



**GLADSTONE PLANNING COMMISSION REGULAR AGENDA  
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE  
Tuesday, September 20, 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/84201269717?pwd=SEJnVUJyTy9TZGY0eUJDSHNMUW1wQT09>

Passcode: 981731

Or One tap mobile :

US: +17193594580,,84201269717#,,,,\*981731# or +17207072699,,84201269717#,,,,\*981731#

Or Telephone:

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

US: +1 719 359 4580 or +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325

Webinar ID: 842 0126 9717

Passcode: 981731

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](mailto:bannick@ci.gladstone.or.us) prior to 12:00 p.m. (noon) on September 20, 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](mailto:bannick@ci.gladstone.or.us) prior to 12:00 p.m. (noon) on September 20, 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 August 16, 2022 Meeting Minutes

### **REGULAR AGENDA**

2. Monthly Planning Report – August 2022
3. Appeal and Planning Commission Interpretation of Home Occupation Business License for Adam Baker Tool Company, LLC, 7470 Cason Circle

**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.

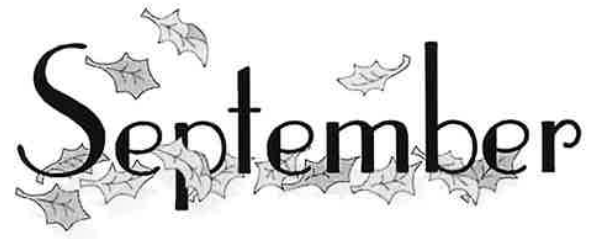
**BUSINESS FROM THE PLANNING COMMISSION**

**ADJOURN**

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#### **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](mailto:bannick@ci.gladstone.or.us). Staff will do their best to respond in a timely manner and to accommodate requests.



September

**CONSENT AGENDA**



## GLADSTONE PLANNING COMMISSION MEETING MINUTES OF AUGUST 16, 2022

Meeting was called to order at approximately 6:30 P.M. (In Person and via Zoom)

### **ROLL CALL:**

Chair Natalie Smith, Commissioner Michael Milch, Commissioner Andrew Labonte, Commissioner Thomas Mersereau, Commissioner Andriel Langston, Commissioner Pat Smith

### **ABSENT:**

Commissioner Jennifer Volbeda

### **STAFF:**

Joy Fields, Senior Planner; Tami Bannick, City Recorder

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### **CONSENT AGENDA:**

#### **1. APPROVAL OF JULY 19, 2022 MEETING MINUTES**

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

### **REGULAR AGENDA:**

#### **2. MONTHLY PLANNING REPORT – JULY, 2022:**

Ms. Fields went over the report.

In July they had two members of the public come to the customer service counter, responded to approximately 38 phone calls/emails, reviewed six building permits with land use reviews (repair from fire damage, demolition, manufactured home placement, an addition, and a garage conversion to an ADU), no pre-application conferences, and one semi-administrative decision which was a zoning verification letter that was requested.

#### **3. PUBLIC HEARING: FILE TXT-2022-2, PROPOSED AMENDMENT TO THE C-2 ZONING DISTRICT AND NEW DOWNTOWN OVERLAY PLAN – POSTPONEMENT OF PUBLIC COMMENTS TO OCTOBER 18, 2022:**

This hearing has been postponed due to the intention of City staff and MIG to respond to feedback provided by the Planning Commission at its July 19<sup>th</sup>, 2022 work session. MIG is the planning consultant with whom the City has contracted for this project. The Planning Commission feedback at the July work session primarily concerned proposed minimum parking requirements, maximum height requirements, and the boundary of the new overlay zone. In addition, the postponement of the public hearing is due to the intention of the City to do additional outreach to effected parties, including property owners with the potentially expanded boundary on the overlay zone.

*Commissioner Milch made a motion to open the public hearing and continue the hearing until October 18, 2022. Motion was seconded by Commissioner Langston. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Milch – yes. Commissioner Labonte – yes. Commissioner Pat Smith – yes. Commissioner Mersereau – yes. Chair Smith – yes. Motion passed with a unanimous vote.*

**4. DISCUSSION OF RESIDENTIAL ZONING DISTRICTS CITY-WIDE INCLUDING CHAPTER 17.10 – R-7.2 AND CHAPTER 17.12 – R-5:**

Ms. Fields said there were previous discussions regarding manufactured homes and a recent bill (House Bill 4064) that was passed by the State Legislature that prohibited jurisdictions from treating them differently than single-family homes. They will look at Senate Bill 458 after looking at potential amendments related to manufactured homes.

One option is to remove all regulations tied to manufactured dwellings. This doesn't effect any existing manufactured home parks or will exist in the future – these are single dwellings that are placed on a single residential lot. She went over various design features that could be required (roof pitch, dormers, garage/carport, etc.). There was discussion. Commissioner Milch suggested requiring three or four of the features instead of just one. Chair Smith feels the standard for eaves should be increased. Ms. Fields will include items I & J in the drafts that they will consider. There was discussion regarding design standards for foundations/skirting.

Ms. Fields went over the manufactured dwelling requirements that are currently in the code. Item A would be removed entirely. Item B would apply to stick-built and manufactured homes. There will be more discussion regarding Item C (roof pitch). Item D would be removed entirely (siding/roofing).

