



**GLADSTONE PLANNING COMMISSION REGULAR AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE
Tuesday, October 18, 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/89012458390?pwd=c3lgMDkwWUw4MWRvUkFNdWhlYkdzO9>

Passcode: 552983

Or One tap mobile :

US: +12532158782,,89012458390#,,,,*552983# or +13462487799,,89012458390#,,,,*552983#

Or Telephone:

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

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

Webinar ID: 890 1245 8390

Passcode: 552983

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 October 18, 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 October 18, 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 September 20, 2022 Meeting Minutes

REGULAR AGENDA

2. Monthly Planning Report – September 2022
3. **CONTINUED PUBLIC HEARING:** File TXT-2022-2, Proposed Amendments to the C-2 Zoning District and new Downtown Overlay Plan – Postponement of public hearing and public comments to November 15, 2022.
4. Final Order to Ratify Appeal Decision to Deny Home Occupation Business License for Adam Baker Tool Company, LLC, 7470 Cason Circle
5. **PUBLIC HEARING:** File TXT-2022-3, Gladstone Zoning Code Amendments Pertaining to: Middle Housing Land Divisions and Removal of Design Standards Specific to Manufactured Homes in Chapter 17 of the Gladstone Municipal Code.

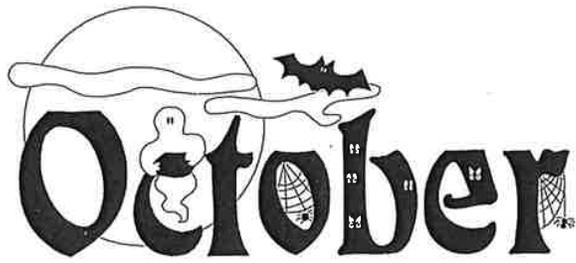
BUSINESS FROM THE PUBLIC - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker 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 SEPTEMBER 20, 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:

Tami Bannick, City Recorder; John Schmerber, Police Chief; Chad Jacobs, City Attorney

CONSENT AGENDA:

1. APPROVAL OF AUGUST 16, 2022 MEETING MINUTES

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

REGULAR AGENDA:

2. MONTHLY PLANNING REPORT – AUGUST 2022:

Commissioner Milch went over the report.

In August they had one member of the public come to the customer service counter, responded to approximately 75 phone calls/emails, reviewed two building permits with land use reviews (a garage and an interior remodel), one pre-application conference (middle housing development/land division), and one administrative decision (sign permits/Chevron gas station). The downtown overlay district public hearing has been continued to October, so there was no action done on that. There were no City Council land use actions/decisions. There will be some zoning changes coming before the Planning Commission in October.

3. APPEAL AND PLANNING COMMISSION INTERPRETATION OF HOME OCCUPATION BUSINESS LICENSE FOR ADAM BAKER TOOL COMPANY, LLC., 7470 CASON CIRCLE:

Mr. Jacobs said that because this hearing is part of the development code and the ordinance specifically incorporates the hearing procedures of the development code, they should still follow the general basic procedures that they do for normal land use hearings.

Chair Smith opened the public hearing.

She asked the members of the Planning Commission if there were any abstentions, if they needed to declare any conflicts of interest, if there were any significant ex parte contacts, and if they had visited the site. Commissioner Pat Smith said he had a potential conflict of interest – he holds a City business license and is a managing partner in an inventory service – the use of his property entails approximately 15 – 20 hours/month maximum of office work. There were no other issues, and everyone was familiar with the site.

Mr. Jacobs said this is an appeal of a staff decision that granted the home occupation permit. It was filed by the neighbors after they received notice, so the appeal is being brought to the Planning Commission for an interpretation of the home occupation license request. The applicable criteria they are looking at is found in the City's development codes, specifically in Section 17.78.020, Limitations On Home Occupations. These are provisions that if they are not met would be a basis for the Planning Commission to deny the application. If these criteria are met, then that would be a basis for the Planning Commission to uphold the staff decision and grant the permit. He went over the procedures they should follow.

Chief Schmerber went over the staff report. He gave the history/background of the situation. Mr. Baker has a double-axle Snap-On Tool vehicle that currently operates out of his residence. He has employees reporting to and working out of his home, which was confirmed during an initial Code Enforcement contact in February. This complaint originated from neighbors and the City has been attempting to negotiate with the applicant to approve a home occupation license. The City received an appeal from a neighbor prior to the deadline and that citizen will provide comments. A letter was mailed to Mr. Baker advising of certain criteria that needed to be addressed prior to issuance of the business license. It was determined after consulting legal counsel that an appeal of the home occupation license (not business license) can be allowed based on current GMC language. Therefore, issuance of the business license has been placed on hold while the City proceeds with the appeal process. The applicant is also requesting interpretation by the Planning Commission of GMC Chapter 17.78. He went over their options.

Chair Smith said, in regard to public testimony, 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 or 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 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 (LUBA) based on the 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 issues precludes an action for damages in Circuit Court.

PUBLIC TESTIMONY:

George Ormae said there have been changes to the property. The applicant built a driveway in his front yard to park one of the vehicles in, which is visible up and down the street. The other vehicle is parked on the other side of his property. Both vehicles have advertising on both sides. There are employees reporting each morning before they leave for other locations driving the company vehicles. The applicant's business is the principle source of income, not supplementary. All aspects of the home occupation are not confined to the dwelling or an enclosed accessory building. There are the step vans, a pick-up truck, and a trailer with the company name on the sides parked in the street or in the driveway. There are signs advertising the business with the applicant's name and phone number on the exterior of two of the trucks and the trailer. These signs are visible at all times. There is periodic storage of materials associated with the business outdoors when deliveries are made from trucks. He sent photos via email to the Planning Commissioners.

APPLICANT TESTIMONY:

Adam Baker said the Snap-On Tool business, Adam Baker Tool Company, is not a home occupancy. He drives his work vehicles home (two). The driveway in his yard is adjacent to Mr. Orme's driveway. Since Mr. Orme said it was against code to park the truck on the street, so he made a second driveway on his property and that is where the vehicle is parked now. It's off the

street now and he isn't blocking anyone. He doesn't conduct business here – he just has a work vehicle that he brings home with him. He does have inventory at his home and does get deliveries there. He has one employee, and they travel to various dealerships/repair shops to sell/warranty tools. He has lived here almost eighteen years and believes he has a positive impact to the local economy. He doesn't see the issue. He doesn't feel that his business is a home occupancy business.

Commissioner Langston asked him to address some of the items that were cited. Mr. Baker said they are not really assembling anything – his employee is getting in the vehicle and driving the route. He doesn't see how he is in violation of maintaining the premises as residential in appearance since he is only parking two vehicles on his property and he doesn't have any signage, it's not noisy, and he lives there with his family. He asked if there is a rule about the number of company vehicles being present on the residence at any time. He doesn't understand how he is in violation of any codes.

Chief Schmerber said there is a question of Mr. Baker violating the code in Chapter 17 that states no dwelling shall be used as headquarters for assembly of employees for instructions or other purposes or to be dispatched for work. The scale of operations shall be strictly limited in nature. The premises shall be maintained as residential in appearance, cleanliness and quietness. He said the number of vehicles fell on them relating to the "reasonable standard". Mr. Baker said he doesn't plan on expanding his business at this residence. If he does expand it, it would be at a different location. He believes he is clean, tidy, and everything is off the street. He does have one employee who comes to the residence to use the second vehicle to then conduct business off-site. Commissioner Langston asked for clarification on his business license application where it says the total number of employees is two. Mr. Baker said he counted himself as one of the employees.

Chief Schmerber said the decision is up to the Planning Commission.

Commissioner Langston asked what the address of the headquarters for the business is. Mr. Baker said it's a mobile tool sales business, so the office is located inside the vehicle. The business is registered to the residence. Commissioner Langston asked if it falls under: "all aspects and conduct of the home occupation shall be confined, contained, and conducted within the dwelling or within a completely enclosed accessory building". Mr. Baker said it does. There is no inventory whatsoever that's outside the residence. Any overflow is kept in his garage or shed, and UPS has access to the shed for deliveries, so nothing is exposed. Most, if not all, of the inventory is inside the mobile vehicles. Commissioner Langston said the code says that operations should be confined in the dwelling – but Mr. Baker said it's in the trucks. He said the home occupation provision allows him to do the work in his home specifically.

Commissioner Milch gave two examples of home businesses (piano lessons and an Amway salesperson). He said it seems to him that this home is the address of the business. He said the question is whether its complying with the specific criteria, which are designed to minimize its impact on a residential neighborhood. He said Mr. Orme's comments make him believe that this intended to be a home occupation business. He doesn't believe this should be given a home occupation permit.

Commissioner Mersereau asked what type of materials he has in storage at the residence. Mr. Baker said there are some toolboxes, and overstock (consumable items). Commissioner Mersereau asked if he sells at home – Mr. Baker said no – no one comes to the residence to purchase tools. He visits commercial businesses and that is where business is conducted.

Commissioner Pat Smith said in 17.78.020 (7) it describes maintaining the home business as residential in appearance, cleanliness, and quietness. As he drove through the neighborhood today this is clearly a residential neighborhood – in his opinion the home is an outlier in that none of the

other homes in the neighborhood look like this one – it is out of character according to this regulation. He said there were pallets/skids leaning up against the garage. According to the letter that the City Administrator sent him on May 19th, he fails to see where the three things that she called out have been addressed. He said it seems that Mr. Baker is kind of defending what he’s done as opposed to addressing the issues. He said basically the property is used as a warehouse and distribution center – and that is an on-premises business.

REBUTTALS:

Mr. Baker said he occasionally has pallets that have to be broken down and discarded. He’s not seeing a warehouse distribution center because it’s just him and a truck. There is no warehouse. He receives product that’s just enough to fill the truck and there’s some left in the garage and shed.

Commissioner Langston made a motion to close the public hearing. Motion was seconded by Commissioner Pat Smith. 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.

Chair Smith closed the public hearing at 7:12 P.M.

Discussion:

Mr. Jacobs said they have three options – it can uphold the preliminary staff decision to grant the home occupation permit, it can uphold the staff decision to grant the home occupation permit with conditions, or they could deny the home occupation permit based on the fact that they don’t believe that the criteria in the code have been met. He suggested they deliberate and provide feedback as to why that decision is going to be made. Once they render their decision and the basis why, they will draft a staff report to bring back to them with the final order for them to approve at the next meeting.

Commissioner Milch cited the code section: No 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. Mr. Baker did not indicate that the employee coming to the home was a member of the family, so he doesn’t think that condition is met. “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” – that’s exactly what the residence is being used for, so it doesn’t meet that criteria. “The scale of operations shall be distinctly limited in nature and conducted primarily as a supplementary and not principle source of the 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 non-residential district”. Mr. Baker said it would be his intent to relocate to a larger location if the business were to expand, so even though he believes this business is more than a supplementary source of family income, they could consider it a starter business and he’d be willing to okay that. “No significant enlargements or alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted” – if Mr. Baker did not have two large vans for the business he would not have modified his driveway, so he believes he has violated this condition as well. He is leaning toward approving the appeal from Mr. Orme of the decision to grant the home occupation license.

Commissioner Langston agrees with Commissioner Milch. He sees nothing wrong with the company, just based on the code he doesn’t feel that it fits the home occupation guidelines. He said it’s not concealed in the dwelling.

Commissioner Mersereau agreed with Commissions Milch and Langston.

