpose of this subsection and may be replaced regardless of the extent of destruction provided ~~the development is within the same structure footprint and~~ that replacement commences within one (1) year of destruction. ~~Nonconforming two-family dwellings in the R-5 zoning district shall not be deemed nonconforming for the purpose of this subsection and may be replaced regardless of the extent of destruction provided that the number of stories and the area of the structure footprint of a replacement two-family dwelling shall not exceed those of the two-family dwelling being replaced and provided that replacement commences within one (1) year of destruction.~~

(7) Plans Otherwise Approved. Nothing contained in this chapter shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been approved by the city and issued by Clackamas County and for which construction has commenced prior to the adoption of the ordinance codified in this title provided that the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one year of the date the building permit is issued.

(8) Residential Uses. Nonconforming single-~~family household~~ dwellings, nonconforming two-~~household family~~ and multi-~~household family~~ dwellings in commercial and industrial zoning districts and nonconforming two-~~family household~~ dwellings in the R-5 zoning district shall not be deemed nonconforming for the purpose of expansion, remodeling or alteration for residential use or for residential accessory uses provided that there is no increase in the number of dwelling units other than the addition of an accessory dwelling unit when otherwise permitted by this title. The number of stories and the area of the structure footprint of a two-~~family household~~ dwelling in the R-5 zoning district shall not be increased. .

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1 (G), 1993; Ord. 1267 §1, 1998; Ord. 1291 §1, 2000; Ord. 1323 §1, 2002; Ord. 1374 §2, 2006.

17.76.030 Lot size requirements.

A lot of record that has an area less than the minimum lot area standard of the zoning district in which it is located may be developed with a use allowed in the zoning district. ~~In~~, ~~except that in~~ a zoning district where dwellings are an allowed use, residential development shall be limited to one (1) single-~~family household~~ dwelling. Development on an undersized lot of record shall comply with other applicable standards of this title.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002. Ord. 1374, 2006.

17.76.040 Setback requirements.

The following exceptions to setback requirements may be authorized for a lot in any zoning district:

(1) Average of Adjacent Front Setbacks. If there are buildings on both abutting lots which are within one hundred feet (100') of the intervening lot, and the buildings have front setbacks of less than the minimum for the zoning district, the front setback for the intervening lot need not exceed the average front setback of the abutting lots or ten feet (10'), whichever is greater. However, in all cases the minimum front setback requirement of the zoning district shall be maintained for a garage or carport if the garage vehicle entrance or an open side of the carport faces the front lot line.

(2) Related to Abutting Front Setbacks. If there is a building on one (1) abutting lot which is within one hundred feet (100') of the lot, and this building has a front setback of less than the minimum for the zoning district, the front setback for the lot need not exceed the average of the front setback of the abutting lot and the minimum front setback for the zoning district, or ten feet (10'), whichever is greater. However, in all cases the minimum front setback requirement of the underlying zoning district shall be maintained for a garage or carport if the garage vehicle entrance or an open side of the carport faces the front lot line.

(3) Corner Lots with Frontage on a Private Street. Where a corner lot has frontage on a public street and also has frontage on a private street from which it does not receive vehicular access, the lot line abutting the private street shall be considered a side lot line for the purpose of determining the minimum setback requirement.

(4) Front Setbacks from Private Streets or Flag Lot Accesses. Where the front lot line of a lot in an R-5 or R-7.2 zoning district abuts a private street or the narrow deeded strip of land or easement providing access to a flag lot, the front setback may be reduced to ten feet (10'). However, if a garage vehicle entrance or an open side of a carport faces the front lot line, a minimum setback of twenty feet (20') shall be maintained between the garage or carport and the interior edge of the private street or flag lot access drive.

(5) Flag Lots. For the purpose of determining the minimum setback requirements for a flag lot, the designation of front, rear and side property lines may be modified to allow flexibility in the placement of structures when one or both of the following conditions apply:

(a) It is not possible to extend the narrow deeded strip of land or easement providing access to the flag lot to serve additional lots due to physical conditions such as topography or existing development; or

(b) It is not necessary to extend the narrow deeded strip of land or easement providing access to the flag lot to serve additional lots because the subject property and adjacent property are fully developed or have adequate alternative access from existing streets.

(6) Fences and walls. There shall be no minimum setback requirements for fences and walls. Compliance with GMC Chapter 17.54 (clear vision) shall be required.

(7) Through lots. In the case of a through lot, either of the lot lines separating the lot from a street other than an alley may be designated by the property owner as the front lot line with the other such lot line designated as a rear lot line. However, in a residential zoning district, a minimum setback of twenty feet (20') shall be maintained between a garage vehicle entrance or an open side of a carport and a street.