Commissioner Milch feels that the farther in advance they let everyone know about the possibility of amendments the greater opportunity they will have to provide feedback if there are any issues. Everyone agreed.

Ms. Fields said that middle housing land divisions that are required by Senate Bill 458 will also impact the low-density residential zoning districts. They will be discussing a different state regulation that was also mentioned during the House Bill 2001 amendments – it's related to expedited or middle housing land divisions. She went over Senate Bill 458 - the effects it will have and possible options going forward. She suggests having an expiration for all partitions if there is an option to have an expiration for middle housing land divisions that are three or less parcels. There was discussion. The consensus was to go with the recommendations from Ms. Fields. There was discussion regarding PAPA notices and time constraints. Ms. Fields went over options. Chair Smith suggested doing all the PAPA notices at the same time and having two separate public hearings (commercial and residential) in October.

**5. DISCUSSION OF 2023 -2025 PLANNING COMMISSION WORK PLAN:**

Chair Smith went over the list of objections provided by Ms. Betz. The Housing Code Audit has been completed. She asked for suggestions to add to the list.

Commissioner Milch would like to see removal of some of the regulations pertaining to ADU's. He would like to look at the process for streamlining approval of housing projects. Commissioner Langston agreed with Ms. Betz's suggestions, as did Commissioner Mersereau, and Commissioner Pat Smith. Commissioner Labonte asked about updating the Comprehensive Plan and if it would be necessary. Ms. Fields provided an explanation.

Chair Smith suggested listing all of Ms. Betz's objectives and letting the City Council decide the priorities. Ms. Fields said that the Climate Friendly and Equitable Communities initiatives has a lot to do with parking – so parking management may be part of that. It will be impacting parking in unincorporated areas of Clackamas County and probably in Gladstone as well.

**BUSINESS FROM THE PUBLIC:**

None.

**BUSINESS FROM THE PLANNING COMMISSION:**

**Commissioner Milch:**

He said that if we don't have an off-leash dog park then perhaps we should allow fences that are four feet high for people who have dogs that can jump over a three-foot fence.

**Commissioner Pat Smith:**

He said he will miss the September meeting.

He spoke about transportation issues. He also spoke about parking issues. He said wheeled vehicles are important and we need to consider them. He has a problem with bringing more people into Gladstone and not providing a place for them to put their vehicles since there is no light rail and bussing is sparse.

**Commissioner Langston:**

He agreed with Commissioner Smith. He said traffic is increasing and people haven't been driving their best in the past couple of years. He feels it is important that they look at speed reductions and ways of calming traffic in the City.

**ADJOURN:**

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

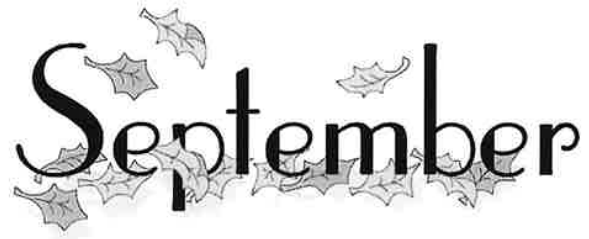
Meeting adjourned at approximately 8:20 P.M.

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

\_\_\_\_\_  
Natalie Smith, Chair





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September

**REGULAR AGENDA**





# City of Gladstone Monthly Planning Report August 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	1	0	3	2	1					11
Customer phone/email Contacts	47	67	52	68	64	70	38	75					481
Building Permits with Land Use Review	4	4	6	11	1	4	6	2					38
Pre-application Conferences	1	0	0	0	0	0	0	1					2
Administrative Decisions	0	1	1	1	0	1	0	1					5

## PLANNING COMMISSION ACTIONS/DECISIONS

- Downtown Overlay District Public Hearing continued to October

## CITY COUNCIL LAND USE ACTIONS/DECISIONS

- None

## PRE-APPLICATION CONFERENCES

- ZPAC0101-22 – Middle Housing Development and Land Division

## ADMINISTRATIVE PERMITS

- Z0402-22 – Sign permits for Chevron

## BUILDING PERMITS WITH LAND USE REVIEW

### AUGUST

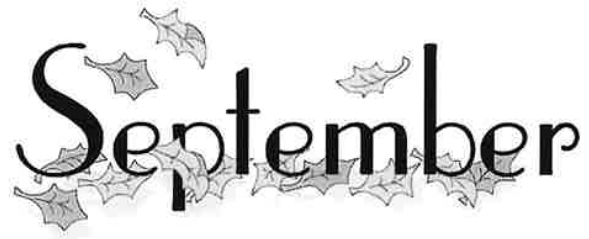
Date	Address	Building Permit #	Description
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08/12/22	240 W DARTMOUTH ST	B0457022	Garage
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08/24/22	17763 82 <sup>nd</sup> Dr	B0489622	Interior Remodel
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## FUTURE ITEMS/PROPERTY UPDATES

Date	Topic
October	Downtown Overlay District and C-2 Zoning amendments, TXT-2022-02
October	SB458 and HB4064 Zoning amendments, TXT-2022-03

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September

**REGULAR AGENDA**



# City of Gladstone Staff Report

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Report Date: September 13, 2022  
Meeting Date: September 20, 2022  
To: Planning Commission  
From: John Schmerber, Chief of Police

## AGENDA ITEM

Appeal and Planning Commission Interpretation of Home Occupation License for Adam Baker Tool Company, LLC, at 7470 Cason Circle.