Commissioner Pat Smith also agreed. He thinks the piece of property where Mr. Baker is living and operating his business is clearly outside the scope of all the other homes in the neighborhood, which would not be maintaining it as residential in appearance, cleanliness, and quietness.

Commissioner Labonte agreed with the other Commissioners.

Commissioner Milch made a motion to uphold the appeal and overturn the City Administrator’s decision to grant a home occupation permit for the applicant, Adam Baker Tool Company, LLC. Motion was seconded by Commissioner Langston. 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.

Commissioner Milch said he doesn’t like denying someone one of the principle sources of their income, but they need to comply with the law that they have now. This may change because there are some benefits for having more services in a community and more access to various business types. He hopes that if a citizen wants to propose changes to the code that would make it possible for this type of business to operate within some reasonable limitations that they would entertain that.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE PLANNING COMMISSION:

Commissioner Milch:

He said he represented the Planning Commission recently on a small committee that was to interview candidates to fill the position of City Planner to replace the contract position they had with Clackamas County. They received good input from Ms. Fields. They narrowed it down to two applicants and had interviews last week and made a decision. He said the process is good and the involvement of City staff and elected officials and the direct interview process is very helpful. They are looking for someone who will do a broad range of services. The contract with Clackamas County will end at the end of this year.

ADJOURN:

Commissioner Milch made a motion to adjourn the meeting. Motion was seconded by Commissioner Langston. 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 7:26 P.M.

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

Natalie Smith, Chair



REGULAR AGENDA



City of Gladstone Monthly Planning Report September 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	1				12
Customer phone/email Contacts	47	67	52	68	64	70	38	75	39				520
Building Permits with Land Use Review	4	4	6	11	1	4	6	2	2				40
Pre-application Conferences	1	0	0	0	0	0	0	1	1				3
Administrative Decisions	0	1	1	1	0	1	0	1	1				6

PLANNING COMMISSION ACTIONS/DECISIONS

- Home Occupation Interpretation

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- None

PRE-APPLICATION CONFERENCES

- ZPAC0119-22 – Design Review Pre-app

ADMINISTRATIVE PERMITS

- Z0423-22 – Sign permits for signs on US Bank ATM land use approval - Z0273-22

BUILDING PERMITS WITH LAND USE REVIEW

SEPTEMBER

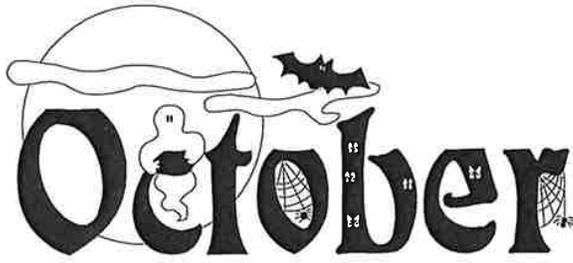
Date	Address	Building Permit #	Description
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09/15/22	18580 TRYON WAY	B0548022	Deck
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09/20/22	95 82ND DR	B0546522	ADA parking upgrades
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FUTURE ITEMS/PROPERTY UPDATES

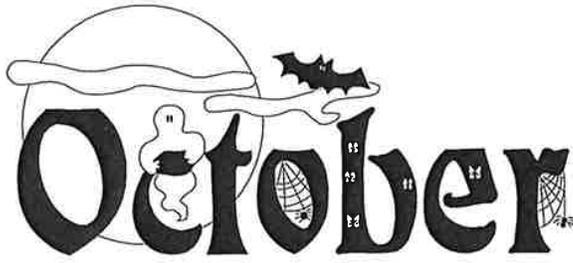
Date	Topic
November	Downtown Overlay District and C-2 Zoning amendments, TXT-2022-02
October	SB458 and HB4064 Zoning amendments, TXT-2022-03



REGULAR AGENDA

**AGENDA ITEM #3
CONTINUED PUBLIC
HEARING
FILE TXT-2022-02**

**HAS BEEN POSTPONED
TO
NOVEMBER 15, 2022**



REGULAR AGENDA

City of Gladstone Staff Report

Report Date: October 11, 2022
Meeting Date: October 18, 2022
To: Planning Commission
From: John Schmerber, Chief of Police

AGENDA ITEM

Final Order to Ratify the Appeal Decision to Deny Home Occupation Business License for Adam Baker Tool Company, LLC, at 7470 Cason Circle.

History/Background

On September 20, 2022 the Planning Commission was presented with an appeal of a staff decision that granted a home occupation permit to Adam Baker Tool Company, LLC, 7470 Cason Circle, a double-axle Snap-On Tool vehicle that operated out of the residence. This included an employee that reported to and worked out of the home which was confirmed during the initial Code Enforcement contact on February 3, 2022.

The appeal submitted by neighbor George Ormae, was presented to the Planning Commission for an interpretation of the city's development codes, specifically Gladstone Municipal Code (GMC) Chapter 17.78.020, Limitations on Home Occupations. The provisions, if not met, would be a basis for the Planning Commission to deny the application. If these provisions were met, would be the basis for the Planning Commission to uphold the staff decision and grant the home occupation permit.

The Planning Commission was presented with three options: uphold the preliminary staff decision to grant the home occupation permit; uphold the staff decision to grant the home occupation permit with conditions, or deny the home occupation permit based on the fact the Planning Commission did not believe the criteria in the code had been met.

After review of GMC Chapter 17.78, discussion and deliberation, the Planning Commission unanimously approved a motion to uphold the appeal and overturn the City Administrator's decision to grant a home occupation permit for the applicant, Adam Baker Tool Company, LLC, 7470 Cason Circle.

Options

- The Planning Commission can issue the final order as drafted to ratify the appeal and revoke Mr. Baker's home occupation license.
- The Planning Commission can amend the draft final order to ratify the appeal and revoke Mr. Baker's home occupation license.

Cost Impact

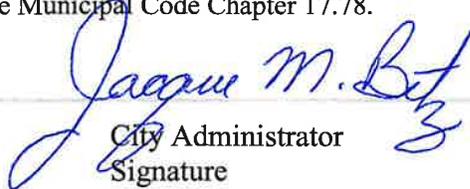
No cost impact other than staff time.

Recommended Staff Action

City staff recommends the Planning Commission issue the final order as drafted to ratify the appeal decision to deny the home occupation license for Adam Baker Tool Company, LLC, 7470 Cason Circle based on interpretation by the Planning Commission of Gladstone Municipal Code Chapter 17.78.

Department Head
Signature

Date


City Administrator
Signature

Date

BEFORE THE PLANNING COMMISSION
CITY OF GLADSTONE, OREGON

**IN THE MATTER OF APPEAL OF
HOME OCCUPATION BUSINESS
LICENSE FOR ADAM BAKER TOOL
COMPANY, LLC, 7470 CASON CIRCLE**

FINDINGS AND FINAL ORDER

APPLICATION DENIED

SEPTEMBER 20, 2022

I. GENERAL INFORMATION

- A. Proposal: Final Order to Ratify Appeal Decision to Deny Home Occupation Business License for Adam Baker Tool Company, LLC.
- B. Legal Description: T2, R2E, Section 17DD, Tax Lot 01550
- C. Location: 7470 Cason Circle
- D. Procedural Background: At the September 20, 2022 the Planning Commission was presented with an appeal of a staff decision that granted a home occupation permit to Adam Baker Tool Company, LLC, 7470 Cason Circle, a double-axle Snap-On Tool vehicle that operated out of the residence. This included an employee that reported to and worked out of the home which was confirmed during the initial Code Enforcement contact on February 3, 2022.

The appeal submitted by neighbor George Ormae, was presented to the Planning Commission for an interpretation of the city's development codes, specifically Gladstone Municipal Code (GMC) Chapter 17.78.020, Limitations on Home Occupations. The provisions, if not met, would be a basis for the Planning Commission to deny the application. If these provisions were met, would be the basis for the Planning Commission to uphold the staff decision and grant the home occupation permit.

The Planning Commission was presented with three options: uphold the preliminary staff decision to grant the home occupation permit; uphold the staff decision to grant the home occupation permit with conditions, or deny the home occupation permit based on the fact the Planning Commission did not believe the criteria in the code had been met.

After review of GMC Chapter 17.78, discussion and deliberation, the Planning Commission unanimously approved a motion to uphold the appeal and overturn the City Administrator's decision to grant a home occupation permit for the applicant, Adam Baker Tool Company, LLC, 7470 Cason Circle.

II. FINDINGS AND CONCLUSIONS

This matter is subject to Chapter 17.78, Home Occupations, of Title 17 of the Gladstone

APPEAL OF HOME OCCUPATION 7470 CASON CIRCLE
FINDINGS AND FINAL ORDER

Municipal Code.

The Gladstone Planning Commission reviewed the application and the appellant's appeal in regards to the applicable provisions of the GMC and received testimony. Based upon this review, the Planning Commission makes the following findings and conclusions.

A. Section 17.06.220 defines what constitutes a home occupancy.

1. **Section 17.06.220** states "*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."

Response: The applicant indicated that he was not conducting a home occupation because his business was a mobile business run out of his vehicles rather than his home. Based on testimony as well as other evidenced received, the Planning Commission determined that the registered address of the business was the home in question, deliveries to the business were made to the home, inventory for the business was stored at the home, parking of vehicles for the business occurred at the home, and employees gathered and were dispatched from the home, thereby qualifying applicant's use as a home occupation.

This criterion is met.

B. Chapter 17.78 establishes the approval criteria for a home occupation permit.

1. Chapter 17.78.020 (1) states "(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.*"

Response: The applicant indicated that there is one employee who reports to the physical address to retrieve one of two work vehicles and is dispatched to various dealerships/repair shops to conduct business off-site.

This criterion is not met.

2. **Chapter 17.78.020 (2)** states "*No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes to be dispatched for*

work at other locations”

Response: This applicant indicates there is one employee who reports to the physical address to retrieve one of two work vehicles and is dispatched to various dealerships/repair shops to conduct business off-site.

This criterion is not met.

3. **Chapter 17.78.020 (4)** states: *“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”*

Response: Applicant indicates the business is a mobile tool sales business, so the office is located inside the vehicle. There is no inventory stored outside the residence, any overflow is kept in the garage or shed. Most inventory is inside the two mobile vehicles. Planning Commission indicate the home occupation must be confined, contained and conducted within the dwelling or within a completely enclosed accessory building. The applicant’s business is conducted from inside the two mobile vehicles.

This criterion is not met.

4. **Chapter 17.78.020 (6)** states: *“No significant enlargements or alterations to a dwelling or accessory building for the sole purpose of conducting a home occupation shall be permitted”*

Response: Applicant recently made alterations to his property by installing a second driveway to accommodate his business activities. The Planning Commission determined if the applicant did not have the two large mobile vehicles for the business the applicant would not have modified the driveway to expand for the additional vehicle.

This criterion is not met.

5. **Chapter 17.78.020(7)** states: *The premises shall at all times be maintained as residential in appearance, cleanliness and quietness”*

Response: Applicant indicates there are no signs, no storage of materials, all inventory is stored outside the residence, all inventory is kept in the two mobile vehicles or stored in a garage or shed. A Planning Commissioner indicated the home is an outlier and determined none of the other homes in the neighborhood look like this one – it is out of character according to the regulation. There are pallets/skids leaning up against the garage and two mobile vehicles parked on the property that advertise the business.

This criterion is not met.

III. ORDER

Based on the above findings, the Planning Commission by unanimous vote of 6 to 0 decides to Ratify the Appeal Decision to **DENY** the home occupation business license for Adam Baker Tool Company, LLC, at 7470 Cason Circle.

