



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/20/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Gresham Plan Amendment
DLCD File Number 010-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 01, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Stacy Humphrey, City of Gresham
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

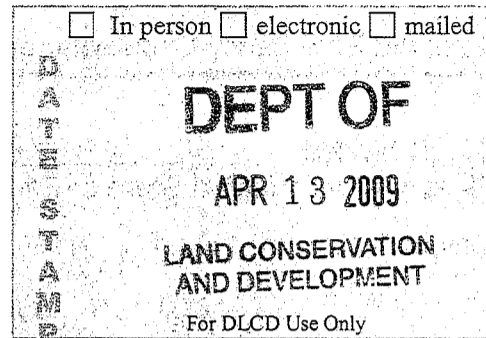
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FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Gresham**

Local file number: **CPA 08-291**

Date of Adoption: **4/7/2009**

Date Mailed: **4/10/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 11/26/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Updates to Definitions; rewrite of Proceures article to organize information by level of review (Type I- IV); clarification of different levels of Design Review; clarification on issues where both the Building Code and Develompent Code have information; removal of submittal requirements from the Code, consolidating them on checklists, and incorporating checklists into the Code by reference.

Does the Adoption differ from proposal? Yes, Please explain below:

Minor edits and rewording for clarification purposes in subsections 7.0003, 10.0202, 11.0103, and 11.0106; and introduction of a definition for "Plan Map" in Article III.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 010-08(17253)[15472]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: **Stacy Humphrey** Phone: **(503) 618-2202** Extension:
Address: **1333 NW Eastman Parkway** Fax Number: - -
City: **Gresham** Zip: **97030-** E-mail Address:
stacy.humphrey@ci.gresham.or.us

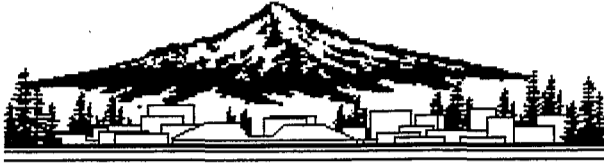
ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



*Urban Design & Planning Services
City of Gresham*

CERTIFICATION OF MAILING

FILE NO.: CPA 08-291

PROJECT: City of Gresham-Development
Code Improvement Project #2

I, TAMMY J. RICHARDSON, CERTIFY THAT I HAVE MAILED THE
ATTACHED NOTICE OF ADOPTION TO THE FOLLOWING PARTIES:

DLCD
Plan Amendment Specialist
635 Capitol Street, NE #150
Salem, OR 97301-2540

Metro
Growth Management
600 NE Grand
Portland OR 97232-2736

Carol Rulla
5162 SE 28th Drive
Gresham, OR 97080

SIGNATURE: Tammy J. Richardson

DATE OF MAILING: April 10, 2009

Proposed new text is double-underscored.
Proposed deleted text is ~~stricken through~~.

CB 03-09

ORDINANCE NO. 1670

AMENDMENTS TO VOLUME 3, DEVELOPMENT CODE, OF THE GRESHAM
COMMUNITY DEVELOPMENT PLAN, REGARDING THE DEVELOPMENT
CODE IMPROVEMENT PROJECT

Section 1. Volume 3, Development Code, Article II is amended as follows:

Proposed Text Amendment

2.0005 Posting Notice

~~A property where a development permit request has been made, and which involves a Type II, III, or IV procedure, shall be posted. The sign(s) will be provided by the City. An applicant shall sign an affidavit of posting after the property has been posted.~~

2.0008 Abatement and Penalty

~~Abatement and penalty provisions are those of Section 11.0601 (GRC Section 11.06.010).~~

- ~~(A) A person violating a provision of this Code is subject to a fine of not more than \$500. A violation is considered a separate violation for each day it continues.~~
- ~~(B) Violation of this code constitutes a nuisance. In addition to any other remedies, the Manager may enforce this Code by compliance order, stop work order, abatement proceedings, or civil action as provided in GRC Article 7.50, or as otherwise authorized by law.~~

2.0009 Fees and Deposits

All fees and deposits shall be set and adjusted by Council resolution.

Section 2. Volume 3, Development Code, Article III is amended as follows:

Article III is deleted in its entirety and replaced with a new Article III as follows. Changes in Article III, Definitions seek to do the following:

- Group definitions together that are used together. For example, definitions related to "Lot," "Lot Line," "Trees," and "Tree Related," are grouped so that the user may find pertinent definitions in close proximity to each other.*
- Consolidate definitions into Article III*
- Provide a list of Defined Terms*
- Remove definitions that are no longer used*
- Clarify definitions*

Categories that are more general – like "Lot" and "Tree definitions" are included within the General Definitions section of the Code. Categories that are more specific – like "Solar Related Definitions" of "Habitat Conservation Area Related Definitions" are listed after the General Definitions by category and apply only within the parameters of the category.

The overall impact of these changes will be to help the end user better navigate the Definitions. While the entire Article is proposed to be replaced, much of the language will remain the same. In order to show where changes from the existing Article III are anticipated, the underscore / ~~strikethroughs~~ are shown to proposed additions and removals only.

3.0001 General Provisions

The purpose of Article III is to define terms that are used frequently in the City of Gresham Development Code (Code) and to assist decision makers in interpreting and applying the Code. Those words used in the Community Development Code, shall be subject to the generally accepted dictionary definitions, unless otherwise noted in Section 3.0010. Those words listed in Section 3.0010 shall be subject to those definitions provided, unless the context clearly implies differently. In such cases, the context in which a term is used will indicate its intended meaning, and that intent shall control. Terms not defined here shall have their ordinary accepted meaning as identified in the latest edition of Webster's Dictionary of the English Language.

As used in this ordinance, "shall" and "must" are mandatory. "May" and "should" are permissive.

3.0002 List of Terms

Terms used in the Development Code are presented below. General terms that apply throughout the Code are listed in Section 3.0010. Terms that are specific to a Development Code section are listed after the General Terms. These categories are:

- A. Habitat Conservation Area Terms and Definitions. Section 3.0020
- B. HCA, ESRA, and Article V Terms and Definitions. Section 3.0030
- C. Solar Related Terms and Definitions. Section 3.0040
- D. Tree Related Terms and Definitions. Section 3.0050

If a term is defined in both the General Definitions and in a Section-specific category, the Section-specific definition shall be used if the application of the term is within the parameters of the Code Section.

The following pages show a list of the terms that are defined in the Definitions Article of the Development Code. Where a definition is in a category, the cross-reference to the category is specified. The Development Code Section-specific categories are listed at the end with the list of terms contained in the category specified under that header. The terms defined within a category are listed as bullet points.

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General Terms

A-Board Sign – See Signs
Abandoned Sign – See Signs
Abut
Access
Access Aisle
Accessory Dwelling – see Dwelling Unit
Accessory Structure – see Structure, Accessory
Accessory Use – see Use, Accessory
Accessway
Acreage, Net
Adjacent
Adjustments
Adult Foster Home – See Residential Homes
Agricultural Use
Alteration
Alteration, Structural
Amateur ("Ham") Radio
Ancillary Dwelling – see Dwelling Unit
Animated Sign – See Signs
Antenna
Antenna Support Structure
Apartment
Applicant
Aquatic Habitat – See HCA, ESRA, Article V Definitions, Section 3.0030
Arboriculture
Arborist

- Certified Arborist
- Consulting Arborist
- Qualified Arborist
- Registered Consulting Arborist

Arcade
Archaeological Object
Archaeological Site
Archaeologist
Areal Cover – See HCA, ESRA, Article V Definitions, Section 3.0030
Assisted Living Housing – See Elderly Housing
Attached Dwelling – see Dwelling Unit
Auto-Dependent Use
Awning Sign – See Signs
Balcony
Balloon Sign – See Signs

Banner Sign – See Signs
Baseline
Basement
Bed and Breakfast Inn
Bench Sign – See Signs
Berm
Block
Buffer Area
Buffer Tree – See Tree
Building
Building Area of Building Envelope
Building Code
Building Code Accessible
Building Coverage
Building Footprint
Building Height
Building Line
Building Site – See Habitat Conservation Area Definitions, Section 3.0020
Business Service
Caliper – See Tree Related Definitions, Section 3.0050
Campground
Carpool/Vanpool Parking
Carport
Ceiling Height
Certified Arborist – See Arborist
Change of Use – See Use, Change of
Child Caring Facility – See Residential Facility
Children's Play Equipment
Circulation Path
Citizen Band (CB) Radio
City
Civic Neighborhood Design District – See Design District
Clear Cutting – See Tree Related Definitions, Section 3.0050
Clear Vision Area
Clearing
Co-locate
Commercial Development
Commercial Parking Facility
Common Wall
Community Services
Comprehensive Plan – See Gresham Community Development Plan
Condominium
Condominium Unit
Condominium Conversion

Congregate Housing – See Elderly Housing
Consulting Arborist – See Arborist
Continuing Care Retirement Community – See Elderly Housing
Corner Lot – See Lot
Corridor Design District – See Design District
Cottage
Court
Courtyard
Courtyard Development
Critical Root Zone – See Tree Related Definitions, Section 3.0050
Crosswalk
Crown Cover – See Tree Related Definitions, Section 3.0050
Curb Cut
Curb Ramp
Customer
Dead-End Street
Deciduous
Deck
Dedication
Density, Net
Design District

- Civic Neighborhood Design District
- Corridor Design District
- Downtown Design District
- Pleasant Valley Design District
- Rockwood Design District
- Springwater Design District

Design District, Site Design
Design Guidelines
Design Principles
Design Standards
Design Storm
Detention
Development
Development Areas not Providing Vegetative Cover – See Habitat Conservation Area Definitions, Section 3.0020
Developed Flood Area – See Habitat Conservation Area Definitions, Section 3.0020
Development Permit
Development Site

Diameter Breast Height – See Tree Related Definitions, Section 3.0050
Digital Flood Insurance Rate Map (DFIRM)
Direct Illumination Sign – See Signs
Directional Sign – See Signs
District
Disturb – See Habitat Conservation Area Definitions, Section 3.0020
Disturbance Area – See Habitat Conservation Area Definitions, Section 3.0020
Double Frontage Lot – See Lot
Downtown Design District – See Design District
Dripline – See Tree Related Definitions, Section 3.0050
Drive-through Use
Driveway
Driveway Approach
Driveway, Shared
Duplex
Dwelling Unit

- Accessory Dwelling
- Ancillary Dwelling
- Attached Dwelling
- Single Family Dwelling
 - Single Family Attached Dwelling
 - Single Family Detached Dwelling
- Temporary Health Hardship Dwelling

Easement
Easement, General Utility
Ecological Features – See HCA, ESRA, Article V Definitions, Section 3.0030
Ecological Functions – See HCA, ESRA, Article V Definitions, Section 3.0030
Effective Impervious Area – See Habitat Conservation Area Definitions, Section 3.0020
Elderly Housing

- Assisted Living Housing
- Congregate Housing
- Continuing Care Retirement Community
- Immediate Care Facility
- Retirement Housing
- Skilled Nursing Facility (Nursing Home)

Electronic Message Center Sign – See Signs
Emergency – See HCA, ESRA, Article V Definitions, Section 3.0030
Employees
Engineer – See HCA, ESRA, Article V Definitions, Section 3.0030
Enhancement – See HCA, ESRA, Article V Definitions, Section 3.0030
Entry
Erosion – See HCA, ESRA, Article V Definitions, Section 3.0030
Erosion and Sediment Control Erosion Prevention and Sediment Control Manual
Erosion Prevention and Sediment Control Plan
Evergreen
Exit
Facade
Face of a Building
Face Sign – See Signs
Family
Fascia Sign – See Signs
Fast Food Service
Fence
Fill – See HCA, ESRA, Article V Definitions, Section 3.0030
Findings
Fin Sign – See Signs
Flag Lot – See Lot
Flag Pole – See Lot
Flap Sign – See Signs
Flashing Illumination Sign – See Signs
Fleet Vehicle – See Motor Vehicle
Flood or Flooding
Flood Areas – See HCA, ESRA, Article V Definitions, Section 3.0030
Flood, Base
Flood Insurance Rate Map (FIRM)
Flood Insurance Study
Flood Management Areas – See HCA, ESRA, Article V Definitions, Section 3.0030
Floodplain
Floodway
Floor Area
Floor Area Ratio

Forest Canopy – See HCA, ESRA, Article V Definitions, Section 3.0030
Free-Standing Sign – See Signs
Front Lot Line – See Lot Line
Front Yard – See Yard
Frontage
Future Street Plan
Galleria
Garage
Geologist, Registered
Grade
Green Street
Gresham Community Development Plan, or Community Development Plan
Gresham Public Works Standards
Ground Floor
Groundcover
Grubbing
Habitable Floor
Habitat Conservation Area or HCA – See Habitat Conservation Area Definitions, Section 3.0020
Habitat Friendly Development – See HCA, ESRA, Article V Definitions, Section 3.0030
Hazardous Tree – See Tree
Height Transition Area
Helicopter Landing Facility
Helicopter Trip
Hogan Cedar Tree – See Tree
Home Occupation
Hotel
Illumination Awning Sign – See Signs
Immediate Care Facility – See Elderly Housing
Imminent Hazard Tree – See Tree
Indirect Illumination Sign – See Signs
Infill Lots and Parcels – See Lot
Infiltration or Stormwater Infiltration
Installation Sign – See Signs
Interior Lot – See Lot
Intermittent Stream – See HCA, ESRA, Article V Definitions, Section 3.0030
Internal Illumination Sign – See Signs

Invasive Non-Native or Noxious Vegetation – See HCA, ESRA, Article V Definitions, Section 3.0030

Irregular Shaped Lot – See Lot

Joint Development

Kitchen

Laboratories/Research and Development Facilities

Land Division

Landing

Landscaping

Legal Description of Property Description

Level of Service (LOS)

Local Review

Lot

- Corner Lot
- Double Frontage Lot
- Flag Lot
- Flag Pole
- Infill Lots and Parcels
- Interior Lot
- Irregular Shaped Lot
- Rectilinear Lot
- Subdivision Lot

Lot Depth

Lot Line

- Front Lot Line
- Northern Lot Line
- Rear Lot Line
- Side Lot Line
- Zero-lot Line

Lot Line Adjustment

Lot of Record

Lot Width

Low Structure Vegetation or Open Soils – See Habitat Conservation Area Definitions, Section 3.0020

Maintain

Major Tree – See Tree

Maintenance Sign – See Signs

Manager

Mansard Wall Sign – See Signs

Manufactured Dwelling

Manufactured Dwelling Park

Market Area

Marquee Sign – See Signs

Master Plan

Medical Center/Hospital

Mini-Storage Facilities

Mitigation – See HCA, ESRA, Article V Definitions, Section 3.0030

Mixed Use (Civic Neighborhood)

Mixed Use Development

Mobile Drive-up Unit Sign – See Signs

Model Home

Motor Vehicle

- Fleet Vehicle
- Passenger Vehicle
- Truck

Moving Parks Sign – See Signs

Mulch

Multi-Business Complex Sign – See Signs

Multi-family Structure

Native Vegetation or Native Plant – See HCA, ESRA, Article V Definitions, Section 3.0030

Natural State

Nonconforming Development

Nonconforming Sign – See Signs

Nonconforming Use

Non-Woody Vegetation – See HCA, ESRA, Article V Definitions, Section 3.0030

Northern Lot Line – See Lot Line

North-South Dimension – See Solar Related Definitions, Section 3.0040

Nuisance

Nursery, Day or Child Care Center

Occupied Space

Offices

On-Site Directional Sign – See Signs

Open Space – See Habitat Conservation Area Definitions, Section 3.0020

Ornamental Tree – See Tree

Outdoor Advertising Sign – See Signs

Outdoor Commercial Use

Owner

Painted Highlights Sign – See Signs

Painted Wall Decoration Sign – See Signs

Painted Wall Sign – See Signs

Parapet or Parapet Wall

Parcel

Parking Lot Tree – See Tree

Partition Parcel

Parent Parcel or Parent Lot

Park and Ride Facility

Parking Lots

Parking Space

Parking Structure

Partition land

Passenger Vehicle – See Motor Vehicle

Pedestrian facilities

Pennant Sign – See Signs

Perennial Streams – See HCA, ESRA, Article V Definitions, Section 3.0030

Perimeter Tree – See Tree

Permanent Sign – See Signs

Person

Phased Development Project

Planned Development

Planter Strip

Plat

Plaza

Pleasant Valley Design District – See Design District

Porch

Portable Sign – See Signs

Premises

Practicable – See Habitat Conservation Area Definitions, Section 3.0020

Primary Building

Entrance/Entry

Primary Feeder Line

Principal Building

Principal Use, Primary Use Project

Projecting Sign – See Signs

Protected solar building line – See Solar Related Definitions, Section 3.0040

Pruning – See Tree Related Definitions, Section 3.0050

Public Community Park

Public Neighborhood Park

Public Multi-Use Paths

Public Open Space

Public Trails

Public Trail Access Points

Public Trail Easement

Public Trailheads

Public Urban Plaza

Public Walking / Hiking Trails

Public Use Areas

Qualified Arborist – See Arborist

Radio

Radio Frequency (RF) Energy

Radio Frequency (RF) Facility

Readerboard Sign – See Signs
Rear Lot Line- See Lot Line
Rear Yard – See Yard
Rectilinear Lot – See Lot
Redevelopment – See HCA, ESRA, Article V Definitions, Section 3.0030
Registered Consulting Arborist – See Arborist
Registered Residential Facility – See Residential Home
Regulated Tree – See Tree
Rental Unit
Repair Sign – See Signs
Reservation Line
Residential Care Facility – See Residential Facility
Residential Facility

- Child Caring Facility
- Residential Care Facility
- Residential Training Facility
- Residential Treatment Facility

Residential Homes

- Adult Foster Home
- Registered Residential Facility
- Residential Training Home
- Residential Treatment Home

Residential Training Facility – See Residential Facility
Residential Training Home – See Residential Home
Residential Treatment Facility – See Residential Facility
Residential Treatment Home – See Residential Home
Restaurant
Restoration – See HCA, ESRA, Article V Definitions, Section 3.0030
Retail Service
Retail Trade
Retirement Housing – See Elderly Housing
Revegetation
Right-of-Way
Riparian – See Habitat Conservation Area Definitions, Section 3.0020
Rockwood Design District – See Design District
Roof Sign – See Signs
Roof Line Sign – See Signs
Rotating Sign – See Signs

Routine Repair and Maintenance – See Habitat Conservation Area Definitions, Section 3.0020
Same Ownership
Satellite Receive-only Antenna
School, Commercial
School, Primary, Elementary or High
Service Station
Sensitive Species – See HCA, ESRA, Article V Definitions, Section 3.0030
Setback
Setback Adjustment – See Habitat Conservation Area Definitions, Section 3.0020
Severe Crown Reduction– See Tree Related Definitions, Section 3.0050
Shade– See Solar Related Definitions, Section 3.0040
Shade Point– See Solar Related Definitions, Section 3.0040
Shade Reduction Line– See Solar Related Definitions, Section 3.0040
Shade Tree – See Tree
Shadow pattern– See Solar Related Definitions, Section 3.0040
Shrub
Side Lot Line - See Lot Line
Sidewalk
Side Yard – See Yard
Significant Negative Impact – See Habitat Conservation Area Definitions, Section 3.0020
Significant Tree, Significant Grove – See Tree
Signs

- A-Board Sign
- Abandoned Sign
- Animated Sign
- Awning Sign
- Illuminated Awning Sign
- Balloon Sign
- Banner Sign
- Bench Sign
- Direct Illumination Sign
- Directional Sign
- Electronic Message Center Sign
- Face Sign
- Fascia Sign

- Fin Sign
- Flap Sign
- Flashing Illumination Sign
- Free-Standing Sign
- Indirect Illumination Sign
- Installation Sign
- Internal Illumination Sign
- Maintenance Sign
- Mansard Wall Sign
- Marquee Sign
- Mobile Drive-up Unit Sign
- Moving Parks Sign
- Multi-Business Complex Sign
- Nonconforming Sign
- On-Site Directory Sign
- Outdoor Advertising Sign
- Painted Highlights Sign
- Painted Wall Decoration Sign
- Painted Wall Sign
- Pennant Sign
- Permanent Sign
- Portable Sign
- Projecting Sign
- Readerboard Sign
- Repair Sign
- Roof Sign
- Roof Line Sign
- Rotating Sign
- Special Event Banner Sign
- Structural Alteration Sign
- Structure Sign
- Temporary Lawn Sign
- Temporary Rigid Sign
- Temporary Sign
- Under Marquee Sign
- Unsafe Sign
- Wind Sign
- Window Sign, Inside
- Window Sign, Outside
- Single Family Dwelling – See Dwelling Unit
- Single Family Attached Dwelling – See Dwelling Unit
- Single Family Detached Dwelling – See Dwelling Unit
- Single-Loaded Street Site
- Site Plan
- Skilled Nursing Facility – See Elderly Housing
- Slope, Cross
- Slope, Running
- Solar Access Development Permit – See Solar Related Definitions, Section 3.0040

Solar Access Height Limit – See Solar Related Definitions. Section 3.0040
Solar Energy Collecting Structure – See Solar Related Definitions. Section 3.0040
Solar Feature – See Solar Related Definitions. Section 3.0040
Solar Gain Line – See Solar Related Definitions. Section 3.0040
Solar Related Definitions - See Solar Related Definitions. Section 3.0040
South or South Facility – See Solar Related Definitions. Section 3.0040
Special Event Banner Sign – See Signs
Springwater Design District – See Design District
Stand - See Tree Related Definitions. Section 3.0050
Stands, Commercial
Steep Slopes – See Habitat Conservation Area Definitions. Section 3.0020
Stormwater Filtration
Stormwater Pre-Treatment Facility – See HCA, ESRA, Article V Definitions. Section 3.0030
Stormwater Runoff
Stormwater Treatment
Stormwater Quality Control Plan
Story
Story, First
Stream – See HCA, ESRA, Article V Definitions. Section 3.0030
Street, Road or Highway
Structural Alteration Sign – See Signs
Structural Sign – See Signs
Structure
Structure, Accessory
Subdivide Land
Subdivision Lot – See Lot
Substantial Improvement
Sunchart – See Solar Related Definitions. Section 3.0040
Temporary Health Hardship Dwelling – See Dwelling Unit

Temporary Lawn Sign – See Signs
Temporary Rigid Sign – See Signs
Temporary Sign – See Signs
Tenant
Tentative Plan
Top of Bank – See HCA, ESRA, Article V Definitions. Section 3.0030
Townhouse
Tract
Transit Facility
Transit Streets and Routes
Transit Supportive Use
Transportation Facility
Tree

- Buffer Tree
- Hazardous Tree
- Hogan Cedar Tree
- Imminent Hazard Tree
- Major Tree
- Ornamental Tree
- Parking Lot Tree
- Perimeter Tree
- Regulated Tree
- Shade Tree
- Significant Tree, Significant Grove
- Street Tree

Tree Protection Plan – See Tree Related Definitions. Section 3.0050
Tree Removal – See Tree Related Definitions. Section 3.0050
Tree Survey – See Tree Related Definitions. Section 3.0050
Tree Topping – See Tree Related Definitions. Section 3.0050
Tree Well – See Tree Related Definitions. Section 3.0050
Truck – See Motor Vehicle
Underground Injection Control System
Under Marquee Sign – See Signs
Undevelopable Area
Unsafe Sign – See Signs
Urban Development Value – See Habitat Conservation Area Definitions. Section 3.0020
Urban Services
Use, Accessory
Use, Change of

Utility Facilities – See Habitat Conservation Area Definitions. Section 3.0020
Variance
Vehicle Rebuilding
Vehicle, Recreation
Vehicle Repair
Vehicle Sales and/or Rental Lot
Vehicular Way
Walk, or Walkway
Wall
Water Dependent – See Habitat Conservation Area Definitions. Section 3.0020
Water Feature – See HCA, ESRA, Article V Definitions. Section 3.0030
Water Quality Manual
Water Quality Resource Area – See HCA, ESRA, Article V Definitions. Section 3.0030
Waters of the State – See HCA, ESRA, Article V Definitions. Section 3.0030
Watershed – See HCA, ESRA, Article V Definitions. Section 3.0030
Wet Weather Season
Wetland
Wind Sign – See Signs
Window Sign, Inside – See Signs
Window Sign, Outside – See Signs
Wood Vegetation – See HCA, ESRA, Article V Definitions. Section 3.0030
Wood Vegetation Area – See HCA, ESRA, Article V Definitions. Section 3.0030
Wholesale Activities
Yard

- Front Yard
- Rear Yard
- Side Yard

Zero Lot Line - See Lot Line

Habitat Conservation Area Terms

- Building Footprint
- Building Site
- Developed Areas not Providing Vegetative Cover
- Developed Flood Area
- Disturb

- Disturbance Area
- Effective Impervious Area
- Habitat Conservation Area or HCA
- Low Structure Vegetation or Open Soils
- Open Space
- Practicable
- Riparian
 - Class I Riparian Area
 - Class II Riparian Area
- Routine Repair and Maintenance
- Setback Adjustment
- Significant Negative Impact
- Steep Slopes
- Urban Development Value
- Utility Facilities
- Water-dependent

HCA, ESRA, Article V Terms

- Aquatic Habitat
- Areal Cover
- Ecological Features (or Features)
- Ecological Functions (or Functions)
- Emergency
- Engineer
- Enhancement
- Erosion
- Fill

- Flood Areas
- Flood Management Areas
- Floodplain
- Forest Canopy
- Habitat-friendly Development
- Intermittent Streams
- Invasive Non-native or Noxious Vegetation
- Mitigation
- Native Vegetation or Native Plant
- Non-Woody Vegetation (Herbaceous Plants)
- Perennial Streams
- Redevelopment
- Restoration
- Sensitive Species
- Stormwater Pre-treatment Facility
- Stream
- Structure
- Top of Bank
- Water Feature (Body)
- Waters of this State
- Water Quality Resource Area
- Watershed
- Woody Vegetation Area
- Woody Vegetation

Solar Related Terms

- North-South Dimension
- Protected Solar Building Line
- Shade
- Shade Point
- Shade Reduction Line
- Shadow Pattern
- Solar Access Development Permit
- Solar Access Height Limit
- Solar Energy Collecting Structure
- Solar Feature
- Solar Gain Line
- South or South Facility
- Sunchart

Tree Related Terms

- Caliper
- Clear Cutting
- Critical Root Zone
- Crown Cover
- Diameter Breast Height
- Dripline
- Pruning
- Severe Crown Reduction
- Stand
- Tree Protection Plan
- Tree Removal
- Tree Survey
- Tree Topping
- Tree Well

3.0010 General Terms and Definitions

A-Board Sign. See Signs.

Abandoned Sign. See Signs.

Abut. Contiguous to; adjoining with a common boundary line or right-of-way.

Access. The place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.

Access Aisle. Is an accessible pedestrian space between elements, such as parking spaces, seating and desks, that provides clearances appropriate for use of the elements.

~~Accessible. Describes a site, building, facility, or portion thereof, that complies with the guidelines in Chapter 11 of the Oregon State Structural Specialty Code on Accessibility.~~

Accessory Dwelling. See Dwelling Unit.

Accessory Structure. See Structure, Accessory.

Accessory Use. See Use, Accessory.

~~Accessway. A pathway designed for pedestrian and bicycle movement to provide direct and continuous access between transportation facilities and points of interest. Pedestrian/bicycle accessways are paved pathways which provide direct and continuous pedestrian and bicycle passage through blocks. They are designed to provide continuous pedestrian/bicycle routes by connecting a public street to another public street or a residential area, neighborhood activity center, an industrial or commercial center, a transit facility, a park, a school, open space, or a trail facility.~~

Acreage, Net. The area proposed for development measured to the property lines of the parcel(s) or development site boundary or lot after all deductions are made. Deductions include the area of the area of streets, existing and proposed common easements for access, and new street dedications.

~~Address. A means by which a property, structure, or unit within a structure is identified. This identification reflects a reference point based on a grid system.~~

~~Address Grid (Grid) (Grid Lines) (Grid System). An address matrix, consisting of imaginary lines perpendicular and parallel to base lines to indicate block number changes.~~

Adjacent. Near or close. For example, an Industrial District across the street from a Residential District shall be considered as "adjacent."

Adjustments. Modifications and reductions or additions to code standards which do not include variances.

~~Adult Foster Care Home. (See Residential Homes—Adult Foster Homes).~~

Agricultural Use. The term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry; it does not include the operation of a feed lot or other commercial feeding of animals.

Alteration. An "alteration" may be a change in construction or a change of occupancy. Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of trade or use to another.

Alteration, Structural. Any change or repair which would tend to prolong the life of to the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

Amateur ("Ham") Radio. Radio facilities operated for non-commercial purposes by licensed individuals interested in the construction and operation of radio equipment, usually as a hobby or avocation.

The FCC definition is "A radio communication service established by the federal government for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without a pecuniary interest."

Ancillary Dwelling. *See Dwelling Unit*

Anchor Store. A major store, typically a department store in a downtown or regional shopping center, that exerts the prime attractive force to draw customers to a shopping center from its market area.

Animated Sign. *See Signs.*

Antenna. A structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services, system of electrical conductors for radiating or receiving radio waves; commonly consists of a metal rod, wire panel or dish mounted on a supporting tower, pole, mast or other structure.

Antenna Support Structure. A tower, pole, mast, building, or other structure deemed to be a structure under the Uniform Building Code of the State of Oregon that is intended to support an antenna, a source of RF energy and accessory equipment.

Apartment. Any building or portion thereof located on a single lot which is designed or built, rented, or leased, and occupied as residence of three or more families, living and cooking independently of each other and doing their own cooking in the said building.

Applicant. A person submitting an application for development, a permit, or other required approval under the Code. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner, including a developer.

Aquatic Habitat. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Arboriculture. The care and maintenance of trees.