## History/Background

Adam Baker, who resides at 7470 Cason Circle, has a double-axle Snap-On Tool vehicle that currently operates out of his residence. Mr. Adams has employees reporting to and working out of the home which was confirmed during the initial Code Enforcement contact on February 3, 2022. This complaint originated from neighbors and the city has been attempting to negotiate with the applicant to approve a home occupation license.

The City of Gladstone received a business license and home occupation application from Adam Baker in April, 2022. As part of the approval process, a notice of an approved home occupation permit letter was mailed to residents within 100 feet of the applicant's home advising residents had until May 20, 2022 to appeal. The City received an appeal prior to the deadline and that citizen will provide comments to the Planning Commission.

A letter was mailed to Mr. Baker advising of certain criteria included in Gladstone Municipal Code (GMC) Chapter 17.78 that needed to be addressed prior to the business license issuance. Criteria included: confirming the dwelling was not being used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations; the premises shall at all times be maintained as residential in appearance, cleanliness and quietness and no more than three company-branded vehicles including a business trailer is to be present at the residence at any time.

After follow up, the City advised the appellant the business license had not been approved therefore no appeal was allowed. Since that time it was determined after consulting legal counsel an appeal of the home occupation (not business license) can be allowed based on current GMC language. Therefore, the issuance of the business license has been placed on hold while the City proceeds with home occupation appeal process, based Chapter 17.94.050 (5) of the GMC (attached).

Based on GMC Chapter 17.78.030 (4) the applicant is also requesting interpretation by the Planning Commission of GMC Chapter 17.78 (attached).

## Options

- The Planning Commission can uphold the appeal and revoke Mr. Baker's home occupation license.
- The Planning Commission can uphold the approval of the home occupation license. If this is approved the City will move forward with the issuance of the business license.

**Cost Impact**

No cost impact other than staff time.

**Recommended Staff Action**

City staff recommends the Planning Commission make an interpretation of GMC 17.78 based on the applicant request.

Department Head  
Signature



Date

 9/14/22  
City Administrator  
Signature

Date



## **Chapter 17.94 HEARINGS**

Sections:

**17.94.010 General provisions.**

**17.94.020 Notice.**

**17.94.030 Documents.**

**17.94.040 Hearing procedure.**

**17.94.050 City Administrator decisions.**

**17.94.060 Planning Commission decisions.**

**17.94.070 City Council decisions.**

**17.94.080 Action on applications.**

**17.94.090 Aggregate resource extraction.**

**17.94.100 Revocation of approvals.**

**17.94.010 General provisions.**

Public hearings shall be held on all quasi-judicial and legislative land use applications.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990.

**17.94.020 Notice.**

(1) Written notice of quasi-judicial hearings and hearings where the subject is a legislative zone change shall be mailed to the applicant, the owner of the subject property and owners of record as identified on the most recent Clackamas County property tax assessment roll of property located within two hundred fifty (250) feet of the subject property. Notice shall also be provided to affected agencies, recognized neighborhood or community organizations whose boundaries include the subject property and affected Dual Interest Area Agreement parties. Notice shall be mailed a minimum of twenty (20) days in advance of the scheduled hearing.

(2) The notice shall contain the following:

(a) An explanation of the nature of the application and the proposed use or uses which could be authorized;

(b) The criteria from this title and the comprehensive plan that apply to the application at issue;

(c) The street address or other easily understood geographical reference to the subject property;

(d) The date, time and location of the hearing;

(e) A statement that failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

(f) The name of the city representative to contact and the telephone number where additional information may be obtained;

(g) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(h) A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and

(i) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

(j) When a potential for advance financing of public improvements pursuant to Chapter 13.20 is anticipated by either the city or the applicant, the notice shall contain a statement to the effect that property adjacent to the development which might derive benefit from the developer's public improvements could be subject to advance finance reimbursement as specified in Chapter 13.20 of the Gladstone Municipal Code. Failure to provide this statement in a notice shall not invalidate the notice.

(3) Failure of the property owner to receive notice shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was sent. Notice is deemed given when deposited with the U.S. Postal Service.

(4) If the subject of the hearing is a legislative action, notice shall be given by publication in a newspaper of general circulation at least twenty (20) days prior to the hearing before the Planning Commission and ten (10) days prior to the hearing before the City Council.

(5) Written notice as described in this section shall be provided to residents of manufactured dwelling parks of applications that would change the zone of property which includes all or part of the park in which they reside.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990; Ord. 1141 §1, 1991; Ord. 1171 §1(J), 1993; Ord. 1175 §7, 1993; Ord. 1323 §1, 2002; Ord. 1348, 2004.

**17.94.030 Documents.**

(1) All documents or evidence relied upon by the applicant shall be submitted to the city and available for inspection twenty (20) days prior to the hearing.

(2) If additional documents or evidence is provided in support of an application less than twenty (20) days prior to the hearing, any person so requesting shall be entitled to a continuance of the hearing.