Signed this _____ day of October, 2022

Natalie Smith, Chair

APPEAL TO CITY COUNCIL

A decision of the Planning Commission made pursuant to this title may be appealed to the City Council within fifteen (15) days after the mailing of the Planning Commission's written decision.



**NOTICE OF PUBLIC HEARING
GLADSTONE PLANNING COMMISSION**

DATE & TIME: October 18, 2022. This item will not begin earlier than **6:30 p.m.** However, it may begin later depending on the length of preceding items.

PLACE: Per the Governor’s Executive Order 20-16 and House Bill 2560, regarding compliance with Oregon’s public meetings laws, the City of Gladstone is abiding by social distancing requirements during the coronavirus pandemic. This public hearing will be conducted both in person at 18505 Portland Avenue, Gladstone, OR 97027 and virtually using the Zoom platform. The Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available after October 12, 2022 on our website: <https://www.ci.gladstone.or.us/bc-pc/page/planning-commission-meeting-78>.

FILE NO: N/A

LOCATION 7470 Cason Circle, Gladstone, OR 97027

DEVELOPMENT PROPOSAL: On September 20, 2022 the Gladstone Planning Commission upheld an appeal and revoked the issuance of a home occupation permit for Adam Baker Tool Company, LLC, 7470 Cason Circle. The final order will be presented to the Planning Commission for approval at the October 18th meeting.

APPLICABLE REVIEW STANDARDS: Chapter 17.78 and 17.94, along with the DIVISION VII. Administrative Procedures, and the Division IV. Development Standards of Title 17 of the Gladstone Municipal Code.

All interested parties are invited to “attend” the hearing online or by telephone and will be provided with an opportunity to testify orally, if they so choose. Written testimony may be submitted by email, or regular mail. Please include the permit file number on all correspondence and address written testimony to the staff contact who is handling this matter. Any correspondence received in advance of the meeting will be forwarded to the Planning Commission.

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. In addition, a staff report on the application will be available for inspection at no cost at least seven days prior to the hearing. Hard copies of documents will be provided at a cost of \$1 for the first page and 10 cents for each additional page or you may view or obtain these materials:

1. By emailing or calling staff, Joy Fields, at 503-742-4510 or jfields@clackamas.us; or
2. Contacting Gladstone City Hall, 18505 Portland Avenue, Gladstone, OR 97027, 503-557-2769 or bannick@ci.gladstone.or.us.

Please note 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.

October 10, 2022

City of Gladstone

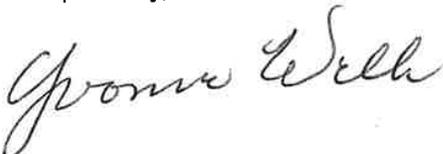
I am responding to the notice of a public hearing on October 18, 2022 regarding Snap on Tools. I built my house and have lived here for 46 years. This used to be a quiet respectable residential neighborhood. The whole street knew everyone, we even had block parties in the summertime. Families were comfortable and raised children into adulthood.

The whole complex has changed with shifting owners of properties. I feel the intrusion of allowing a commercial company to do business and obstruct traffic patterns is a violation of residential properties. This is supposed to be a residential street and property values decline by allowing unsightly large trucks to take over the neighborhood.

At least three times, the entrance to the street has been totally blocked by trucks. One time I had to leave my car in the middle of Cason Road and get out of the vehicle to call out for someone to come and move the truck. Half of the street is continually unpassable. The situation is a formula for a car accident probably in the form of a head on collision because vehicles have to go into the wrong side of the street to enter.

I am enclosing three photos that I took at various times to show the negligence of a company in a residential setting.

Respectfully,

A handwritten signature in cursive script that reads "Yvonne Welk". The signature is written in black ink and is positioned above the typed name and address.

Yvonne Welk
7490 Cason Circle
Gladstone, Oregon







**INFORMATION
FROM
SEPTEMBER 20, 2022
PLANNING COMMISSION
MEETING**

City of Gladstone Staff Report

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

Jacqueline M. B. T. 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 (1)(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.

17.94.060 Planning Commission decisions.

(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.

**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):

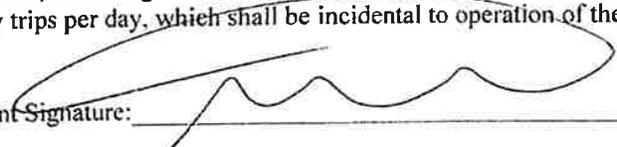
Mobile Tool Sales

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 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
HK



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: CRB
 Police Dept: 5

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"/> New	<input type="checkbox"/> Renewal	<input type="checkbox"/> Telecommunication
		<input type="checkbox"/> Accessory Dwelling Unit (ADU) Rental
Business Name: Adam Baker Tool Company LLC	Doing Business As (DBA):	
Business Address or # of Rental Units: 7470 Cason Circle	Business Mailing Address:	
Business Phone: 503-730-0975	Mailing City, State, ZIP: Gladstone, OR 97027	
Tax ID Number (If applicable): 84-4019143	Contact Name at Business Location: Adam Baker	
Description of Business: Mobile Tool Sales	# of Rental Units (if applicable):	Number of Employees: 2
Business Owner and Contact Information		
Owner Name: Adam Baker	Address: 7470 Cason Circle	
Email Address: adam.baker@snapon.com	Phone No.: 503-730-0975	
Emergency Contact Person: Stephanie Baker	Emergency Contact Person Phone No.: 503-730-0974	
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		

Please complete reverse side before submitting your application. Incomplete applications will be returned.

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 www.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 1/2 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

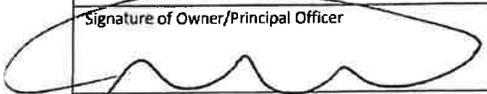
\$ 100.00 for 13+ Rental Units

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 Adam Bauer

Date 4-11-2022

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 1st 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: gorgolit@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:

- 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.
- 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.
- Section 17.78.020 (3)- The applicant’s business, by his own admission, is the principal source of family income, not supplementary.
- 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.
- 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.
- 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,

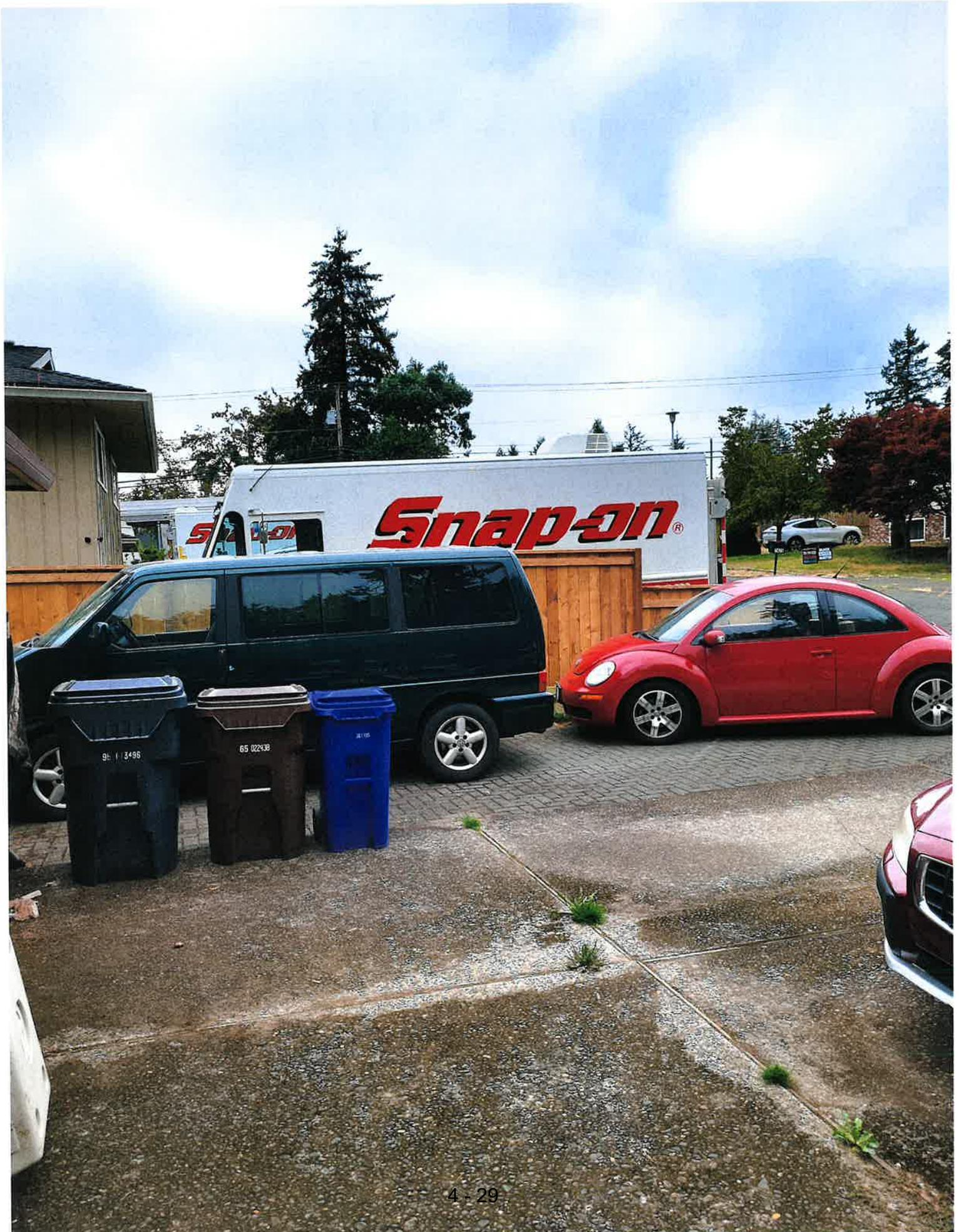
George J. Orme

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."

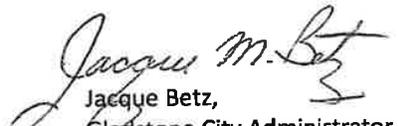
Before the City of Gladstone will release your City business license, this letter will need to be signed and returned by you with the understanding that the above violations have been resolved.

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.

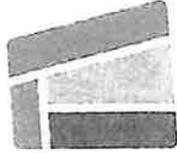
If you sign and agree to resolve the issues but the City continues to observe violations, according to 17.78.030 (7) "A violation of any standard of this chapter or any condition of approval for a home occupation is a Class "A" infraction. A separate violation occurs for each day that the violation continues."

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 by 5pm on September 13, 2022.

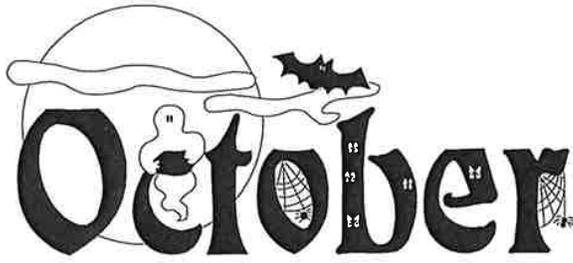
CITY OF GLADSTONE

J. Bannick
Tami Bannick

c: Gladstone Police Dept

Encl.