Statutory Reference: ORS Ch. 197 and 227

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

CHAPTER 17.80

DESIGN REVIEW

Chapter 17.80
DESIGN REVIEW*

Sections:

- 17.80.011 Objectives.
- 17.80.021 Applicability.
- 17.80.061 Submittal requirements.
- 17.80.080 Maintenance.
- 17.80.090 Minor exceptions.
- 17.80.100 Compliance.

* Prior history:

- 17.80.010 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.020 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.020 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.030 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.031 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.040 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.041 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.050 **History:** Ord. 1131 §2, 1990; Repealed by Ord. 1254 §1, 1998.
- 17.80.051 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.
- 17.80.070 **History:** Ord. 1254 §2, 1998; Repealed by Ord. 1323 §1, 2002.

17.80.011 Objectives.

The following objectives of the regulations in this chapter are as follows:

- (1) To preserve the natural environment and protect and enhance the visual character of the city, and to ensure compliance with the goals, objectives and policies of the Gladstone Comprehensive Plan, zoning and subdivision ordinances.
- (2) To encourage orderly development and to assure that structures, signs and other improvements are appropriately related to their site, and to surrounding sites and structures. Due regard shall be given to the aesthetic qualities of the terrain and landscaping, and proper attention given to exterior appearance of structures, signs, energy conservation and other improvements.
- (3) To ensure significant site development will be compatible with land use on adjacent properties.
- (4) To protect neighboring owners and users by assuring that reasonable provisions have been made for such matters as surface water drainage, the preservation of views, light, air and solar access and those effects on neighboring land uses.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998.

17.80.021 Applicability.

(1) This chapter shall apply to new structures; additions to existing structures; site development, such as grading, parking lot construction or commercial/industrial use of an undeveloped property; change of use; and major remodeling, with the following exceptions:

- (a) Single ~~family Household d~~wellings, Middle Housing, and their allowed accessory uses;
- ~~(b) Duplexes, and their allowed accessory uses in the R-7.2, and R-5, and MR zoning districts;~~
- ~~(eb)~~ Utility lines and equipment cabinets, not including towers or substations, provided such equipment cabinets are no greater than one hundred twenty (120) square feet in area and ten feet (10') in height;
- ~~(ec)~~ Fences unless associated with a primary, accessory or conditional use in the Office Park District or unless design review is required to grant an exception to the maximum fence height standard of the zoning district;
- ~~(ed)~~ Fabric-covered awnings;
- ~~(fe)~~ Playground equipment;
- ~~(gf)~~ Grading that does not require a permit under the Clackamas County Excavation and Grading Code;
- ~~(hg)~~ Signs reviewed by the City Administrator or designee pursuant to GMC Chapter 17.52 (signs);
- ~~(hh)~~ Vehicular or pedestrian right-of-way improvements provided such improvements are not associated with additional development that is subject to design review;
- ~~(ji)~~ Changes of use where:
 - (A) The proposed change is not from a residential, commercial/industrial or institutional use to a use in a different one of these categories;
 - (B) The new use is not required by this title to have a greater number of off-street parking spaces than the previous use or at least the minimum number of off-street parking spaces required by this title for the new use currently exists. However, where applicable parking requirements are not identified in Table 1 of GMC Section 17.48.030 (standards for developments subject to design review) or where on-street parking is proposed to fulfill a portion of the minimum off-street parking requirement, design review shall be required;
- ~~(kj)~~ Normal maintenance of structures and premises provided there are no significant use or structural alterations. Normal maintenance may include painting, roofing, siding, interior remodeling, electrical work, plumbing work, re-paving of access roads and parking/loading areas, replacement of landscaping elements or other similar tasks. Normal maintenance does not include increasing the number of dwelling units, constructing new structures or constructing additions to existing structures except to the extent that an addition is necessary to render a structure accessible to the disabled. Normal maintenance performed shall be consistent with previous design review approvals for the site.

(2) If a design review application is required, no building, sign, grading or blasting permit shall be issued until design review approval has been granted.

(3) An application for design review shall be reviewed pursuant to GMC Division VII (administrative procedures) and shall be reviewed for compliance with standards of the underlying zoning district and GMC Division IV (development standards).

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1289 §1, 2000; Ord. 1323§1, 2002.

17.80.061 Submittal requirements.

(1) An application for design review shall include a minimum of twelve (12) copies of the following plans drawn to scale. A project summary shall accompany the application when necessary to describe special circumstances such as a request for a minor exception pursuant to GMC Section 17.80.090 (minor exceptions).

(a) Vicinity Map: The vicinity map shall show the location of the subject property relative to well-known landmarks in all directions and shall be at least four inches (4") by four inches (4") in size.