**Statutory Reference:** ORS Cb. 197 and 227

**History:** Ord. 1131 §2, 1990; 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.]

**17.94.040 Hearing procedure.**

(1) At the start of a hearing, a statement containing the following shall be made:

(a) The applicable substantive criteria;

(b) Testimony, arguments and evidence must be directed to the criteria in Subsection (l)(a) of this Section or other criteria in the comprehensive plan or this title that the person believes to apply to the decision;

(c) Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

(2) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The request shall be granted by continuing the public hearing or leaving the record open for additional written evidence, arguments or testimony.

(a) If a continuance is granted, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.

(b) If the record is left open for additional written evidence, arguments or testimony, the record shall remain open for at least seven (7) days. Any participant may file a written request for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record. If the record is reopened to admit new evidence, arguments or testimony, any person may raise new issues related to the new evidence, arguments, testimony or criteria for decision- making that apply to the matter at issue.

(c) A continuance or extension granted pursuant to this Section shall be subject to the limitations of ORS 227.178 and 227.179 unless the continuance or extension is requested or agreed to by the applicant.

(3) Unless waived by the applicant, the applicant shall be allowed at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record but shall not include any new evidence. This seven (7) day period shall not be subject to the limitations of ORS 227.178 and 227.179.

(4) The decision maker shall approve, approve with conditions or deny a land use action. Findings in support of the decision shall be adopted and a written memorandum of the decision shall be mailed to the applicant and any party requesting notice of the decision, provided the party so requested in writing specifying their address.

(5) The Council may remand any land use application to the Planning Commission for further review and recommendation.

(6) In the event of a challenge to the impartiality of any member of the Planning Commission or the City Council, the remaining members shall vote whether to excuse the person so challenged. A majority vote of the nonchallenged members who are present shall control.

**Statutory Reference:** ORS Ch. 197 and 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.]

**17.94.050 City Administrator decisions.**

(1) The following types of applications shall be reviewed by the City Administrator or designee and a decision rendered:

- (a) Lot line adjustments;
- (b) Type I partitions;
- (c) Home occupations;
- (d) Water quality resource area determinations pursuant to GMC Subsection 17.27.020(6);
- (e) WQ District permits pursuant to GMC Subsection 17.27.030 (2).
- (f) Billboard permits;
- (g) Adjustments, pursuant to GMC Chapter 17.73.

(2) An applicant may request that the application be heard directly by the Planning Commission.

(3) Written notice of the City Administrator's or designee's decision shall be mailed to the applicant, the owner of the subject property and owners of record—as identified on the most

recent Clackamas County property tax assessment roll—of property located within one hundred feet (100') of the subject property. Notice shall also be provided to affected agencies, recognized neighborhood or community organizations whose boundaries include the subject property and affected Dual Interest Area Agreement parties

(4) The notice shall contain the following:

- (a) An explanation of the nature of the decision;
- (b) An explanation of the nature of the application and the proposed use or uses which could be authorized;
- (c) The criteria from this title and the comprehensive plan that apply to the application at issue;
- (d) The street address or other easily understood geographical reference to the subject property;
- (e) The name of the city representative to contact and the telephone number where additional information may be obtained;
- (f) A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (g) A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under GMC Subsection 17.94.050(3) may appeal the decision by filing a written appeal pursuant to GMC Section 17.90.060 (forms of petitions, applications and appeals) and GMC Chapter 17.92 (appeals);
- (h) A statement that the decision will not become final until the period for filing a local appeal has expired; and
- (i) A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(5) The decision of the City Administrator or designee shall become final unless appealed in writing within fifteen (15) days of the notice of decision.

(a) If appealed, the application shall be reviewed by the Planning Commission at a public hearing.

(b) The decision of the Planning Commission shall be final unless appealed to the City Council.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990; Ord. 1179 §19(A), 1993; Ord. 1323 §1, 2002; Ord. 1334, §9, 2002, Ord. 1374, 2006.

(1) A public hearing shall be held before the Planning Commission and a recommendation made by the Planning Commission to the City Council on the following types of applications:

- (a) Annexations;
- (b) Zone changes;
- (c) Comprehensive plan amendments;
- (d) Amendments to the text of this title, unless the City Council finds that an emergency exists requiring only a hearing before the City Council on the amendment.
- (e) Requests for revocation, pursuant to GMC Section 17.94.100 (revocation of approvals), of previous application approvals granted by the city;
- (f) Map amendments pursuant to GMC Section 17.27.080 (map administration) or GMC Section 17.29.080 (map administration).

(2) A public hearing shall be held before the Planning Commission on the following types of applications. The Planning Commission's decision shall be final unless appealed to the City Council.

- (a) Variances;
- (b) Alterations, expansions or changes of use of nonconforming uses;
- (c) Design review;
- (d) Interpretations of this title or the comprehensive plan;
- (e) Subdivisions;
- (f) Type II partitions;
- (g) City Administrator decisions appealed pursuant to GMC Subsection 17.94.050(5);
- (h) Conditional uses;
- (i) Greenway conditional uses;
- (j) FM District variances and appeals pursuant to GMC Section 17.29.090.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990; Ord. 1179 §19(B), 1993; Ord. 1323 §1, 2002; Ord. 1334 §9, 2002; Ord. 1349, §1, 2004.

**17.94.070 City Council decisions.**

A public hearing shall be held before the City Council on the types of applications identified in GMC Subsection 17.94.060(1) and on all Planning Commission decisions appealed to the City Council.