GLADSTONE CITY HALL | 18505 PORTLAND AVENUE | GLADSTONE, OR 97027 | (503) 656-6226



REGULAR AGENDA



Agenda Item No. 5

PC Meeting Date: 10/18/22

STAFF REPORT: *HB 4064 [2022]* MANUFACTURED DWELLINGS AND *SB 458 [2021]* MIDDLE HOUSING LAND DIVISIONS

File No.: TXT-2022-03;

Applicant or Presenter: City of Gladstone

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

Project Description: In the spring of 2022, the state legislators passed HB 4064 [2022] prohibiting cities from regulating manufactured dwellings in a manner that is inconsistent with detached site-built single household dwellings. Additionally, SB 458 was passed as a companion bill to HB 2001 to allow middle housing to be divided for homeownership through an expedited review process. Therefore, Chapters 17.06, 17.10, 17.12, 17.30, 17.32, 17.34, 17.64, 17.92, and 17.94 have to be updated to accommodate and comply with current state law.

SUMMARY

In the spring of 2022, HB 4064 [2022] was passed by the Oregon state legislators and the resulting law became effective immediately. HB 4064 prohibits cities from regulating manufactured dwellings in a manner that is inconsistent with detached site-built single family dwellings. “A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except: (a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or (b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.”

The Oregon Revised Statutes and the Gladstone Municipal Code (as amended) defines Manufactured dwellings as the following:

“Manufactured dwelling” is a dwelling that meets either of the following:

1. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
2. A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, and that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

Currently the Gladstone Municipal Code has two sections that only apply to manufactured dwellings in the R5 and R7 Zoning Districts. With the adoption of HB 4064 staff are no longer able to implement the sections of the GMC that only apply to manufactured homes. Therefore, the City must decide whether to remove all of the regulations pertaining to manufactured homes, or to keep some of the regulations that would also be applicable to single family homes, or single household dwellings regulated through Chapters 17.10 and 17.12 of the Gladstone Municipal Code.

Senate Bill 458 (2021) requires local governments, including Gladstone, to allow middle housing land divisions with an expedited land use review process. In addition to procedural rules, the state law provided review criteria for each application. The Planning Commission will consider the proposed amendments that respond to the requirements in state law and address a few optional items that the city can elect to follow. Adding the expedited land division process for middle housing land divisions to the Gladstone Municipal Code requires amendments to the following Chapters: 17.06 – Definitions; 17.30 General Standards for Land Divisions; 17.32 – Subdivision; 17.34 – Partitions; 17.64 – Design Standards for Land Divisions and Property Line Adjustments; 17.92 – Appeals; and 17.94 – Hearings. These proposed amendments are designed to modify the City Administrator’s or designee review process to address SB458 requirements and create a uniform implementation period for land divisions in Gladstone.

These proposed amendments 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. The Planning Commission work session in August, was also advertised on the Gladstone Website and sent out in the Gladstone Weekly Update.

Responses Received: No comments were received from the public, City Departments, or agencies.

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 City conducted a work session and a public workshop related to the Middle Housing Amendments and potential amendments related to HB 2001 [2021]. These were open public forums held in March 2022 with the first public hearing in April. Each work session and public forum included opportunities for elected officials, appointed officials, and the public, to review draft code amendments, discuss key aspects related to middle housing. The City publicized these work sessions on their website, social media and during other public meetings. During these public meetings, comments received from DLCDC were discussed. DLCDC comments identified a need for the Gladstone Municipal Code to be updated to reflect HB 4064. Discussion also included the need to amend the code to reflect SB 458.

The amendments related to Manufactured Homes are one piece of the amendment package that has been publicized through the PAPA website and noticed to applicable agencies. The amendments related to middle housing land divisions are another piece of the amendment package that has been publicized through the PAPA website and noticed to the public.

Based on the findings above, the code amendments to implement HB 4064 and SB 458 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.

The manufactured home amendments and middle housing land division amendments are consistent with the current Comprehensive Plan. 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.”

Notice of the middle housing land division and manufactured home amendment package consideration was provided to Metro and DLCD through the Post-Acknowledgement Plan Amendment website and distribution system.

Therefore, the code amendments to implement HB 4064 and SB 458 as referenced, are consistent with Statewide Planning Goal 2.

Goals 3 -4 – Agricultural and Forest Lands:

Finding: These goals are not applicable because the manufactured home amendments and associated 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. The manufactured home amendments and middle housing land division amendments neither reduces, nor increases, the pressure for the redevelopment of historic resources.

The manufactured home amendments and middle housing land division amendments do not modify these natural resource zoning overlay districts or historic preservation efforts. The Comprehensive Plan supports a variety of housing types and the amendments proposed through TXT-2022-03 do 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 manufactured home amendments 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 Zoning Code Update to adopt the manufactured home amendments and middle housing land division amendments into the Gladstone Municipal Code 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.

The manufactured home amendments and middle housing land division amendment package does not modify existing water resource zoning overlay districts or noise ordinance. The adoption of the TXT-2022-03 amendments do 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 middle housing land division or manufactured home 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 amendments proposed through TXT-2022-03 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 Zoning Code amendment to adopt the TXT-2022-03 amendments 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 on a site specific basis.

The TXT-2022-03 amendments do not modify existing zoning overlay districts or design standards related to protecting development from hazards. The adoption of the manufactured home amendments and middle housing land division 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 TXT-2022-03 amendments because no new Goal 7 program is advanced by these amendments and no existing Goal 7 program is changed by this amendment package.

Therefore, Goal 7 is not applicable to the TXT-2022-03 zoning code amendments and 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, to adopt the TXT-2022-03 amendments 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.

The manufactured home amendments and middle housing land division amendments do not modify existing open space overlay districts or the Parks Master Plan. The adoption of the TXT-2022-03 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 TXT-2022-03 amendments 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 manufactured home and middle housing land division amendments because the amendments do not propose to change comprehensive land use plan policies or implementing regulations for compliance with Statewide Planning Goal 8.

Based on the findings above, adopting the TXT-2022-03 amendments 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 TXT-2022-03 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, the recent housing needs 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 manufactured home code amendments do not propose to change the buildable lands inventory, or housing needs analysis.

The proposed manufactured home amendments, related to **HB 4064**, increase the ease of using manufactured homes as single household dwellings in Gladstone. The proposed amendments will also improve the understanding of the requirements related to manufactured home placement. Therefore, barriers to use this housing type would be removed by the adoption of these amendments.

The proposed middle housing land division amendments, related to **SB 458**, increase the ease of dividing land that was developed with middle housing in Gladstone. Therefore, smaller lots with a single dwelling unit will be available for homeownership. The proposed amendments will also create a uniform approval and implementation period for all land divisions. Therefore, barriers to lower cost homeownership would be removed by the adoption of these amendments.

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 manufactured home amendments responds to the City’s updated Housing Needs Analysis, and adds additional housing opportunities by removing barriers to using manufactured homes as housing for single family households. The middle housing land division process also responds to the housing needs of Gladstone by supporting home ownership of middle housing dwelling types.

Based on the findings above the TXT-2022-03 amendments 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 do not propose any changes to the adopted master plans, the Comprehensive Plan Map, or the Gladstone Municipal Code. The manufactured home amendments propose no new Goal 11 program and no existing Goal 11 program is changed by this amendment package. The manufactured home amendments and middle housing land division amendments 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 adoption of the TXT-2022-03 amendments 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 manufactured home amendments and the middle housing land division amendments do not propose any changes to the adopted Transportation System Plan, the Comprehensive Plan Map, or the Gladstone Zoning Map. The TXT-2022-03 amendments propose no new Goal 12 program and no existing Goal 12 program, or standard, is changed by this amendment package. The manufactured home amendments and middle housing land division amendments do not propose to change the comprehensive land use plan policies or implementing regulations regarding transportation and compliance with Statewide Planning Goal 12. Allowing manufactured homes in the place of detached single-family homes without additional design requirement will have no impact to the traffic or the transportation system because it is not increasing the number of dwelling units allowed on a single lot.

Middle housing regulations passed to implement HB 2001 were exempt from the Transportation analysis required by OAR 660-012-0060. The amendments allowing middle housing to be on separate lots through an expedited land division process does not increase the amount of housing, or the traffic related to middle housing. Therefore, there is no anticipated impact to the Transportation System through the amendments related to the middle housing land divisions.

Based on the findings above, the manufactured home amendments and amendments to allow middle housing land divisions through an expedited review, 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 TXT-2022-03 amendments package does not modify existing design standards or land use regulations related to energy conservation. The adoption of the proposed manufactured home amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code. Goal 13 does not

directly apply to the manufactured home 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 TXT-2022-03 amendments because the amendment package 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, to adopt the TXT-2022-03 amendments, 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 text 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 manufactured home and middle housing land division amendments do not modify the Gladstone Urban Growth Management Area, the UGB, or existing zoning requirements related to urbanization. The adoption of the TXT 2022-03 amendments does not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Zoning Map. Goal 14 does not directly apply to the manufactured home or middle housing land division amendments 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 TXT-2022-03 amendments because the amendment package 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, adopting the TXT-2022-03 amendments 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 manufactured home and middle housing land division amendments do not modify the Greenway Conditional Use District, or existing zoning requirements related to the Willamette River Greenway. The adoption of the TXT-2022-03 amendments do not propose any changes to the adopted inventories, the Comprehensive Plan Map, or the Gladstone Municipal Code Chapter 17.28. Goal 15 does not directly apply to the manufactured home amendments, middle housing land division amendments, 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 TXT-2022-03 amendments because it 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, to adopt the TXT-2022-03 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 manufactured home amendments, or the middle housing land division amendments found in the TXT-2022-03 amendment package.

III. FINDINGS RELATED TO GLADSTONE MUNICIPAL CODE

Once the manufactured home amendments and middle housing land division amendments are finalized and recommended by the Planning Commission and adopted by City Council, TXT-2022-03 amendments package will be consistent 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 or his designee. 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 manufactured home amendments was originally reviewed by the Planning Commission in August at which time the middle housing land division amendments were introduced. A public hearing is being held on the draft amendments in October. Notice of these public hearings was publicized as required. The TXT-2022-03 amendments package 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),

Title 1: Housing Capacity

Title 3: Water Quality And Flood Management

Title 4: Industrial and Other Employment Areas

Title 6 Centers, Corridors, Station Communities and Main Streets

Finding: The proposed manufactured home amendments related to HB4064 do not increase or decrease density. They are intended to provide the same location and design standards for manufactured homes and detached site built homes in the low density residential zoning districts. The proposed amendments also do not modify the water quality, floodplain, habitat conservation area, or zoning district areas that are addressed in Metro's Functional Plan. These criterion are met.

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

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection.

Finding: The proposed zoning code amendments for manufactured homes related to HB 4064 compliance does not change the functional class of any existing or planned transportation facility. The amendments for middle housing land divisions through an expedited review process related to SB 458 compliance does not increase the amount of housing developed or using the transportation system and does not change the functional class of any transportation facility. The amendments do not increase or decrease the number of households housed in Gladstone. This criterion is met.