(b) Site Plan: The site plan shall include the following:

(A) The applicant's entire property and the surrounding area to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development;

(B) Lot lines, dimensions and area of the subject property;

(C) Complete names, addresses and telephone numbers of the property owner, applicant and project designer;

(D) Natural features including, but not limited to, individual trees greater than six inches (6") in diameter at five feet (5') above the ground (identify the species), wooded areas, wildlife habitat areas, streams and stream corridors, marsh and wetland areas, underground springs, surface features such as earth mounds and large rock outcroppings, significant views, natural drainage on the subject property and adjacent properties, areas of special flood hazard and potential geologic hazards such as areas of mass movement and soil hazards. Identify proposed alterations to natural features;

(E) Location, dimensions and names of all proposed rights-of-way and all existing rights-of-way within or adjacent to the subject property. Include proposed new curbs and sidewalks. Include existing curbs and sidewalks where necessary to show a connection to new curbs and sidewalks;

(F) Location and dimensions of existing and proposed easements, to which property they are conveyed and for what purpose(s). Include easements on the subject property and off-site easements conveyed to the subject property;

(G) Identification of existing uses of the subject property, including the location and exterior dimensions of existing structures. Identify whether existing structures will remain on the property or be removed;

(H) Location of proposed and existing utilities on the subject property and the location of adjacent off-site utilities to which on-site utilities will connect. Include water, sanitary sewer, storm drainage, gas, electric (including power poles) and other utilities;

(I) Location and exterior dimensions of all proposed structures;

(J) Relation of the subject property to nearby transit stops;

(K) Location and dimensions of individual parking spaces, parking lot access aisles, driveways and pedestrian and bicycle circulation;

(L) Lighting (include type);

(M) Service areas for trash disposal, recycling, loading and delivery and bicycle parking;

(N) Location of potential noise sources in the proposed development;

(O) Information about significant climatic variables including, but not limited to, solar potential, wind direction and wind velocity.

(c) Grading Plan: The preliminary grading plan shall indicate where and to what extent grading will occur and shall include approximate proposed contour lines, slope ratios, slope stabilization proposals and natural resources protection proposals. Existing contour lines shall also be shown. Proposed and existing contour lines shall be shown at maximum intervals of two feet (2') for slopes less than ten percent (10%), five feet (5') for slopes between ten (10) and twenty percent (20%) and ten feet (10') for slopes exceeding twenty percent (20%). A slope analysis shall be provided showing portions of the site according to the following slope ranges: less than ten percent (10%), ten (10) to less than twenty percent (20%), twenty (20) to less than thirty-five percent (35%), thirty five percent (35%) to less than fifty percent (50%) and fifty percent (50%) or greater. Approximate area calculations shall be provided for each of these slope ranges.

(d) Architectural Drawings:

(A) Building elevations and sections;

(B) Building materials, including color and type;

(C) Sufficient architectural details pertaining to exterior building materials, including samples and views from roads and other properties, as determined by the City Administrator or designee, to assure compliance with 17.44.020(4);

(D) Floor plans.

(e) Landscape Plan: The landscape plan shall be at the same scale as the site plan and shall include:

(A) Lot lines and adjacent rights-of-way;

(B) Proposed structures and existing structures to remain;

(C) Parking and loading areas and driveways;

(D) Locations of proposed plants and existing plants to remain, keyed to a legend identifying botanical names, common names, sizes at planting and numbers;

(E) Description of soil conditions and plans for soil treatment such as stockpiling of topsoil. Include plant selection requirements relating to soil conditions;

(F) Erosion controls, including plant materials and soil stabilization, if any;

(G) Irrigation systems;

(H) Landscape-related structures such as fences, terraces, decks, patios, shelters, play areas, etc.;

(I) Boundaries of open space, recreation or reserved areas to remain, access to open space and any alterations proposed;

(J) Locations of pedestrian and bikeway circulation within landscaped areas;

(K) Method of planting and maintenance.

(f) Signs:

(A) Freestanding signs:

(i) Location on-site plan;

(ii) Elevation drawing (indicate size, total height, height between bottom of sign and ground, color, materials and means of illumination).

(B) On-building signs:

- (i) Building elevation with location of sign (indicate size, color, materials and means of illumination);
- (ii) Site plan showing location of on-building sign in relation to adjoining property.

(2) A transportation impact analysis shall be submitted if deemed necessary by the City Administrator or designee to assess the impacts of the proposed development.

(3) The City Administrator or designee may waive any submittal requirements of this chapter if they are deemed not necessary or not applicable due to the scale or nature of the development proposal.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2 (pan), 1998, Ord. 1395 2007.

17.80.080 Maintenance.

All approved on-site improvements shall be the ongoing responsibility of the property owner or occupant.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998.