**Statutory Reference:** ORS Ch. 197 and 227

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

**17.94.080 Action on applications.**

(1) Following a hearing, the Planning Commission or City Council may:

- (a) Approve the application/recommendation;
- (b) Deny the application/recommendation;
- (c) Approve the application/recommendation with conditions.

(2) On appeal, the Planning Commission or City Council may modify, delete or add conditions of approval.

**Statutory Reference:** ORS Ch. 197 and 227

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

**17.94.090 Aggregate resource extraction.**

For applications regarding aggregate resource extraction, the Oregon Department of Geology and Mineral Industries must either be notified or issued a permit for operation.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990.

**17.94.100 Revocation of approvals.**

The City Council may, at any time after reviewing a recommendation from the Planning Commission and conducting a hearing pursuant to this chapter, modify or revoke any prior approval or approval condition it or the Planning Commission has made, for the following reasons:

- (1) Material misrepresentation or mistake of fact made on behalf of or by the applicant, whether intentional or unintentional.
- (2) A failure to comply with conditions of approval.
- (3) A failure to use the premises in accordance with the terms of approval.
- (4) A change in state law mandating compliance.

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990.

**Chapter 17.78  
HOME OCCUPATIONS**

Sections:

**17.78.010 Uses allowed as home occupations.**

**17.78.016 Type I and Type II home occupations.**

**17.78.020 Limitations on home occupations.**

**17.78.030 Procedure to establish and maintain a home occupation.**

**17.78.010 Uses allowed as home occupations.**

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

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

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131 §2, 1990.

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

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

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

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1356 §1, 2004

**17.78.020 Limitations on home occupations.**

Any such home occupation shall comply with the following limitations:

- (1) No servant, employee or any person other than a member or members of the family residing within the dwelling shall engage in a home occupation therein or within an accessory building.
- (2) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations.



(3) The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary, and not principal, source of family income; or as an accommodation for handicapped or retired person; or as a starter operation for a limited period only until its size or other characteristics compel relocation to the appropriate nonresidential district.

(4) All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.

(5) Any home occupation which causes abnormal automobile or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited. Type I home occupations may generate no more than six (6) one-way trips per day, which shall be incidental to operation of the home occupation. Type II home occupations may generate no more than ten (10) one-way client and commercial trips per day, except home occupations relating to instructional services, where no more than twenty (20) one-way student trips may be permitted. As used in this chapter, "instructional services" are characterized by one or more persons leading another person or group of persons in a given course or subject of study. No more than four (4) student vehicles may be parked on the property and/or in the street right of way at any one time. No commercial motor vehicle that is subject to the state vehicle mile tax, such as long-haul trailers, as defined in ORS 801.208, may be allowed as part of a home occupation. In conformance with GMC 10.04.230 (1)(f), this standard does not preclude the parking of a truck (tractor) portion of such a commercial vehicle on private property.

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

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

(8) Dimensions, power rating or weight of such equipment and tools used in the conduct of a home occupation shall not exceed that of normal household equipment and tools.

(9) Signs advertising home occupations or any aspect thereof shall not exceed a total of one square foot in area and shall be affixed directly to the dwelling.

(10) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.

(11) Tutoring, instructional, counseling or personal services which cannot be conducted except by personal contact may be permitted as a Type II home occupation and shall be by appointment only between the hours of 7:00 a.m. and 10:00 p.m. and shall not be oriented toward or attract passers by.

(12) An office for a physician or dentist may be permitted as a Type II home occupation primarily for emergency cases and as an accommodation for retired or part-time practitioners and not as a principal office for the practice of the profession.

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

(14) Except as set forth in subsection (11) and (12) of this section, customer and client contact shall be primarily by telephone or mail and not on the premises.

(15) No more than twenty-five percent of the floor area as defined in GMC Section 17.06.195 (floor area) may be used for the operation of a home occupation including storage of equipment, materials, and completed products.

**Statutory Reference:** ORS Ch. 197 and 227

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

**17.78.030 Procedure to establish and maintain a home occupation.**

(1) The establishment and maintenance of a Type I or Type II home occupation is subject GMC Division VII (administrative procedures) and the requirements below.

(2) Applicants for a Type II home occupation are subject to the following requirement. Notwithstanding subsection (a) of this section, no permit for a Type II home occupation shall be issued by the City Administrator or his designee until or unless the applicant has received favorable approval, as indicated by signatures on the authorized application form of owners or contract purchasers of not less than seventy-five (75%) of all property in the area bound by lines one hundred fifty feet (150') from and parallel to the boundary of lines of the lot proposed to contain each home occupation. The area of any property owned or occupied by the applicant shall be excluded in computing required percentage of approval.

(a) An applicant for a Type II home occupation who resides in an apartment complex, mobile home park or other similar multi-family housing complex, may obtain the signed approval of a resident manager in lieu of seventy-five percent (75%) of the property owners within one hundred fifty feet (150') of the proposed home occupation.

(3) Permits for home occupancy may be revoked at any time if the requirements of this code are not being met.

(4) If, in the opinion of the applicant, the City Administrator or his designee has acted arbitrarily and capriciously in withholding or revoking a permit for home occupation, he may request an interpretation of the code by the Planning Commission. In such cases, the dwelling or accessory building to be devoted to a home occupation shall be open for inspection to the staff of the Planning Commission on any day between eight a.m. to ten p.m.