EXHIBITS

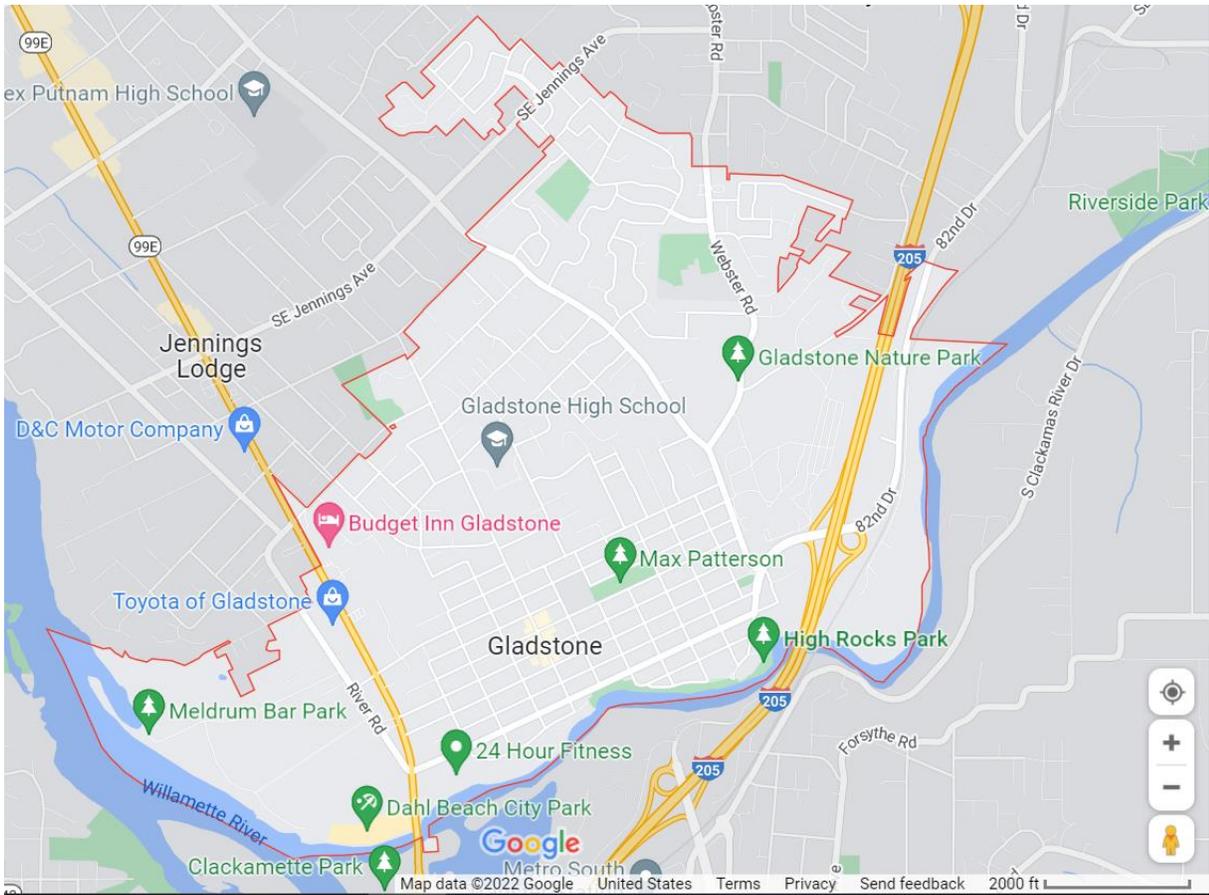


EXHIBIT 1
Location Map
Citywide

Chapter 17.06 DEFINITIONS*

Sections:

17.06.005	Generally.
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	Carpport.
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.
17.06.117	Days.
17.06.120	Development for purposes of the greenway zone only.
17.06.125	Development permit.
17.06.130	Drinking establishment.
17.06.135	Durable and dustless surface.
17.06.141	Dwelling, multi- household.
17.06.142	Dwelling, single- household.
17.06.143	Dwelling, two- household.
17.06.140	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.
17.06.148	Cottage Cluster.
17.06.149	Middle Housing.
17.06.160	Easement.
17.06.165	Eating establishment.
17.06.170	Exterior.
17.06.175	Family Household.
17.06.180	Fence or hedge, sight-obscuring.
17.06.195	Floor area.
17.06.200	Foster home.
17.06.205	Frontage.
17.06.210	Grade, ground level.
17.06.213	Gross leasable area (GLA).
17.06.214	Home for the aged
17.06.215	Group home.
17.06.220	Home occupation.
17.06.225	Hospitals, nursing homes and homes for the aged.
17.06.230	Hotel.
17.06.231	Household
17.06.233	Institutional use.

- 17.06.235 Intensification of use for purposes of the greenway zone.
- 17.06.240 Kennel.
- 17.06.245 Landscaping.
- 17.06.247 Land use decision.
- 17.06.250 Livestock.
- 17.06.255 Loading space.
- 17.06.260 Lot.
- 17.06.265 Lot area.
- 17.06.270 Lot, corner.
- 17.06.275 Lot coverage.
- 17.06.280 Lot depth.
- 17.06.282 Lot, flag.
- 17.06.285 Lot line.
- 17.06.290 Lot line, front.
- 17.06.295 Lot line, rear.
- 17.06.300 Lot line, side.
- 17.06.301 Lot line, street side.
- 17.06.305 Lot of record.
- 17.06.310 Lot, through.
- 17.06.315 Lot width.
- 17.06.325 Major remodeling.
- 17.06.328 [Manufactured dwelling.](#)
- 17.06.330 [Middle housing land division.](#)
- 17.06.336 Mini-storage.
- 17.06.338 Mixed use development.
- 17.06.340 Mobile home.
- 17.06.345 Mobile home court or mobile home park.
- 17.06.350 Model unit real estate office.
- 17.06.355 Motel.
- 17.06.358 Net acre.
- 17.06.360 New construction.
- 17.06.365 Nonaccess reservation.
- 17.06.370 Nonconforming use.
- 17.06.372 Nonconforming development.
- 17.06.375 Open space.
- 17.06.380 Owner.
- 17.06.385 Parcel.
- 17.06.390 Parking space.
- 17.06.395 Partition.
- 17.06.400 Partition land.
- 17.06.405 Pedestrian way.
- 17.06.410 Person.
- 17.06.415 Planning Commission.
- 17.06.416 Plat.
- 17.06.418 Porch, front.
- 17.06.419 Primary building wall.
- 17.06.420 Primary zoning district.
- 17.06.426 Property line adjustment.
- 17.06.430 Recreation vehicle park.
- 17.06.435 Recreation vehicle.
- 17.06.440 Residential home.
- 17.06.445 Residence.
- 17.06.450 Residential planned unit development
- 17.06.455 Residential zoning district.
- 17.06.460 Right-of-way.
- 17.06.465 Roadway.
- 17.06.470 Seasonal.

- 17.06.475 Section.
- 17.06.480 School, commercial.
- 17.06.485 School, primary, elementary, junior high or high.
- 17.06.491 Senior housing center.
- 17.06.492 Setback, front.
- 17.06.493 Setback, rear.
- 17.06.494 Setback, side.
- 17.06.496 Setback, street side.
- 17.06.497 Sidewalk.
- 17.06.500 Sign.
- 17.06.501 Sign, electronic message center.
- 17.06.503 Sign, monument.
- 17.06.504 Sign, segmented message.
- 17.06.506 Sign, tri-vision.
- 17.06.507 Story.
- 17.06.510 Story, half.
- 17.06.515 Street.
- 17.06.520 Structure.
- 17.06.525 Subdivide land.
- 17.06.530 Subdivision.
- 17.06.535 Temporary structure real estate offices.
- 17.06.537 Temporary structures.
- 17.06.540 Title.
- 17.06.542 Transit street.
- 17.06.545 Use.
- 17.06.548 Utility facility.
- 17.06.550 Utility substation.
- 17.06.551 Vacation rental.
- 17.06.553 Vacation occupancy.
- 17.06.555 Vegetation.
- 17.06.560 Vehicle.

* 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-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-household dwelling or accessory structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1289, 2000; Ord. 1515 §6, 2022

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.

17.06.141 Dwelling, multi-household.

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

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1515 §6, 2022.

17.06.142 Dwelling, detached single-household.

“Single-household dwelling unit” means a detached building containing one dwelling unit located on a single lot

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1515 §6, 2022.

17.06.143 Dwelling, two- household or “Duplex”.

“Two- household dwelling unit” means a detached or attached building containing two dwelling units on a single lot.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2, 1990; Ord. 1515 §6, 2022.

17.06.140 Dwelling unit.

“Dwelling unit” means one or more rooms for occupancy by one 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; Ord. 1515 §6, 2022.

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 no fewer than four detached dwelling units per acre with a 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.

History: Ord. 1515 §6, 2022.

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

Commented [FJ1]: Moved to be alphabetically correct for Household

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 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; Ord. 1515 §6, 2022.

[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

History: Ord. 1515 §6, 2022.

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 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; Ord. 1515 §6, 2022.

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 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; Ord. 1515 §6, 2022.

17.06.225 Hospitals

“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; Ord. 1515 §6, 2022.

[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.

17.06.231 Household.

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.~~

History:

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” is a dwelling that meets either of the following:

1. _____ A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
2. _____ A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, and that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

Commented [JF2]: City Attorney suggested modifying this definition to meet the statutory definition.

~~“Manufactured dwelling” means a single 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; Ord. 1515 §6, 2022.

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

17.06.330 Middle housing land division.

The partition or subdivision of a lot of record that is developed, or proposed to be developed, with middle housing dwelling units. The type of middle housing developed on the original lot of record is not altered by a middle housing land division. Middle housing land divisions are expedited land divisions that are subject to the process outlined in ORS 197.375.

Statutory Reference: ORS Ch. 197, Ch. 375

History

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 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; Ord. 1515 §6, 2022.

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

History: Ord. 1515 §6, 2022.

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; Ord. 1515 §6, 2022.

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-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; Ord. 1515 §6, 2022.

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-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 households desiring to live in an environment of single-household and middle housing dwellings .

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- household dwelling, including a manufactured dwelling.
- (2) 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

(b) The floor area of an accessory dwelling unit shall be a minimum of 220 square feet and not exceed ~~400~~ 800 square feet. Conversion of an existing basement to an ADU shall be exempt from the maximum size limit, provided that no new floor area will be added with the conversion;

(c) An accessory dwelling unit shall not contain more than two bedrooms;

(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-household dwelling, five- to eight-unit 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:

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

Front Setback	20 ft	Except that a front porch may project a maximum of five feet into a required front setback area
Side Setback	7.5 ft or 5 ft due to irregular shaped lots	
Street Side Setback	20 ft	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area
Interior side setback	5 ft	
Rear Setback	15 ft	Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached. 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). Setbacks for Manufactured homes in a mobile home park are subject to the standards in Section 17.62.070 (4).
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.	
	Cottage Clusters shall have a minimum density of 4 dwelling units per acre	
Maximum Density		
Detached single household dwelling	One dwelling unit per 7,200 square feet of lot area or eight units per net acre	This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units. Cottage Clusters and townhomes are exempt.
Middle Housing	None	
Sufficient Infrastructure	Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon	

	submittal of a residential development application.	
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(1) 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.

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. 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-household dwelling shall:

- (a) Face the street lot line. On a corner lot, the main entrance may face either street lot line or the corner; or
- (b) The main entrance shall open onto a covered porch that has an entrance that faces the street lot line. The porch and its roof shall each be at least 40 square feet in area and neither the width nor the depth shall be less than five feet.

(3) Curbs and Sidewalks. Provide curbs, associated drainage, and sidewalks within the right-of-way or easement for public roads and streets. Improvements installed by a developer, shall conform to the standards of this title, GMC Chapter 12.02 (street excavation requirements) and to any supplemental design and construction specifications adopted by the city for such improvements. This shall apply to new structures and Expedited Land Divisions as defined by ORS 197.360; with the following exceptions:

- (a) There is no existing sidewalks within 200 feet of the subject parcel, and no planned sidewalk network in the area as identified in the Transportation System Plan.
- (b) When sidewalks and other frontage improvements would be located on land with cross slopes greater than nine percent as shown on the site plan submitted with the building permit.