Arborist. A person possessing the education and technical competence through experience and related training to provide for or supervise the management of trees or other woody plants in a landscape setting.

- **Arborist, Certified Arborist.** A tree care technician who has passed certifying exams and holds current status as a Certified Arborist through the International Society of Arboriculture (ISA). A Certified Arborist is qualified to prune, treat, or remove trees but is not considered a Qualified Arborist.
- **Arborist, Consulting Arborist.** A professional in arboriculture who is a member of the American Society of Consulting Arborists (ASCA) or International Society of Arboriculture (ISA) and is qualified to bring a comprehensive, objective viewpoint to the diagnosis, appraisal, and evaluation of arboricultural issues.
- **Arborist, Qualified Arborist.** A professional in arboriculture who has demonstrated professional expertise by membership in the consulting arborist's professional organization (ASCA) and is qualified to provide expert testimony about various issues relating to trees and other woody plants. (See Arborist, Consulting, and Arborist, Registered Consulting).
- **Arborist, Registered Consulting Arborist.** A Consulting Arborist who has completed additional requirements beyond those for basic membership in the ASCA and been recognized by the ASCA as having superior experience and expertise in the field of arboriculture.

Arcade. A covered pedestrian passageway or walkway, especially one lined with shops or store fronts; an arcade may be completely enclosed, partially enclosed, or an open air walkway. The arcade must be accessible for public circulation purposes.

Archaeological Object. An object that is at least 75 years old; comprises the physical record of an indigenous and subsequent culture; and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products, and dietary by-products.

Archaeological Site. A geographic locality, including but not limited to submerged and submersible lands, that contains archaeological objects and the contextual associations of the archaeological objects with each other, or biotic or geological remains or deposits.

Archaeologist. A person having the following qualifications:

1. A post-graduate degree in archaeology, anthropology, history, classics or other germane discipline with a specialization in archaeology or a documented equivalency of such a degree;
2. Twelve weeks of supervised experience in basic archaeological field research, including both survey and excavation and four weeks of laboratory analysis or curating; and
3. Has designed and executed an archaeological study, as evidenced by a Master of Arts or Master of Science thesis, or report equivalent in scope and quality, dealing with archaeological field research.

~~**Archival Quality.** Permanent; Having an image based on a silver halide emulsion.~~

~~**Area of Special Flood Hazard.** The land in the flood plain within the city subject to a one percent or greater chance of flooding in any given year.~~

~~**Areal Cover.** See HCA, ESRA, Article V Definitions, Section 3.0030.~~

~~**Assisted Living Housing.** See Elderly Housing~~

~~**Attached Dwelling.** See Dwelling Unit~~

Auto-Dependent Use. A retail service use which provides direct services for motor vehicles where the customer may or may not wait at the site while the service or repair is being performed. Examples of auto-dependent uses are service stations, car washes, quick lubrication services, vehicle repair, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing, and tire sales and mounting. Auto-dependent use does not include auto sales lots.

~~**Awning Sign.** See Signs~~

~~**Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports and is surrounded by a railing or balustrade.~~

~~**Balloon Sign.** See Signs~~

~~**Banner Sign.** See Signs~~

~~**Baseline.** For purposes of addressing, the origination point of a grid system.~~

Basement. A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

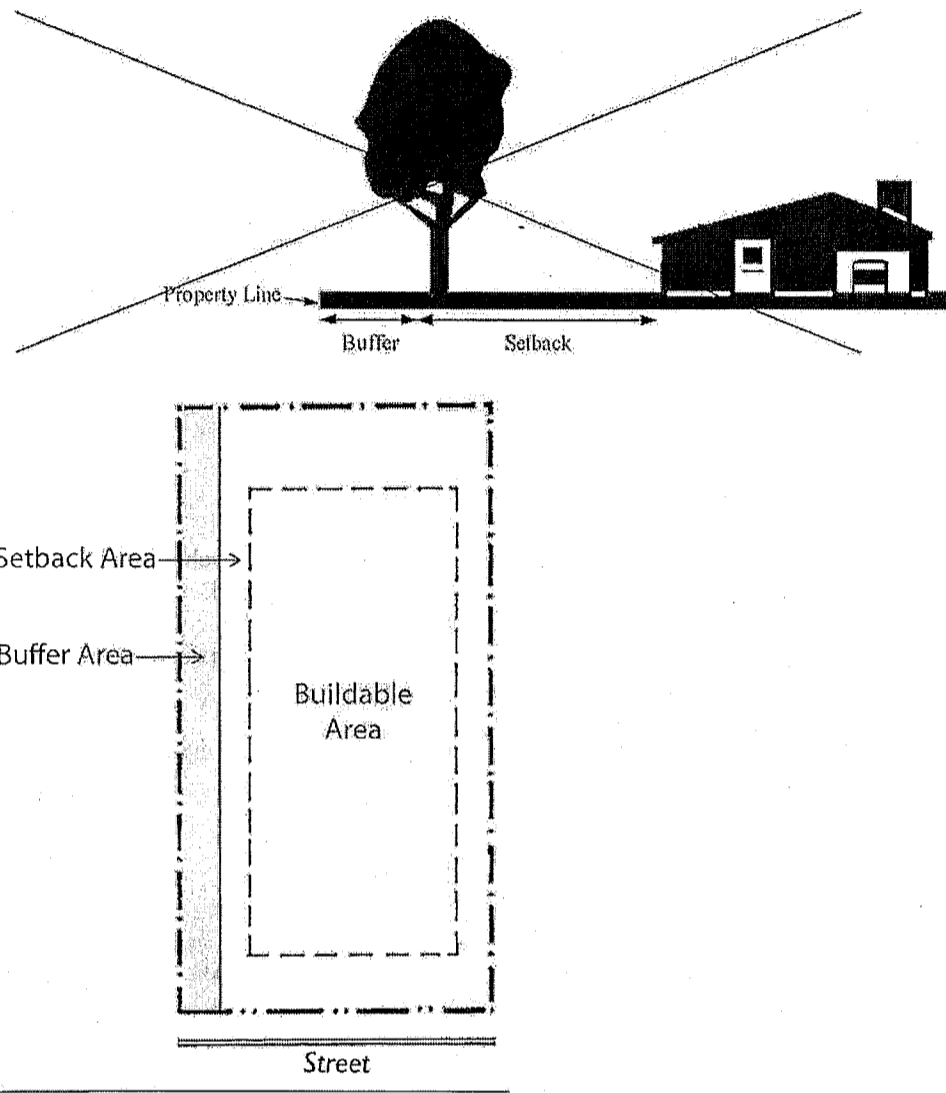
Bed and Breakfast Inn. A structure occupied as a single family residence in which sleeping rooms and a breakfast meal for overnight guests are provided on a daily or weekly basis for a fee.

~~**Bench Sign.** See Signs~~

Berm. An earthen mound with landscaping designed to provide visual interest, screen undesirable views, provide drainage, and/or decrease noise.

Block. A parcel of land bounded by streets, railroad rights-of-way, parks, unsubdivided acreage, or a combination thereof.

Buffer Area. The horizontal distance generally adjacent to a property line which includes vertical elements which may include berms, plants, fences or walls and which may be occupied by screening, utilities, and landscaping materials.



Buffer Tree. *See Tree*

Building. Any structure with a roof built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. *See also "Structure."*

Building Area or Building Envelope. The area of a lot, exclusive of setbacks, easements and other restrictions, where buildings may be constructed.

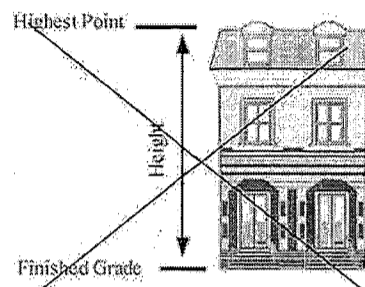
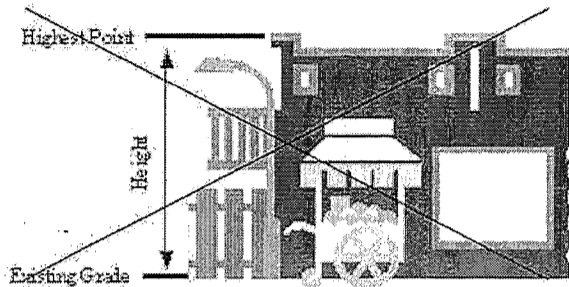
Building Code. The City of Gresham Building Code as adopted in the Gresham Revised Code Article 10.05.

Building Code Accessible. Describes a site, building, facility or portion thereof, that complies with the guidelines for accessibility in Chapter XI of the Building Code.

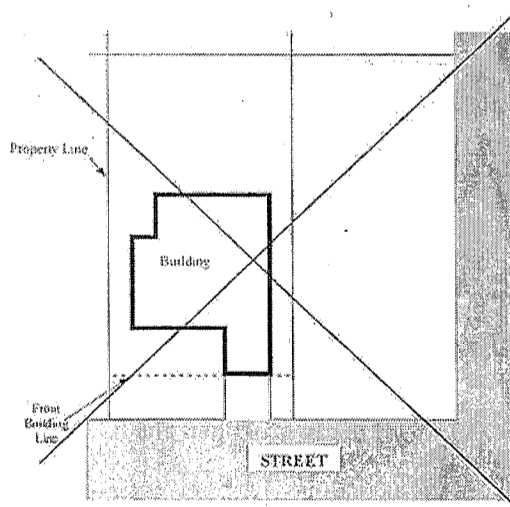
Building Coverage. That percentage of the total lot area covered by buildings, including covered parking areas.

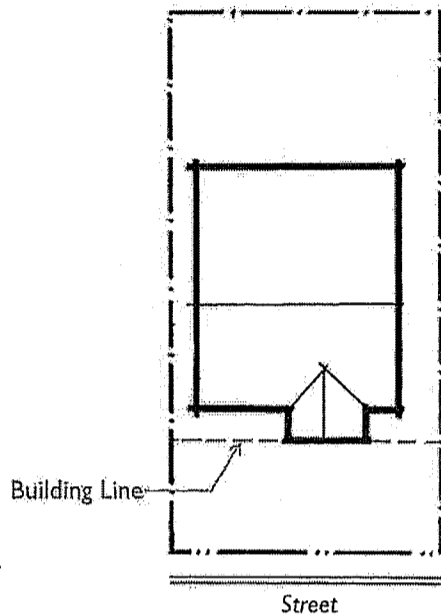
Building Footprint. The total area of the building ground floor measured from the exterior faces of the building. *See also Section 3.0020 for Building Footprint as it applies to the Habitat Conservation Area.*

Building Height. The vertical distance from the average elevation of the finished grade to the highest point of the structure (see also "Grade").



Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.





Building Site. See Habitat Conservation Area Definitions, Section 3.0020

Business Service. Establishments engaged in rendering services to other businesses on a fee or contract basis, such as advertising, data processing, employment services, and consulting services.

Caliper. See Tree Related Definitions, Section 3.0050.

Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units or recreational vehicles as temporary living quarters for recreation, education, or vacation purposes.

Carpool/Vanpool Parking. Is A parking space for a vehicle with two 2 or more riders which travel to and from an employment destination.

Carport. A roofed structure open on at least two sides, designed for or occupied by private passenger vehicles. Carports shall not include structured parking. See also "Garage."

Ceiling Height. The clear vertical distance from the finished floor to the finished ceiling.

Cellar. ~~That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this article) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling (See definition of Story).~~

Certified Arborist. See Arborist.

Change of Use. See Use, Change of.

Child Caring Facility. See Residential Facility.

Children's Play Equipment: A manufactured play structure on public or private land that is of commercial quality.

Circulation Path. Is an An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways and stair landings.

Citizen Band (CB) Radio. Two-way radio facilities operated for short-range personal and business communication at low power levels (15 W PEP TPO maximum) in the 27 megahertz (11 meter) band, without necessity of federal license, pursuant to 47 CFR Part 95.

City. The City of Gresham.

Civic Neighborhood Design District. See Design District.

Clear Cutting. See Tree Related Definitions, Section 3.0050.

Clear Vision Area. A triangular area at the intersections of streets with another street or with railroads or driveways or streets and a railroad that is kept clear of structures and/or vegetation The purpose of the area is to provide for purposes of drivers and bicyclists with having an unobstructed cross-view for purposes of traffic safety (see Section 9.0200 for Clear Vision standards).

Clearing. The act of removing vegetation or an existing impervious surface, such as but not limited to asphalt, concrete or buildings, so that bare earth or other surface that could potentially erode is exposed to the elements.

Co-locate. The location of two or more antennas operated by separate providers on the same support structure.

Commercial Development. Offices and clinics; retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption; retail services establishments providing services or entertainment to the general public such as eating and drinking places, hotels, motels, banks, theater; business establishments engaged in rendering services to other businesses on a fee or contract basis, such as advertising, data processing, employment services, and consulting services.

Commercial Parking Facility. Any parking lot or structure used for the sole purpose of pay for paid parking not associated with any other use.

Common Wall. A continuous unbroken interior wall of at least 10 feet in length separating functional spaces of multiple attached dwellings. It must be a fire rated wall extending from foundation to or through the connected roof as required by applicable building codes. Other non-common wall sections for each unit need to be offset enough to meet normal yard setbacks.

Community Services. Public, semi-public, and certain private and non-profit uses that primarily serve the general public and are generally permitted in most land use districts. Community Services include public and private schools, churches, government facilities, utilities, cemeteries, parks, and other similar uses as listed in Section 8.0100 – Community Services.

Comprehensive Plan. See Gresham Community Development Plan

~~Documents intended to guide land conservation and development actions, including the Findings Report, Community Development Plan (Volumes 1 and 2), Community Development Code and any subsequent plans or implementing ordinances within the meaning of ORS.197.~~

Condominium. Any existing structure containing one or more housing dwelling units which is: a) subject to of a declaration filed pursuant to ORS 100.005 to 100.990 and or; b) in which there is a private ownership of individual units and common ownership of common areas.

Condominium Conversion of Condominiums. The filing of a declaration pursuant to ORS 100.005 to 100.990, or the sale by a declarant or condominium units that were previously rental units. This is also known as conversion to unit ownership.

Condominium Unit. Any housing dwelling unit in a condominium.

~~Conservation/Maintenance Plan. A plan required for private open space areas as part of Planned Development proposals. The intent of this plan is that includes the following: identification and contact information of the party responsible for maintenance and oversight of the open space area, whether the open space area is to be actively or passively maintained and/or conserved, specific maintenance anticipated (as applicable) and timing thereof, anticipated conservation measures, vegetation renewal or replacement plans, nuisance and/or dangerous vegetation removal plans, etc. (See Section 6.0310 for additional considerations). Such plans as are approved by the City shall be maintained and implemented by the property owner and kept as part of the City's site development file for the duration of the existence of the private open space area.~~

Consulting Arborist. See Arborist.

~~Conversions of Cooperatives. The execution of a lease agreement a member of a cooperative association.~~

~~Cooperative. Any existing structure, including surrounding land and improvements, which contains one or more housing units and which: a) is owned by an association organized pursuant to ORS 100.005 to 100.990; or b) is owned by an association with resident shareholders who are granted renewable leasehold interests in housing units in the building.~~

~~Cooperative Unit.~~ Any housing unit in a cooperative.

~~Congregate Housing.~~ See *Elderly Housing*.

~~Continuing Care Retirement Community.~~ See *Elderly Housing*.

~~Corner Lot.~~ See *Lot*.

~~Corridor Design District.~~ See *Design District*.

Cottage. A detached single-family dwelling with a building footprint of 900 square feet or less. Cottage homes are generally rectangular and one-story and may be used as a single-family dwelling or in conjunction with other dwelling units as part of a Planned Development.

Court. An open, unoccupied space extending not more than 24 inches below finish grade and bounded on two or more sides by the walls of the building. An inner court is a court entirely within the exterior walls of a building. All other courts are outer courts.

Courtyard. An open and uncovered space that is typically landscaped and includes walkways and lawn or garden ornamentations, is pedestrian friendly, is either enclosed or bordered on at least three sides by a building or buildings, and is at grade with said building(s). Courtyards are generally larger and more multifunctional than courts (see also "Court").

Courtyard Development. A development consisting of a single building or multiple buildings that border an open area, court, or courtyard, on three or more sides. The courtyard area may or may not be open to the street and is generally landscaped and includes walkways, but does not include parking areas or vehicle access ways. Courtyard developments may contain attached housing (multi-family or condos), single family attached housing, community services, commercial or mixed uses.

~~Critical Root Zone.~~ See *Tree Related Definitions, Section 3.0050*.

~~Crosswalk.~~ A portion of the public right-of-way used primarily for pedestrian travel through or across any portion of a transportation facility.

~~Crown Cover.~~ See *Tree Related Definitions, Section 3.0050*.

~~Cul-de-sac, Permanent.~~ A short dead-end street with a circular turnaround at the end. The street is not designed to be extended at a future date as part of a phased subdivision development or designated future street plan.

~~Curb Cut.~~ The entire variation from curb grade, including driveway approach and driveway wings, the area of transition from the sidewalk and curb grades to the driveway approach ramp grades.

~~Curb Ramp.~~ An area, typically part of a pedestrian accessible route, designed to transition non-vehicular traffic from one elevation to another, such as sidewalk transitions to street crossings. Curb Ramps are limited to maximum running slopes of 1:12 and cross slopes of 1:50.

Customer. An individual who purchases, or is looking to purchase, goods and/or services for themselves, family members, or others. For home occupations, customer visits shall be measured in terms of trips per day.

~~Customer Trips Per Day.~~ The amount of trips in a day that a vehicle containing a customer (irregardless of the number of passengers), a customer as a pedestrian, or a customer utilizing a bicycle makes in traveling to and from a specific business or home occupation destination. For the purpose of this definition, "to" and "from" equals two trips.

~~Dead-End Street.~~ A street or series of streets which can be accessed from a single street only one point. Dead-end streets can be either temporary (intended for future extension as part of a future street plan) or permanent. Permanent dead-end streets must provide adequate turn-around capability.

Deciduous. A plant with foliage that is shed annually.

~~Deck.~~ An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Dedication. The designation or transfer of land by its owner for any general or public use.

Density, Net. The number of dwelling units per unit of land is expressed as the number of square feet of land per dwelling unit. The net density for any lot is computed by dividing the net square footage of the parcel by the number of dwelling units. The net square footage is determined by subtracting from the total square footage of the parcel that area deemed necessary for street dedication and, for development in the LDR-5, LDR-7, TLDR and TR Districts, that area used for private streets and common driveways. The land area dedicated without compensation for the widening or the extension of a public street may be included in calculating the number of attached dwelling units permitted on a lot in all other districts. Accessory and ancillary dwelling units do not count towards density requirements. For the purpose of calculating minimum net density, the Habitat Conservation Area (HCA) and areas with slopes of 25% and greater are also deducted from the total square footage of a parcel.

The table on the following page is proposed to be removed. It shows thresholds for Design Commission review in the Design Districts. The Design Commission is in the process of creating goals, policies principles, and standards for Design Review. The Design Commission is also in the process of articulating what its role will be in reviewing applications. Once this work is completed, the review thresholds will be re-incorporated into the Design Review by Design Commission.

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Table 3.0010 — DESIGN COMMISSION DESIGN REVIEWS

AREAS	Review Type—Clear and Objective Standards				Review Type—Discretionary Guidelines
	1	2	3	4	
Reekwood Design District	X	X	X	-	X
Downtown Design District	X	X	X	-	X
Civic Neighborhood Design District	X	X	X	-	X
Corridor Design District	-	X	X	X	X
Pleasant Valley Design District	X	X	X	-	X
Springwater Design District	X	X	X	-	X
1	Commercial, Community Service or Mixed Use Developments with either 10,000 square feet of new floor area or 50 feet of building frontage on a street including new buildings or additions to existing buildings.				
2	Residential Only Developments with 10 units or greater unless adjacent to LDR (Low Density Residential) or TDDR (Transit Low Density Residential) in which case Residential Only Developments of 5 units or greater.				
3	Community Service—All Public Buildings				
4	Commercial, Community Service or Mixed Use Developments equal to or greater than 20,000 square feet or 50 feet of building frontage on a street including new buildings or additions to existing buildings.				
5	Any proposal where the applicant chooses to pursue a discretionary review.				

Design District. Provides guidelines and standards for development activity in clearly defined special design areas. It can be used to ensure the conservation, continuity, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district and to promote quality development in centers, near transit facilities, and similar areas. Six initial design districts are generally described as:

- **Civic Neighborhood Design District** is generally all of the Civic Neighborhood Plan District; Station Center (SC) lands south side of Division and west of Eastman; Community Commercial (CC) land north of Burnside and west of Eastman; and Transit Low Density Residential (TLDR) and Corridor Mixed Use (CMU) west of Eastman along Division.
- **Corridor Design District** is generally those corridor districts -- Corridor Multi-Family (CMF); Corridor Mixed Use (CMU); Moderate Commercial (MC) and Community Commercial (CC) that are not included in another Design District.
- **Downtown Design District** is generally all of the Downtown Plan District (DPD) lands; Station Center (SC) lands that are on the east side of Eastman north of Division and south of Burnside, and north side of Division north of the DPD; Community Commercial (CC) lands that are north of Division, north and south of Burnside and east of Eastman; Corridor Mixed Use (CMU) on both the north and south side of Burnside, east of Eastman and Transit Low Density Residential (TLDR) north of Division and south of Burnside, east of Eastman.
- **Pleasant Valley Design District** is generally the Pleasant Valley Town Center (TC-PV).
- **Rockwood Design District** is generally the Rockwood Town Center (RTC) lands and the Station Center (SC) lands along the MAX line from the west City limits to Birdsdale including the SC-Ruby Junction (SC-RJ) lands.
- **Springwater Design District** is generally the Springwater Village Center (VC-SW) and the abutting Townhouse Residential (THC-SW) land to the east of the VC-SW.

Design District, Site Design Review. Within a design district two options are available for site design review. One is to meet the requirements of the design standards. The second is to meet the requirements of the design guidelines. Larger developments that propose to meet the design standards or any development that proposes to meet the design guidelines will be reviewed by the Design Commission at a public hearing. Smaller developments that propose to meet the design standards will receive an administrative review by the Manager. Larger developments may include:

- Residential development with: five (5) or more units if the proposal is adjacent to or within the LDR-5, LDR-7, TR, or TLDR districts; or ten (10) or more units if adjacent to other land use districts; a threshold number of units;
- Mixed-use, community service use, and commercial developments with either 10,000 square feet of new floor area (20,000 square feet in the Corridor Design District) or 50 feet of building frontage on a street including new buildings or additions to existing buildings; a threshold size; and
- All public building community services uses. The initial threshold for Design Commission review authority in Design Districts is shown in Table 3.0010 Design Commission Design Review.

Design Guidelines. A set of design parameters for development in design districts that are based on the established design principles. The design guidelines are discretionary in nature, provide a statement of intent, and are used to evaluate the acceptability of a project's design. Design guidelines provide the opportunity for creative design flexibility.

Design Principles. General statements that will guide the design of the built environment in design districts. They are the connection between general planning goals and policies and implementing design guidelines and standards. Design principles are normally described by several sentences and usually amplified with graphics such as diagrams, sketches, illustrations, and photographs.

Design Standards. A set of objective requirements for development in design districts that are based on design principles. Design standards provide a clear and objective way of evaluating the acceptability of a project's design.

Design Storm. A rainfall event of a specified duration (e.g., 6-, 12-, 24-hour) and return frequency (e.g., 2-, 10-year) that is used to calculate the runoff volume and/or discharge rate to be used for design of stormwater systems.

Detention. The temporary storage of stormwater runoff to control peak discharge rates and/or provide gravity settling of sediment and other pollutants prior to discharge to the storm sewer or natural drainage channel (e.g., stream).

Developed Areas not Providing Vegetative Cover. *See Habitat Conservation Area Definitions, Section 3.0020*

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or alteration of buildings or other structures; condominium conversion; land division; establishment or termination of a right of access; storage on real property; ~~tree cutting removal; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavation, or clearing, clearing; mining, dredging, filling, grading, paving, excavation or drilling operations.~~

Development Permit. A permit issued by the Manager for a development which is in compliance with the requirements of the Community Development Code and the Comprehensive Plan.

Development Site. The total area of a parcel(s) or lot(s) where development is proposed on a property or group of properties that may or may not be under the same ownership.

Diameter Breast Height. *See Tree Related Definitions, Section 3.0050.*

Digital Flood Insurance Rate Map (DFIRM). *The official digital map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.*

Direct Illumination Sign. *See Signs.*

Directional Sign. *See Signs.*

District. A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Disturb. *See Habitat Conservation Area Definitions, Section 3.0020.*

Disturbance Area. *See Habitat Conservation Area Definitions, Section 3.0020.*

Double Frontage Lot. *See Lot.*

Downtown Design District. *See Design District.*

Dripline. ~~An imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. (See Tree, Dripline.)~~ *See Tree Related Definitions, Section 3.0050.*

Drive-Through Use. A drive-through use is a business activity involving buying or selling of goods or the provision of services where one of the parties conducts the activity from within a motor vehicle. Facilities usually associated with a drive through use are queuing lanes, service windows, and service islands, ~~and service bays~~ for vehicular use.

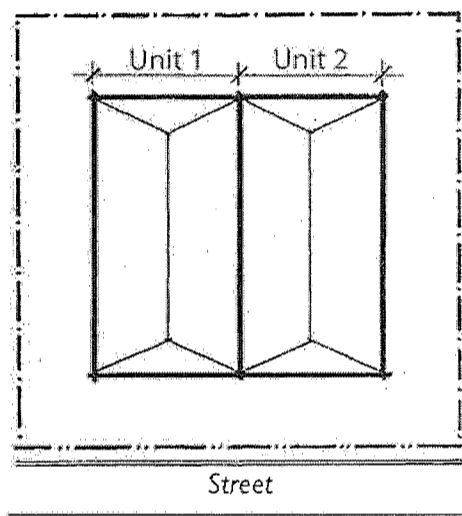
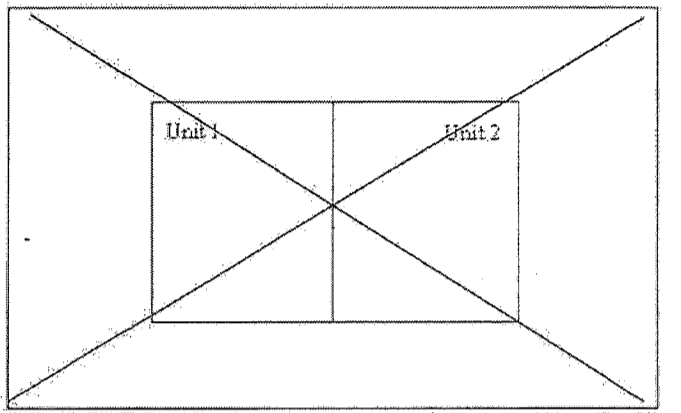
Driveway. *An area that provides access for vehicles to a site.*

Driveway Approach. *The portion of the driveway which connects to a street and generally is within the public right-of-way. See also the Public Works Standards, driveway approach ramp within the public right of way.*

Driveway, Shared. *A single driveway serving two or more lots.*

Driveway Wings. *The transition from the sidewalk and curb grades to the driveway approach ramp grades.*

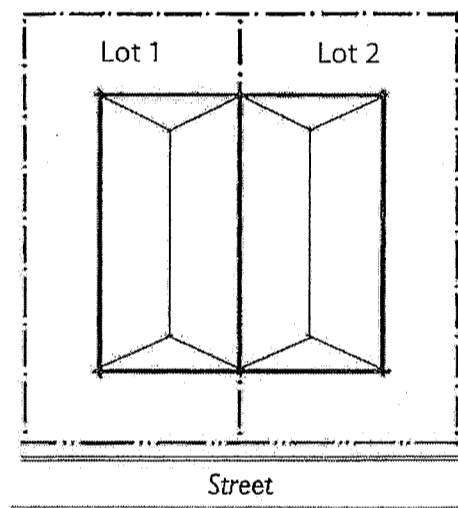
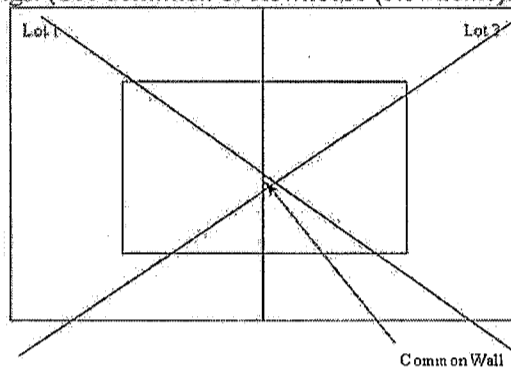
Duplex. ~~A two-unit attached dwelling located on a single lot.~~ *A building on a single lot containing two dwelling units that share a common wall, floor, or ceiling.*



Dwelling Unit. One or more rooms designed for residential occupancy by one family for living purposes and having only one cooking facility. A single-family house and an apartment unit are each considered to be a dwelling unit as per this definition.

- **Dwelling, Accessory Dwelling.** A dwelling unit either within or added to ~~an existing a~~ dwelling or over a garage that is accessory to a single family dwelling. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.
- **Dwelling, Ancillary Dwelling.** A second dwelling unit located on the same lot as a single-family dwelling.
- **Dwelling, Attached Dwelling.** A dwelling unit in a multi-family structure that shares a common wall, floor or ceiling with another dwelling unit within a residential building on a single lot, or, as permitted by the district, within a mixed-use building on a single lot. ~~Attached dwelling units are also referred to as “multi-family”, “apartment”, or “rental” units.~~
- **Dwelling, Single Family Dwelling.** A detached building designed for occupancy by one family.