(5) A home occupation permit shall remain valid indefinitely, subject to payment of annual business license fee, unless a substantial increase in intensity of the permitted use occurs, which shall require application for a new permit.

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

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

**Statutory Reference:** ORS Ch. 197 and 227

**History:** Ord. 1131, 1990; Ord. 1356, 2004.

**CITY OF GLADSTONE  
HOME OCCUPATION APPLICATION  
TYPE I PERMIT**

*Section 17.06.220 of the Gladstone Municipal Code states that: "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 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.*

TO: The City of Gladstone

The undersigned owner or occupant

of (address) 7470 Cason Circle. Gladstone, OR 97027

makes application to maintain a Type I home occupation consisting of (please describe business):

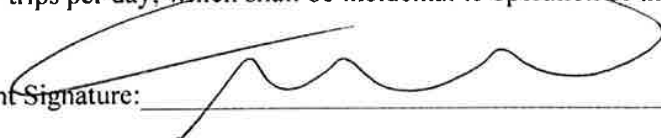
# Mobile Tool Sales

Business Name: Adam Baker Tool Company LLC

Name of Applicant/Resident: Adam Baker

Telephone: 503-730-0975

I have carefully read Chapter 17.78 of the Gladstone Municipal Code and the limitations on home occupations, including the limitation that "Type I home occupations may generate no more than six one-way trips per day, which shall be incidental to operation of the home occupation."

Applicant Signature: 

For Office Use Only:

Date Received by City Staff: \_\_\_\_\_

Business Name: \_\_\_\_\_ Year of Issuance: \_\_\_\_\_

DATE: 5/4/2022



**CITY OF GLADSTONE**  
**NOTICE OF HOME OCCUPATION**

*Please be advised that the City Administrator (or designee) has approved a Home Occupation Permit (pursuant to Chapter 17.78 of the Gladstone Municipal Code),*

on (date): May 4, 2022 (notice of decision),

for property located at: 7470 CASON CIR (address),

also described as: 2-2E-17DD-01550 (legal description).

Please review the included documentation for information regarding the approved Home Occupation Permit. If you have questions regarding the type of business being applied for, please contact the applicant directly for any clarification (contact information found on the reverse side).

The action of the City Administrator shall become final unless appealed in writing within fifteen (15) days of the notice of decision. Notice of the appeal should be mailed or delivered to the City of Gladstone at 18505 Portland Avenue, Gladstone, OR 97027 and **must be received** on or before the 15th day to be effective, and accompanied by a \$250.00 filing fee.

**PLEASE EMAIL ANY AND ALL COMMENTS OR CONCERNS TO [BL@CI.GLADSTONE.OR.US](mailto:BL@CI.GLADSTONE.OR.US) BY MAY 20, 2022**

This notice is being provided to the applicant and owners of property located within 100 feet of the subject property, pursuant to Section 17.94.050 (3) of the Gladstone Municipal Code.

For further information, you are welcome to contact the City of Gladstone by mail or phone at 18505 Portland Avenue, Gladstone OR 97027 or (503) 656-5225.



*This notice was mailed to the following on 5/4/2022:*

7470 CASON CIR, GLADSTONE; 8396 CASON RD, GLADSTONE; 8394 CASON RD, GLADSTONE; 8390 CASON RD, GLADSTONE; 8388 CASON RD, GLADSTONE; 8386 CASON RD, GLADSTONE; 8393 SE CASON RD, GLADSTONE; 7475 CASON CIR, GLADSTONE; 7485 CASON CIR, GLADSTONE; 7495 CASON CIR, GLADSTONE; 8391 CASON RD, GLADSTONE; 7480 CASON CIR, GLADSTONE; 6641 SE JOHNSON CRK BLVD, PORTLAND; 14290 S MAJORIE LN STE 1092, OREGON CITY.

CITY OF GLADSTONE

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**CITY OF GLADSTONE**  
 Business License Application  
 18505 Portland Avenue  
 Gladstone, OR 97027  
 www.ci.gladstone.or.us

License Number: \_\_\_\_\_  
 Date Issued: \_\_\_\_\_  
 Fee Paid: \_\_\_\_\_  
 Receipt No. \_\_\_\_\_  
 Fire Dept: AV  
 Public Works: AP  
 C-COM: CKR  
 Police Dept: 87