(4) Design Features. Single-household dwellings and duplexes, triplexes, quadplexes, townhomes, and cottage clusters shall include at least ~~two~~four 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~~six-twelve inches projection); ~~and~~
- (h) Offset on building face or roof (minimum 16 inches);
- (i) Recessed garage entrance for street-facing garage (minimum 16 inches);
- (j) Roof pitch of not less than three feet in height for each 12 feet in width; and
- (k) A garage or carport. The garage or carport can be attached (see 17.12.060(1)) or detached.

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(5) Foundations shall meet the following design standards:

~~(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;~~

~~(ab) 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; and~~

~~(b) 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; and-~~

~~(c) If the manufactured dwelling is placed/sits on a basement, the 12-inch limitation shall not apply.;~~

~~(e) 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;

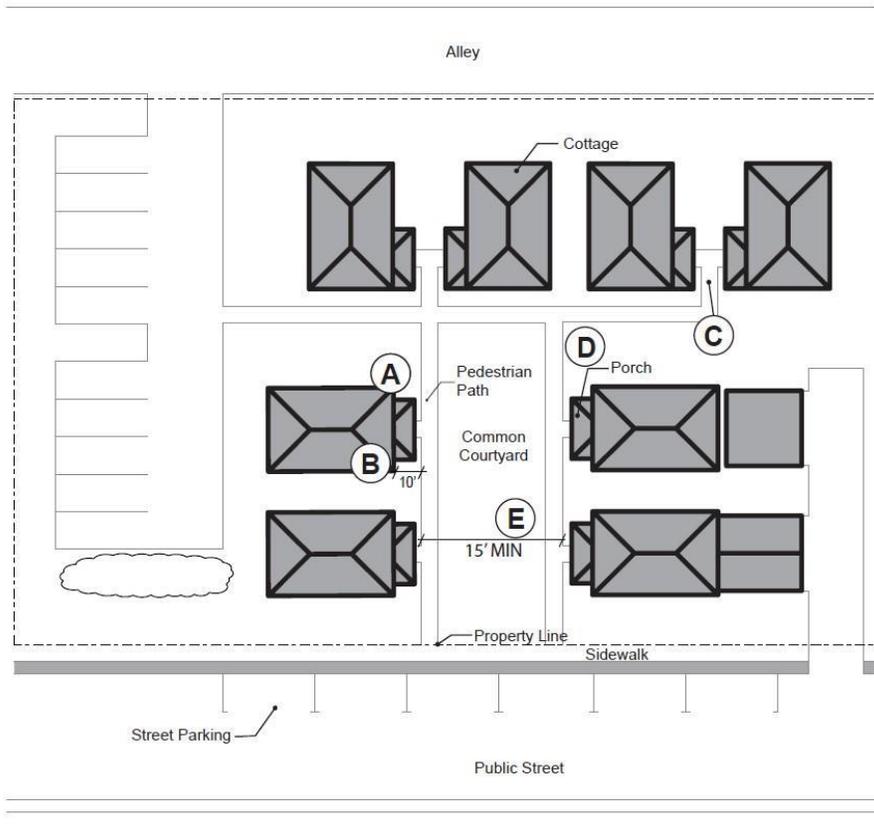
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(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-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 mixed single household and middle housing 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- household dwelling, including a manufactured dwelling.
- (2)-Middle housing.
- (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;

(b) The floor area of an accessory dwelling unit shall be a minimum of 220 square feet and not exceed ~~400~~ 800 square feet. Conversion of an existing basement to an ADU shall be exempt from the maximum size limit, provided that no new floor area will be added with the conversion;

(c) An accessory dwelling unit shall not contain more than two bedrooms;

(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, five-to-eight-unit 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:

Minimum Lot Area		
Detached single household	5,000 sf	
Duplex and Triplex	5,000 sf	
Quadplex	7,000 sf	

Cottage Cluster	7,000 sf	
Townhouse Project	5,000 sf	The average minimum lot area for a townhouse dwelling shall be 1,500 sf
Multi-household dwellings	2,500 sf per dwelling unit	
Other uses	5,000 sf	Or as established by the Planning Commission, as provided by GMC Chapter 17.70 (Conditional Uses).
Minimum Setbacks		
Front Setback	20 ft	Except that a front porch may project a maximum of five feet into a required front setback area
Side Setback	5 ft	
Street Side Setback	20 ft	Architectural features such as cornices, eaves, gutters, chimneys and flues may project a maximum of two feet into a required setback area Townhouse projects are allowed a zero-foot side setback for lot lines where Townhouse units are attached. 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).
Rear Setback	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		
Multi-household dwelling	At least 20% of the total area of the lot	The minimum area that must be left or planted with trees, shrubs, grass, etc.
Minimum Density	Cottage Clusters shall have a minimum density of 4 dwelling units per acre.	
Sufficient Infrastructure	Applicants must demonstrate that Sufficient Infrastructure is	

	provided, or will be provided, upon submittal of a triplex or quadplex development application.	
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(1) 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.

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-household dwelling or 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 household dwelling shall:

- (a) Face the street lot line. On a corner lot, the main entrance may face either street lot line or the corner; or
- (b) The main entrance shall open onto a covered porch that has an entrance that faces the street lot line. The porch and its roof shall each be at least 40 square feet in area and neither the width nor the depth shall be less than five feet.

(3) Curbs and Sidewalks. Provide curbs, associated drainage, and sidewalks within the right-of-way or easement for public roads and streets. Improvements installed by a developer, shall conform to the standards of this title, GMC Chapter 12.02 (street excavation requirements) and to any supplemental design and construction specifications adopted by the city for such improvements. This shall apply to new structures and Expedited Land Divisions as defined by ORS 197.360; with the following exceptions:

- (a) There is no existing sidewalks within 200 feet of the subject parcel, and no planned sidewalk network in the area as identified in the Transportation System Plan.
- (b) When sidewalks and other frontage improvements would be located on land with cross slopes greater than nine percent as shown on the site plan submitted with the building permit.

(4) Design Features. Detached single-household dwellings, duplexes, triplexes, quadplexes, townhomes, and cottage clusters shall include at least ~~two~~ four 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~~ six-twelve inches projection); ~~and~~
- (h) Offset on building face or roof (minimum 16 inches);
- (i) Recessed garage entrance for street-facing garage (minimum 16 inches); ~~and~~
- (j) Roof pitch of not less than three feet in height for each 12 feet in width; and

(k) A garage or carport. The garage or carport can be attached (see 17.12.060(1)) or detached.

(5) ~~Manufactured Dwellings. All manufactured dwellings on individual lots in this district~~Foundations 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;~~

~~(ba) 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; and-~~

~~(b) 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; and-~~

~~(c) If the manufactured home is placed~~dwelling sits on a basement, the 12-inch limitation shall not apply.;

~~(e) 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;

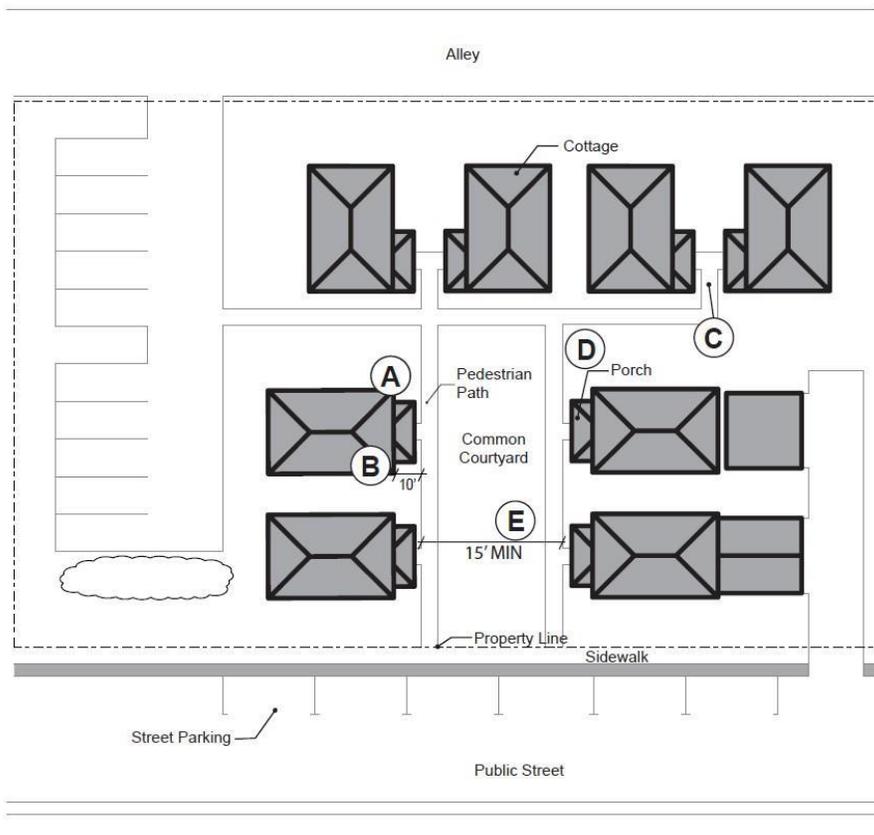
(B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(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 17.30
GENERAL PROVISIONS***

Sections:

17.30.010 Purpose.

17.30.020 Application of these procedures.

17.30.040 Land divisions and property line adjustments—Generally.

* Prior history:

17.30.030 **History:** Ord. [1131](#) §2, 1990; Ord. [1171](#) §1 (N), 1993; Repealed by Ord. [1323](#) §1, 2002.

17.30.010 Purpose.

The purposes of the review and approval procedures set forth in Chapter [17.30](#) through [17.40](#) shall be:

- (1) To guide future growth and development in accordance with the comprehensive plan and other related city ordinances.
- (2) To provide for an efficient process to review development.
- (3) To provide a framework by which development proposals are reviewed to insure safe, functional developments which are compatible with the natural and man-made environment.
- (4) To provide a review mechanism to resolve potential conflicts between development standards and between development and open space recourses.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. [1131](#) §2, 1990.

17.30.020 Application of these procedures.

The review and approval procedures set forth in GMC Division III (land divisions and property line adjustments) shall apply to the division of property for the purpose of current or future sale or development and to the adjustment of property lines between adjoining lots of record.

Statutory Reference: ORS Ch. 92, 197 and 227

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

17.30.040 Land divisions and property lines adjustments—Generally.

A land division or property line adjustment shall conform to the comprehensive plan and any plans supplementary to it, shall consider any preliminary plans and improvements made in anticipation thereof, and shall conform with state laws and this title.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1 (0), 1993; 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.]

17.30.040 Middle housing land divisions

A middle housing land division shall be reviewed as specified in 17.94.050(5).) An application for a middle housing land division shall be submitted as either a subdivision under 17.32 or a partition under 17.34, as applicable.

(1) Middle housing land divisions criteria. Middle housing land divisions shall be subject to the following requirements:

- (a) The property to be divided must be developed or proposed to be developed with middle housing that complies with the Oregon residential specialty code and the land use regulations applicable to the original lot or parcel.
- (b) The division must result in exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas:
- (c) Each dwelling unit shall have separate utilities.
- (d) Easements shall be provided for each dwelling unit for:
 - 1. Locating, accessing, replacing and servicing all utilities;
 - 2. Pedestrian access from each dwelling unit to a private or public road;
 - 3. Any common use areas or shared building elements;
 - 4. Any dedicated driveways or parking; and
 - 5. Any dedicated common area;
- (e) Each resulting lot shall be prohibited from further division.
- (f) Accessory dwelling units shall not be permitted on a resulting lot.
- (g) The type of middle housing developed on the original lot is not altered by a middle housing land division (e.g., a duplex remains a duplex even if it is divided along the common wall).