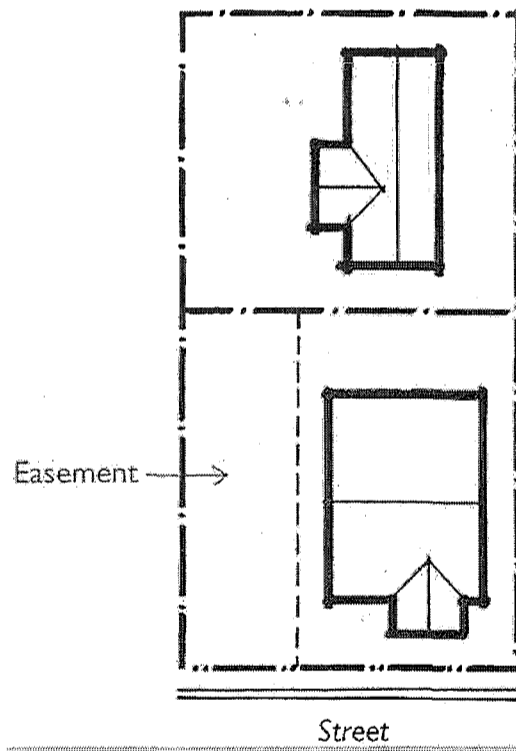
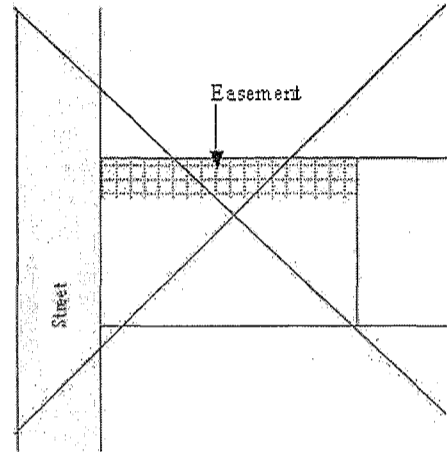
- **Dwelling, Single Family, Attached Dwelling.** A single family dwelling unit, located on its own lot, that shares one or more common walls with one or more single family attached dwelling units. It does not share common floors or ceilings with other single family attached dwelling units and multiple single family attached units are typically constructed in a linear design. Townhouses and rowhouses that locate each dwelling unit on its own lot are also single family attached dwellings. (See definition of Rowhouse (Rowhome).)



- **Dwelling, Single Family, Detached Dwelling.** A detached building designed for occupancy by one family. A detached single-family dwelling on a single lot is often referred to as a single-family house, home, or residence.
- **Dwelling, Temporary Health Hardship Dwelling.** A manufactured home temporarily placed with an existing single-family dwelling and intended to provide convenient, temporary housing for persons with a demonstrated health hardship, as provided in Section 10.1300.

Dwelling, Two Unit Attached. A building on a single lot containing two dwelling units that share a common wall, floor or ceiling. A two unit dwelling on a single lot is often referred to as a "duplex".

Easement. The recorded right that allows others to use a defined area of property for specific purpose(s), such as access or utilities.



Easement, General Utility. A specific described area of land that is dedicated and recorded for public utility uses including water, sewer, stormwater, electricity, natural gas, telephone lines, and maintenance access.

Ecological Features. See *HCA, ESRA, Article V Definitions, Section 3.0030.*

Ecological Functions. See *HCA, ESRA, Article V Definitions, Section 3.0030.*

~~**Effective Lot Area.** For the purposes of Section 4.0139, the gross horizontal area of a lot minus any portion of the lot encumbered by an access easement, including the pole of a flag lot (see Figure A12.003, Appendix 12.000).~~

~~**Effective Impervious Area.** See *Habitat Conservation Area Definitions, Section 3.0020.*~~

Elderly Housing. Housing for individuals 55 years old or older, or for married couples where at least one of the spouses is 55 years old or older or for disabled persons. Elderly housing shall qualify as housing exempt from the prohibition against discrimination based on familial status as set forth in the Fair Housing Act and the rules and regulations of the United States Department of Housing and Urban Development, as set forth in 24 C.F.R. Chapter 1, Part 100, Sections 302-304.

The term "elderly housing" does not include a single-family detached dwelling, a single-family residential subdivision, residential facility or residential home. Elderly housing may consist of any one or any combination of the following:

- **Assisted Living Housing.** Assisted living housing contains separate living units and is designed to support resident independence in a residential setting and to promote the concept of "aging in place." Assisted living housing offers a range of services, available on a 24-hour basis, for support of resident choice, dignity, privacy, individuality, independence and home-like surroundings.
- **Congregate Housing.** Congregate housing is a specially planned, designed, and managed multi-unit rental housing with self-contained apartments. It is designed to provide supportive environments, but also to accommodate a relatively independent lifestyle. Typically, a limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, are provided.
- **Continuing Care Retirement Community (CCRC).** A ~~Continuing Care Retirement Community (CCRC)~~ is a housing development that is planned, designed, and operated to provide a full range of accommodations and services, including independent living, congregate housing, and medical care. Residents may move from one level to another as their needs change. Such facilities may offer a guarantee of lifetime care, including health care, secured by contracts that require payment of an entrance fee, as well as regular monthly maintenance fees. Other CCRCs include a limited amount of health care as part of the standard fee or they may charge on a pay for service basis. CCRCs may offer rentals as well as ownership options.
- **Immediate Care Facility.** An Immediate Care Facility is designed for persons who do not require round-the-clock nursing, but who do need "preventive care" with less than continuous licensed nursing care or observation. It provides 24-hour service with physicians and nurses in supervisory roles. Such facilities emphasize personal and social care.
- **Retirement Housing.** Retirement housing is designed for independent living and each unit has a full kitchen and bath. Retirement housing generally is located in multi-unit structures, similar to multi-family structures, although seniors only manufactured dwelling parks would also qualify for this category. A few services such as group trips or recreation or other services may be offered.
- **Skilled Nursing Facility (Nursing Home).** A skilled nursing facility provides a full range of 24-hour direct medical care, nursing, and other health services. Nurses provide services prescribed by a resident's physician. It is for persons who need health supervision but not hospitalization. The emphasis is on nursing care, but restorative physical, occupational, speech, and respiratory services are also provided. Common eating and cooking facilities are provided.

~~**Electronic Message Center Sign.** See *Signs.*~~

~~**Emergency.** See *HCA, ESRA, Article V Definitions, Section 3.0030.*~~

~~**Employees.** All persons, including proprietors, working on the premises during the largest shift at peak season of a business.~~

~~**Engineer.** See *HCA, ESRA, Article V Definitions, Section 3.0030.*~~

Enhancement. See HCA, ESRA, Article V Definitions, Section 3.0030.

Entry. ~~Is a~~Any access point to a building or portion of a building or facility used for the purpose of entering. An entry includes the approach walk; the vertical access leading to the entry platform; the entry platform itself; vestibules, if provided; the entry door(s) or gate(s); and the hardware of the entry door(s) or gate(s). A primary entry is a type of entry.

Erosion. See HCA, ESRA, Article V Definitions, Section 3.0030.

Erosion and Sediment Control. Practices and methods employed to reduce or prevent soil erosion and sedimentation (accumulation or buildup of sediments) resulting from ~~construction activities, soil disturbing activities or weather events.~~ The City of Gresham has specified local requirements for erosion and sediment control in its See the Erosion Prevention and Sediment Control Manual for local requirements.

Erosion Prevention and Sediment Control Manual, or (EPSC Manual). A manual adopted by the City to specify requirements and acceptable methods for erosion prevention and sediment control in the City.

Erosion Prevention and Sediment Control Plan. A plan for providing erosion prevention and sediment control as described in the EPSC Manual.

Evergreen. Varieties of plants (including groundcover, shrubs and trees) with foliage that persists and remains green year-around.

Exit. A way of departure from the interior of a structure to the open air outside at the ground level. It should be a continuous and unobstructed means of egress to a public way and shall include intervening doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit courts, and yards.

Facade. All exterior walls of a building exposed to public view.

Face of a Building. All window and wall areas of a building in one elevation.

Face Sign. See Signs.

Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship, living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship. Residents and staff of residential homes as defined in ORS 197.660(2) shall be considered a family for purposes of this ordinance.

Fascia Sign. See Signs.

Fast Food Service. The retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window, whether for consumption on or off the premises, when the facility is designed primarily to serve customers arriving by automobile. Such food items include, but are not limited to, dairy products, donuts, fish and chips, fried chicken, hamburgers, hot dogs, ice cream, pizza, sandwiches, soft drinks or tacos.

Federal Manufactured Housing Construction and Safety Standards Code. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.) as amended, rules and regulations adopted thereunder, and regulations and interpretations of said code by the Oregon Department of Commerce, all of which became effective for mobile/manufactured home construction on June 15, 1976.

Fence. An artificially constructed barrier of any material or combination of materials, erected to enclose, screen, or separate areas. For purposes of Section 9.0100, walls are a type of fence.

Fill. See HCA, ESRA, Article V Definitions, Section 3.0030.

Findings. A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the approval authority in support of a decision.

Fin Sign. See Signs.

Flag Lot. See Lot.

Flag Pole. See Lot.

Flap Sign. See Signs.

Flashing Illumination Sign. See Signs.

Fleet Vehicle. *See Motor Vehicle.*

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Areas. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Flood, Base. A flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood".

Flood Insurance Rate Map (FIRM-FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Flood Management Areas. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Floodplain. Any land area susceptible to being inundated by flood waters from any source. See also "Flood or Flooding." See Also the HCA, ESRA, Article V Definition in Section 3.0030 for use of this term in those areas.

Floodway. The channel of a river or other watercourse and that portion of the adjacent floodplain land areas that must be reserved in order to discharge remain open to permit passage of the base flood without cumulatively increasing the water surface elevation more than a designated height, usually one (1) foot.

Floor Area. The gross area, under roof, of all of the habitable floors of a building, measured from the interior of exterior walls, excluding only space devoted to off-street parking or loading.

Floor Area Ratio. The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Forest Canopy. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Free-Standing Sign. *See Signs.*

Frontage. That portion of a parcel of lot property which abuts a public street transportation facility. Frontage may also refer to: other types of frontage, the facade of a building, or a frontage road, depending on the context of the term in the Code.

Full Line Department Store. A store unit which typically offers a complete selection of soft goods, housewares, domestics, shoes, sporting goods, furniture, toys, and appliances in full depth and variety at a typical gross floor area of 100,000 square feet and up. (References: Findings, Volume I, Section 4.733; Urban Land Institute, Tenant Classification A-01).

Front Lot Line. *See Lot Line.*

Front Yard. *See Yard.*

Future Street Plan. An approved plan for continuation of streets into adjacent property.

Galleria. An functional interior open space accessible to the public during business hours. It must connect areas of pedestrian activity to insure use and be at least 20 feet in its minimum dimension.

Garage. An accessory building or portion of a principal building used intended for the parking or storage of vehicles. A carport shall also be considered a garage.

Geologist, Registered. Shall mean that person registered with the State of Oregon under the provisions of ORS 672.505 to 672.705.

Grade. (Adjacent Ground Elevation), †The lowest point of elevation of the finished surface of ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Green Street. A street that incorporates Green Development Practices within or adjacent to the right-of-way to treat, retain, and infiltrate stormwater runoff. Green Street section and design standards are included in the City of Gresham's Public Works Standards for each street classification.

Gresham Community Development Plan, or Community Development Plan. A plan adopted by the City which is intended to guide the future development of this community. It is also known as the Comprehensive Plan. This plan includes ~~four~~ five volumes:

- 1) Volume I - Findings Document
- 2) Volume II - Policies and Implementation Strategies
- 3) Volume III - Gresham Community Development Code, also known as the Development Code or Code
- 4) Volume IV – Transportation System Plan
- 5) Volume V – Capital Improvement Plan

Gresham Development Plan Map. The Plan Map identifies the land use designations assigned to all property within the City of Gresham. The Plan Map is included as Appendix C of Volume II of the Gresham Community Development Plan.

Gresham Public Works Standards. The Gresham Public Works Standard Details, Construction Specifications, Design Standards and Erosion Prevention and Sediment Control Manual Standard Drawings and Standard Specifications.

Ground Floor. Any occupiable floor less than one story above or below grade with direct access to grade. A building or facility always has at least one ground floor and may have more than one ground floor where a split-level entry has been provided or where a building is built into a hillside.

Groundcover. Turf grass and low plants that cover the ground in place of turf grass. Low plants normally reach an average maximum height of not more than 24 inches at maturity. For required landscaping, groundcover does not include any substitution of bark mulch, bark chips, ~~or~~ gravel, or rock in place of living plant materials except as prescribed in the city's Erosion Prevention and Sediment Control Manual.

Grubbing. The removal of any type of rooted vegetation from land by digging, raking, dragging, or otherwise disturbing the roots of such vegetation and soil.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Habitat Conservation Area or HCA. See Habitat Conservation Area Definitions, Section 3.0020.

Habitat Friendly Development. See HCA, ESRA, Article V Definitions, Section 3.0030.

Hazardous Tree. See Tree.

Height Transition Area. A horizontal distance requirement between building and property line.

Helicopter Landing Facility. Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangers, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Hogan Cedar Tree. See Tree.

Home Occupation. A business or commercial activity conducted within a dwelling unit by the permanent residents thereof, said use being secondary to the use of the dwelling for living purposes, and which complies with the terms and conditions of the Gresham Community Development Code Comprehensive Plan.

~~**Home Occupation, Residential Sales.** Garage, yard and similar sales which are conducted on the resident's premises.~~

Hotel. A building or portion thereof, with rooms designed or intended to be used, subletted, or hired out for the purpose of offering lodging on a day-to-day basis to the general public. Motels and apartment hotels shall be classified as hotels.

~~Any building containing 12 or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise, whether designated as a hotel, inn, club, or by any other name. Apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.~~

Illuminated Awning Sign. See Signs.

Immediate Care Facility. See Elderly Housing

Imminent Hazard Tree. See Tree

Indirect Illumination Sign. See Signs.

Infill Lots and Parcels. See Lot

Infiltration (in the context of stormwater), or Stormwater Infiltration. Also referred to as stormwater retention. The permanent storage and disposal of stormwater through percolation into the ground, of stormwater on site to reduce or eliminate the discharge of stormwater runoff from a developed property. This may occur via the soil surface or the subsurface. The stormwater hierarchy in the Water Quality Manual applies, and a DEQ authorization is required for subsurface infiltration that meets the definition of an Underground Injection Control system.

Installation Sign. See Signs.

Interior Lot. See Lot

Intermittent Streams. See HCA, ESRA, Article V Definitions, Section 3.0030.

Internal Illumination Sign. See Signs.

Invasive Non-Native or Noxious Vegetation. See HCA, ESRA, Article V Definitions, Section 3.0030.

Irregular Shaped Lot. See Lot

Joint Development. Joint development is real estate development that is closely linked to public transportation services and light rail station facilities and takes advantage of the market and locational benefits provided by them. Joint development can include the physically related or air rights development of a light rail station, and park and ride lots, or the development of properties directly abutting and functionally linked with light rail stations and park and ride lots.

Kitchen. A room used or designed to be used for the preparation of food.

Laboratories/Research and Development Facilities. Firms which undertake scientific, medical and/or high tech research, development and product or equipment design activities in a setting which combines offices and laboratories and may include small-scale manufacturing.

Land Division. The process of dividing land to create lots or parcels.

Landing. Is a level area, within or at the terminus of a stair or ramp.

Landscaping. Site improvements which include lawn, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas.

Except as allowed elsewhere in the Community Development Code, all areas to be credited towards landscaping must be installed with growing plant materials. Mulch, bark chips, and similar materials may be used only as a temporary groundcover at the time of planting.

The verification of plant materials requiring specific characteristics can be achieved by any of the following methods:

- 1) Description in Sunset Western Garden Book (Editor Sunset Books, 1988 or later edition), or
- 2) By an appendix or definition in the Community Development Code, or
- 3) By specific certification by a licensed landscape architect.

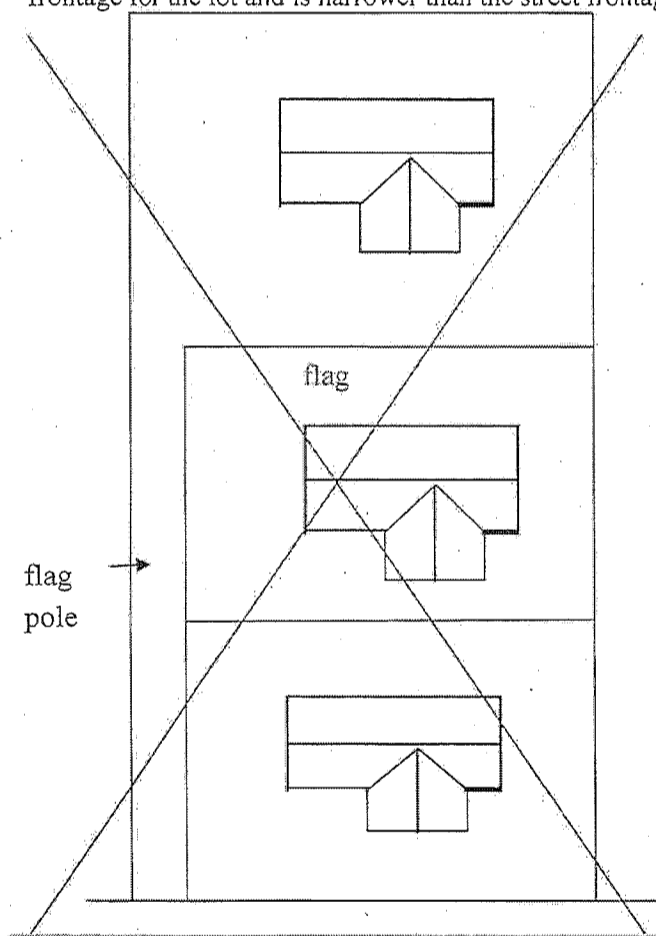
Legal Description or Property Description. The metes and bounds description, recorded subdivision lot and block number, or parcel number and the recorded number for a partition plat, or tax lot, section, township and range description for a property.

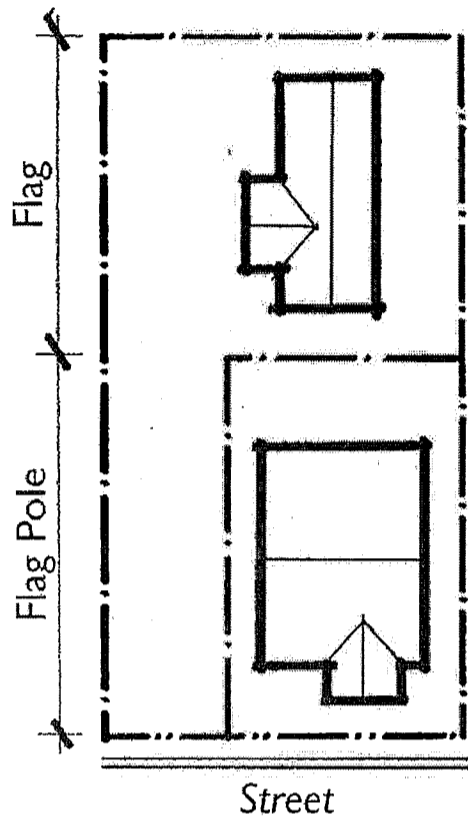
Level of Service (LOS). A standard of a street's carrying capacity, based upon prevailing roadway, traffic, and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow), describes operational conditions within a traffic stream and their perception by motorists/passengers. (See Volume I, Appendix 31) Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Local Review. The amount of time taken to review of a development permit through all City review levels, including appeals, terminating with the City Council.

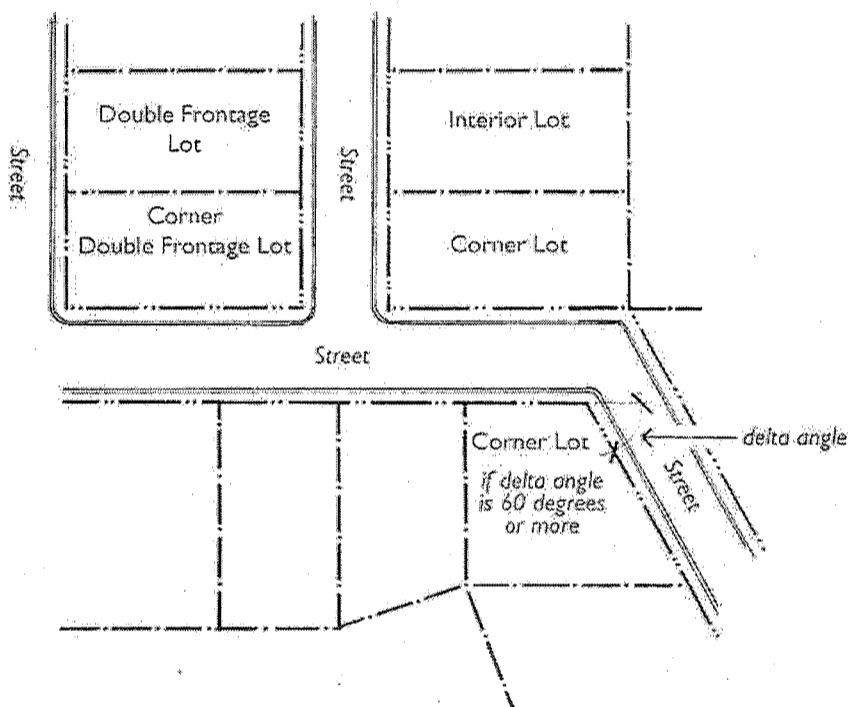
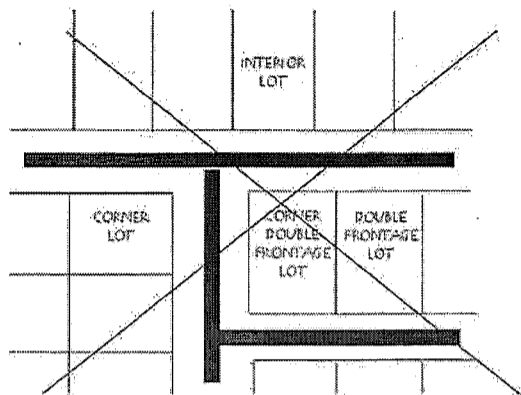
Lot. A generic term that describes any unit of land.

- **Lot, Corner Lot.** A lot that has frontage on located at the intersection of two or more streets. A corner lot also includes a lot abutting the inside curve of a street with a delta angle, as used on plats, of 60 degrees or more, on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- **Lot, Double Frontage Lot.** A lot with street frontage along two opposite boundaries.
- **Flag Lot.** A lot with two distinct parts: the flag, which is the only building site, located behind another lot; and the flag pole, which connects the flag to the street, provides the only street frontage for the lot and is narrower than the street frontage required for that district.



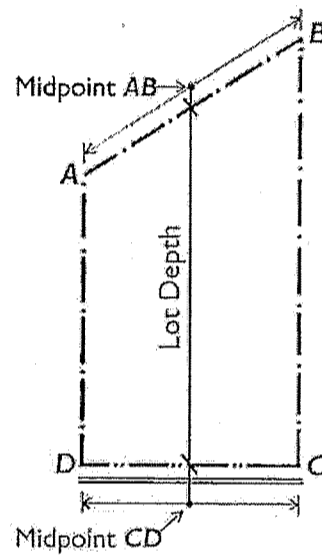
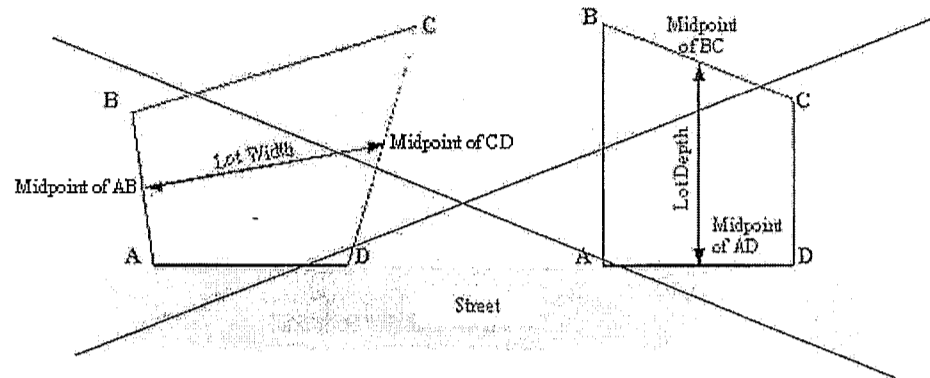


- **Flag Pole.** The narrow portion of a flag lot needed to provide vehicular access from the street to the remainder of the parcel. A flag pole is typically under parent parcel ownership, but may be allowed as an easement for shared access across an adjacent ownership or as interim access pending future street development (see Figure A12.001, Appendix 12.000).
- **Infill Lots and Parcels.** For the purposes of Section 4.01389, Infill Lots and Parcels are those existing or proposed lots or parcels that are non-standard. A non-standard residential lot or parcel is one which either does not meet the standard lot depth, width, size or frontage requirements for the district.
- **Lot, Interior Lot.** A lot other than a corner lot, with frontage only on one street.
- **Lot, Irregular Shaped Lot.** A lot that is other than rectangular in shape.
- **Lot, Rectilinear Lot.** A lot where, as far as practicable, the side lot lines are perpendicular to the street upon which it faces, or are radial to the street in the case of a curved street. The number of lot lines shall be kept to a minimum.
- **Subdivision Lot.** A single unit of land legally created by a subdivision in accordance with the City of Gresham subdivision regulations.



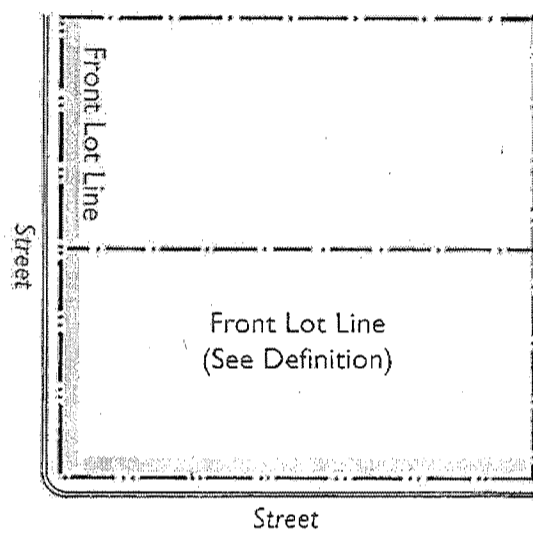
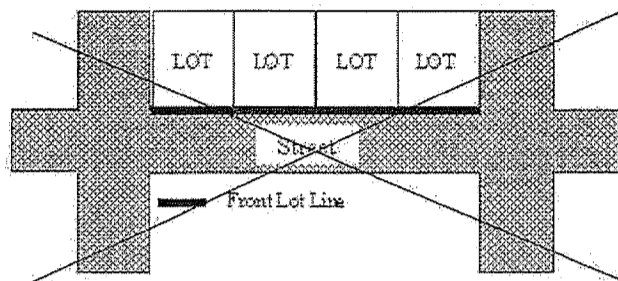
Lot Division. The act of creating one or more new lots through the partitioning or subdivision process.

Lot, Depth. The perpendicular distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually the rear, lot line. See also Lot Width.

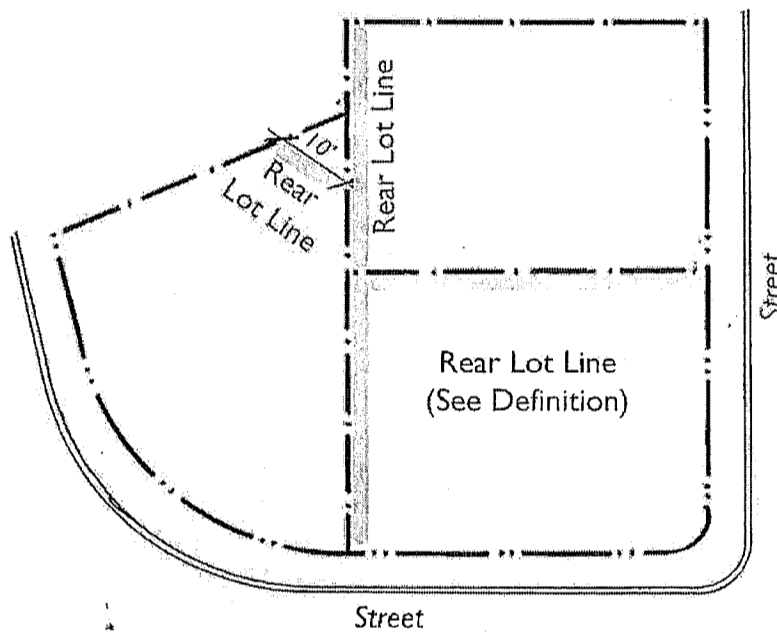
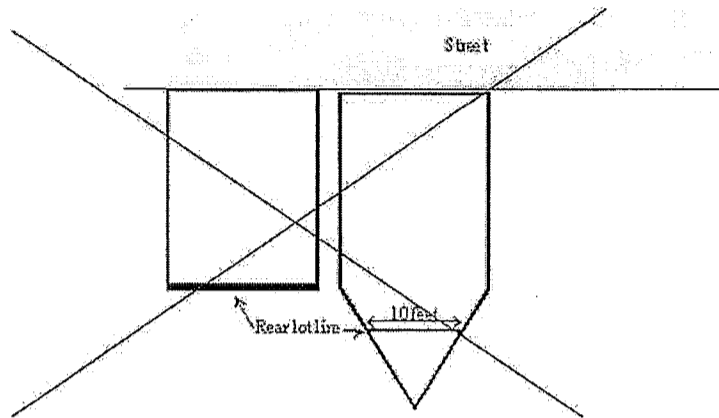


Lot Line. Any property line bounding a lot.