Business Information		
Business Type (Please mark all that apply): <input checked="" type="checkbox"/> General Business <input type="checkbox"/> Home Occupation <input type="checkbox"/> Rental Property <input type="checkbox"/> Telecommunication <input type="checkbox"/> Accessory Dwelling Unit (ADU) Rental <input type="checkbox"/> New <input type="checkbox"/> Renewal		
Business Name: <b>Adam Baker Tool Company LLC</b>	Doing Business As (DBA):	
Business Address or # of Rental Units: <b>7470 Cason Circle</b>	Business Mailing Address:	
Business Phone: <b>503-730-0975</b>	Mailing City, State, ZIP: <b>Gladstone, OR 97027</b>	
Tax ID Number (If applicable): <b>84-4019143</b>	Contact Name at Business Location: <b>Adam Baker</b>	
Description of Business: <b>Mobile Tool Sales</b>	# of Rental Units (if applicable):	Number of Employees: <b>2</b>
Business Owner and Contact Information		
Owner Name: <b>Adam Baker</b>	Address: <b>7470 Cason Circle</b>	
Email Address: <b>adam.baker@snapon.com</b>	Phone No.: <b>503-730-0975</b>	
Emergency Contact Person: <b>Stephanie Baker</b>	Emergency Contact Person Phone No.: <b>503-730-0974</b>	
Rental Property Owners		
Please list ALL Rental Property Addresses in the space provided below:   		
Hazardous Material		
Does your business involve the storage or use of any flammable materials or supplies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If YES, provide the name(s) of each material and the quantity kept at the business site. Attach additional sheet(s) as necessary.		
Material Name: _____	Amount on Premises _____	
Material Name: _____	Amount on Premises _____	
Does your business use any products or materials that could be hazardous to humans or the environment if released or involved in a fire? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If YES, provide the name(s) of each material and the quantity kept at the business site. Attach additional sheet(s) as necessary.		
Material Name: _____	Amount on Premises _____	
Material Name: _____	Amount on Premises _____	
Have you ever received a form from the State Fire Marshal's Office for reporting Hazardous Materials for this business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**Additional Information**

Do you have a Security Alarm in the City of Gladstone?  Yes  No Alarm Permit # \_\_\_\_\_  
If YES, you must obtain an Alarm Permit from the Gladstone Police Department. Please contact 503-557-2760 with any questions regarding an Alarm Permit. Forms are available online at [ww.ci.gladstone.or.us/police/page/gladstone-security-alarm-permit](http://ww.ci.gladstone.or.us/police/page/gladstone-security-alarm-permit) or the Gladstone Police Department.

**Business License Fees (Non-Refundable)**

- The annual license fee is for each calendar year January through December. A fee not paid within 30 days of its due date is delinquent.
- If an application for a business license is made within the first six months of the calendar year, the person must pay the full license fee. If an application is made during the last six months of the calendar year, the person is only responsible for paying one-half of the annual license fees for the remainder of the year. Fees are not refundable.
- Any new business that desires to conduct business within the city must apply at any time during the calendar year and prior to beginning operations. A license fee may be prorated as provided in Section 5.04.040(3). Any existing business must reapply annually to renew its license.
- Each branch or establishment shall be considered a separate business and subject to a license.
- All businesses operating within the City of Gladstone must comply with the City's building, zoning, fire and police safety requirements.
- All businesses must pay the "Business License Fee" plus the employee fee and/or rental unit fee.
- "Employee Fee" is based on the number of employees over 3 full-time equivalent (120 hours a week) employees. (ex. 1 employee working 15 hours weekly plus 1 employee working 25 hours weekly equal 1 full time employee).
- \*All NEW Businesses being operated out of a home residence are required to pay the regular Business License Fee AND the one time Home Occupation Business Fee (for operating a business out of a residence).
- \*\*Number of Rental Units is defined as any space being used to generate rental income.

Full Year Business License Fee \$100.00 (January 1 – December 31)  Prorated ½ Year Business License Fee \$50.00 (July 1 – December 31)

Home Occupation Business Fee\* (for NEW Home Occupations ONLY) = \$50.00 \$ 150.00

Total Number of Employees 2

Number of Employees OVER 3 Full time employees 0 x \$5.00/per employee = Total Employee Fee: \$ 0.00

\$ 25.00 for 1 Rental Unit

Number of Rental Units\*\* \$ 50.00 for 2-5 Rental Units = Total Rental Unit Fee: \$ 0.00

\$ 75.00 for 6-12 Rental Units

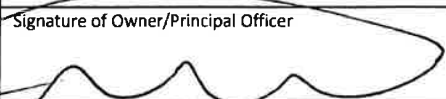
\$ 100.00 for 13+ Rental Units

TOTAL AMOUNT DUE: \$ 150.00

**Owner/Principal Officer Signature Statement**

Owner/Principal Officer, individually and on behalf of the business, represent that the business will be conducted during the year for which the business license is hereby applied in conformity with all laws of the State of Oregon and ordinances of the City of Gladstone, Oregon. Issuance of this license does not guarantee that the use conforms to the City of Gladstone's land use regulations

**AFFIDAVIT: I HEREBY CERTIFY THAT ALL INFORMATION IS TRUE, CORRECT AND COMPLETE BASED ON ALL INFORMATION OF WHICH I HAVE KNOWLEDGE.**

Signature of Owner/Principal Officer 	Printed Name <u>ADAM BAKER</u>	Date <u>4-11-2022</u>
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**Payment must accompany application. Make check payable to: City of Gladstone**

Mailing address: City of Gladstone, Business License, 18505 Portland Avenue, Gladstone, OR 97027

**Delinquent Charges:** Business license renewal fees not paid on or before MARCH 1<sup>st</sup> will be assessed a delinquent charge of \$10.00 per month. Failure to renew a business license may result in a Class "D" infraction as specified in Chapter 1.08 of the Gladstone Municipal Code (GMC). Each and every day Chapter 5.04 of the GMC is violated constitutes a separate offense.