Commented [JS1]: Consider whether you would like to include specific requirements for what terms must be included in easements, such as maintenance and repair, cost-sharing, access, notice, damage, and disputes.

(2) Additional Submittal Requirements for Middle Housing Land Divisions. In addition to the submittal requirements found in 17.32.020, or 17.34.020 as applicable, an application for a middle housing land division shall include the following additional information:

(a). Demonstration that the property to be divided is developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022. If middle housing development is proposed, a copy of building permit applications and construction plans that have been submitted to or approved by the Building Codes Division shall be included in the application;

(b). Locations of the easements necessary for:

1. Locating, accessing, replacing, and servicing all dwelling units;
2. Pedestrian access from each dwelling unit to a private or public road;
3. Any common areas or shared building elements; and
4. Any shared driveways or parking; and

(c). Location of each middle housing dwelling unit, any other development on the lot or parcel, and location of all areas to be retained under common ownership.

(d). Demonstration that there are separate utilities for each dwelling unit;

(3) Combining plats. If a middle housing land division is approved for the lots or parcels included in an approved, unexpired preliminary plat for a subdivision, partition, or replat, then the final plat for the subdivision, partition, or replat and the final plat for the middle housing land division may be combined as a single final plat.

(4) Final plats for middle housing land divisions. If the final plat is for a middle housing land division, it shall contain a notation that the lots shown on the plat were created pursuant to a middle housing land division and may not be further divided.

(5) Extended review time. After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for a middle housing land division prior to the expiration of the 63-day period. The decision to extend the 63-day review period shall be based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no

case shall an extension be to a date more than 120 days after the application was deemed complete.
Upon approval of an extension, the provisions of ORS 197.360 to 197.380 and the Gladstone Municipal Code, including the appeal process, shall remain applicable to the middle housing land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

Chapter 17.32 SUBDIVISIONS*

Sections:

17.32.010 Applicability.

17.32.020 Tentative plan.

17.32.030 Final plat.

17.32.060 Land for public purposes.

* Prior history:

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

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

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

17.32.010 Applicability.

A subdivision is the division of a lot of record into four lots or more in one calendar year and shall be governed by this chapter.

Statutory Reference: ORS Ch. 92, 197 and 227

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

17.32.020 Tentative plan.

(1) **Submittal Requirement.** An application for a subdivision shall include a minimum of twelve (12) copies of a tentative plan drawn to scale and prepared by an Oregon registered professional engineer or professional land surveyor. The following information shall be provided on the tentative plan or, where it is impractical to include an item on the tentative plan, in a separate attachment:

- (a) Subdivision name that has been approved by the Clackamas County Surveyor in accordance with Oregon Revised Statutes 92.090;
- (b) Date the tentative plan was drawn;
- (c) North arrow;
- (d) Scale of drawing;

The Gladstone Municipal Code is current through Ordinance 1513, passed November 9, 2021.
Draft Amendments 9/23/22

- (e) Township, Range, Section and Tax Lot numbers of the subject property and any contiguous property under the same ownership as the subject property;
- (f) Complete names, addresses and telephone numbers of the property owner(s), applicant(s), engineer(s) and land surveyor(s);
- (g) Gross acreage of the subject property;
- (h) The locations, widths, names, approximate grades and radii of curves of all proposed streets and all existing or platted streets within or adjacent to the subdivision site. Include proposed new curbs and sidewalks. Include existing curbs and sidewalks where necessary to show a connection to new curbs and sidewalks;
- (i) Contour lines at two-foot (2') intervals for ground slopes less than ten percent (10%), five-foot (5') intervals for ground slopes between ten percent (10%) and twenty percent (20%) and ten-foot (10') intervals for ground slopes exceeding twenty percent (20%). Identify the source of the contour information;
- (j) The locations and direction of flow of all watercourses and areas subject to flooding, including boundaries of areas of special flood hazard regulated by GMC Chapter 17.29 (FM -flood management area district);
- (k) The location of natural features, such as rock outcroppings, wetlands, wooded areas and individual large trees;
- (l) Identification of existing uses of the subject property, including the location of all existing structures. Identify whether existing structures will remain on the property or be removed. When a structure will remain, identify its setbacks from new property lines;
- (m) The location of proposed and existing utilities within the subdivision and the location of adjacent off-site utilities to which on-site utilities will connect. Include water; sanitary sewer; storm drainage with width, depth and direction of flow of any drainage channels; gas; electric, including power poles; and other utilities;
- (n) Zoning of the subject property;

- (o) The location, including width, 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;
- (p) Proposed lots and tracts, including location, dimensions, area, lot numbers and, if applicable, tract letters;
- (q) Identification of the proposed use of any designated tracts within the subdivision;
- (r) A master plan, to include a tentative layout of possible future lots and streets, may be required when proposed lots or adjacent properties have the potential for additional land division (not applicable to middle housing land divisions);
- (s) A vicinity map showing the location of the subdivision relative to well-known landmarks in all directions, at a scale of one inch (1") equals two thousand feet (2,000') or some other scale that better depicts the area, at least four inches (4") by four inches (4");
- (t) The location of adjacent properties;
- (u) Proposed deed restrictions, if any;
- (v) Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction;
- (w) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil;
- (x) The location of any existing on-site sewage disposal systems and wells.

(2) Review. An application for a subdivision shall be reviewed pursuant to GMC Division VII (administrative procedures).

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1323 §1, 2002; Ord. 1334, §2, 2002.

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

The Gladstone Municipal Code is current through Ordinance 1513, passed November 9, 2021.
Draft Amendments 9/23/22

17.32.030 Final plat.

(1) Expiration of Approval. Approval of a tentative plan shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee, approved, and recorded with the County Clerk within one three years of the date of the final decision. If the City Administrator or designee's final decision is appealed, the approval period shall commence on the date of the final appellate decision. Upon request, the one three-year period may be renewed once by the Planning Commission for not more than one two years. The approval period extension is not applicable to middle housing land divisions.

Commented [JS1]: SB 458 does not allow an extension. You can either remove this entirely, or exempt middle housing divisions. If you want to include an option for extension in other scenarios, do you want to include any criteria or is it just automatic? If it's automatic, does it need to go to Planning Commission?

(2) Form and Content. The form and content of the final plat shall be consistent with relevant provisions of Oregon Revised Statutes Chapters 92 and 209.

(3) Review. Prior to recording, the final plat shall be submitted to the City Administrator, or designee, who shall review it to determine whether the subdivision as shown is substantially the same as it appeared in the approved tentative plan and whether there has been compliance with conditions of tentative plan approval.

(4) Approval. When satisfied that the final plat is consistent with the tentative plan approval and that compliance with conditions of tentative plan approval has been met, the City Administrator, or designee, shall sign the final plat.

(5) Filing. Following city approval of the final plat, the final plat shall be submitted to those Clackamas County officials who are required by state law to sign it. One copy of the recorded plat and two copies of the "as-builts" shall be submitted to the city.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1265 §1, 1998; 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.]

17.32.060 Land for public purposes.

If the city has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed one year from the date of approval of the subdivision plat.

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Gladstone Municipal Code
Chapter 17.32—Subdivisions

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990.

Chapter 17.34 PARTITIONS*

Sections:

17.34.010 Applicability.

17.34.020 Partitions—Generally.

17.34.025 Final plat.

17.34.030 Improvements.

* Prior history:

17.34.040 **History:** Ord. [1131](#) §2, 1990; Repealed by Ord. [1171](#) §1(R), 1993.

17.34.050 **History:** Ord. [1131](#) §2, 1990; Repealed by Ord. [1171](#) §1(S), 1993.

17.34.010 Applicability.

(1) A partition is the division of a lot of record into three or fewer parcels in one calendar year and shall be governed by this chapter.

(2) Except as provided in GMC Chapter [17.32](#) (subdivisions), no parcel in an approved partition may be divided in the same calendar year in which the final partition plat is recorded unless the initial partition created only two parcels and the second partition will create only one additional parcel.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. [1131](#) §2, 1990; Ord. [1171](#) §1(P) and §1(T), 1993; Ord. [1323](#) §1, 2002.

17.34.020 Partitions—Generally.

(1) **Submittal Requirements.** An application for a partition shall include a tentative plan drawn to scale. A minimum of five (5) copies of the tentative plan shall be provided with an application for a Type I partition. A minimum of twelve (12) copies of the tentative plan shall be provided with an application for a Type II partition. The following information shall be provided on the tentative plan or, where it is impractical to include an item on the tentative plan, in a separate attachment:

- (a) Date the tentative plan was drawn;
- (b) North arrow;
- (c) Scale of drawing;

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- (d) Township, Range, Section and Tax Lot numbers of the subject property and any contiguous property under the same ownership as the subject property;
- (e) Complete names, addresses and telephone numbers of the property owner(s), applicant(s) and person(s) who prepared the tentative plan;
- (f) Gross acreage of the subject property;
- (g) A general description of the topography of the subject property;
- (h) The locations, widths and names of all proposed streets and all existing or platted streets within or adjacent to the partition-site. Include proposed new curbs and sidewalks. Include existing curbs and sidewalks where necessary to show a connection to new curbs and sidewalks;
- (i) The locations and direction of flow of all watercourses and areas subject to flooding, including boundaries of areas of special flood hazard regulated by GMC Chapter 17.29 (FM -flood management area district);
- (j) The location of natural features, such as rock outcroppings, wetlands, wooded areas and individual large trees;
- (k) The location of proposed and existing utilities within the partition and the location of adjacent off-site utilities to which on-site utilities will connect. Include water; sanitary sewer; storm drainage with width, depth and direction of flow of any drainage channels; gas; electric, including power poles; and other utilities;
- (l) Zoning of the subject property;
- (m) The location, including width, 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;
- (n) Identification of existing uses of the subject property, including the location of all existing structures. Identify whether existing structures will remain on the property or be removed. When a structure will remain, identify its setbacks from new property lines;
- (o) Proposed parcels, including location, dimensions, area and parcel numbers;

(p) A master plan, to include a tentative layout of possible future lots and streets, may be required when proposed parcels or adjacent properties have the potential for additional land division (not applicable to middle housing land divisions);

(q) The location of any existing on-site sewage disposal systems and wells.

(2) Type I and Type II Partitions. A Type I partition is any partition where the proposed parcels conform to the dimensional standards of the zoning district in which the subject property is located, creation of a flag lot is not proposed and access will be provided from a local street. Any other partition is a Type II partition. Notwithstanding the foregoing, a middle housing land division shall be processed as specified in GMC 17.94.050(5).

(3) Review. An application for a partition shall be reviewed pursuant to GMC Division VII (administrative procedures).

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1171 §1(Q), 1993; Ord. 1179 §13, 1993; Ord. 1323 §1, 2002; Ord. 1334 §6, 2002.