- Front Lot Line, Front.** For an interior lot, the lot line abutting a street; for a corner lot, a lot line abutting either street. In the case of a corner lot, the Manager shall determine the front lot line where there is an existing building, the front lot line is determined by the orientation of the front door. For a corner lot where there is no existing building, the front lot line is determined by the orientation necessary to achieve lot depth. If lot depth may be met in both directions, then the applicant may determine which lot line is the front lot line. In cases where the front lot line is disputable, the Manager shall determine the front lot line. For double frontage lots, the front lot line shall be determined by the Manager except when an access control strip has been required along one of the streets of a double frontage lot by a governmental agency. In that instance, the line separating the lot from this street shall become the rear property line. A lot line abutting an alley is a rear lot line. For flag lots and non-frontage lots where lot depth is met in both directions, the front lot line shall be determined by the Manager.



- **Northern Lot Line, Northern.** The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.
- **Rear Lot Line, Rear.** A lot line which is opposite to and more distant from the front lot line. ~~In the case of a corner lot, the Manager shall determine the rear lot line.~~ In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. In the case of a double frontage lot, each street has a front lot line except when an access control strip has been required along one of the streets by a governmental agency, in which case the line separating the lot from this street becomes the rear property line. A lot line abutting an alley is a rear lot line.



- **Side Lot Line, Side.** Any lot line which is not a front or rear lot line.
- **Zero-Lot Line.** A condition created through a land division process where the lots have setbacks less than that required in the underlying land use district.

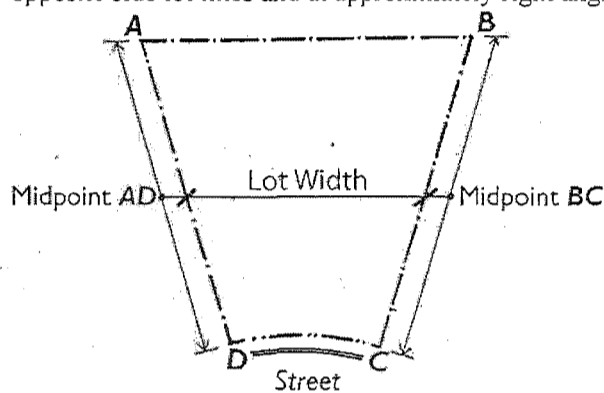
Lot Line Adjustment. An adjustment of a property line by the relocation of a common lot line where no additional lots are created or where lots are consolidated resulting in fewer lots.

Lot of Record. The term "Lot of Record" means:

1. A platted lot. Platted lots that were recorded with Multnomah County after December 16, 1975, where City of Gresham approval was required but not sought and granted prior to recordation, are not recognized as lots of record.
2. Land for which a deed or other instrument describing the land was recorded with Multnomah County prior to December 16, 1975, or either approved by Multnomah County or recorded prior to July 26, 1979, if annexed after that date.
- 1) A lot of record or a parcel of land for which a deed or other instrument dividing the land was recorded with Multnomah County prior to December 16, 1975, or either approved by Multnomah County or recorded prior to July 26, 1979, if annexed after that date, may be occupied by uses as provided in Article IV of this ordinance.

- 2) No sale or conveyance of any portion of a lot for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot area, lot dimensions, yard setbacks or result in a lot with less than the minimum buffering and screening requirements of this ordinance.
- 3) The lot of record provisions do not include land divisions that were recorded with Multnomah County after December 16, 1975, where City of Gresham approval was required but not sought and granted prior to recordation. Such land divisions are not recognized as lots of record as defined in this ordinance.

Lot Width. The perpendicular distance measured between the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth. See also Lot Depth.



Low Structure Vegetation or Open Soils. See Habitat Conservation Area Definitions, Section 3.0020.

Maintain. To cause or allow to continue in existence; when the context indicates, maintain shall mean to preserve and care for a structure, improvement, conditions or landscape area so that it remains attractive, safe and presentable and carries out the purposes for which it was installed, constructed or required.

Maintenance Sign. See Signs.

Major Tree. See Tree.

Manager. The City Manager of the City of Gresham acting either directly or through authorized representatives.

Mansard Wall Sign. See Signs.

Manufactured Dwelling. The term "Manufactured Dwelling" means:

- 1) Residential trailer, 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 before January 1, 1962.
- 2) Mobile home, 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 between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- 3) Manufactured home, 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 regulations in effect at the time of construction and constructed after June 15, 1976;

- 4) Manufactured dwelling does not mean any building or structure subject to the structural specialty code in the one and two-family dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.690 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Dwelling Park. The term "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by Gresham under an ordinance adopted pursuant to ORS 92.010 to 92.190.

~~**Manufactured Home.** The term "Manufactured Home" means 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 and constructed after June 15, 1976.~~

~~**Marked Crossing.** Is a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.~~

Market Area. A market area is the geographic area which provides most of the continuing patronage necessary to support a shopping center or commercial district.

Marquee Sign. *See Signs.*

Master Plan. A development plan for multiple projects to be built in two or more phases. A master plan may involve multiple blocks provided that the blocks are contiguous.

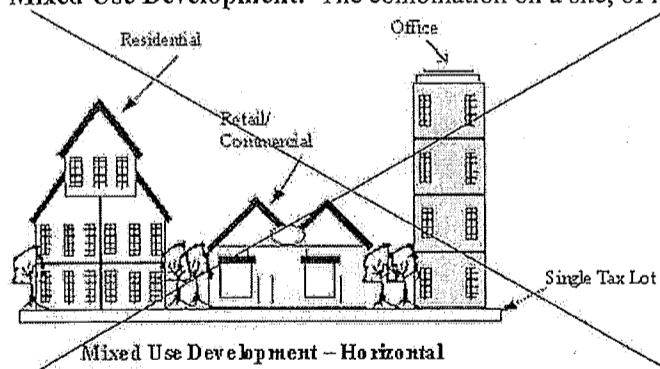
Medical Center/Hospital. A medical institution which provides medical and surgical care to patients on an inpatient, outpatient and emergency basis. Accessory uses include administrative offices; food service; medical office buildings and clinics; laboratories; teaching facilities and conference facilities. Typically, a medical center is contained on several blocks, often in a campus setting.

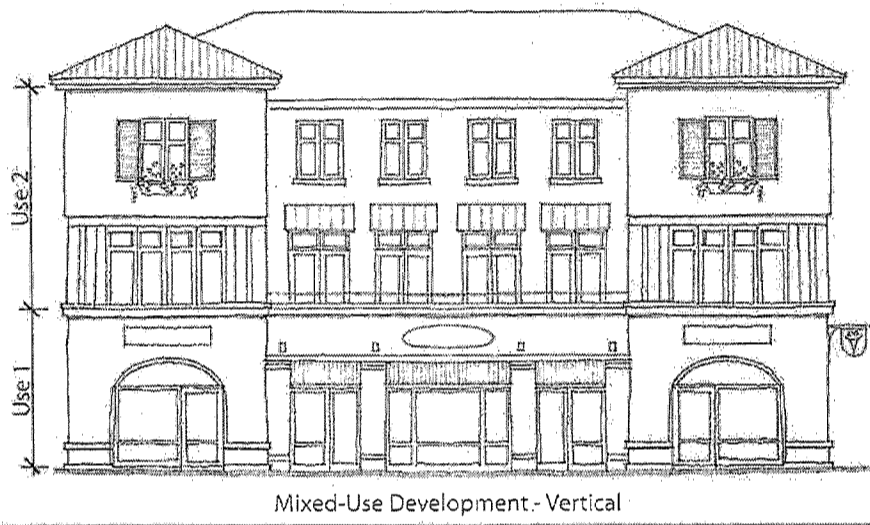
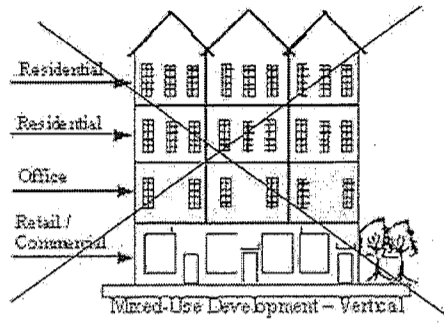
Mini-Storage Facilities. Structures containing separate storage spaces of varying sizes rented on an individual basis. The spaces shall only be used for dead storage of customer's goods and materials.

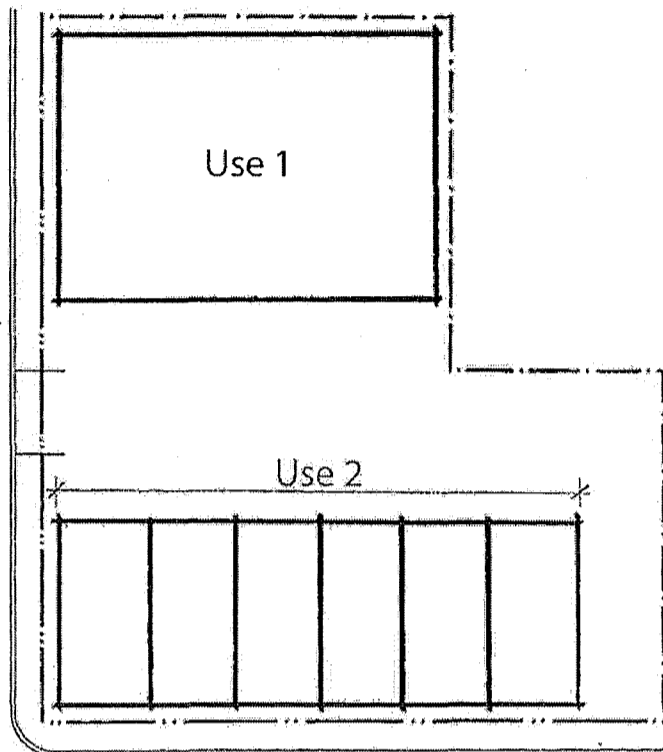
Mitigation. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Mixed Use (Civic Neighborhood). A Mixed-Use Development is the combination on a site of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses. A Mixed-Use Building is the combination within a building of commercial uses with residential uses and/or the combination of retail and non-retail commercial uses.

Mixed Use Development. The combination on a site, of residential uses with commercial uses.







Mixed-Use Development - Horizontal

Mobile Drive-up Unit Sign. *See Signs.*

Model Home. A non-occupied single-family detached home representative of a product line available to consumers; which is not available for occupancy until the public facilities have been approved and accepted by the Manager.

~~Motel. A group of attached or detached buildings containing individual sleeping or living units generally for the temporary use by automobile tourists or transients; includes auto courts, hostels and motor lodges.~~

Motor Vehicle. A motorized device used to transport people and/or goods on streets. Such vehicles include motorcycles/mopeds, passenger vehicles, trucks and recreational vehicles with motorized power. Specific characteristics of classes of vehicles include:

- **Fleet Vehicle:** A motor vehicle which is owned by a company, used primarily if not exclusively for the conducting of the company's business, and stored on the company's site when not in use. Fleet vehicles include company cars, repair and delivery vans. The term also applies to the inventory of vehicles at car/truck rental agencies.
- **Passenger Vehicle:** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicles also include those designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Vehicles in this category are commonly referred to as cars or automobiles, minivans, passenger vans and jeeps.
- **Truck:** A motor vehicle which is designed primarily for the movement of goods, equipment or property, or that which is designed to carry more than ten persons. Vehicles in this category are commonly referred to as trucks, pick-ups, delivery vans, buses, and motor homes.

Moving Parks Sign. *See Signs.*

Mulch. Non-living organic and synthetic materials such as compost, barkdust or bark chips customarily used in landscape design to retard erosion and retain moisture. Mulch may not be used as a substitute for living plants as part of required landscaping (see also "Landscaping").

Multi-Business Complex Sign. *See Signs.*

Multi-family Structure. A building that is located on a single lot and has three or more dwelling units, designed exclusively for occupancy by three (3) or more households living independently of one another. This includes apartments and may include condominiums.

Native Vegetation or Native Plan. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Natural State. A physical state for a property or portion of property, where upon no development or improvements have occurred, and natural, unmaintained native vegetation is prevalent.

~~New Construction.~~ ~~Structures for which the start of construction commenced on or after the effective date of this Code (January 1, 1999, effective date of the simplified code).~~

Nonconforming Development. An element associated with a use of land which may be have been permitted in the district in which it is located, but which does not conform to current applicable development standards and requirements of Community Development Code. For this purpose, the term "development" includes all improvements on a site, including, but not limited to, buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development also includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

Nonconforming Sign. *See Signs.*

Nonconforming Use. A use of land lawfully existing at the time the Community Development Code was enacted, but which is not listed as a permitted land use in the current land use district for the site in question.

Non-Woody Vegetation. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Northern Lot Line. *See Lot Line.*

North-south dimension. *See Solar Related Definitions, Section 3.0040.*

Nuisance. Any thing, substance, or act that creates an imminent threat to the public health, safety, or welfare. Every building or part thereof which is found to be a dangerous building, or building found to be substandard in terms of space and occupancy or deferred maintenance, shall be cited by the City Manager for civil action. Every building found by the City Manager to be substandard building in terms of space and occupancy or deferred maintenance shall be subject to nuisance proceedings by the common councilors.

Nursery, Day or Child Care Center. A commercial enterprise where more than six children are cared for during a 24-hour period. This includes commercial pre-schools and kindergarten programs, a kindergarten.

Occupied Space. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this ordinance, used to compute percentage of lot coverage allowed.

~~Octave Band Sound Pressure Level.~~ ~~The sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20 micronewtons per square meter).~~

Offices. A room or group of rooms used for conducting affairs of a business, profession, service, industry, or government.

On-Site Directory Sign. *See Signs.*

Open Space. *See Habitat Conservation Area Definitions, Section 3.0020.*

~~One-Third Octave Band Sound Pressure Level.~~ ~~The sound pressure level for the sound being measured within the specified one-third octave band at the PREFERRED FREQUENCIES. The reference pressure is 20 micropascals (20 micronewtons per square meter).~~

Ornamental Tree. *See Tree.*

Outdoor Advertising Sign. *See Signs.*

Outdoor Commercial Use. A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards, and household moving supplies and equipment rental businesses.

Owner. The owner of record of real property as shown in the records of Multnomah County, on a property deed or title, or a person purchasing a piece of property under contract.

~~Owners' Association.~~ The association formed by owners of units in a condominium or cooperative for the purpose of managing the condominium or cooperative.

Painted Highlights Sign. See Signs.

Painted Wall Decoration Sign. See Signs.

Painted Wall Sign. See Signs.

Parapet or Parapet Wall. That part of any wall above the roof line as defined in Uniform Building Code.

Parcel. A generic term that describes any unit of land.

~~Parcel, Irregular Shaped.~~ A parcel that is other than rectilinear in shape.

~~Parcel, Rectilinear.~~ A parcel where, as far as practicable, the side parcel lines are perpendicular to the street upon which it faces, or are radial to the street in the case of a curved street. The number of parcel lines shall be kept to a minimum.

Parent Parcel or Parent Lot. A lot or parcel of land from which other parcels or lots are divided.

Park and Ride Facility. A permanent facility for vehicle parking by transit riders.

Parking Lots. Pavement/hard surface area used for parking vehicles off-street or beyond the right of way, either free or for a fee. Parking, except parking areas for one and two-unit dwellings are not parking lots.

Parking Lot Tree. See Tree.

Parking Space. A minimum gross area available for the parking of a vehicle, as identified in Section 9.0800.

Parking Structure. Any building either above or below grade, or both, primarily used for parking of motor vehicles.

Partition Land. To divide land into two or three parcels of land within a calendar year. See ORS 92.010(8). This, but does not include:

- 1) 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; or
- 2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the adjusted parcels of land meet all the requirements of the Community Development Code; or
- 3) The division of land resulting from the recording of a subdivision or condominium plat; or
- 4) A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the Community Development Code and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r).

Partition Parcel. A single unit of land legally created in accordance with the City of Gresham partition regulations.

~~Partition Plat.~~ A final survey map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.

Passenger Vehicle. See Motor Vehicle.

Pedestrian Facilities. Improvements Transportation facilities which provide for public pedestrian foot traffic including sidewalks, walkways, trails, crosswalks and other improvements, such as lighting and benches. Pedestrian facilities are generally hard-surfaced. In parks and natural areas, they may be soft-surfaced. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights-of-way or easements for future pedestrian facilities, which provide for safe, convenient, and attractive walking conditions.

Pennant Sign. See Signs.

Perennial Streams. See HCA, ESRA, Article V Definitions, Section 3.0030.

Perimeter Tree. See Tree.

Permanent Sign. See Signs.

Person. Any person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Phased Development Project. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Planned Development (PD). A type of residential land division and development planned and developed as a single entity that allows flexibility from the development standards of the underlying land use district. A PD usually concentrates units on the most buildable portion of a site so as to preserve natural drainage systems, open space and environmentally sensitive areas. It promotes diversity of housing types and diversity of design while maintaining compatibility with traditional and other neighboring developments. The PD also provides the ability to efficiently develop residential units at low densities on lots that might otherwise be constrained by natural resources, flood plains, slopes, or lot configuration.

Planter Strip. The area excluding sidewalk, beginning at the back of the curb or outside edge of the shoulder and extending to the property line, lying within the public right-of-way or on publicly owned property or in an easement. This is also known as a planting strip and parking strip. The planter strip is typically used for landscaping and may be used for utilities.

Plat. A survey map showing a final subdivision plat, replat, or partition plat.

Plaza. An functional exterior open space available to the general public at all times and accessible from abutting sidewalk, alley or street, and oriented to receive sunlight. Landscaping, kiosks, fountains, art works can occupy 2/3 of the area with the remainder being suitable for walking, sitting and similar pursuits. The plaza, in addition to connecting area of pedestrian activity, must be at least 30 ft. in its minimum dimension. See also Public Urban Plaza.

Pleasant Valley Design District. See Design District.

Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Portable Sign. See Signs.

Practicable. See Habitat Conservation Area Definitions, Section 3.0020.

Preferred Frequencies. Those mean frequencies in Hertz preferred for acoustical measurements which for this purpose shall consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Preliminary Plan. A clearly legible and approximate drawing of the proposed layout of lots and other elements of a lot line adjustment which shall help furnish a basis for the approval authority to approve or disapprove the general layout of the lot line adjustment.

Premises. A lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and their accessory buildings.

Primary Building Entrance or Entry. Is the principal entry into a building, or one of several such entries. Primary building entrances are open to the general public for use during all business hours.

See also Entry.

Primary Feeder Line. An electric power line carrying 50,000 volts and above.

Building, Principal Building. A structure within which is conducted the principal use of the lot.

Principal Use or, Primary Use. The main use to which the premises are devoted and the primary purpose for which the premises exists.

Project. A single development built in a single phase. A project may involve single or multiple buildings or single or multiple blocks provided that the blocks are adjacent and all development occurs in a single phase.

Projecting Sign. See Signs.

Protected solar building line. See Solar Related Definitions, Section 3.0040.

Pruning. See Tree Related Definitions, Section 3.0050.

Public Community Park. Large park (generally 13 to 50 acres) that provides active and passive recreational opportunities for all city residents. Accommodates large group activities.

Public Multi-Use Paths. Multiple purpose paths that are either gravel or paved public trails suitable for a broad range of users such as walkers, hikers, runners, bicycle riders, horseback riding, users in wheelchairs, and users pushing strollers.

Public Neighborhood Park. Small park (generally 1 to 13 acres) located within biking and walking distance of users. Provides access to basic recreation opportunities. Includes pocket parks in denser urban areas, which are usually less than 1 acre.

Public Open Space. Area of natural quality for protection of natural resources, nature-oriented outdoor recreation and trail-oriented activities. Includes greenways, which are linear open spaces along significant waterways.

Public Rights-of-Way (ROW). ~~A general term denoting public land, property, or interest therein acquired for, or devoted to a public street or public access. It includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks and all other public ways, including the subsurface under and air space over these areas under the jurisdiction of the City or other public entity.~~

Public Sidewalk. ~~(See Sidewalk or Public Sidewalk).~~

Public Trails. A public access route for commuting and recreational activities, such as walking, running, biking, skating, skateboarding or horseback riding. Public walking/hiking trails and public multi-use paths are public trails.

Public Trail Access Points. Minor entry points primarily for neighborhood residents to access the trails system from residential neighborhoods, streets, sidewalks, parks, and other public facilities. Trail orientation and regulatory signs occur at trail access points.

Public Trail Easement. A general term denoting private land, property, or interest therein acquired by the City or other public entity for, or devoted to a trail or access for public use. It includes, but is not limited to public multi-use trails, public trails, public trail access points, and public walking/hiking trails. The subsurface under, and air space over, the constructed trail remain under the jurisdiction of the owner of the private land or property.

Public Trailheads. Major entry points for neighborhood residents and the general public to access the trails system and where a number of support facilities can be provided for public use. Possible trailhead facilities may include off-street parking for up to twelve vehicles, vehicular access control gate with padlock, bike racks, information kiosk, orientation and regulatory signs, overhead shelter, drinking fountains, seat benches, portable restrooms, and picnic tables.

Public Urban Plaza. Multi-purpose paved area within high density urban developments and along transit corridors. Provides spaces for community events and the day-to-day recreational needs of nearby residents and employees as well as shoppers and transit users. Includes town squares. Generally less than 1 acre. May include landscaping. See also Plaza.

Public Use Areas. Are those interior or exterior rooms or spaces which are made available to the general public. Public use may be provided at a privately or publicly owned building or facility.

Public Walking/Hiking Trails. Soft surface trails primarily for passive pedestrian activities such as walking, hiking, and running. Horseback riding and bicycling will not be permitted where there are steep slopes, erosive soils, or other sensitive site considerations. ~~They are four to six feet wide.~~

Quadrant. ~~An addressing system that divides a municipality by baselines into directional sections (e.g., northeast, southeast, southwest and northwest).~~

Qualified Arborist. See Arborist.

Radio. A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave, including but not limited to short-wave, FM, AM, land mobile, common carrier, low and high power television, and microwave transmissions.

Radio Frequency (RF) Energy (RF). Energy, consisting of related electric and magnetic fields, produced by alternating currents of sufficiently high frequency, which may be emitted or collected by an antenna and which presents a self-sustaining, self-propagating electromagnetic wavefront. RF energy may, among other uses, be modulated (encoded) so as to convey intelligence such as voice, digital data, and still or moving pictures, between radio frequency facilities. The RF spectrum occupies, for practical purposes, but not exclusively, wavelengths from 10 km to 10 mm, representing a frequency range of 3 kHz to 300 GHz.

Radio Frequency (RF) Facility. A land use that generates, detects or processes RF energy for purposes of wireless telecommunication via antennas by means of transceivers, transmitters and/or receivers, and, including antennas; feedlines; structures or towers to support antennas, feedlines, and other receiving and/or transmitting devices; transmitters, receivers and transceivers; accessory equipment, development and structures; and the land on which they all are situated.

Ramp. Is a walking surface which has a running slope greater than 1:20.

Readerboard Sign. *See Signs.*

Regional Shopping Center. A major retail commercial center ranging in size from 500,000 square feet of gross leasable area and up within a contiguous building. A regional shopping center is anchored by one or more full-line department stores, and provides comparison shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. Such centers normally contain a full complement of specialty and convenience goods suppliers, and a variety of entertainment facilities and food vendors. A regional shopping center will attract customers from the widest potential retail market area (primary and secondary), as modified by factors of travel time and competing regional facilities. A regional shopping center site may include complementary mixed uses as permitted by the Comprehensive Plan, such as hotels, entertainment complexes, offices, and senior citizen housing. (Reference: Findings, Volume I, Section 4.733)

Rear Lot Line. *See Lot Line.*

Rear Yard. *See Yard.*

Rectilinear Lot. *See Lot.*

Redevelopment. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Registered Consulting Arborist. *See Arborist.*

Registered Residential Facility. *See Residential Home.*

Regulated Tree. *See Tree.*

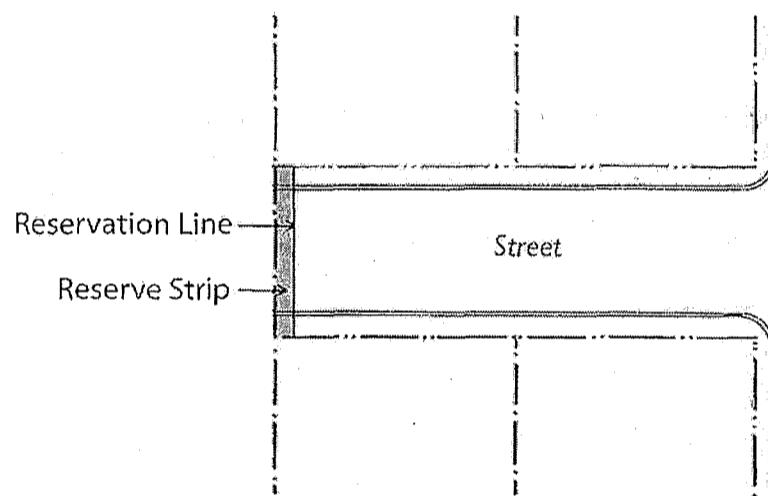
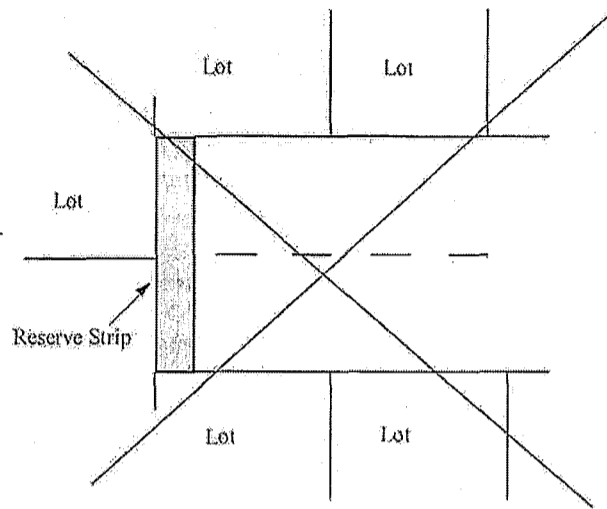
Rental Unit. Any housing dwelling unit, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a condominium unit or cooperative unit on the effective date of this Ordinance. A housing dwelling unit in a converted building for which there has been no acceptance of sale on the effective date of this Ordinance shall be considered a rental unit.

Repair Sign. *See Signs.*

Reservation Line. A surveyed line that provides a development restriction for a specific purpose. Such lines could include: a non-access strip at the end of a developed street to be removed once street extension occurs, or, a line identifying a future right-of-way expansion boundary. The area between the property line and the right-of-way is known as a reserve strip.

Residential Care Facility. *See Residential Facility.*

Reserve Strip. A strip of land, usually one (1) foot in width, across the end of a street or alley which shall be under the ownership of the City to ensure street extensions where needed (see also "Reservation Line").



Residential Facility: Residential facilities may consist of any one or any combination of the following, but in no case shall a combination of residential facility types exceed 15 persons:

- **Child Caring Facility.** A facility that provides, for between six and fifteen children (unmarried persons under 18 years of age), for day treatment for disturbed children; adoption placement services; residential care, including but not limited to foster care of residential treatment for children; or other similar services for children.
- **Residential Care Facility.** A facility that provides, for between six and fifteen physically disabled or socially dependent individuals, residential care in one or more buildings on contiguous properties as provided by ORS 443.400(5).
- **Residential Training Facility.** A facility that provides, for between six and fifteen mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties as provided by ORS 443.400(7).
- **Residential Treatment Facility.** A facility that provides, for between six and fifteen mentally, emotionally, or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by ORS 443.400(9).

Residential Homes: Residential homes may consist of any one or any combination of the following:

- **Adult Foster Home.** A family home or facility in which residential care is provided for in a home-like environment for five or fewer adults who are not related to the provider by blood or marriage as provided by ORS 443.705(1).
- **Registered Residential Facility.** A facility that provides residential care for five or fewer disabled (physical or mental impairment which for the individual constitutes or results in functional limitation to one or more major life activities) or elderly (62 years of age or older) individuals as provided by ORS 443.480 to 443.500.
- **Residential Training Home.** A facility that provides, for five or fewer mentally retarded or other developmentally disabled individuals, residential care and training in one or more buildings on contiguous properties, when so certified and funded by the Mental Health and Development Disability Services Division as provided by ORS 443.400(8).
- **Residential Treatment Home.** A facility that provides for five or fewer mentally, emotionally or behaviorally disturbed individuals or alcohol or drug dependent persons, residential care and treatment in one or more buildings on contiguous properties as provided by ORS 443.400(10).

Residential Training Facility. *See Residential Facility*

Residential Training Home. *See Residential Home*

Residential Treatment Facility. *See Residential Facility*

Residential Treatment Facility. *See Residential Home*

Restaurant. A retail service establishment where meals are prepared and served to the public generally for consumption on the premises. A restaurant may or may not include fast food services.

Restoration. *See HCA, ESRA, Article V Definitions, Section 3.0030.*

Retail Service. Establishments providing services or entertainment such as eating and drinking places, ~~hotels, motels,~~ banks, catering, laundromats, hair salons, barber shops, arcades, photo finishing, watch and jewelry repair, and theaters. Of note, professional offices (including lawyers, consultants, financial, engineering, and real estate) that provide services for a fee may be classed as either a retail service or an office use.

Retail Trade. Establishments engaged in selling goods or merchandise for personal or household consumption such as clothing, groceries, hardware, gifts, appliance, computer, telephone stores, and other sales of goods to the end user.

Retirement Housing. *See Elderly Housing*

Revegetation. The replacement of trees and plant materials where there has been soil disturbance or the loss of trees and other vegetation, or encroachment of invasive species.

Right-of-Way (ROW). A general term denoting public land, property, or interest therein acquired for, or devoted to a public transportation facility. It includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks and all other public ways, including the subsurface under and air space over these areas under the jurisdiction of the City or other public entity.