17.80.090 Minor Exceptions.

(1) Authority. In conjunction with the design review plan approval, the Planning Commission may grant minor exceptions from the following requirements:

- (a) Dimensional standards for yards required in the primary district;
- (b) Dimensional standards for off-street parking as required in GMC Chapter 17.48 (Off-Street Parking and Loading);
- (c) Minimum and maximum number of off-street parking spaces required in GMC Chapter 17.48 (Off-Street Parking and Loading).

(2) Limitations. No minor exceptions shall be greater than twenty-five percent (25%) of the requirement from which the exception is requested. Requests greater than twenty-five percent (25%) shall be subject to variance procedures.

(a) In the case of a minor yard exception for landscaping, the Planning Commission shall find that approval will result in:

- (i) More efficient use of the site;
- (ii) Preservation of natural features, where appropriate;
- (iii) Adequate provision of light, air and privacy to adjoining properties;
- (iv) Energy conservation; and

(v) Adequate emergency access.

(b) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Commission shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

- (i) Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly);
- (ii) Opportunities for joint use of nearby off-street parking facilities;

(iii) Availability of public transit; and

(iv) Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

(c) In the case of a minor exception to the maximum allowed number of off-street parking spaces, the Planning Commission shall find that approval will not result in excessive off-street parking relative to the user demand. The following factors shall be considered in granting such an exception:

(i) Special characteristics of users that indicate high demand for off-street parking. Characteristics generally attributable to the use classification upon which the maximum parking ratio is based shall not be considered “special characteristics” for purposes of this provision.

(ii) Lack of sufficient available on-street parking, public off-street parking or shared parking within one-quarter (1/4) mile walking distance of the subject site.

(iii) A study of parking demand, submitted by the applicant, for a use substantially similar to the one proposed.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1289 §1, 2000.

17.80.100 Compliance.

(1) Approval of design review shall expire if construction has not begun within two years of the date of the final decision. Upon request and in accordance with GMC Section 17.66.015(4)(a), the two-year period may be renewed once by the City Administrator or designee for not more than one year.

(2) Prior to issuance of a final certificate of occupancy, the development site shall be checked by the City Administrator or designee to insure compliance with the approved design review plans. Approval of a final certificate of occupancy shall not be granted until all conditions of design review approval are met.

(3) Any departure from the approved design review plans may be cause for revocation of the building permit or denial of a final certificate of occupancy. Any changes in the approved design review plans shall be submitted to the City Administrator or designee for review and approval prior to execution. Changes to the substance of an approval or the substance of conditions of approval shall require the submittal of a new design review application.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1254 §2, 1998; Ord. 1323 §1, 2002; Ord. 1498 §1 (Exh. A), 2019.

**COMPREHENSIVE
PLAN
AMENDMENTS
MEMO**

memo portland

to **Gladstone Planning Commission**
from **MIG**
re **Comprehensive Plan Amendments**
date **4/12/2022**

Introduction

The Gladstone Comprehensive Plan is composed of land use goals, objectives, policies, implementation strategies and land use planning maps, and supported by extensive findings, inventory analysis and evaluation. The comprehensive plan has previously been adopted by Ordinance No. 946. After its adoption the comprehensive plan was reviewed for consistency with statewide land use planning goals and guidelines as it relates to HB 2001 and implementation of Gladstone's Downtown Revitalization Plan. That review process resulted in minor revisions to the Gladstone Comprehensive Plan in order to be consistent with the required amendments to the development code.

Amendments

The text of the Gladstone Comprehensive Plan is amended in the following respects:

- A. At page 5, the Low Density Residential section is amended to be read as follows:
"Appropriate uses include, but are not limited to, single-household and middle housing dwellings, churches, schools, day-care centers, community centers, nursing homes, home occupations, and similar uses."
- B. At page 5, the Medium Density Residential section is amended to be read as follows:
"Appropriate uses include, but are not limited to, single-household, middle housing, and five-to-eight multi-household dwellings, mobile home parks,

professional offices, schools, parks, community and day-care centers, churches, nursing homes, home occupations, and similar uses.”

- C. At page 5, the High Density Residential section is amended to be read as follows:

“High density areas may offer a wide range of housing opportunities.”

- D. At page 6, the Commercial section is amended by removing the following paragraph:

“Certain classes of commercial land uses may not be compatible with a residential environment, particularly single family dwellings. Efficiency and convenience to users should be emphasized. Ordinarily residential and commercial land uses are considered incompatible unless proper and careful design treatment is provided.”

- E. Throughout the Comprehensive Plan, all references to “family” to describe housing occupancy types are replaced with “household.”

**AGENDA
ITEM #4**

**NO
ATTACHMENTS**