17.34.025 Final plat.

(1) Expiration of Approval. Approval of a tentative plan shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee, approved, and recorded with the County Clerk within three years of the date of the final decision. If the City Administrator or designee's final decision is appealed, the approval period shall commence on the date of the final appellate decision. Upon request, the three-year period may be renewed once by the Planning Commission. The approval period extension is not applicable to middle housing land divisions;

Commented [JS1]: SB 458 does not allow an extension. You can either remove this entirely, or exempt middle housing divisions. If you want to include an option for extension in other scenarios, do you want to include any criteria or is it just automatic? If it's automatic, does it need to go to Planning Commission?

(+2) Form and Content. The form and content of the final plat shall be consistent with relevant provisions of Oregon Revised Statutes Chapters 92 and 209.

(23) Review. Prior to recording, the final plat shall be submitted to the City Administrator, or designee, who shall review it to determine whether the partition as shown is substantially the same as it appeared in the approved tentative plan and whether there has been compliance with conditions of tentative plan approval.

(34) Approval. When satisfied that the final plat is consistent with the tentative plan approval and that compliance with conditions of tentative plan approval has been met, the City Administrator, or designee, shall sign the final plat.

(45) Filing. Following city approval of the final plat, the final plat shall be submitted to those Clackamas County officials who are required by state law to sign it. One copy of the recorded plat shall be submitted to the city.

Statutory Reference: ORS Ch. 92, 197 and 227

History: 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.]

17.34.030 Improvements.

The same improvements shall be installed to serve each building site of a partition as are required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

Statutory Reference: ORS Ch. 92, 197 and 227

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

Chapter 17.64
DESIGN STANDARDS FOR LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS*

Section:

- 17.64.010 Applicability.**
- 17.64.020 Blocks.**
- 17.64.030 Building sites.**
- 17.64.040 Building lines.**
- 17.64.050 Large building sites.**
- 17.64.060 Maintenance of minimum title requirements.**

* Prior history:

17.64.070 **History:** Ord. [1131](#) §2, 1990; Repealed Ord. [1294](#)§1, 2000.

17.64.010 Applicability.

The design standards for land divisions and property line adjustments shall apply to all subdivisions, partitions, [middle housing land divisions](#), and property line adjustments.

Statutory Reference: ORS Ch. [197](#) and [227](#)

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

17.64.020 Blocks.

(1) General. The length, width and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated, consideration of the need for traffic safety, convenience, access, circulation and control, and recognition of limitations and opportunities of topography.

(2) Sizes. Full street connections shall be provided at intervals consistent with the adopted transportation system plan for the identified street classification, except as modified by GMC Sections [17.50.020](#) and [17.50.030](#)(2), or where prevented by topography, existing development, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.

(3) Easements:

(a) Utility lines. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 12 feet in width and

centered on rear or side lot lines at change of direction points of easements, except for guy wire tieback easements which shall be six feet wide by 20 feet long along lot lines.

(b) Middle Housing Easements. Easements shall be provided, as necessary, for each dwelling unit for:

1. Locating, accessing, replacing, and servicing all utilities;
2. Pedestrian access from each dwelling unit to a private or public road;
3. Any common use areas or shared building elements;
4. Any shared/dedicated driveways or parking; and
5. Any dedicated common areas.

Commented [FJ1]: Duplicate of what is found in 17.30. Is it needed here?

(bc) Watercourses. If a tract is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse and adequate in width for the purpose. Streets, parkways or greenways parallel to or integrated with major watercourses may be required.

(ed) Pedestrian and Bicycle Ways. Except as modified by GMC Section 17.50.030(2), in blocks over 800 feet in length, a pedestrian or bicycle way with a minimum width of 10 feet shall be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may be required. When desirable for public convenience, or when called for in the comprehensive plan, pedestrian ways may be required to connect cul-de-sacs, to pass through unusually shaped blocks, or to facilitate a linked system of pedestrian ways or greenways or bicycle ways.

(de) Greenways. When called for in the comprehensive plan, the Planning Commission may require the dedication, reservation or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Where appropriate, greenways may be combined with easements for utilities or watercourses.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1294 §1, 2000; Ord. 1483 §2 (Exh. 5), 2017.

17.64.030 Building sites.

(1) Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The width of a lot shall be at least 50 feet. The Gladstone Municipal Code is current through Ordinance 1513, passed November 9, 2021. Draft Amendments 8/16/22

feet except that corner lots shall have a width of at least 60 feet to permit appropriate building setback from both streets. Minimum lot depth in a residential district shall be 60 feet. In the case of irregular lots, the width shall be measured along the front building line. Except in Middle Housing Land Divisions or in a PUD development, in no case shall a lot area be less than the zoning district required. The Planning Commission may, when such a minimum in the case of multi-family-household dwelling subdivision development would result in a conflict with the minimum area requirements of the zoning ordinance, require larger minimum area requirement so as to conform to the zoning ordinance. These minimum standards shall apply with the following exceptions:

Commented [FJ2]:
Commented [JS3R2]: No, SB 458 does not allow for minimum lot sizes for middle housing land divisions.

(a) Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) Frontage. A lot shall have minimum frontage of 20 feet on a street other than an alley.

(3) Through Lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

(4) Lot and Parcel Side Lines. The lines of lots and parcels as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

(5) Middle housing land divisions. This section 17.64.030 does not apply to middle housing land divisions.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990; Ord. 1294 §1, 2000.

17.64.040 Building lines.

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or shall be included in the deed restrictions.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

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17.64.050 Large building sites.

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

17.64.060 Maintenance of minimum title requirements.

No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title, and no lot area, yard or other open space which is required by this title for one use shall be used as the required lot area, yard or other open space for another use.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2, 1990.

(2)

Chapter 17.92 APPEALS

Sections:

17.92.010 Appeal to Planning Commission.

17.92.020 Appeal to City Council.

17.92.030 Standing—Who may appeal.

17.92.040 Applicant appeal.

17.92.050 Form of notice.

17.92.010 Appeal to Planning Commission.

An appeal from a ruling or interpretation of the City Administrator or designee regarding a requirement of this title may be made only to the Planning Commission and must be accompanied by a filing fee.

(1) The decision of the City Administrator or designee shall become final unless appealed in writing within fifteen (15) days of the notice of decision except as provided for in paragraph 2 of this subsection.

(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.

(2) For middle housing land divisions and expedited land divisions are subject to the appeal process in ORS 197.375. The appeal shall be submitted within fourteen 14 days of the City Administrator's or designee's mailing of the written decision with a \$300 deposit for costs. If an appeal is not filed within the fourteen (14) day period, the decision of the City Administrator or designee shall be final.

Statutory Reference: ORS Ch. 92, 197 and 227

History: Ord. 1131 §2, 1990.

17.92.020 Appeal to City Council.

(1) A decision of the Planning Commission made pursuant to this title may be appealed to the City Council within fifteen (15) days after the mailing of the Planning Commission's written decision.

(2) Written notice of the appeal, along with a filing fee, shall be filed with the city.

(3) The notice of appeal should state in detail the nature of the decision, determination or requirements and the grounds upon which the applicant deems herself/himself aggrieved.

(4) If an appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final.

(5) If a timely appeal is filed, the City Council shall receive a copy of the Planning Commission's written decision and shall hold a public hearing on the appeal.

(6) The City Administrator or designee shall summarily reject an untimely filed appeal.

Statutory Reference: ORS Ch. 197 and 227

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

17.92.030 Standing—Who may appeal.

(1) Only parties with standing may appeal.

(2) To have standing to appeal a decision of the Planning Commission to the City Council, a party must have appeared orally or in writing before the Planning Commission.

(3) Signing a petition does not constitute an appearance.

(4) Any party given notice under GMC Subsection [17.94.050](#)(3) may appeal a decision of the City Administrator to the Planning Commission.

Statutory Reference: ORS Ch. 197 and 227

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

17.92.040 Applicant appeal.

(1) If an applicant appeals a decision of the City Administrator or Planning Commission, he/she shall submit the same application to the hearing body, other than changes necessary to effectuate any conditions of approval.

(2) No other view or revision designs or plans will be accepted.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. [1131](#) §2, 1990.

17.92.050 Form of notice.

(1) The notice of appeal shall contain the following:

- (a) A reference to the subject property;
 - (b) The application number;
 - (c) The date of the decision appealed from;
 - (d) The date of the notice of appeal;
 - (e) A statement of the appellant's qualification as a party with standing to appeal;
 - (f) The specific grounds for the appeal.
- (2) The notice must be actually received by the City Administrator or recorder or their designee within the time provided or it will be dismissed as untimely.
- (3) An appeal stays proceedings on the matter until final determination by the city.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. [1131](#) §2, 1990.

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.]

The Gladstone Municipal Code is current through Ordinance 1513, passed November 9, 2021.

[DRAFT Amendment 9/9/22](#)

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) Middle housing land divisions, whether submitted pursuant to GMC Subsections 17.32 and or 17.34, using the process specified in and 17.94.050(5);

(ed) Home occupations;

(de) Water quality resource area determinations pursuant to GMC Subsection 17.27.020(6);

(ef) WQ District permits pursuant to GMC Subsection 17.27.030 (2).

(g) Habitat Conservation Area permits pursuant to GMC Subsection 17.25.060(C)(3)

(h) Flood Management Area pursuant to GMC Subsection 17.29.070

(fg) Billboard permits;

(gh) Adjustments, pursuant to GMC Chapter 17.73.

Commented [FJ1]: Current code says: 17.25.060(c)3. An application for an HCA Development Permit shall be reviewed pursuant to Section 17.94.050 unless the application is filed concurrently with another land use application that requires review by the Planning Commission or City Council, in which case the applications will be consolidated and reviewed pursuant to Section 17.94.040. Do we want to also include it here for cross reference like the cross reference found for Water quality resource determinations?

Commented [JS2R1]: Good idea.

(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) Unless the applicant requests to use the procedures set forth elsewhere in this code, the following procedure will be used for an expedited land division, as described in ORS 197.360, or a middle housing land division, in lieu of all other procedural requirements described in this code:

(a) Review timeframe:

(1) If the application is incomplete, the city shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(2) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) Notice: The city shall provide written notice of the receipt of the completed application for a middle housing land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be

Commented [JS3]: Up to you whether you want to include all of this text here or just reference the statute. Same for the appeal process. If you're not going to just reference the statute, you should consider whether to add the language from ORS 197.370(2) regarding extending the 63 day period in case the city gets overwhelmed with applications at some point.

compiled from the most recent property tax assessment roll. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site. The City Administrator, or designee, shall produce an affidavit of notice.

(c) The notice required under subsection (b) of this section shall:

(1) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the city to respond to the issue.

(2) Set forth, by commonly used citation, the applicable criteria for the decision.

(3) Set forth the street address or other easily understood geographical reference to the subject property.

(4) State the place, date and time that comments are due.

(5) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(6) Include the name and telephone number of a city contact person.

(7) Briefly summarize the local decision-making process for the decision being made.

(d) After notice under subsections (b) and (c) of this section, the City Administrator or designee shall:

(1) Provide a 14-day period for submission of written comments prior to the decision.

(2) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the city's applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the city:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the city's basis for the determination.

(3) Provide notice of the decision to the applicant and to those who received notice under subsection (b) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (2)(B) of this subsection; and

(B) An explanation of appeal rights

(e) Appeal of a decision under this subsection shall be as described in 17.92.010(2)

Commented [JS4]: Update citation as needed.

~~(56)~~ 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.

Commented [FJ5]: Do you want to move this to the Appeals Section in 17.92? Similar details for appeals to Planning Commission Decisions are found in Section 17.92

Commented [JS6R5]: That makes sense to me.

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.

17.94.060 Planning Commission decisions.

(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;

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(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;

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(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.