Riparian. *See Habitat Conservation Area Definitions, Section 3.0020.*

Rockwood Design District. *See Design District.*

Roof Sign. *See Signs.*

Roof Line Sign. *See Signs.*

Rotating Sign. *See Signs.*

Routine Repair and Maintenance. *See Habitat Conservation Area Definitions, Section 3.0020.*

Rowhouse (Rowhome). Also known as "townhouse", this building construction style is a single structure, usually two story in construction, that provides vertical separation between multiple two-story units. Rowhouse units may be located: on individual lots via "0" lot line development, on a single lot with each unit rented, or as separate condominium units with the land area under common ownership. When developed with each unit on its own separate lot, a rowhouse is also referred to in this code as "single family attached dwelling units." For purposes of addressing, this definition applies to attached single family dwellings with private ownership of unit and land. (See also Dwelling

~~Single Family, Attached.)~~

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or

Satellite Receive-only Antenna. An antenna which receives television or radio signals from satellites.

School, Commercial. ~~A building or land where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxations.~~

A for-profit education facility that can include instruction in arts, crafts, and trades. A commercial school is not an elementary, middle or high school.

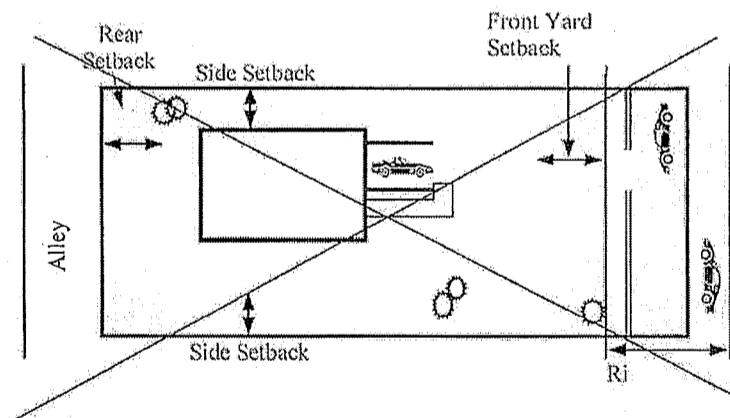
School, Primary, Elementary, Middle, or High. Includes public, private or parochial schools but not child care facilities or kindergartens, except when operated in conjunction with a school.

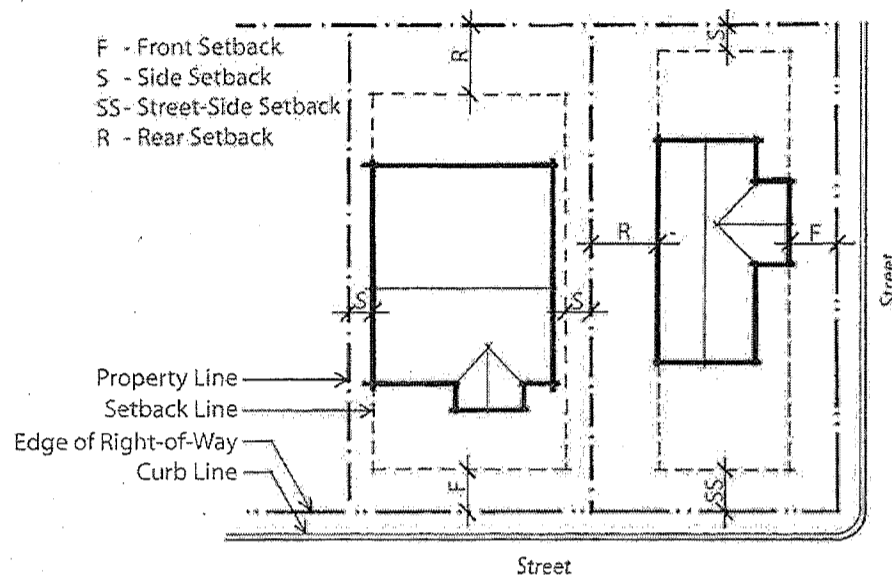
Elementary schools are generally K-5; middle schools are generally 6-8; high schools are generally 9-12. If a school includes higher grade levels than specified above, then it shall be reviewed as the higher level school.

Sensitive Species. See HCA, ESRA, Article V Definitions, Section 3.0030.

Service Station. An auto dependent commercial use selling fuel and oil for vehicles; selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair, maintenance, cleaning and detailing, and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service", as used in this definition, shall be understood to exclude activities such as painting, bodywork, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical carwashing.

Setback. The minimum ~~or maximum~~ allowable horizontal distance from a given point or line of reference to the nearest ~~exterior wall surface~~ vertical wall or other element of a ~~principal building or structure as defined herein, or to other relevant site features as identified in the respective land use district.~~ The point or line of reference will be the lot line following any required dedication, future street widening or a special or reservation line if one is required pursuant to this ordinance. ~~Certain structures are exempted from setback requirements including flag poles, private antennae, landscaping features/ornamentation, and fencing. See "Yard" for additional information involving setback.~~





Setback Adjustment. See *Habitat Conservation Area Definitions, Section 3.0020.*

Severe Crown Reduction. See *Tree Related Definitions, Section 3.0050.*

Shade. See *Solar Related Definitions, Section 3.0040.*

Shade Point. See *Solar Related Definitions, Section 3.0040.*

Shade Reduction Line. See *Solar Related Definitions, Section 3.0040.*

Shade Tree. See *Tree*

Shadow pattern. See *Solar Related Definitions, Section 3.0040.*

Shall. As used in this ordinance shall and must are mandatory, and may and should are permissive.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

Side Lot Line. See *Lot Line*

Sidewalk, or Public Sidewalk. Any paved or unpaved walkway for use by non-vehicular traffic not open to public vehicular traffic and capable for the use by of pedestrians. Public sidewalks are located within a public right-of-way, within a public access easement, within a dedicated public access way, or the land located between the curb line or outside edge of the pavement shoulder of any road, street or highway and the adjacent property line. Private sidewalks are located outside the public right-of-way.

Side Yard. See *Yard*

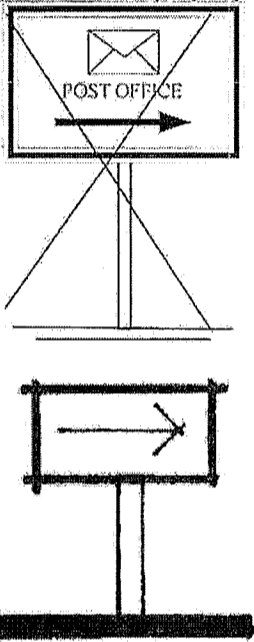
Significant Negative Impact. See *Habitat Conservation Area Definitions, Section 3.0020.*

Significant Tree, Significant Grove. See *Tree*

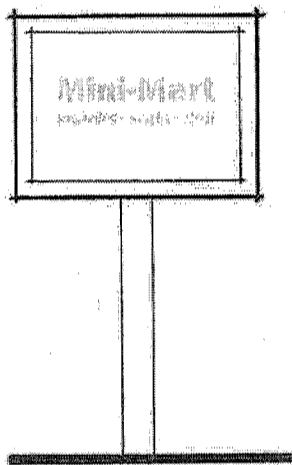
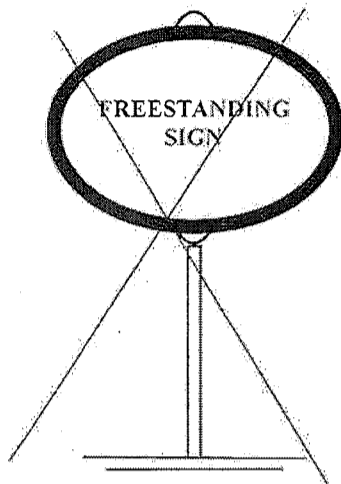
Signs. Materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from a right-of-way, private roadway or another property.

- **Abandoned Sign.** A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.
- **A-Board Sign** A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground. Is normally associated with business activity and is placed-out-of-doors during business hours for display and returned indoors when the business is closed.
- **Animated Sign.** A sign portraying moving images, either in the form of moving lights, animation, or television like real images.
- **Awning Sign.** A sign incorporated into or attached to an awning.

- **Awning Sign, Illuminated.** A sign made of a translucent flexible covering designed in awning form. Such signs are internally illuminated.
- **Balloon Sign.** Any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.
- **Banner Sign.** A temporary sign made of fabric or other non-rigid material with or without an enclosing framework.
- **Bench Sign.** A sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.
- **Direct Illumination Sign.** Exposed lighting or neon tube on the sign face.
- **Directional Sign.** A permanent Sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

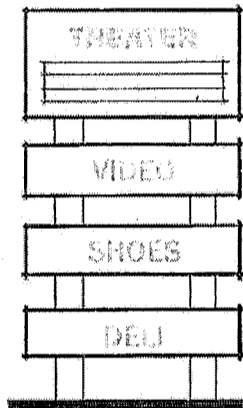
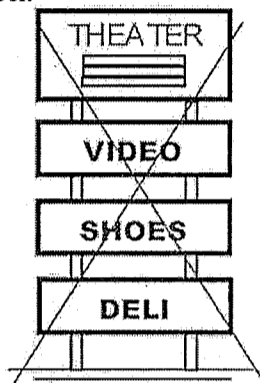


- **Electronic Message Center Sign.** Signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.
- **Face Sign.** The display portion of a sign.
- **Fascia Sign.** A single faced sign attached flush to a building.
- **Fin Sign.** A sign which is supported by a pole or poles and partly by a building.
- **Flap Sign.** A rectangular piece of fabric or other material, of distinctive design, used as a symbol.
- **Flashing Illumination Sign.** Lights which blink on and off randomly or in sequence.
- **Free-Standing Sign.** A sign on a frame, pole or other support structure which is not attached to any building.



- **Indirect Illumination Sign.** The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
- **Installation Sign.** Installation shall include erecting, constructing, re-constructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of a free-standing multibusiness complex sign.
- **Internal Illumination Sign.** The light source is concealed within the sign.
- **Maintenance Sign.** Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.
- **Mansard Wall Sign.** Any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.
- **Marquee Sign.** A sign incorporated into or attached to a marquee or permanent canopy.

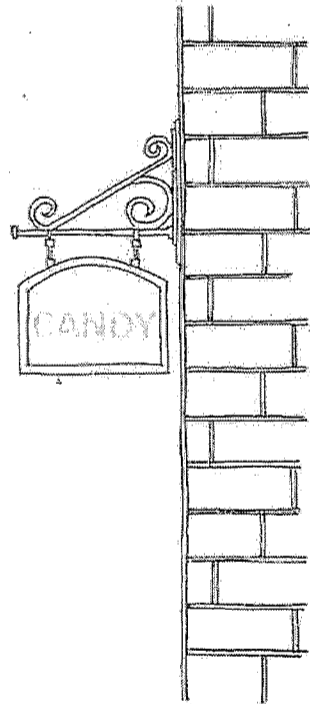
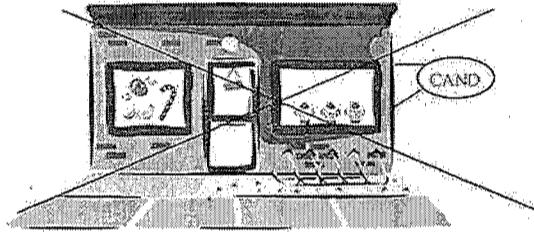
- **Mobile Drive-up Unit Sign.** For purposes of the sign regulations, a mobile drive-up unit is a vehicle such as a trailer, van or truck, used for drive-up retail trade or retail services. The unit does not have any internal floor space available for customers.
- **Moving Parts Sign.** Features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.
- **Multi-Business Complex Sign.** Premises planned and developed as a unit with an undivided or nonsegregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.



- **Nonconforming Sign.** A sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
- **On-Site Directory Sign.** A sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.
- **Outdoor Advertising Sign.** A sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.
- **Painted Highlights Sign.** Painted wall highlights are painted areas which highlight a building's architectural or structural features.
- **Painted Wall Decoration Sign.** Painted wall decorations are displays painted directly on a wall

and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10% of the building wall, whichever is less.

- **Painted Wall Sign.** A sign applied to a building wall with paint and which has no sign structure.
- **Pennant Sign.** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.
- **Permanent Sign.** A sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short term use.
- **Portable Sign.** A sign designed to be transported which can be free-standing and unattached, or temporarily or permanently attached to the ground, structures or other signs.
- **Projecting Sign.** A sign attached and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way and fully on private property.



- **Readerboard Sign.** A sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.
- **Repair Sign.** Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

- **Roof Line Sign.** The lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.
- **Roof Sign.** A sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.
- **Rotating Sign.** Sign faces or portions of a sign face which revolve around a central axis.
- **Special Event Banner Sign.** A sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.
- **Structural Alteration Sign.** Modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.
- **Structure Sign.** A structure specifically intended for supporting or containing a sign.
- **Temporary Lawn Sign.** A temporary rigid sign no more than 6 square feet in area.
- **Temporary Rigid Sign.** A temporary sign made of rigid materials such as wood, plywood and plastic.
- **Temporary Sign.** Any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.
- **Under Marquee Sign.** A sign which is installed or maintained under and supported or partially supported by a marquee.
- **Unsafe Sign.** Any sign determined to be a hazard to the public by the Building Official or authorized representative.
- **Wind Sign.** Any attention-getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.
- **Window Sign, Inside.** A sign mounted or hung on the inside of a window that is visible from outside of the premises. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.
- **Window Sign, Outside.** A sign mounted or hung on the outside of a window. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

Single Family Dwelling. *See Dwelling Unit.*

Single Family Attached Dwelling. *See Dwelling Unit.*

Single Family Detached Dwelling. *See Dwelling Unit.*

Single Loaded Street. A street or alley or accessway (either public or private) that is accessed only on one side. For example, a single loaded street is likely to be located at the rear of a development project and provide access to buildings within that project but not to buildings on adjoining properties.

Site. An area of real property encompassing single or multiple lots that may also be in either single or multiple ownerships, notwithstanding that a particular development permit application may be for development of all or a portion of the site only. Conveyance of less than fee title to different persons, such as by ground lease, shall not prevent the Manager from requiring application for Site Plan review and subsequent action for the whole "site."

~~**Site Design Review.** The process of reviewing all community service developments, manufactured dwelling parks, attached dwelling structures, commercial developments, and industrial developments for compliance with the design criteria of the Community Development Code.~~

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensions all the uses proposed for a parcel of land and other information as required by specific sections of this code.

Skilled Nursing Facility. *See Elderly Housing*

~~**Cross Slope, Cross.** Is the slope that is perpendicular to the direction of travel (see running slope).~~

~~**Running Slope, Running.** Is the slope that is parallel to the direction of travel (see Cross Slope).~~

Solar Access Development Permit. See Solar Related Definitions, Section 3.0040.

Solar Access Height Limit. See Solar Related Definitions, Section 3.0040.

Solar Energy Collecting Structure. See Solar Related Definitions, Section 3.0040.

Solar Feature. See Solar Related Definitions, Section 3.0040.

Solar Gain Line. See Solar Related Definitions, Section 3.0040.

South or South Facing. See Solar Related Definitions, Section 3.0040.

Special Event Banner Sign. See Signs.

Springwater Design District. See Design District.

Square Footage (SF). Measurement of an area expressed in square feet.

Stand. As applied to trees and other vegetation, a group of plants growing in a continuous area (see also Tree, Grove/Tree Group). See Tree Related Definitions, Section 3.0050.

Stands, Commercial. Vending stands that are located outside of public right-of-way on private or public property and are subject to siting approval and a City business license. Mobile commercial stands are treated as temporary uses. Permanent commercial stands require site design review.

Examples of commercial stands include espresso, taco, flower, and similar stands conducting retail sales or offering goods and/or services for a fee or donation.

~~**Stands, Corner Vending.** Small, temporary vending stands located within public right-of-way and subject to siting approval and a City business license.~~

~~**Statistical Noise Level.** The Noise Level which is equal or is exceeded a stated percentage of the time. An L_{10} 65 dBA means that in any hour of the day 65 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes.~~

~~**Steep Slopes.** See Habitat Conservation Area Definitions, Section 3.0020.~~

Stormwater Filtration. The treatment of stormwater by flowing water through various types of media, such as vegetation, sand or synthetic materials, which ~~adsorb~~ absorb and filter out pollutants. This method is also referred to as "flow through treatment".

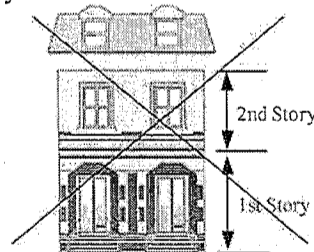
Stormwater Pre-Treatment Facility. See HCA, ESRA, Article V Definitions, Section 3.0030.

Stormwater Runoff. The water which runs off a site during or following a storm event. The amount of runoff depends on the area of the site, the intensity of the rainfall and the runoff coefficient for the site, which is in turn dependent on the site's perviousness.

Stormwater Treatment. The process of removing sediment and/or pollutants from stormwater runoff by using one or more methods (e.g. detention, retention/infiltration, filtration, separation) specified in the City's Water Quality Manual.

Stormwater Quality Control Plan. A plan for providing for stormwater quality as described in the Water Quality Manual, City codes, and Public Works Standards.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. The topmost story shall include that portion of a building between the upper surface of the topmost floor and the ceiling or roof above, including a hipped or other angled/pitched roof. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.



Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50% of the total perimeter, or more than 8 feet below grade, as defined herein, at any point. If a floor is more than four feet below grade for more than 50 percent of the total perimeter, then it is a basement.

Stream. See HCA, ESRA, Article V Definitions, Section 3.0030.

Street, Road or Highway. The portion of a public right-of-way that is open, used or intended for use of by the general public for vehicles or vehicular traffic, including bridges, viaducts, other structures and any paved, graveled or dirt shoulder. A street is a public way that affords the principal means of access to abutting property. For street descriptions, classifications, and standards for streets, roads, or highways under City jurisdiction, are in the City's , refer to Figure 20, Volume IV— Transportation System Plan. For street addressing and naming purposes only, a street (not to include an alley) may be considered as either a public or private way that is identified by a street name, to include both a street suffix and street prefix (see also Street Name).

Street Name. A specific name or number by which an access way is identified, e.g., Wallula Division, 162nd. A complete street name includes both street prefix and street suffix in addition to the basic street name.

Street Prefix. A word or words (usually abbreviated) preceding a basic street name and indicating a quadrant or baseline direction, e.g., NW Wallula Avenue, SE Douglas Place, E Burnside Street.

Street Renaming. A change by Council Ordinance of a previously recorded street name. This includes but is not limited to assigning a name to a street platted and recorded without a name (e.g., public street), correction to an incorrectly spelled name, corrections to the complete street name or part thereof.

Street Suffix. A word (typically abbreviated) following a basic street name and indicating the type of street, e.g., Wallula Avenue, Eastman Parkway, Civic Drive, or Douglas Place (also called "Address Suffix" or "Thoroughfare Designation"). Street suffixes are often abbreviated (e.g., Ave., Pkwy., Dr., or Pl.).

Structural Alteration Sign. See Signs.

Structure Sign. See Signs.

Structure. Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground. See also HCA, ESRA, Article V definitions in Section 3.0030 for specific applications of this term in those areas.

Structure or Use, Accessory. A structure or use incidental, and subordinate to, the main structure or use. A structure that is subordinate in size and purpose to the principal structure serving a purpose customarily incidental to the use of the principal structures. Accessory structures include residential detached carports, garages, and garden sheds.

Subdivide Land. To divide land to create into four or more lots within a calendar year.

Subdivision Lot. See Lot.

Subdivision Plat. A final survey map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a subdivision.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 30 percent of the market value of the structure either:

- 1) before the improvement is started, or
- 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Sunchart. See Solar Related Definitions, Section 3.0040.

Temporary Health Hardship Dwelling. See Dwelling Unit

Temporary Lawn Sign. See Signs.

Temporary Rigid Sign. See *Signs*.

Temporary Sign. See *Signs*.

Tenant. Any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement whether oral or written, express or implied.

Tentative Plan. A clearly legible drawing of the proposed layout of lots and other elements of a partition or subdivision which shall help furnish a basis for the approval authority to approve or disapprove the general layout of the development.

Top of Bank. See *HCA, ESRA, Article V Definitions, Section 3.0030*.

Townhouse/Rowhouse (Rowhome). Also known as "rowhouse/townhouse", this building construction style is a single structure, usually two- or three-story in construction, that provides vertical separation between multiple two- or three-story units. Townhouse/Rowhouse units may include: dwelling units on be located: on individual lots via "0" lot line development, dwelling units on a single lot with each unit rented, or as separate condominium units with the land area under common ownership. When developed with each unit on its own separate lot, a townhouse/rowhouse is also referred to in this code as "single-family attached dwelling units." For purposes of addressing, this definition applies to attached single-family dwellings with private ownership of unit and land. (See also Dwelling, Single Family, Attached.)

Townhouse. See "Rowhouse."

Tract. Any unit of land.

Transit Facility. A transit facility includes a light rail transit station, or a park and ride lot for transit riders, or a transit center, or a transit stop and their transit improvements.

Transit Streets and Routes. ~~Designated Transit Streets and Routes: Shown on Figure 20, Volume IV – in the~~ Transportation System Plan, of the Gresham Community Development Plan and categorized according to three classes:

- Future Transit Routes are anticipated for future transit service and may include all streets classified as collector or higher.
- Transit Routes. Transit routes currently have existing but infrequent transit service but are not currently subject to the design criteria in this subsection. Transit Routes are subject to future designation as Transit Streets.
- Transit Streets are streets which are currently served by frequent transit service or streets that are designated as regional transit corridors in a regional growth plan or transportation plan. Special criteria apply to Transit Streets.

Transit Supportive Use. A transit supportive use provides goods, services, or activities which are attractive and convenient to transit riders and pedestrians. A transit supportive use is one which, by its design and character, is highly compatible with rail transit station areas. A transit supportive use generates a high level of transit trips relative to vehicular trips as compared to less transit supportive uses. A transit supportive use minimizes surface parking lot demands.

Transportation Facility. A physical facility that is used to accommodate the movement of people or goods. Transportation facilities include, but are not limited to: sidewalks, paths, streets, roads, and highways. Transportation facilities do not include electricity, sewage, and water systems.

Tree. A large, woody plant generally having one a self-supporting stem or trunk and numerous branches.

- ~~Tree, Buffer Tree.~~ **Tree, Buffer Tree.** An evergreen or deciduous tree that has been approved as part of a buffering and screening plan.
- ~~Tree, Hazardous Tree.~~ **Tree, Hazardous Tree.** A tree that constitutes a hazard to life or has a significant potential to cause injury to persons or damage to property because the tree is in imminent danger of collapse, or is otherwise considered to be or likely to create a hazard. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. ~~A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.~~

- **Tree, Hogan Cedar Tree.** A unique form of *Thuja plicata*, the western red cedar, which grows naturally only in the Gresham area. The population center is located approximately where Hogan Road meets Johnson Creek.
- **Tree, Imminent Hazard Tree.** A hazardous tree ~~as defined in Section 3.0010—~~ where all or more than 30% ~~of which~~ has already fallen or is estimated to fall within 72 hours into the public right of way or onto a target that cannot be protected, restricted, moved, or removed. ~~(See also Tree, Hazard.)~~ Determination of Imminent Hazard is made by the City of Gresham Public Works or Emergency Personnel, a PGE forester, or a Consulting Arborist as defined in Section 3.0010. ~~(See Arborist, Consulting.)~~
- **Tree, Major Tree.** Those trees that have a 12-inch DBH or greater (30-inches DBH for Trees First Policy). Major trees are those that contribute to the landscape character of the area, to include Douglas-fir, redcedar, redwood, giant sequoia, oak, ash, birch, and maple. Major trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.
- **Tree, Ornamental Tree.** For purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.
- **Tree, Parking Lot Tree.** A tree which the location and variety of which was approved as part of a parking lot plan.
- **Tree, Perimeter Tree.** A tree located within five feet of either side of a an adjacent property line. Does not include trees in the public right-of-way.
- **Tree, Regulated Tree.** A tree that has a Diameter at Breast Height (DBH) of 8 inches or greater (i.e., a circumference of approximately 25 inches). ~~(See also Tree, Diameter Breast Height (DBH).)~~ Street Trees, Buffer Trees, and Parking Lot Trees of any size, as well as Significant Trees and Groves, also fall under the general category of “regulated” or protected trees, but are subject to specific standards that may supersede those that pertain only to Regulated Trees as identified by size.
- **Shade Tree.** A deciduous tree, planted primarily for its high crown of foliage or overhead canopy.
- ~~Tree (or Grove),~~ **Significant Tree; Significant Grove.** (Also commonly known as a Heritage Tree or Grove.) A tree or group of trees that have been designated by the City as having unique importance, and subject to the Significant Tree Regulations of Section 9.1000, Tree Regulations, and Appendix 14, Significant Trees. ~~Where a grouping of two or more Significant Trees is clustered on a property or properties, the term Significant Grove is generally used. (See also Stand and Tree, Grove/Tree Group).~~
- **Tree, Street Tree.** Any tree located within the public right-of-way, or any tree located within 10 feet of the public right-of-way where the planter strip tree lawn is missing or of inadequate width for tree placement within the right-of-way.

~~**Tree Caliper.** An ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to 6 inches in diameter, caliper is measured at 6 inches above the ground level. Trees that a 7 to 12 inch caliper are measured at 12 inches above the ground. For nursery stock above 12 inches in diameter, a DBH measurement is used (see Tree, Diameter Breast Height).~~

~~**Tree, Clear Cutting.** (See Clear Cutting).~~

~~**Tree, Critical Root Zone.** The rooting area of a tree, within the tree’s dripline, which if injured or otherwise disturbed is likely to affect a tree’s chance for survival.~~

~~**Tree, Diameter Breast Height (DBH).** A measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see Trees, Regulated).~~

~~**Tree, Dripline.** An imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot~~

away from the trunk of the tree for each inch of tree diameter.

Tree, Grove/Tree Group. A stand of more than one tree (see also Stand).

Tree Lawn. An area for landscaping and street trees within the public street right of way, usually located between the curb and sidewalk. Also known as a parking strip, or planting strip.

Tree, Park. (Also called Public Tree.) A tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right of way would be included within the general category of Park tree.

Tree, Public. (See Tree, Park).

Tree, Ridgeline. Those trees along the crest of Jenne Butte, Gresham Butte (AKA Walters Hill), and/or Grant Butte. These three buttes have been identified as a Scenic and Visual Resource providing a Scenic Backdrop to all parts of the City and worthy of protection.

Trees, Clear Cutting. See Clear Cutting.

Tree Protection Plan. See Tree Related Definitions, Section 3.0050.

Tree Removal. See Tree Related Definitions, Section 3.0050.

Tree Survey. See Tree Related Definitions, Section 3.0050.

Tree Topping. See Tree Related Definitions, Section 3.0050.

Tree Well. See Tree Related Definitions, Section 3.0050.

Truck. See Motor Vehicle

Underdeveloped Property. A platted lot or parcel, or deeded area of land that is: vacant or undeveloped, is a lot of record in the LDR 5 or LDR 7 district with more than twice the required minimum lot area, includes land in its natural state, or is only partially developed.

Underground Injection Control (UIC) System. As defined by DEQ: A well, improved sinkhole, sewage drain hole, subsurface fluid distribution system or other system or groundwater point source used for the subsurface emplacement or discharge of fluids.

Under Marquee Sign. See Signs.

Undevelopable area. An area that cannot be used practicably for a habitable structure, because of

- Nnatural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or
- Manmade conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Uniform Building Code (UBC). The current version of the State of Oregon Specialty Codes as adopted by the City of Gresham.

Unsafe Sign. See Signs.

Urban Development Value. See Habitat Conservation Area Definitions, Section 3.0020.

Urban Services. The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library services.

Use, Accessory. See "Structure or Use, Accessory." A use that is incidental and subordinate to the main use.

Use, Change of. The replacement of one use on a site or within an occupancy with another use. The uses may or may not be similar in nature.

Use, Principal. The main or primary purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Utility Facilities. See Habitat Conservation Area Definitions, Section 3.0020.

Variance. A development proposal that includes a deviation or change from quantitative or qualitative standards.

Vehicle Rebuilding. An industrial use that includes the general repair, alteration, rebuilding, maintenance or reconditioning of vehicles, including motor, body, frame, upholstery, interior or paint work, and the storage of vehicles and/or parts. Examples of vehicle rebuilding include body shops and salvage yards.

Vehicle, Recreation. A boat, camper, motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle.

Vehicle Repair. A commercial service/auto dependent use that includes vehicle engine adjustment, maintenance and repair, and minor body, electrical, interior work, cleaning and detailing. Vehicle repair does not include rebuilding or storage activities. Examples of vehicle repair include tune ups, quick lubes, service stations that provide minor repair services, muffler shops, electrical repairs, and tire services and sales.

Vehicle Sales and/or Rental Lot. A lot used for display, sale or rental of new or used vehicles, including, but not limited to, motor vehicles automobiles, boats, trailers and recreational vehicles.

Vehicular Way. Is a A route intended for vehicular traffic such as a driveway or parking lot.

Walk, or Walkway. Is a An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

Wall. For purposes of **Section 9.0100 Buffering and Screening**, a wall is a fence constructed of brick, stone, concrete or other similar masonry materials. For other purposes, it is the vertical exterior surface of a building or the vertical interior surfaces that divide a building's space into rooms.

Water-Dependent. See Habitat Conservation Area Definitions, Section 3.0020.

Water Feature. See HCA, ESRA, Article V Definitions, Section 3.0030.

Water Quality Manual-or (WQ Manual). A manual adopted by the City to specify requirements and acceptable methods to provide for stormwater quality in the city.

Water Quality Resource Area. See HCA, ESRA, Article V Definitions, Section 3.0030.

Waters of the State. See HCA, ESRA, Article V Definitions, Section 3.0030.