# George J & Carrie R Orme

7480 Cason Circle • Gladstone, OR 97027 • Phone: 503-888-4743  
E-Mail: gorgohit@gmail.com

Date: May 7, 2022

City Administrator  
City Of Gladstone  
18505 Portland Avenue  
Gladstone, OR 97027

Dear Administrator:


This letter is to appeal the Notice of Home Occupation for 7470 Cason Circle sent to our address this week. The reasons for this appeal are that the applicant does not meet the requirements of GMC, Sections 17.06.220 and 17.78, as follows:

- DNA • The Type I Permit Application refers to GMC Section 17.06.220, "...provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises...". The applicant has advised us of his intent to construct a new driveway at the west side of the front yard, to park one of the two step vans currently parked at the residence; and to build a shed to store business related materials.
- NOT ENFORCEABLE • Section 17.78.020 (1) & (2)- The applicant has two employees who report each morning and meet before dispatch for work at other locations. There have been days when the employees remain on site and work with the applicant during the day. The employees' vehicles remain parked on the street during the work day.
- DNA • Section 17.78.020 (3)- The applicant's business, by his own admission, is the principal source of family income, not supplementary.
- DNA • Section 17.78.020 (4)- All aspects of the conduct of the home occupation are not confined to the dwelling or completely enclosed accessory building. Two step vans, a pickup truck and a trailer with the company name on their sides are parked in the street or in the driveway.
- DNA • Section 17.78.020 (9)- Large signs advertising the business, with the applicant's name and phone number, are on the exterior of two of the trucks and the trailer. These signs are visible at all times.
- DNA • Section 17.78.020 (10) - There is regularly storage of materials associated with the business outdoors in full view, sometimes for days.

Enclosed please find a check in the amount of \$250.00 for the filing fee.

Sincerely,

  
George J. Orme

  
Carrie R. Orme





Adam Baker  
7470 Cason Circle  
Gladstone, OR 97027

May 19, 2022

RE: Home Occupation/Business License Application

The City of Gladstone is in receipt of your business license application and home occupation permit applications. As part of the permit process, the city must ensure that you meet the requirements of the Gladstone Municipal Code prior to issuing licenses. It has come to the City's attention that there are code violations that will need to be resolved before the City of Gladstone will be able to release a Home Occupation Business License for Adam Baker Tool Company, LLC.

The following sections of Chapter 17.78 Home Occupations of the Gladstone Municipal Code are violations needed to be resolved:

- 17.78.020 (2) which states "No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations."
- 17.78.020 (3) which states "The scale of operations shall be distinctly limited in nature..."
- 17.78.020 (7) which states "The premises shall at all times be maintained as residential in appearance, cleanliness and quietness."


Before the City of Gladstone will release your City business license, this letter will need to be signed and returned by you with the understanding that the above violations have been resolved.

1. 7470 Cason Circle shall not be used for the assembly of any employees for any purpose.
2. No more than three company-branded vehicles including your business trailer is to be present at 7470 Cason Circle at any time.

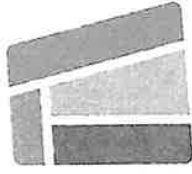
If you sign and agree to resolve the issues but the City continues to observe violations, according to 17.78.030 (7) "A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues."

If you have any questions or concerns about code violations, please feel free to contact Sean Boyle at 503-557-2763.

Thank you

  
Jacquie Betz,  
Gladstone City Administrator

\_\_\_\_\_  
Adam Baker (Signature)



**GLADSTONE**  
Oregon

September 1, 2022

Adam Baker  
7470 Cason Circle  
Gladstone, OR 97027

RE: Home Occupation / Business License Application

This is in follow up to the letter mailed to you on May 19, 2022. As previously advised as part of the permit process the city must ensure you meet the requirements of the Gladstone Municipal Code prior to issuing licenses.

A notice of an approved home occupation permit form was mailed to residents within 100 feet of your property on May 4, 2022 advising neighbors they had until May 20, 2022 to appeal. The City received an appeal of the home occupation request prior to the deadline. Shortly after a letter was mailed to you on May 19, 2022 advising of certain criteria that needed to be addressed prior to the business license issuance, such as confirming your dwelling was not being used as a headquarters for the assembly of employees for instructions or other purposes or to be dispatched for work at other locations; the premises shall at all times be maintained as residential in appearance, cleanliness and quietness and no more than three company-branded vehicles including your business trailer is to be present at your residence at any time.

After follow up, the City advised the appellant the business license had not been approved therefore no appeal was allowed. Since that time it was determined an appeal of the home occupation (not business license) can be allowed based on current Gladstone Municipal Code language. Therefore, the issuance of the business license has been placed on hold while the City proceeds with home occupation appeal process, based Chapter 17.94.050 (5) of the Gladstone Municipal Code (GMC), copy attached.

The appeal is scheduled to be heard by the Gladstone Planning Commission on Tuesday, September 20, 2022 at 6:30 p.m. in the City Hall Council Chambers, 18505 Portland Avenue, Gladstone. At that time, you will be allowed to address the Planning Commission to determine compliance with GMC Chapter 17.78, copy attached. The appellant will also be allowed to state reasons for the appeal.

If you would like to submit any correspondence to include in the Planning Commission packet for their review prior to the meeting, please email to [bannick@ci.gladstone.or.us](mailto:bannick@ci.gladstone.or.us) by 5pm on September 13, 2022.

CITY OF GLADSTONE

Tami Bannick

c: Gladstone Police Dept

Encl.