Watershed. See HCA, ESRA, Article V Definitions, Section 3.0030.

Wet Weather Season. The period of the year in which the frequency and volume of precipitation is expected to be the greatest. Defined for purposes of construction and development in the City of Gresham as the period between October 1 and the following May 31.

Wetland. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Identification and delineation of wetlands must be performed by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region.

Wholesale Activities. Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the public are limited. Products may be picked up on the site or delivered to the customer. Wholesale Activities does not include retail businesses that sell memberships to the public for purposes of purchasing merchandise.

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

Wind Sign. See Signs.

Window Sign, Inside. See Signs.

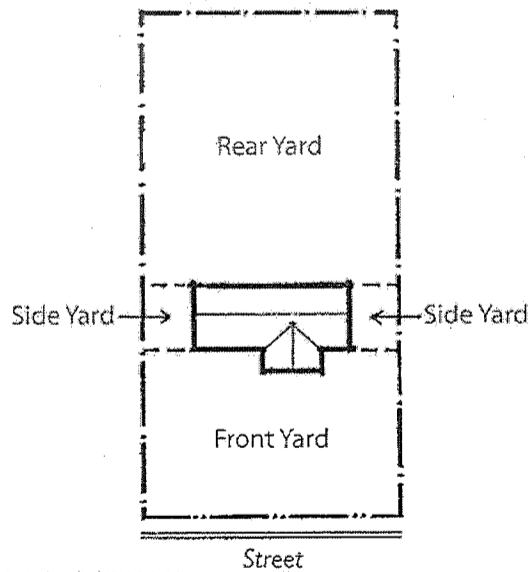
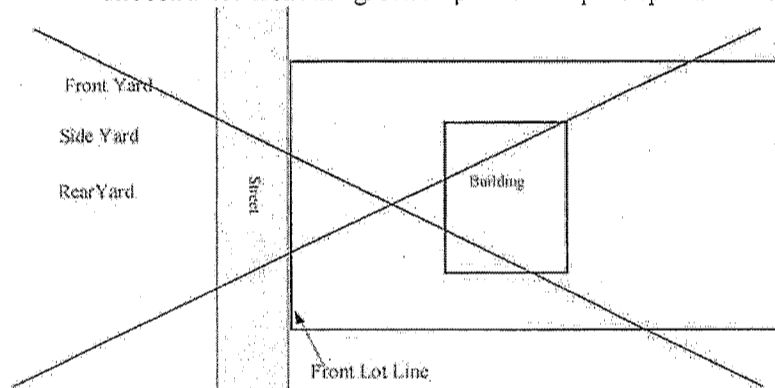
Window Sign, Outside. See Signs.

Woody Vegetation. See HCA, ESRA, Article V Definitions, Section 3.0030.

Woody Vegetation Area. See HCA, ESRA, Article V Definitions, Section 3.0030.

Yard. An area on a lot between a primary structure and the lot lines. A yard extends from the ground upward. The portion of a yard required to be unoccupied by structures above grade - except for projections and the specific secondary uses or accessory structures allowed in such area as specified elsewhere in this ordinance - is known as a yard setback area. A required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- Yard, Front Yard. A required open space extending the full width of the lot between a building line and the front lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.
- Yard, Rear Yard. A required open space extending the full width of the lot between a building and the rear lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.
- Yard, Side Yard. A required open space extending from the front yard to the rear yard between a building and the nearest side lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.



Zero Lot Line. See Lot Line

3.0020 Habitat Conservation Area (HCA) Related Terms and Definitions

The following definitions apply within the Habitat Conservation Area (HCA) Overlay District.

- **Building Footprint (for Habitat Conservation Area).** The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building footprint also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage. Underground facilities and structures are defined based on the foundation line.
- **Building Site.** The area on a lot or parcel that is designated to contain a structure, impervious surface, or non-native landscaping.
- **Developed Areas not Providing Vegetative Cover.** ~~are a~~ Areas that lack sufficient vegetative cover to meet the one-acre minimum mapping units of any other type of vegetative cover.
- **Developed Flood Area.** A flood area (a) upon which a building or other structure has been located, or (b) that is an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as Grasscrete™) that is able to withstand vehicular traffic or other heavy-impact uses; provided, however, that graveled areas shall not be considered developed flood areas.
- **Disturb.** Man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:
 - Enhancement or restoration of the HCA; or
 - Planting native cover identified in the City of Gresham Native Plant List.
- **Disturbance Area.** An area that contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site. For new development, the disturbance area must be contiguous. The disturbance area does not include agricultural and pasture lands or naturalized areas.
- **Effective Impervious Area.** A subset of total impervious area that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body of water
- **Habitat Conservation Area or HCA.** An area identified on the Habitat Conservation Areas Map and subject to the development standards of the HCA Overlay district.
- **Low Structure Vegetation or Open Soils.** Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream. Structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).
- **Open Space.** Land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and parks.
- ~~**Owner or Property Owner**—The person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser there under.~~
- **Practicable.** Means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions. The practicability of a development option shall include consideration of the type of HCA that will be affected by the proposed development. For example, High HCAs have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, so it should be more difficult to show that alternative development options that avoid the habitat are not practicable. On the other hand, Low HCAs have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat, so it should be less difficult to show that alternative development options that avoid the habitat are not practicable.

- **Riparian.** Those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.
- **Class I Riparian Area, Class I.** Class I areas are the highest value part of the HCA riparian corridor. Metro found that they provide three to five primary functions in their riparian model used for resource significance. The primary functions to sustain fish and wildlife including 1) microclimate and shade; 2) streamflow moderation and water storage; 3) bank stabilization, sediment and pollution control; 4) large wood and channel dynamics; and 5) organic material services. Class I riparian land features providing these functions include rivers, streams, stream associated wetlands, undeveloped floodplains, forest canopy (one acre or greater) within 100 feet of a stream, and forest canopy within 200 feet of streams on slopes of 25% and greater.
- **Class II Riparian Area, Class II.** Class II areas are medium value riparian habitat. Metro found that they provide one to two primary functions to sustain fish and wildlife or a combination of one primary function and one or more secondary functions. Class II riparian habitat includes rivers, streams, a 50 foot area along developed stream segments, forest canopy or low structure vegetation (e.g. grass) within 200 feet of streams, and portions of undeveloped floodplains extending beyond 300 feet of streams. Class II areas are elevated to Class I when they contain Habitats of Concern as shown on the Metro Habitats of Concern Map.
- **Routine Repair and Maintenance.** Activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.
- **Setback Adjustment.** The placement of a building a specified distance away from a road, property line or protected resource.
- **Significant Negative Impact.** An impact that affects the natural environment, considered individually or cumulatively with other impacts on the HCA, to the point where existing fish and wildlife habitat functional values are degraded.
- **Steep Slopes.** ~~Steep slopes are~~ Those slopes that are equal to or greater than 25%. Steep slopes have been removed from the “buildable lands” inventory and have not been used in calculations to determine the number of acres within the urban growth boundary that are available for development.
- **Urban Development Value.** The economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs (“employment value”), and the Metro 2040 design type designation of property. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map.
- **Utility Facilities.** Buildings, structures or any constructed portion of a system which provides for the production, transmission, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pre-treatment facilities.
- **Water-dependent.** A use which can be carried out only on, in, or adjacent to water because it requires access to the water for waterborne transportation or recreation. Water-dependent also includes development, which by its nature, can be built only on, in, or over water. Bridges supported by piers or pillars, as opposed to fill, are water-dependent development.

3.0030 HCA, ESRA, and Article V Terms and Definitions

The following definitions apply within the Habitat Conservation Area (HCA) Overlay District; the Environmentally Sensitive Resource / Restoration Areas (ESRA) districts in Pleasant Valley (ESRA-PV) and Springwater (ESRA-SW) and the other environmental overlay districts in Article V.

- **Aquatic Habitat.** Habitat structure that is the combination of vegetation, woody materials and certain configurations of pool and riffle sequences in the stream channel, off-channel wetlands, side channels, oxbows, meanders, backwaters, frequently flooded areas (10-year flood event or higher) and spawning gravel.
- **Areal Cover.** A measure of vegetative strata that defines the degree to which the canopy vegetative layer covers the ground surface.
- **Ecological Features (or Features).** A distinctive natural resource element, quality or characteristic that contributes to an ecological function. Features include woody vegetation, tree groves, non-woody vegetation, water bodies, floodplain, aquatic habitat, sensitive species and structure.
- **Ecological Functions (or Functions).** The primary biological, chemical, and hydrologic characteristics of healthy fish and wildlife habitat that must be present for natural systems to work properly. Riparian ecological functions include water quality, channel dynamics and morphology (bank stabilization and sediment/pollution control, sources of large woody debris), water quantity (streamflow moderation and water storage), microclimate and shade, fish and aquatic habitat, sources of large woody debris, organic material sources, and listed sensitive species as determined by the Oregon Department of Fish and Wildlife, the U.S. Department of Fish and Wildlife or the National Oceanographic and Atmospheric Administration. Upland ecological functions include terrestrial or upland wildlife habitat quality, terrestrial or upland sensitive specie and upland interior habitat. Upland habitat quality is determined by tree canopy preservation, size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity of habitat to other habitat areas, and presence of unique habitat types.
- **Emergency.** Any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
- **Engineer.** A registered professional engineer licensed by the State of Oregon.
- **Enhancement.** The process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate beneficial processes and features that occur naturally.
- **Erosion.** Erosion is the movement of soil particles resulting from actions of water or wind.
- **Fill.** Any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.
- **Flood Areas.** Those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Maps and all lands that were inundated in the February 1996 flood (note that areas that were mapped as flood areas but were filled to a level above the base flood level prior to September 30, 2005, consistent with all applicable local, state, and federal laws shall no longer be considered habitat based on their status as flood areas).
- **Flood Management Areas.** All lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.
- **Floodplain.** The land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.
- **Forest Canopy.** Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater ~~rown closure~~ areal cover by regulated trees, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

- **Habitat-friendly Development.** A method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include; clustering development to avoid habitat; using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance; managing storm water on-site to help filter rainwater and recharge groundwater sources; collecting rooftop water in rain barrels for reuse in site landscaping and gardening; and reducing the amount of effective impervious surface created by development.
- **Intermittent Streams.** Any stream that flows during a portion of every year and which provides spawning, rearing or food producing areas for food and game fish; or as reflected in the most current definition of the Oregon Department of State Lands. See also perennial "streams."
- **Invasive Non-native or Noxious Vegetation.** Plant species that are listed as nuisance invasive/non-native plants or prohibited plants on the City of Gresham Native Plant List because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.
- **Mitigation.** The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.
- **Native Vegetation or Native Plant.** Vegetation listed as a native plant on the City of Gresham Native Plant List and any other vegetation native to the Portland metropolitan area provided that it is not listed as a ~~nuisance plant~~ invasive/ non-native, or a prohibited plant on the City of Gresham Native Plant List.
- **Non-Woody Vegetation (Herbaceous Plants).** Plants with a relatively short-lived shoot system that does not form a woody stem. Non-woody plants consist of herbs such as forbs, grasses or ferns or herbaceous vines.
- **Perennial Streams.** Streams with flows that last throughout the year; or as reflected in the current definition of the Oregon Department of State Lands. See also intermittent streams.
- **Redevelopment.** Development that occurs on sites that have previously been developed.
- **Restoration.** The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.
- **Sensitive Species.** Those naturally reproducing species which may become threatened or endangered throughout all or any significant portion of their range in Oregon as identified by the Oregon Department of Fish and Wildlife, the U.S. Department of Fish and Wildlife or the National Oceanographic and Atmospheric Administration.
- ~~**Statewide Land Use Planning Goal 5** Oregon's statewide planning goal that addresses open space, scenic and historic areas, and natural resources. The purpose of the goal is to conserve open space and protect natural and scenic resources.~~
- **Stormwater Pre-treatment Facility.** Any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.
- **Stream.** A body of running water moving over the earth's surface including stream types classified as perennial or intermittent, channelized or relocated streams in a channel or bed, such as a creek, rivulet or river; or as reflected in the current definition of the Oregon Department of State Lands. See also intermittent and perennial streams. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is

maintained through build-up and loss of sediment.

- **Structure.** Vegetation or land features that provide food, water and cover for wildlife, as well as locations for nesting, den creation and rearing of off-spring.
- **Top of Bank.** The same as “bankful stage” defined in OAR 141-85-010.
- ~~Urban Growth Boundary or UGB means an urban growth boundary adopted pursuant to ORS chapter 197.~~
- **Water Feature (Body).** All rivers and streams meeting the Oregon Department of State Lands for the definition of Waters of the State. These include also intermittent streams, springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.
- ~~Water Feature (Body) All rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.~~
- **Waters of this State.** All natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore, as defined in ORS 390.605, where removal or fill activities are regulated under a state-assumed permit program as provided in 33 U.S.C. 1344(g) of the Federal Water Pollution Control Act, as amended.
- **Water Quality Resource Area.** is aAn area identified by a city or county as a Water Quality Resource Area in order to comply with Title 3 of Metro’s Urban Growth Management Functional Plan, Metro Code sections 3.07.310- 3.07.370.
- **Watershed.** A watershed is aA geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.
- **Woody Vegetation Area.** Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure). located within 300 feet of a surface stream.
- **Woody Vegetation.** Perennial plants that have hard, lignified tissue/stems that grow outward year after year and that are composed of cellulose and lignin based tissue. Woody vegetation includes both trees and shrubs.

3.0040 Solar Related Terms and Definitions

The following definitions apply to the application of Appendix 8, Solar Access.

- **North-south dimension.** The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary.
- **Protected solar building line.** A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees.
- **Shade.** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
- **Shade Point.** The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch

that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof.

- **Shade Reduction Line.** A line drawn parallel to the northern lot line that intersects the shade point.
- **Shadow pattern.** A graphic representation of an area that would be shaded by the point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south.
- **Solar Access Development Permit.** A document issued by the City that describes the maximum height that vegetation is allowed to grow on lots to which a development permit for solar access applies.
- **Solar Access Height Limit.** A series of contour lines establishing the maximum permitted height allowed for non-exempt vegetation on lots affected by a development permit for solar access.
- **Solar Energy Collecting Structure.** An enclosed structure containing habitable living space, attached to a dwelling unit (as authorized in **Section A8.030 - Solar Access**), designed for the purpose of collecting and conveying solar energy to the main portion of the dwelling, and meeting the criteria of **Section A8.028**.
- **Solar Feature.** A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater that includes solar panels. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structure member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.
- **Solar Gain Line.** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.
- **South or South Facing.** True south, or 20 degrees east of magnetic south.

Sunchart. One or more photographs that plot the position of the sun between 10:30 am and 1:30 pm on January 21, prepared pursuant to guidelines issued by the manager. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude or a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

3.0050 Tree Related Terms and Definitions

The following definitions apply to Tree-related applications, including Sections 9.1000, Tree Regulations and Appendix 14. Significant Trees.

- **Caliper.** An ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to 6-inches in diameter, caliper is measured at 6 inches above the ground level. Trees that are 7 to 12 inch in diameter, caliper is measured at 12 inches above the ground. For nursery stock above 12 inches in diameter, a DBH measurement is used (see Diameter Breast Height). ~~The trunk diameter of young or nursery trees (see Tree Caliper).~~
- **Clear Cutting.** Any tree removal which leaves fewer than an average of one tree per 1,000 square feet of lot area, well-distributed throughout the entirety of the site. This definition does not apply to sites that have fewer than an average of one tree per 1,000 square feet of lot area at the time development is proposed, except for sites from which the current owner or the proposed developer or his or her representative has removed regulated trees in excess of the number that may be removed without a development permit under Section 9.1010 of the Development Code.

- **Critical Root Zone.** The rooting area of a tree, primarily within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival. (See ~~Tree, Critical Root Zone.~~)
- **Crown cover.** The area within the drip line or perimeter of the foliage of a tree.
- **Diameter Breast Height (DBH).** A The diameter measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see ~~Trees, Regulated.~~). (See ~~Tree, Diameter Breast Height (DBH).~~)
- **Dripline.** An imaginary line along the ground that reflects the outermost extent of foliage of a tree extended vertically to the ground. ~~perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.~~ (See ~~Tree, Dripline.~~)
- **Tree, Pruning.** The cutting-out removal of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting-out removal of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting-out removal of branches and limbs that would constitute more than 20% of the tree's foliage bearing area. Minor pruning includes removal of deadwood and pruning less than 20% of the tree's foliage bearing area.
- **Tree, Severe Crown Reduction.** The specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (See ~~Tree Topping.~~)
- **Stand.** As applied to trees and other vegetation, a group of two or more trees plants growing in a continuous area. Also known as a grove or tree group. (see also ~~Tree, Grove/Tree Group.~~)
- **Tree, Protection Plan.** A detailed description of how trees intended to remain after development will be protected and maintained.
- **Tree Removal.** The act of removing a tree by digging up or cutting down, or the effective removal through irreversible damage of roots, stems, or crown, including tree topping.
- **Tree, Survey.** A scaled drawing that provides the location of all trees having an eight inch or greater DBH ~~plotted by accurate techniques and~~ that designates the common or botanical name of those trees, and their DBH.
- **Tree, Topping.** The severe cutting back of limbs or main stem to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal top and disfigure the tree. (See also ~~Tree, Severe Crown Reduction.~~)
- **Tree Well.** A space within a sidewalk or other impervious area that has been created specifically as an area for a tree's root system to grow.

Section 3. Volume 3, Development Code, Article IV is amended as follows:

4.0112 Transit Low-Density Residential (TLDR)

The Transit Low Density Residential District designation is applied primarily to existing low-density residential neighborhoods within close proximity of light rail and/or bus transit service and is intended for single family detached and attached dwellings, manufactured homes, and duplex ~~two-unit attached dwellings~~ at a maximum density of 20 units per net acre. For all subdivisions, and for those partitions of parent parcels greater than 13,000 square feet, a minimum density of 10 units per net acre is required. This district is intended to continue as a lower-density neighborhood, with detached single-family housing on small lots. Manufactured dwelling parks are allowed at a maximum net density of 14 units per acre and a minimum net density of 7 units per acre.

Table 4.0120: Permitted Uses In The Residential Land Use Districts

USES	LDR-5	LDR-7	TLDR	TR	MDR-12	MDR-24	OFR

(F) Two-unit attached dwellings Duplexes	No change in these cells						

Table 4.0130: Development Requirements For Residential Land Use Districts

	LDR-5 ^{1,2}	LDR-7 ^{1,2}	TLDR	TR	MDR-12	MDR-24	OFR

Two-unit attached dwelling (d) Duplex):	No change in these cells						

Table 4.0130(E) Notes:

- [4] 20 foot minimum distance between major structures on same lot, except for non-single family attached ~~rowhouse~~ townhouse style dwellings on the same lot where a minimum of 10 feet in between major structures (side to side) will be required. Detached carports and detached garages are not major structures. See Section 10:0200 for accessory structure setback standards.

4.0131 Additional Low Density Residential-5 (LDR-5) and Low Density Residential-7 (LDR-7) District Standards

(A) Average Density

- (5) A platted lot which was created pursuant to average lot size requirement in (1) above and designated as a duplex ~~two-unit attached dwelling~~ may not be developed with a single dwelling unless a Type I application is made which contains the data required in the Community Development Code, Section 6.0110 and which demonstrates that the average lot size

requirements in (1) above are still met for the entire subdivision or partition plat. If the application is approved, the applicant shall provide a final map meeting the requirements of Community Development Code, Section 6.0111.

(D) Development of Two-Unit Attached Dwellings Duplexes on a Lot Created under standards in effect Prior to December 19, 1996:

A lot that was created under standards in effect prior to December 19, 1996, may be developed with a two-unit attached dwelling duplex, only if:

- (1) It is 8,000 square feet or more in size and any portion is located within 275 feet of an arterial street; or
- (2) It is designated on a recorded plat as a two-unit attached dwelling duplex lot.

4.0132 Additional Standards for the Low Density Residential-5 (LDR-5), Low Density Residential-7 (LDR-7), Transit Low Density Residential (TLDR) and Transition Residential (TR) Districts

(C) Maximum number of units per lot:

No more than one dwelling unit or two-unit attached dwelling duplex may be located on a lot except as authorized through the Community Service provisions of Section 8.0100 and except as authorized through the Accessory Dwelling provisions of Section 10.0100 of the Community Development Code.

(E) Land Divisions with Left-Over Parcels

An application for a land division may have a "left-over" parcel or portion of the property which is capable of further development and which is not included as part of a phased subdivision. The area of up to two such parcels may be excluded from the average lot size calculation provided that a future development plan is submitted which demonstrates that the parcel(s) can be developed consistent with applicable standards. ~~The submitted future development plan shall be consistent with the tentative plan requirements of Section 6.0202 of the Community Development Code.~~

4.0133 Single-Family Attached Dwelling Standards for Phasing and Site Design Review

- (B) All developments that include single family attached dwellings shall receive both land division approval to create lots for the single family attached dwellings as required in **Article VI**, and site design review approval as required in **Article VII**.

Recording of the plat for the land division shall be a condition of approval of both site design review and the issuance of building permits for single family attached dwellings.

4.0134 Standards for Residential Districts Other Than Low Density Residential Districts

- (D) Moderate Density Residential District-24: A lot of record which is less than 11,000 square feet may be developed for all uses permitted in this district. Attached dwellings may be developed on a lot of record which is less than 11,000 square feet when in compliance with the following density requirements:

- (1) Minimum net density = a two-unit attached dwelling duplex

4.0135 Single Family and ~~Two-Unit Attached Dwellings~~ Duplex Construction on a Lot

- (A) The construction of a detached dwelling or manufactured home, ~~two-unit attached dwelling duplex~~ in an LDR or TLDR District, or single family attached dwelling in the TLDR District on a lot within an approved land division where sewer lines, water lines, storm drainage facilities, and streets are constructed to the city standards that were in effect when the land division was approved, and (in the case of single family attached dwellings in TLDR) an active ~~site~~ design approval is in effect or the land division predated said requirement, shall be reviewed under the Type I procedure to determine if the proposal meets the site development requirements in Standards Section 4.0130 or in the Variation to Development Standards of Section 6.0321 (Planned Development) of the Gresham Community Development Code. The property owner shall still obtain all required permits.
- (B) The construction of a single family dwelling or manufactured dwelling or ~~two-unit attached dwelling duplex~~ or single family attached dwelling that does not meet the requirements of Subsection (A) shall also be reviewed under the Type I procedure except that this review shall focus on street and utility requirements for new construction as per **Section A5.000**.
- (C)

4.0138 Residential Infill Standards for LDR-5, LDR-7, TLDR and TR

- (C) Infill Lots and Parcels.

- (3) A flag lot driveway (i.e., flag pole) may serve no more than two (2) flag lots. A drive serving more than one lot shall have a reciprocal and shared access and maintenance access easement agreement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area (see Figure A12.001, Appendix 12.000).

4.0139 Large Lot Subdivision Option for LDR-5 and LDR-7

- (A) This subsection is intended to provide for a greater range of housing choices in the city by making available as an option to property owners/applicants the opportunity to create a subdivision that has an average lot size within the 8,000 sq. ft. to 14,000 sq. ft. range in the LDR-5 or LDR-7. Large lot subdivisions are not required to comply with the minimum density standard of the underlying LDR-5 or LDR-7 district. They shall be processed in the same manner as other subdivisions and subject to the applicable land division requirements of the development code. Subdivision lots Lots created using the Large Lot Subdivision Option are not eligible for further land division.
- (B) Standards for large lot subdivisions. The following standards apply to large lot subdivisions:

- (3) Large lot subdivisions are restricted to detached single-family dwellings.
- (4) Minimum subdivision lot dimensions/yard setbacks:

Minimum subdivision lot dimensions:

Table 4.0420: Uses Permitted In the Corridor Districts

Use Categories:	Rock-wood Town Center	Station Center	Station Center (Ruby Jct. Overlay)	Corridor Multi-Family	Corridor or Mixed-Use	Community Commercial	Moderate Commercial

Residential Uses:							
(I) Attached Dwellings on a Single Lot	P ⁹	P ¹³	P	P	P	L ¹¹	L ¹¹
(J) Single Family Attached Dwellings	P ⁹	P	P	P	P	NP	NP
(K) Two-Unit Attached Dwelling Duplex	NP	P	P	P	P	NP	NP

⁹ Within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area), all buildings on Stark shall have commercial uses at the ground floor frontages with primary entries on Stark. In a mixed use building, residential uses are allowed above the commercial uses and behind the commercial uses on Stark.

Ground floor residential uses on Burnside within the area identified on the Appendix 9.000 Map (Rockwood Town Center Mixed Use Area) shall have individual entries oriented to Burnside and located above grade a minimum of 4 feet and a maximum of 9 feet. Windows into living areas for ground floor residential uses shall be sited for privacy. Except for Section 7.0210(A)(4) and (5), Transit Design standards of Section ~~7.0120~~ 7.0210 shall apply to all residential development with frontage on Burnside within the RTC District. All other applicable design and development criteria in this code shall apply.

Table 4.0430 Development Requirements For Corridor Districts

¹¹ There is no minimum lot size requirement for ~~two-unit attached dwellings duplexes~~ in the SC, CMF and CMU districts.

¹² Minimum street frontage for ~~two-unit attached dwellings duplex~~ in the SC, CMF and CMU districts is 35 feet, except corner lots shall be 40 feet as measured from the corner radius end point to the property corner.

4.0431 Lot Size and Dimensions

(C) Existing lots of record which do not meet the minimum lot size or street frontage standard, or the minimum lot width/depth ratio standard, may be developed with a ~~two-unit attached dwelling duplex~~ or two single-family attached dwellings, consistent with permitted uses as listed in Table 4.0420. Development permitted under this subsection is exempt from the minimum residential density standard of Table 4.0430.

4.0435 Transit Design Criteria and Standards in Central Rockwood and Corridor Districts

The Central Rockwood Plan and Corridor districts are pedestrian districts. As such, new development must have a strong orientation to the pedestrian and be transit-supportive, as well as enhance the appearance and functioning of these districts. In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0210 (A) apply to new commercial, industrial and mixed-use development requiring site design review approval in all Corridor districts, in addition to other applicable standards and criteria. Additionally, the provisions of Section 7.0210(B) apply to new development requiring site design review approval in the Station Center and Rockwood Town Center Districts.

4.1136 Building Orientation and Primary Entrance

(B) Standards

All new commercial, mixed-use, and community service buildings in all sub-districts of the Downtown PD shall comply with the following standards for Building Orientation and Primary Entrance:

- (1) All buildings shall have their primary entrances face an abutting street, rather than the parking area. Primary entrance is defined as the principal entry through which people enter the building. A building may have more than one primary entry, as defined in the ~~Uniform~~ Building Code.
- (2) Building entries must comply with the accessibility Standards as outlined in the ~~Uniform~~ Building Code, ~~under Chapter 31 of Accessibility.~~

4.1148 Architectural Design Review in the CUC and DT Sub-Districts

(E) A development permit application for construction subject to architectural design review in the CUC and DT sub-districts shall be reviewed by the Design Commission. In its review, the Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design Commission shall be considered advisory only, and not binding upon the applicant.

(F) Review of plans by the Design Commission shall take place in accordance with Article XI Section 11.0213 for referral and review of development permit applications.

4.1236 Building Lines, Orientation and Primary Entrance

(B) Standards:

- (1) All new commercial, mixed-use, and community service buildings in all sub-districts of the Civic Neighborhood PD shall comply with the following standards for Building Orientation and Primary Entrance:
 - (a) All buildings shall have at least one of their primary entrances face an abutting street or, if available, on a primary pedestrian street, rather than the parking area. Primary entrance is defined as a principal entry through which people enter the building. A building may have more than one primary entry, as defined in the ~~Uniform~~ Building Code.
 - (b) Building entries must comply with the accessibility Standards as outlined in the ~~Uniform~~ Building Code, ~~under Chapter 31 of Accessibility.~~

4.1242 Architectural Design Review Guidelines

(E) A development permit application for construction subject to architectural design shall be referred to the Design Commission for review. In its review, the Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design Commission shall be considered advisory only, and not binding upon the applicant.

(F) Review of plans by the Design Commission shall take place in accordance with Article XI Section 11.0213 for referral and review of development permit applications.

4.1312 – Site Development Requirements

(B) Fire Suppression Systems Required

All new dwelling units constructed within the Gresham Butte District shall be built with fire suppression systems installed consistent with the Uniform Building Code and shall be inspected and approved by the Gresham Fire Marshal.

New construction within the Gresham Butte Plan District involving the addition to or remodeling (requiring building permits under the Uniform Building Code) that either adds to or modifies over 50% of the original structure floor area shall be built with a fire suppression system installed as above.

4.1404 Low-Density Residential – Pleasant Valley (LDR-PV)

This designation affects land primarily intended for single-family detached dwellings, manufactured homes, and ~~two-unit attached dwellings duplexes~~ on a wide range of lot sizes. Development in this Sub-district shall be arranged to form part of an individual neighborhood, invite walking to gathering places, services and conveniences, and a neighborhood park, and connects to the larger community by a pattern of streets, blocks, trails, and pedestrian ways and linkages to the Environmental Sensitive and Restoration Areas.

Table 4.1407 Residential Permitted Uses			
Use Categories:	LDR-PV	MDR-PV	HDR-PV

(F) Two-unit Attached Dwellings Duplexes	L ²	P	P

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Table 4.1408 A - Development Standards in Pleasant Valley Residential Sub-districts

Minimum Lot Size (square feet)²			
Single-family Detached dwelling unit/ manufactured home	5,000 sf	3,000 sf	Not applicable
Single-family attached dwellings (2 units) ⁴	3,500 sf	1,600 sf	None
Single-family attached dwellings (3 or more units) ⁴	Not applicable	1,600 sf	None
Live-Work attached dwellings ⁴	Not applicable	1,600 sf	None
Two-unit attached dwellings (Duplexes) ¹	6,000 sf	3,500 sf	None
Attached dwellings (3 or more units)	Not applicable	10,000 sf	None

Minimum Lot Dimensions² *****			
<u>Two-unit attached dwellings (Duplexes)¹</u>	(1a) 35 ft (1b) 40 ft	(1a) 16 ft (1b) 25 ft	None None
(1) Width at building line	(2a) 70 ft (2b) 70 ft	None None	None None
(a) Interior Lots			
(b) Corner Lots			
(2) Depth			
(a) Interior Lots			
(b) Corner Lots			

Minimum Street Frontage^{3,6} *****			
<u>Two-unit attached dwellings (Duplexes)¹</u>	16 ft	16 ft	16 ft
(a) Interior Lots	32 ft	32 ft	32 ft
(b) Corner Lots			

Site Design Review Criteria (Section 7.0000)	No	Yes	Yes

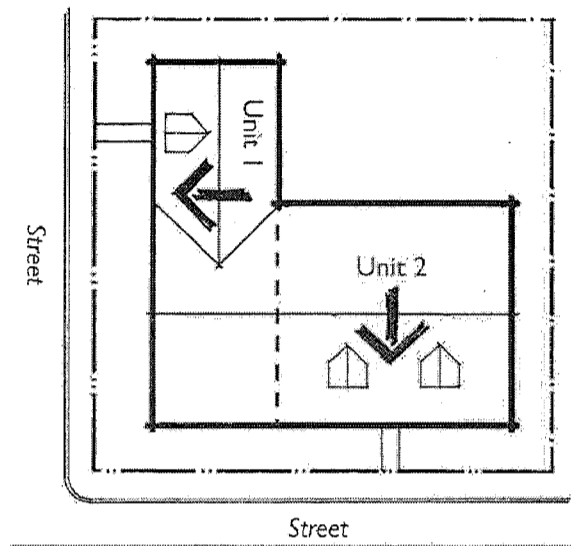
Table 4.1408 B –Setback Standards For Pleasant Valley Residential Districts										
	Front			Side					Rear	
	Front Façade/Wall	Front Porch	Garage	Interior Side (Not	Zero Lot Line Option	Street Side Wall	Street Side Porch	Street Side Garage Access	Rear/No Alley	Rear/With Alley

LDR-PV ***** Two-unit attached dwellings (dDuplexes)	10 ft	6 ft	20 ft	5 ft	N / A	6 ft	6 ft	20 ft	15 ft	5 ft
MDR-PV ***** Two-unit attached dwellings (dDuplexes)	5 ft	5 ft	20 ft	5 ft	N / A	5 ft	5 ft	20 ft	10 ft	5 ft

HDR-PV ***** Two-unit attached dwellings (dDuplexes)	5 ft	5 ft	20 ft	5 ft	N / A	5 ft	5 ft	20 ft	10 ft	5 ft

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4.1410 Duplexes in the LDR-PV Sub-district
Figure 4.1410 Duplexes in the LDR-PV Sub-district



4.1411 Safe Neighborhood Design Performance Standards

These provisions are intended to help create safer neighborhoods and a high quality pedestrian environment by incorporating crime prevention design that emphasizes linkages and surveillance between the dwelling and the street. These provisions apply to detached single-family dwellings, attached single-family dwellings, and two-unit attached dwellings duplexes.

4.1425 Transit Design Criteria and Standards

- (A) In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0210(A) apply to new commercial, mixed-use, and employment development requiring site design review approval in these Sub-districts, along with other applicable standards and criteria.

4.1428 Architectural Design Review

- (E) A development permit application for construction subject to architectural design shall be referred to the Design Commission for review. In its review, the Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design Commission shall be considered advisory only, and not binding upon the applicant.
- (F) Review of plans by the Design Commission shall take place in accordance with Article XI Section 11.0213 for referral and review of development permit applications.

4.1448 Development Permit Application Type

All applications must include the general development permit application items required by Section 11.0900 ~~11.0211~~ of the Gresham Community Development Code as well as a narrative discussion of how the proposal meets all of the applicable ESRA-PV development standards. The Manager shall supply information sheets for applications, which detail the specific information which must be contained in the application.

4.1468 Green Development Practices and Green Streets for Stormwater Management

Stormwater Management

- (E) Submittal Requirements Prior to Tentative Land Division or Site Design Review Approval. Prior to tentative land division or site design review approval, applicants for new development must submit a stormwater management plan with the development permit application. The stormwater management plan, as required by the Gresham Water Quality Manual, shall provide details for developing in a manner consistent with this section. The stormwater management plan shall include the following:

Submittal Requirements and Standards

4.1473 Level of Detail

- ~~(B) In addition to the submittal requirements of Section 11.0900, 11.0211 (Development Permit Application) 10 copies of a Master Plan site plan shall be submitted along with an 8 1/2 x 11 inch or 11 x 17 inch reduced copy of the Master Plan site plan. The Master Plan site plan must characterize all graphic data to scale.~~

4.1476 Housing Variety

- (B) In the MDR-PV Sub-district, the housing variety standard is met by providing a housing mix that complies with the requirements listed below.
- (1) For development of 40 dwelling units or less, a mix of housing types must include at least two of the following: Single-family detached dwellings, attached dwellings, single-family attached dwellings (3 or more units), single-family attached dwellings (2 units), ~~two-unit attached dwellings~~ duplexes, live-work units, and residential community service uses. If two housing types are provided, the lesser number must be at least 30% of the total dwellings. If three or more housing types are provided, two of lesser number of them must comprise at least 30% of the total dwellings;
 - (2) For development of more than 40 dwelling units, a mix of housing types must include at least three of the following: Single-family detached dwellings, attached dwellings, single family attached dwellings (3 or more units), single-family attached dwellings (2 units), ~~two-unit attached dwellings~~ duplexes, live-work units, and residential community service uses. If three or more housing types are provided, two of the lesser number of them must comprise at least 30% of the total dwellings;

4.1483 Procedures

Master Plans shall be submitted before or concurrent with any development applications under Section 6.0200 Partitions and Subdivisions and/or Article VII ~~Site~~ Design Review.

Use Categories:	VLDR-SW	LDR-SW	THR-SW ⁷
(A) Single-Family Detached Dwelling	P	P	L ¹
(B) Manufactured Homes on Individual Lots	P	P	P
(C) Single Family Attached Dwellings	NP	NP	P
(D) Two-unit Attached Dwellings-Duplexes	NP	L ²	NP

Table 4.1520(B) Notes:

¹⁰ Additional permitted uses are Hotels (except Casino Hotels) and Motels (721110)

4.1525 Pedestrian Design Criteria and Standards

(B) In order to achieve these purposes, the provisions of Section 7.0201 apply to new residential development, and Section 7.0202 apply to new commercial, mixed-use, and employment development requiring site design review approval in these Sub-districts, along with other applicable standards and criteria.

4.1528 Architectural Design Review

(E) A development permit application for construction subject to architectural design shall be referred to the Design Commission for review. In its review, the Design Commission shall make findings and recommendations concerning conformance with the guidelines of this section. The findings of the Design Commission shall be considered advisory only, and not binding upon the applicant.

(F) Review of plans by the Design Commission shall take place in accordance with Article XI. ~~Section 11.0213~~ for referral and review of development permit applications.

4.1588 Development Permit Application Type

All applications must include the general development permit application items required by Section 11.0900 ~~11.0211~~ of the Gresham Community Development Code as well as a narrative discussion of how the proposal meets all of the applicable ESRA-SW development standards. The Manager shall supply information sheets for applications, which detail the specific information which must be contained in the application

Section 4. Volume 3, Development Code, Article V is amended as follows:

5.0001 Overlay Districts

An overlay district is a special purpose district that may be combined with any land use district. The regulations of a overlay district shall be supplementary to the regulations of the underlying land use district and the regulations of the overlay district shall prevail if there is a conflict. The following are overlay districts:

- (1) ~~Flood-Plain~~ Floodplain Overlay District
- (2) Hillside Physical Constraint Overlay District
- (3) Historic and Cultural Landmarks Overlay District
- (4) Habitat Conservation Area (HCA) Overlay District
- (5) Open Space Overlay District

5.0101 Introductory Provisions

Provisions of this section apply to all areas within the ~~Flood-Plain~~ Floodplain Overlay District as designated on the Community Development Special Purpose District Map. This designation shall apply to all areas of special flood hazard within the city. The areas of special flood hazard identified by the Federal Insurance Administration in scientific and engineering reports entitled, "The Flood Insurance Study for the City of Gresham," dated November 8, 1978, and "The Flood Insurance Study for Multnomah County," dated July, 1981, with accompanying Flood Insurance Rate Maps and as now or hereafter amended, are hereby adopted by reference and declared to be a part of this code. When base flood elevation data has not been provided in these flood insurance studies, the Manager may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer provisions applying to the ~~Flood-Plain~~ Floodplain Overlay District.

5.0103 Interpretation of FIRM Boundaries

The Manager shall determine the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), based on data referenced in Section 5.0101. Any person contesting the determination of the Manager may appeal such determination as provided in Section 11.0302 ~~11.0202(B)~~.

5.0110 Permitted Land Uses

Uses permitted in the ~~Flood-Plain~~ Floodplain Overlay District shall be those listed as permitted in the underlying district designated for the site. Within areas of special flood hazard which are also designated as Habitat Conservation Area Overlay Districts or Open Space (OS) Districts, development shall be permitted only in accordance with provisions of those special purpose districts. In ~~Flood-Plain~~ Floodplain Overlay Districts within the Fairview Creek, Burlingame Creek, and Kelly Creek drainage basins, proposed developments shall demonstrate consistency with guidelines and recommendations of the master storm drain plan for that stream. In addition, any proposal for development within the ~~Flood-Plain~~ Floodplain Overlay District shall be accompanied by documentation prepared by a registered civil engineer demonstrating to the satisfaction of the Manager that the development:

- (A) Will not result in an increase in ~~Flood-Plain~~ floodplain area on other properties;

5.0120 Standards for Development in the ~~Flood-Plain~~ Floodplain Overlay District

In addition to standards applying to development within the underlying Plan Map district, the following standards shall apply to development proposed within the ~~Flood-Plain~~ Floodplain Overlay District:

- (G) Placement of Manufactured Homes

All manufactured homes to be placed or substantially improved within the ~~Flood-Plain~~ Floodplain

Overlay Special Purpose District shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation plus one foot, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.0120 (A)(2).

5.0122 Coordination With Other Regulatory Agencies

Prior to issuance of a development permit for development within the Flood Plain Floodplain Overlay District, an applicant shall provide evidence to the Manager that all necessary permits have been obtained from other federal, state, and local government agencies involved in regulating development activity within and adjacent to areas of special flood hazard.

5.0123 Information to be Obtained and Maintained

(A) Where base flood elevation data is provided as required in Section 5.0101, the Manager shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, for which a development permit has been issued in the Flood Plain Floodplain Overlay District.

5.0124 Alteration of Watercourses

(A) When development activity is proposed which would result in relocation or alteration of a watercourse lying within a Flood Plain Floodplain Overlay District, the Manager shall cause notice of the proposed development to be mailed to those jurisdictions through which the watercourse passes, to the Division of State Lands, and to the State Department of Land Conservation and Development.

5.0125 Flood Management Performance Standards

(A) All development, excavation and fill in the Flood Plain Floodplain Special Purpose Overlay District shall conform to the following performance standards.

(2) All fill placed at or below the design flood elevation in the Flood Plain Floodplain-Special Purpose Overlay District shall be balanced with at least an equal amount of soil material removal.

(5) Uncontained areas of hazardous materials as defined by DEQ in the Flood Plain Floodplain Special Purpose Overlay District shall be prohibited.

(B) The following uses and activities are not subject to the requirements of Subsection (A) above:

(3) New culverts, stream crossings, and transportation projects may be permitted only if designed as balanced cut and fill projects or designed to not raise the design flood elevation. Such projects shall be designed to minimize the area of fill in the Flood Plain Floodplain Special Purpose Overlay District and to minimize erosive velocities. Stream crossing shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable

5.0202 Definition and Applicability

(D) Buildable Area – a portion of an existing or proposed lot that is free of building restrictions. For the purposes of this section, a buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as Flood Plain Floodplain, Habitat Conservation Area, or any land that has slope greater than 35% (before development), except as provided in Section 5.0222(F) and/or Section 5.0600.

5.0210 Submittal Requirements

(B) Hillside Slope Analysis Map.

Applications for development subject to the HPCD shall include supplemental information in addition to that required for a Land Division or Site Design Review. The following submittals are required:

Slope Analysis Map described in Section 5.0210(A) above, shall include additional information for the purpose of determining maximum allowed density as well as the location of the proposed development in relation to steeply sloped areas. In addition to the information required for Slope Analysis Map for Land Divisions or Site Design Review (Section 5.0210(A)), the Hillside Slope Analysis Map for sites in the HPCD shall contain the following information:

5.0223 Minimizing Site Disturbance

The applicant shall show all site grading, clearing and other site disturbance including that proposed for rights-of-way, utilities, buildable areas and driveways, as described in Section 5.0210(D), Preliminary Grading Plan.

(B) Hillside Grading and Drainage Control

All development on lands within the HPCD shall provide construction plans that conform to the following items:

- (1) All grading, retaining wall design, drainage, and erosion control for development on HPCD lands shall be designed by a Registered Civil Engineer in accordance with the recommendations and guidelines provided in the Soils and Geology Report, as approved by the Manager. All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures shall conform to Section 9.0514.

5.0224 Shared Driveways

Within the steep slopes (15% or greater) of the HPCD, the use of shared private driveways by residential development is encouraged to lessen overall site grading. Shared Driveways are permitted as follows:

- (A) Shared driveways shall provide primary vehicle access to no more than four residences and shall not exceed 150 feet in length, unless approved by the Gresham Fire Department;
- (B) Shared driveways shall not exceed a slope of 15%. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatment and embedded heating systems;
- (C) Shared driveways shall not be less than 15 feet wide.
- (D) Deed restrictions shall be recorded for general maintenance of the condition of the shared portion of the driveways, and for keeping the shared portions of the driveways clear of parked vehicles or other obstructions.

5.0322 Review of Proposed Demolition of Landmark Buildings

- (B) When action is taken to approve a proposed demolition as proposed or as modified, a demolition permit shall be withheld pending expiration of the appeal period specified in Section 11.1100, ~~Section 11.0500~~.

5.0511 Public Open Space Criteria

Any proposal to accept an area not identified in the Inventory of Significant Natural Resources and Open Spaces as dedicated open space must meet criteria (A), (B), (C), and at least one of the remaining criteria below.

- (H) The open space area will conserve any of the following natural resources or features:
- (1) Fish and wildlife habitat;
 - (2) Water resources, streams, drainageways, ponds, lakes, ~~flood plains~~ floodplains, or wetlands;

5.0520 Permitted Land Uses

- (A) The following Community Service uses:

- (9) Public or private elementary school ~~academically accredited by the State of Oregon~~
- (10) Public or private high school or college ~~academically accredited by the State of Oregon~~

5.0521 Residential Density Transfer Credit

A density transfer credit shall be permitted for those parcels with a plan map designation allowing residential development when one acre or more of the parcel lies within an OS district. For parcels with a low density residential designation, the density transfer credit shall be calculated at the rate of two dwelling units per acre of that portion of the parcel lying within the OS district. For parcels with a moderate density residential designation, the density transfer credit shall be calculated on the basis of the maximum number of dwelling units permitted per acre in that residential district for each acre of site area within the OS district. The number of units calculated on this basis shall be added to the number of units permitted on that portion of the parcel lying outside the OS district to determine the total number of dwelling units which may be developed on the non-OS portion of the parcel. Where a density transfer credit is allowed in a low density residential district, minimum lot sizes and lot dimensions as specified for detached dwellings and duplexes ~~two-unit attached dwellings~~ may be reduced on the non-OS portion of the parcel. In both low density and moderate density residential districts, all other applicable development standards, including setback and building heights, shall continue to apply when a density transfer occurs.

Section 5. Volume 3, Development Code, Article VI is amended as follows:

6.0011 Residential District Lot and Parcel Configuration

A. Subdivision ~~lots and partition~~ parcels created through the subdivision and partition process shall be rectilinear. Irregular shaped subdivision lots and partition parcels ~~lots and parcels~~ are not allowed, except at the discretion of the Manager when based upon existing parent lot ~~or parcel~~ shape. Exceptions shall not be granted to comply with minimum lot size requirements or minimum setback requirements for existing structures.

Submittal Requirements for Lot Line Adjustments and Lot Consolidation

6.0110 Submittals for Lot Line Adjustment Preliminary Plan

The applicant shall submit six copies of the preliminary plan together with six copies of any supplementary materials. The City may require additional copies if deemed necessary. An 8 1/2-inch by 11-inch or 11-inch by 17-inch reduced copy of the preliminary plan shall also be submitted. Standard engineering scales of one inch = 10, 20, 30, 40, 50, 60, 100, or 200 feet shall be used. The preliminary plan must characterize all graphic data to scale and shall include the following:

- (A) A north arrow.
- (B) The location of the preliminary plan by Section, Township and Range, and a legal description sufficient to define the location and boundaries of the proposed tract to be adjusted.
- (C) Names, addresses and telephone numbers of the owner(s) of the property or applicant(s), the surveyor or engineer.
- (D) The date of the plan preparation.
- (E) Existing streets: The locations, names, and right of way widths.
- (F) Future Streets: The pattern of future streets from the boundary of the property to include other tracts within 600 feet surrounding and adjacent to the property unless a future street plan has been adopted.
- (G) Access: The locations and widths of existing and proposed access points.
- (H) Utilities: The location of all existing and proposed public and private storm sewers, sanitary sewers, and waterlines on or abutting the property.
- (I) Dimensions: Lengths (in feet) of existing and proposed lot lines.
- (J) Size: All existing and proposed lot, parcel, and tract sizes in either square feet or acres.
- (K) Easements: The locations, widths, and purposes of all existing and proposed easements on and abutting the property. Existing easements should reference Book and Page of Multnomah County records.
- (L) Existing uses: Sealed location (dimensions from property lines) and present uses of all structures.
- (M) Along with the preliminary plan, the following should be submitted: Supplemental information: All agreements with local governments that affect the land and proposed use of the property, if applicable.

Section 6.0200

Submittal Requirements for Partitions and Subdivisions

6.0202 Partitions and Subdivisions Tentative Plan Submittal

The applicant shall submit 10 copies of the Tentative Plan together with 10 copies of any supplementary materials. The City may require additional copies if deemed necessary. An 8 1/2-inch by 11-inch or an 11-inch by 17-inch reduced copy of the Tentative Plan shall also be submitted. Standard engineering scales of one inch = 10, 20, 30, 40, 50, 60, 100, or 200 feet shall be used. The Tentative Plan must characterize all graphic data to scale and shall include the following:

- (A) Adjacent property boundaries and abutting land uses.
- (B) A north arrow.
- (C) The location of the Tentative Plan by Section, Township and Range, and a legal description sufficient to define the location and boundaries of the proposed tract to be divided.
- (D) Names, addresses, and telephone numbers of the owner(s) of the property, or applicant(s), the engineer or surveyor.
- (E) The date of the plan preparation.
- (F) Existing and proposed streets and alleys: The locations, pavement widths, rights of way width, approximate radius of curves, and street grades. Existing streets shall be identified by name. When there are existing dual names, the preferred City name shall be dominant, with any other alias shown in parentheses. Proposed new streets and alleys shall be identified on the tentative plans and correspondingly on other preliminary drawings as "proposed Street A", "proposed Street B," "proposed Street C", "proposed public alley", etc. Public alleys shall not be assigned a name or

number, but should be indicated as a public alley. All street identification shall be oriented on the plat so as to be consistent and readable without turning the plat in multiple directions.

~~(G) Future streets: The pattern of future streets from the boundary of the property to include other tracts within 600 feet surrounding and adjacent to the property when a future street plan is required under Section 9.0700.~~

~~(H) Access: The locations and widths of existing and proposed access points including shared access.~~

~~(I) Easements: The locations, widths, and purposes of all existing and proposed easements on and abutting the property. Existing easements should reference Book and Page of Multnomah County records.~~

~~(J) Utilities: The location of all existing and proposed public and private storm sewers, sanitary sewers and water lines on and abutting the property.~~

~~(K) Slope Analysis Map: Ground elevations shown by contour lines at two foot intervals for ground slopes of less than 15% and by contour lines at ten foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary bench mark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.~~

~~All areas of the parcel that exhibit 15% or greater slopes shall be identified on the Slope Analysis Map. Slope shall be measured as change in vertical distance divided by change in horizontal distance ("rise over run") between and perpendicular to ten foot contour intervals. Slopes in the following categories shall be shown on the Slope Analysis Map by patterns or shading which are easily identifiable and reproducible, and identified with a legend:~~

~~The slope categories identified shall be:~~

~~(1) — 0 to 15%~~

~~(2) — 15% to 25%~~

~~(3) — 25% to 35%~~

~~(4) — 35% to 60%~~

~~(5) — Greater than 60%~~

~~The boundary of the areas in each slope category shall run perpendicular to slope along the 10-foot contour lines and parallel to slope between contour lines. The areas in the above slope categories shall be shown for the development parcel as well as for an area extending 100 feet in each direction beyond the boundaries of the parcel. The applicant shall determine the area of the parcel which exhibits slopes of 15% or greater, using a planimeter or a computer application. The applicant shall sum the areas over 15% and present this total, expressed in square feet, on the Slope Analysis Map or in the application narrative.~~

~~The Slope Analysis Map shall also include:~~

~~(1) — The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights of way.~~

~~(2) — Lot and parcel building areas or specified building envelopes.~~

~~(3) — Utility lines or other facilities and utility easements not included in street rights of way.~~

~~(L) Wooded areas: Location of all trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree; or, when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant trees or grove.~~

~~(M) Flood areas: The location of the 100-year floodplain and other areas subject to flooding or ponding.~~

~~(N) Lot and parcel dimensions: The approximate dimensions of all existing and proposed lots and parcels.~~

~~(O) Lot and parcel numbers: Parcel numbers for partitions and lot numbers and blocks for subdivisions.~~

~~(P) Lot and parcel size: All proposed sizes in either square feet or acres.~~

- ~~(Q) Existing uses: Scaled location and present uses of all structures. Indicate if the structure is to be removed, demolished or if it is to remain on the site.~~
- ~~(R) All tracts of land intended to be deeded or dedicated for public use.~~
- ~~(S) Identify all lots intended for single-family attached dwellings, two-unit attached dwellings, duplexes and a pre-existing dwelling (if not included in average lot size calculation). Identify any "left-over" parcel as provided for in Section 4.0131(A)(3).~~
- ~~(T) Zero lot line residential developments: All side yard setbacks shall be clearly indicated on the plan.~~
- ~~(U) Special purpose districts: The location and dimensions of all special district(s) which are located on the property.~~
- ~~(V) Planned Development:

 - ~~(1) Lot building area and yard setback lines.~~
 - ~~(2) Areas and location of proposed common open space areas — public and private.~~
 - ~~(3) Natural features identified in Section 6.0323(B) of the Community Development Code.~~~~
- ~~(W) ESRA PV and ESRA SW: The location and dimensions of all ESRA PV or ESRA SW located on the site.~~

6.0203 Additional Materials

Along with the Tentative Plan, the following shall be submitted:

- ~~(A) A vicinity map.~~
- ~~(B) Supplemental information: All agreements with local governments that affect the land and proposed use of property.~~
- ~~(C) Special purpose district reports as required in Article V of the Community Development Code.~~
- ~~(D) A traffic analysis as required Section A5.411 of the Community Development Code.~~
- ~~(E) Planned Development: the reports and maps required as part of a PD application in Section 6.0300.~~
- ~~(F) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code. The Neighborhood Circulation Plan may be combined with a future street plan.~~
- ~~(G) Average lot size calculations.~~
- ~~(H) A Street Tree Plan.~~
- ~~(I) Any and all reports required by the Community Development Code, such as special reports or studies required by Section 9.1100.~~
- ~~(J) Stormwater Quality Control Plan required by Section 9.0521.~~
- ~~(K) In the PVPD and the SWPD reports address ESRA PV and ESRA SW provisions if the subject site includes ESRA PV or ESRA SW lands.~~

6.0303 Types of PDs

PDs may include a mix of the housing types permitted within the primary plan district (whether VLDR-SW or TLDR) or may include only one type of such housing. Lot Subdivision lot sizes are also variable and may consist of large, mixed size, or small lots provided the maximum density of the district is not exceeded. A "Large Lot" PD, for example, is a PD that creates larger than standard lot sizes for purposes of single-family detached housing. No maximum lot size is stipulated.

Submittal Requirements

6.0310 PD Tentative Plan Submittal Requirements

Applications for tentative plans for PDs shall meet the submittal requirements for partitions and subdivisions as provided in Section 6.0200, of the Community Development Code. In addition, PDs that include elements that require Site Design Review under Section 7.0001 shall submit for the Site Design Review, following the submittal requirements of Section 7.0100, concurrent with the PD application. Such applications shall also include a conservation/maintenance plan for all proposed private open space areas, taking into consideration the intent that all natural open space areas be left in a natural condition with only minimal maintenance activity provided. This plan shall also provide high priorities for tree and

riparian preservation, show minimal disturbance of steep slopes, and clearly distinguish between natural and landscaped/improved open space areas. See Section 3.0010 for additional elements included within a Conservation/Maintenance Plan.

6.0311 PD Tentative Plan Approval Criteria

An application for a tentative PD plan approval shall be made in conjunction with an application for Land Division under Section 6.0200 of the Community Development Code, except that it shall be processed under the Type III procedures. In addition, PDs that include elements that require Design Review under Article VII shall submit for Design Review concurrent with the PD application. In approving a tentative PD plan, the approving authority shall find compliance with the applicable sections of the Community Development Code.

In addition to the above, the application shall clearly provide satisfaction to all of the following:

- (B) That the proposal implements the Purpose of this section (see Section 6.0301), and
- (C) That all private open space areas have an approved conservation/maintenance plan.
- (D) That the Development Standards in this section are met, and
- (E) That the project design, building heights, bulk and scale is appropriate for this location, considering such elements as surrounding development and housing types, street system network and capacity, utility availability, and the physical and/or natural features of the site. Such project design shall include transitioning measures (lower to higher height, bulk, scale and density) or buffers, so that perimeter structures of the PD are both comparable and compatible with adjacent residential development. Note: In the case of Large Lot PDs, since the building bulks proposed for each lot may be larger and not comparable to adjacent residential development, buffering measures (such as increased vegetation and setbacks) may be required by the review body to ensure neighborhood compatibility and bulk separation.

6.0320 Site Development Requirements

- (D) Attached single-family dwellings (~~rowhouses or townhouses~~) and two-unit attached dwellings (duplexes) are not allowed in the LDR-5 or LDR-7.
- (E) Single family attached dwellings are required to comply with the site design review process and standards of Section 7.0201 at the same time (concurrently) as the PD review.

Table 6.0321

Standards Allowed For PD

Residential Units Permitted in VLDR-SW, LDR-5, LDR-7, TLDR and TR

	Detached Dwelling Unit ⁶	Single Family Attached Dwelling Units (multiple lots) ⁷	Duplexes Two-unit Attached Dwelling Units (one lot) ⁸
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⁸~~Two-unit attached dwelling units (d~~Duplexes) are not allowed in LDR-5 or LDR-7 as part of a PD.

6.0324 Open Space Areas

The approval authority shall evaluate proposed open space areas based on the following criteria:

- (D) The open space areas may be either public open space or private common open space.

- (2) Private open space shall comply with the following criteria:
- (a) Open space easements transferring development rights are dedicated to the public;
 - (b) A conservation/maintenance plan is provided that maintains all natural open space areas in a natural condition with only minimal maintenance activity provided. The plan shall be approved by the City, maintained and implemented by the property owner, and kept as part of the City's site development file for the duration of the existence of the private open space area. This plan shall include:
 - (1) Identification and contact information of the party responsible for maintenance and oversight of the open space area;
 - (2) Whether the open space area is to be actively or passively maintained and/or conserved;
 - (3) Specific maintenance anticipated (as applicable) and timing thereof;
 - (4) Anticipated conservation measures;
 - (5) Vegetation renewal or replacement plans, nuisance and/or dangerous vegetation removal plans; and

Section 6.0400

Submittal Requirements

6.0402 Final Plat - Complete Submittal

The following must be submitted with the final plat for the application to be considered complete for review:

- (A) A copy of any dedication or easements requiring separate documents.
- (B) Deeds conveying property to the City.
- (C) Guarantee of completion for the public improvements.
- (D) An approved grading and drainage plan meeting the requirements of Section 9.0500.
- (E) Submission of approved public facility construction drawings. Any new streets to be platted shall continue to be shown as "Proposed Street A, Proposed Street B", etc. until otherwise directed by the Manager after exact street alignment has been approved and addressing staff has assigned the street name(s) to comply with the "City of Gresham Street Naming and Property Addressing Guidelines."
- (F) If applicable, additional plat sheets (consistent with Section 6.0403) that show the location of building setback lines (when different from minimum standards), protected solar building lines, zero lot lines, PD yard setbacks and lot building areas, Habitat Conservation Area and transition area boundaries, shared access, identify attached single family dwelling and two-unit attached dwelling lots duplexes and a lot for a pre-existing dwelling (if not included in the average lot size calculation), "left-over" parcels and other information as required by the applicable provisions of the Community Development Code. Construction drawings and/or additional plat sheets shall show the location of any collective mail boxes as approved by the Post Office and the Planning Department.
- (G) In a PD, additional plat sheets that show a Street Tree Plan consistent with the Tentative Plan approval.

6.0403 Partitions and Subdivisions - Final Plat

- B. A final subdivision or partition plat shall be submitted to the Manager for final approval under the Type I procedure prior to expiration of the tentative plan pursuant to **Section 6.0410 11.0105**. Within 20 days of submission, the Manager shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this code. If the Manager determines that the material does not conform, the applicant may make corrections prior to issuance of a final decision.

- D. When the Manager determines that the plat conforms, the Manager shall sign and date the plat if the other requirements for a development permit have been fulfilled. ~~The submitted final plat shall be deemed denied if not signed by the Manager within one year of final plat submittal.~~

6.0410 Tentative Plan Expiration Date

~~Within one year following the effective date of approval of a tentative land division plan, the final plat shall be submitted pursuant to Section 6.0402 and shall incorporate any modification or condition required by the tentative plan. The Manager may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, extend the expiration date for an additional six months upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan and after finding no other development approval would be affected.~~

6.0412 Effective Date for Final Plat Approval

A plat shall be final upon the recording with the county ~~reorder~~ of the approved plat and any required document. Approved plats shall become void if not recorded within one year after approval of the final plat pursuant to ~~Section 6.0405~~. Work specifically authorized following tentative approval may take place prior to issuance of the final plat development permit.

6.0413 Final Plat Extension for Public Purpose

~~Prior to the expiration of a tentative land division plan under either Section 6.0211 or Section 6.0410 and upon application by the applicant, the Manager may extend the expiration date of the tentative plan for an additional six months under the Type I procedure. This six-month extension is in addition to the six-month extension allowed by Section 6.0410 for a non-phased subdivision to be platted, or in addition to the five years allowed by Section 6.0210 for all phases of a phased subdivision to be final-platted. A written finding must accompany the decision that demonstrates that the property (or portion) has been under an option for acquisition as public open space or for a public facility-related purpose by the City of Gresham, other governmental agency or by a non-profit organization that is registered with the State of Oregon, for at least six months of the period allowed for the filing of the final plat. In the case of a non-profit organization, the City Council or a City department must support the proposed acquisition. Under the same procedure and for the same purposes, the Manager may extend the expiration date of the tentative plan for a second six-month period upon a written finding that the property (or portion) has been under the same option for at least one year of the period allowed for the filing of the final plat by Section 6.0211 or 6.0410.~~

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Section 6. Volume 3, Development Code, Article VII is amended as follows:

- 7.0001 Purpose
- 7.0002 General
- 7.0003 Applications
- 7.0004 Phased Design Review

7.0001 Purpose

Design review examines most community service developments, manufactured dwelling parks, attached dwelling structures, single-family attached dwellings, commercial developments, and industrial developments for compliance with the design criteria of the Community Development Code.

7.0002 General

- A. The scope of Design Review reviews the proposed use, the exterior of the buildings, structures, and other development and the site on which the buildings, structures, and other development is located.
- B. All Design Review requests shall comply with all applicable standards in the Community Development Code. Development which only affects a portion of a site shall conform with the applicable standards for that portion of the site where development is proposed. Where Nonconforming development exists on part of a site (not being re-developed) compliance with the Standards applicable to Non-Conforming Developments in Section 8.0200 is required.
- C. In mixed use projects, the standards and criteria for each component use as described in Section 7.0200 shall apply to the review of each component of the mixed use proposal.
- D. Uses exempt from Design Review include:
 - 1. Duplexes in the LDR-5, LDR-7, TR or TLDR district
 - 2. Single Family detached homes
 - 3. Accessory and Ancillary dwellings
 - 4. Type I community service uses
- E. Exemption from Design Review does not exempt a development from meeting other relevant standards within the Community Development Code including but not limited to: district standards, transit standards, non-conforming development standards, and public facilities standards.

7.0003 Applications

An application for Design Review is subject to the highest possible level of review, given the thresholds for different reviews described below. Design Review A is the lowest level; Design Review D is the highest level. For uses not listed in this section, the Manager shall determine which level of Design Review is appropriate.

- A. Design Review A. Design Review A is reviewed as part of the building permit review. Design Review A may apply when the primary use is not proposed to change. The Design Review may include one of the following:
 - 1. Interior tenant improvements;
 - 2. Exterior facade updates including: additions of canopies, awnings or other mounted structures to an existing facade or roof; alteration of window or door location; or
 - 3. Additions with the total addition area not to exceed 1,000 square feet including:
 - a. Floor area additions of up to five percent of the existing floor area of the entire site. New floor area shall not create a separate structure; or
 - b. Outdoor area additions of up to five percent of the existing total outdoor area of the entire site.

- B. Design Review B. Design Review B is a Type I review. Design Review B may apply when: the primary use is not proposed to change; parking and landscaping requirements are already met; buffer requirements are already met; public facilities will already be adequate; and no additional residential units are proposed. The Design Review may include one of the following, provided it is greater than the thresholds in Section 7.0003(A):
1. Additions to an industrial land use up to 25,000 square feet, not to exceed twenty-five (25) percent of the existing floor area of the site;
 2. Additions to non- industrial land uses with the total addition area up to 10,000 square feet:
 - a. Floor area additions not to exceed twenty-five (25) percent of the existing floor area of the entire site. New floor area shall not create a separate structure; or
 - b. Outdoor area additions not to exceed twenty-five (25) percent of the existing outdoor area of the entire site.
- C. Design Review C. Design Review C is a Type II review, but is not subject to a pre-application conference. Design Review C may apply when there is: no increase in residential density that requires an increase in building area; no new buildings; or no new outdoor area, except as provided for below. The Design Review may include one of the following:
1. A change to the primary use;
 2. Duplexes in all districts except LDR-5, LDR-7, TR and TLDR;
 3. A change to public facility requirements;
 4. A change to buffers, including an alternate buffer;
 5. A new driveway access;
 6. A change in landscaping requirements;
 7. An expansion to an existing parking lot; or
 8. A new parking lot.
- D. Design Review D. Design Review D is a Type II review and is subject to a pre-application conference. Design Review D is a review by the Manager. The following are Design Review D, provided they are greater than the thresholds in 7.0003(A)-(C) above.
1. Multi-family residential construction;
 2. Single-family attached residential construction;
 3. Manufactured dwelling parks construction;
 4. Commercial construction;
 5. Mixed Use construction;
 6. Industrial construction;
 7. Community Services Uses; or
 8. Parking garages.
- E. Table 7.0003 is provided to illustrate the application of the different levels of Design Review. This table does not supersede the information in 7.0003 (A)-(D). For each row of the table, a person assesses if the work to be completed is part of a proposal. If so, the design review type specified for that type of work is circled. Once a person goes through the entire table, the highest level of review circled applies for the proposal.

Table 7.0003 Design Review Application

Work to be Completed	D.R. Level			
	A	B	C	D
Interior tenant improvements	X			
Facade updates	X			
Additions not to exceed 1,000 square feet and less than 5 percent increase in floor area or outdoor use area	X			
Additions up to 25,000 square feet for industrial uses, and up to 10,000 square feet for all other uses; and not to exceed 25 percent increase in floor or outdoor use area		X		
Change to primary use			X	
Duplex in all districts except LDR-5, LDR-7, TR or TLDR			X	
Change in public facility requirement			X	
Change in buffer, or alternative buffer requested			X	
New curb cut, driveway access			X	
Change in landscaping requirements			X	
New or expanding parking lot			X	
Increase in residential density without an increase in existing building area			X	
Additions greater than in Design Review B, exceeding 25,000 square feet for industrial uses; 10,000 square feet for all other uses				X
Increase in number residential units and building area				X
Manufactured Dwelling Park				X
Community Services Uses				X
Site is currently undeveloped				X
Parking Garage				X

7.0004 Phased Design Review

- A. As part of the Design Review, the Manager may authorize a time schedule for developing the various phases in periods of time in excess of two years, but in no case shall the total time period for all stages exceed seven years. Each stage shall conform to the applicable requirements of the Code. The Manager may require modifications to portions developed after the passage of one year to avoid conflicts with a change in the Community Development Code.
- B. If a phased development or subdivision is proposed or developed for an MDR-24 development with single family attached dwellings, or for single family attached dwelling in the RTC, SC, CMF, or CMU districts, each phase shall comply with all applicable Design Review requirements.

General

- 7.0001 Site Design Review Requirements
 7.0002 Development in Conformance with Previous Approvals
 7.0003 Exemption to Site Design Review Requirement

General

7.0001 Site Design Review Requirements

(A) General Provision: Various degrees of site review are required by provisions of this code. Applications subject to site design review shall be considered by the Manager under the Type II procedure.

~~(B) Applicability of Requirements: A development permit for multi-family residential development, single family attached dwelling units, manufactured dwelling park, commercial, or industrial development shall comply with the site design review requirements of the Community Development Code if the development permit is for initial construction or for alteration that affects the use or significant elements of the site plan or exterior building design. Information on the proposed development shall include sketches or other explanatory information required by the Community Development Code.~~

~~Two-unit attached dwellings Duplexes permitted in the LDR-5, LDR-7, TLDR or TR Districts or on individual lots in other residential districts (duplexes), are not subject to site design review. Single family attached dwellings that are included in a mixed-use project shall be reviewed following the standards within Section 7.0201. The commercial portion of the project shall be reviewed following the standards within Section 7.0202.~~

~~If a phased development or subdivision is proposed or developed for an MDR-24 development with single family attached dwellings, or for single family attached dwelling in the RTC, SC, CMF, or CMU districts, each phase shall comply with all applicable site design review requirements.~~

~~(C) Site Design Review Time Limit: An approved site design review plan shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. However, the Manager under the Type I procedure may grant a one-year extension if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:~~

~~(1) The land use designation of the property has not been changed since the initial design review approval; and~~

~~(2) The significant standards in the Community Development Code which applied to the project have not changed.~~

~~(D) Phased Design Review Approvals: When an applicant desires to develop a project in phases, the Manager under the Type II procedure may authorize a time schedule for developing the various phases in periods of time in excess of two years but in no case shall the total time period for all stages be greater than seven years. Each stage so developed shall conform to the applicable requirements of this code. The Manager may require modifications to portions developed after the passage of one year to avoid conflicts with a change in the Community Development Code.~~

~~(E) Conformance with Standards: All site design review requests shall comply with all applicable Standards in the Community Development Code. Development which only affects a portion of a site shall conform with the applicable Standards for that portion of the site where development is proposed. Where Nonconforming development exists on part of a site (not being re-developed) compliance with the Standards applicable to Non-Conforming Developments is required. (See Section 8.0200)~~

7.0002 Development in Conformance with Previous Approvals

~~Development that will be constructed in conformance with a valid previous design review approval will be reviewed under the Type I procedure to determine if the proposed development is consistent with the previous design review approval. If consistent, no additional review under this code will be required. The property owner shall still obtain all the required permits.~~

7.0003 Exemption to Site Design Review Requirement

~~Site Design Review may be exempted by the Manager under the Type I process where proposed development is demonstrated to meet the following criteria:~~

~~An addition to an existing developed site that:~~

~~(A) Adds less than 25% to the total existing floor and outdoor use areas, and~~

~~(B) Parking minimums are adequate to meet the numerical minimum auto parking requirements of Table 9.0851 for both existing and new areas, and~~

(C) The primary use of the site remains unchanged, and
(D) Changes proposed to the site are minor enough to not necessitate a review of parking, landscaping, buffers, architectural elements, access, and/or on-site circulation, as determined by the Manager. Exemption to Site Design Review does not exempt a development from meeting other relevant standards within this code, including: district standards, transit standards, non-conforming development standards, and public facilities standards.

Section 7.0100
Specific Submittal Requirements

Specific Submittal Requirements

~~7.0101 Dwelling Structures Containing Two or More Units, Single Family Attached Dwellings and for Elderly Housing~~

~~7.0102 Community Service (except elderly housing), Commercial, Industrial and Mixed Use Developments~~

~~7.0103 Manufactured Dwelling Parks~~

Specific Submittal Requirements

~~7.0101 Dwelling Structures Containing Two or More Units, Single Family Attached Dwellings and for Elderly Housing~~

~~(A) The applicant shall submit fifteen sets of the following individual diagrams, plans and drawings, including the information specified. One additional set is required which is a size that is conveniently reproducible and legible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.~~

~~(1) Site Analysis Diagram indicating the following information:~~

~~(a) Adjacent land use districts and uses (i.e., whether vacant, platted or occupied by a single family residence, 2-story apartment building, grocery store, etc.);~~

~~(b) Location of trees with a circumference of 25 inches (8 inches diameter) or greater measured at a point 4.5 feet above the ground on the upslope of side of the tree, or when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches (8 inches diameter) or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant tree or grove.~~

~~(c) Slope Analysis Map: Ground elevations shown by contour lines at two-foot intervals for ground slopes of less than 15% and by contour lines at ten-foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary benchmark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.~~

~~All areas of the parcel that exhibit 15% or greater slopes shall be identified on the Slope Analysis Map. Slope shall be measured as change in vertical distance divided by change in horizontal distance ("rise over run") between and perpendicular to ten-foot contour intervals. Slopes in the following categories shall be shown on the Slopes Analysis Map by patterns or shading which are easily identifiable and reproducible, and identified with a legend:~~

~~The slope categories identified shall be:~~

~~(1) 0 to 15%~~

~~(2) 15% to 25%~~

- ~~(3) 25% to 35%~~
- ~~(4) 35% to 60%~~
- ~~(5) Greater than 60%~~

The boundary of the areas in each slope category shall run perpendicular to slope along the 10-foot contour lines and parallel to slope between contour lines. The areas in the above slope categories shall be shown for the development parcel as well as for an area extending 100 feet in each direction beyond the boundaries of the parcel. The applicant shall determine the area of the parcel which exhibits slopes of 15% or greater, using a planimeter or a computer application. The applicant shall sum the areas over 15% and present this total, expressed in square feet, on the Slope Analysis Map or in the application narrative.

The Slope Analysis Map shall also include:

- ~~(1) The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights of way.~~
- ~~(2) Lot and parcel building areas or specified building envelopes.~~
- ~~(3) Utility lines or other facilities and utility easements not included in street rights of way.~~

~~(d) Natural drainage; and arrows indicating the direction of the natural drainage.~~

~~(e) Site dimensions and total area of the site.~~

~~(2) Site Development Plan~~ indicating the following information:

- ~~(a) Legal description of the site;~~
- ~~(b) Dimensions and total area of the site, and for proposals that include single-family attached dwellings, the dimensions and total areas of all lots proposed for single-family attached dwellings;~~
- ~~(c) Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;~~
- ~~(d) The total area in terms of percentages, devoted to the following:~~
 - ~~(i) Structures~~
 - ~~(ii) Parking~~
 - ~~(iii) Landscaping~~
 - ~~(iv) Shared Open Space~~
 - ~~(v) Children's Play Area~~

~~Above items (iv) and (v) do not apply to single family attached dwelling projects of less than 20 units unless such elements are proposed.~~

~~(e) Rights of way of all abutting streets whether public or private and access to the site;~~

~~(f) Parking plan: submit information required by Section 9.0810. This requirement does not apply to single family attached dwellings;~~

~~(g) Locations and dimensions of all easements and nature of the easements;~~

~~(h) Location of any non-access strips;~~

~~(i) Other site elements which will assist in the evaluation of site development; including (1) existing and proposed water, sewer and storm drain connections to the existing public utility systems, (2) final building, parking area, and lot corner elevations, (3) drainage patterns, storm drainage detention calculations and proposed location of stormwater detention facilities, and (4) domestic, irrigation and fire flow demand calculations;~~

~~(j) Exterior lighting; the type, height and areas of illumination. This requirement does not apply to single family attached dwellings except where common area walkways and shared parking areas are provided;~~

~~(k) Except for single family attached dwelling projects of less than 20 units, shared open space and children's play areas. Include children's play area equipment and enclosure details;~~

~~(l) Service areas for uses such as collective mail delivery in a location as approved by the Postmaster and for trash disposal/recycling. This requirement applies to all mail delivery~~

- locations and other service areas. The designation of other service areas applies to single family attached dwellings only if common facilities are provided;
- ~~(m) Location, size, color and method of illumination of all signs;~~
 - ~~(n) Utility Plan. A preliminary utility plan showing existing and proposed on and off site utilities in sufficient detail to evaluate the intent and feasibility of the proposed method of service and to determine its impact on the public utility systems;~~
 - ~~(o) On-site pedestrian circulation system;~~
 - ~~(p) Addressing and building identification system consistent with the City of Gresham Street Naming and Property Addressing Guidelines;~~
 - ~~(q) ESRA PV and ESRA SW: The location and dimensions of all ESRA PV or ESRA SW located on the site.~~
- ~~(3) Landscape Plan—drawn to scale, indicating the following information:~~
- ~~(a) Site dimensions, including the dimensions of all lots for single family attached dwellings; outline of structure(s); scaled location of windows and doors;~~
 - ~~(b) The size, species (identifying both botanical and common names) and location of plant material and other landscaping materials, identifying those to be retained on the site and those proposed to be planted;~~
 - ~~(c) Screening, buffer and noise reduction materials and details such as planting materials, berms, fences and walls (refer to Section 9.0100);~~
 - ~~(d) Tree Staking Details;~~
 - ~~(e) Location and dimensions of required landscaping areas, buffer areas, shared open space and children's play area, where required;~~
 - ~~(f) Narrative describing in detail how any abutting existing buffer and screening or proposed alternative plan satisfies the buffer requirement;~~
 - ~~(g) Irrigation Specifications—A statement that an automatic underground irrigation system shall be provided (unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation).~~
 - ~~(h) Twenty or more dwelling units: landscaping plans shall be prepared and stamped by a licensed landscape architect.~~
- ~~(4) Architectural Drawings—floor plans, elevations and details, to include the proposed location of unit numbers and/or any other identification proposed on a structure. Architectural features provided to meet design standards within Section 7.0201 shall be noted in the plans.~~
- ~~(5) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code.~~
- ~~(6) The Erosion Prevention and Sediment Control Plan required by Section 9.0514 and the Stormwater Quality Control Plan required by Section 9.0521.~~
- ~~(7) Narrative—project description including discussion to show how approval criteria are being met and information to show how maintenance of shared spaces and easements will be provided.~~
- ~~(B) Fifteen copies of any and all reports required by the Community Development Code such as an Overlay District specific report, ESRA PV and ESRA SW provisions, a traffic analysis, tree preservation plan, special reports or studies as required in Section 9.1100. If any maps are included with the report(s) there shall be one additional set submitted which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.~~

7.0102 Community Service (except elderly housing), Commercial, Industrial and Mixed Use Developments

- ~~(A) The applicant shall submit fifteen sets of the following individual diagrams, plans and drawings, including the information specified. One additional set is required which is a size that is conveniently reproducible and legible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn~~

to scale and fully dimensioned.

(1) ~~Site Analysis Diagram~~ drawn to scale, indicating the following information:

- (a) ~~Adjacent land use districts and uses (i.e., whether vacant, or occupied by a 2-story apartment building, grocery store, etc.).~~
- (b) ~~Location of trees with a circumference of 25 inches (8 inches diameter) or greater measured at a point 4.5 feet above the ground on the upslope side of the tree; or when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches (8 inches diameter) or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant tree or grove.~~
- (c) ~~Slope Analysis Map: Ground elevations shown by contour lines at two-foot intervals for ground slopes of less than 15% and by contour lines at ten-foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary benchmark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.~~

~~All areas of the parcel that exhibit 15% or greater slopes shall be identified on the Slope Analysis Map. Slope shall be measured as change in vertical distance divided by change in horizontal distance ("rise over run") between and perpendicular to ten-foot contour intervals. Slopes in the following categories shall be shown on the Slopes Analysis Map by patterns or shading which are easily identifiable and reproducible, and identified with a legend:~~

~~The slope categories identified shall be:~~

- (1) ~~0 to 15%~~
- (2) ~~15% to 25%~~
- (3) ~~25% to 35%~~
- (4) ~~35% to 60%~~
- (5) ~~Greater than 60%~~

~~The boundary of the areas in each slope category shall run perpendicular to slope along the 10-foot contour lines and parallel to slope between contour lines. The areas in the above slope categories shall be shown for the development parcel as well as for an area extending 100 feet in each direction beyond the boundaries of the parcel. The applicant shall determine the area of the parcel which exhibits slopes of 15% or greater, using a planimeter or a computer application. The applicant shall sum the areas over 15% and present this total, expressed in square feet, on the Slope Analysis Map or in the application narrative.~~

~~The Slope Analysis Map shall also include:~~

- (1) ~~The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights-of-way.~~
- (2) ~~Lot and parcel building areas or specified building envelopes.~~
- (3) ~~Utility lines or other facilities and utility easements not included in street rights-of-way.~~
- (d) ~~Natural drainage; and arrows indicating the direction of the natural drainage.~~
- (e) ~~Climatic Conditions: Arrows indicating that the winter winds come from the north and east; summer winds from the northwest.~~
- (f) ~~Site dimensions and total area of the lot.~~

(2) ~~Site Development Plan~~ drawn to scale, indicating the following information:

- (a) ~~Legal description of the lot;~~
- (b) ~~Dimensions and total area of the lot;~~
- (c) ~~Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;~~

- (d) ~~The total area in terms of percentages, devoted to the following:

 - (i) ~~Structures~~
 - (ii) ~~Parking~~
 - (iii) ~~Landscaping~~~~
- (e) ~~Rights of way of all abutting streets whether public or private and access to the site;~~
- (f) ~~Parking plan, submit information required by Section 9.0810.~~
- (g) ~~Location and dimensions of all easements and nature of the easements;~~
- (h) ~~Location of any non-access strips;~~
- (i) ~~Exterior lighting; the type, height and areas of illumination;~~
- (j) ~~Location, size, materials, colors and method of illumination of all signs;~~
- (k) ~~Service areas for uses such as mail delivery and/or mail drop boxes (in a location as approved by the Postmaster), and for trash disposal/recycling, loading and delivery;~~
- (l) ~~Final building, parking area and lot grading elevations. Lot drainage patterns.~~
- (m) ~~A preliminary utility plan showing existing and proposed on and off-site utilities in sufficient detail to evaluate the intent and feasibility of the proposed method of service and determine its impact on the public utility systems;~~
- (n) ~~ESRA-PV and ESRA-SW: The location and dimensions of all ESRA-PV or ESRA-SW located on the site.~~
- (o) ~~Other site elements which will assist in the evaluation of site development.~~
- (3) ~~Landscape Plan drawn to scale, indicating the following information:

 - (a) ~~Site dimensions, outline of structure(s), scaled location of windows and doors;~~
 - (b) ~~The size, species (identifying both botanical and common names) and location of plant materials and other landscaping materials; those to be retained on the site and those newly planted;~~
 - (c) ~~Buffering and screening materials, when required (refer to Section 9.0100).~~
 - (d) ~~Tree staking details.~~
 - (e) ~~The approval authority may require a solar access analysis to determine the shading characteristics of the proposed buildings and trees (at mature heights) on Dec. 21 between 9:00 A.M. and 3:00 P.M.~~~~
- (4) ~~Architectural Drawings including floor plans, elevations and details, to include the proposed location and size of addresses, nameplates, and/or other identification on the structure.~~
- (5) ~~Irrigation Specifications~~
~~A statement that an automatic underground irrigation system is to be indicated on the landscape plan (unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation).~~
- (6) ~~Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code.~~
- (7) ~~Development Proposal For industrial developments, when the intended use of the property is known, submit a narrative that details description of the use, approximate number of employees and estimated volume of truck traffic.~~
- (8) ~~The Erosion Prevention and Sediment Control Plan required by Section 9.0514 and the Stormwater Quality Control Plan required by Section 9.0521.~~
- (B) ~~Fifteen copies of any and all reports required by the Community Development Code such as an Overlay District specific report, ESRA-PV and ESRA-SW provisions, a traffic analysis, tree preservation plan, special reports or studies as required by Section 9.1100. If any maps are included with the report(s) there shall be one additional set submitted which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.~~

7.0103 Manufactured Dwelling Parks

Except as otherwise provided by the Oregon State Structural Specialty Code, ORS 446.003 to ORS 446.140 and OAR 918-600-0005 to 918-600-0095, the following requirements shall apply:

(A) ~~The applicant shall submit fifteen sets of the following individual diagrams, plans and drawings, including the information specified. One additional complete set is required which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.~~

~~(1) Site Analysis Diagram drawn to scale, indicating the following information:~~

- ~~(a) Adjacent land use districts and uses (i.e., whether vacant, or occupied by a 2-story apartment building, grocery store, etc.);~~
- ~~(b) Location of trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree, or when trees are in clusters, they may be indicated by the number and general location within the cluster of trees with a circumference of 25 inches or greater when measured at a point 4.5 feet above the ground on the upslope side of the tree. Indicate if evergreen or deciduous. Location and identification of any designated significant tree or grove.~~
- ~~(c) Slope Analysis Map: Ground elevations shown by contour lines at two-foot intervals for ground slopes of less than 15% and by contour lines at ten-foot intervals for ground slopes of 15% or greater. Elevations shall be related to a temporary benchmark shown on the plan. Source(s) of topographic data shall be indicated on the plan and shall be acceptable to the Manager. The contour lines shall extend 100 feet in each direction beyond the boundaries of the parcel.~~

~~All areas of the parcel that exhibit 15% or greater slopes shall be identified on the Slope Analysis Map. Slope shall be measured as change in vertical distance divided by change in horizontal distance ("rise over run") between and perpendicular to ten-foot contour intervals. Slopes in the following categories shall be shown on the Slopes Analysis Map by patterns or shading which are easily identifiable and reproducible, and identified with a legend:~~

~~The slope categories identified shall be:~~

- ~~(1) 0 to 15%~~
- ~~(2) 15% to 25%~~
- ~~(3) 25% to 35%~~
- ~~(4) 35% to 60%~~
- ~~(5) Greater than 60%~~

~~The boundary of the areas in each slope category shall run perpendicular to slope along the 10-foot contour lines and parallel to slope between contour lines. The areas in the above slope categories shall be shown for the development parcel as well as for an area extending 100 feet in each direction beyond the boundaries of the parcel. The applicant shall determine the area of the parcel which exhibits slopes of 15% or greater, using a planimeter or a computer application. The applicant shall sum the areas over 15% and present this total, expressed in square feet, on the Slope Analysis Map or in the application narrative.~~

~~The Slope Analysis Map shall also include:~~

- ~~(1) The name, location, and grade of existing and proposed streets, private access drives and alleys, and the location of proposed rights of way.~~
- ~~(2) Lot and parcel building areas or specified building envelopes.~~
- ~~(3) Utility lines or other facilities and utility easements not included in street rights of way.~~
- ~~(d) Natural drainage, and arrows indicating the direction of the natural drainage.~~
- ~~(e) Lot dimensions and total area of the lot.~~

~~(2) Site Development Plan drawn to scale, indicating the following information:~~

- ~~(a) Legal description of the lot;~~
- ~~(b) Dimensions and total area of the lot;~~
- ~~(c) Location of all existing and proposed structures, including minimum distances from all structures to all lot lines;~~

- ~~(d) Rights of way of all abutting streets whether public or private and access to the site;~~
- ~~(e) Parking plan, submit information required by Section 9.0810.~~
- ~~(f) Locations and dimensions of all easements and nature of the easements;~~
- ~~(g) Location of any non-access strips;~~
- ~~(h) Other site elements which will assist in the evaluation of site development; including 1) existing and proposed water, sewer and storm drain connections to the existing public utility systems; 2) final building, parking area, and lot corner elevations; 3) drainage patterns.~~
- ~~(i) Exterior lighting; the type, height and areas of illumination.~~
- ~~(j) Service areas for uses such as mail delivery (to be approved by the Postmaster) and trash disposal/recycling.~~
- ~~(k) Location, size, materials, color and method of illumination of all signs, including directory signage, building identification, and individual space designations.~~
- ~~(l) Utility plans showing existing and proposed on and off site utilities in sufficient detail to evaluate the intent and feasibility of the proposed method of service and to determine its impact on the public utility systems. Plans for interior streets, driveways, water, storm drainage, and sanitary sewer systems shall bear the stamp of a registered civil engineer licensed to practice in the State of Oregon.~~
- ~~(m) Locations and dimensions of all interior streets, sidewalks, and pedestrian pathways and including the location of any common mail delivery areas. Names of any private access ways or private streets shall be as determined by the Manager in accordance with the City of Gresham Street Naming and Property Addressing Guidelines. The applicant shall be responsible for posting of any private street signage as approved by the Manager.~~
- ~~(n) Locations and dimensions of all manufactured dwelling spaces. This shall include the location and means of space identification.~~
- ~~(o) Locations and dimensions of all recreation areas, recreation and service buildings, and areas of recreation space in square feet.~~
- ~~(p) Locations and sizes of existing and proposed fire service lines, hydrants, and other fire suppression facilities within and adjacent to the manufactured dwelling park.~~
- ~~(q) An enlarged plot plan of a typical manufactured dwelling space, showing location of the manufactured dwelling, location of typical unit identification, patio, sidewalk, parking area, utility connections, and setback distances from the manufactured dwelling to the boundaries of the space.~~
- ~~(r) An addressing system as approved by the Manager to include a means of and location for identifying unit spaces and on-site buildings.~~
- ~~(3) Landscape Plan drawn to scale, indicating the following information:~~
 - ~~(a) The size, species (identifying both botanical and common names) and location of plant material and other landscaping materials; those to be retained on the site and those newly planted;~~
 - ~~(b) Locations and types of fences, walls, berms, and landscaping areas intended to fulfill requirements for perimeter screening, or required buffers (refer to Section 9.0100).~~
 - ~~(c) Percentage of lot devoted to landscaping.~~
 - ~~(d) Tree Staking Details~~
- ~~(4) Irrigation Specifications
A statement that an automatic underground irrigation system is to be indicated on the landscape plan (unless a licensed landscape architect certifies that the landscaping will likely survive without irrigation).~~
- ~~(5) Neighborhood Circulation Plan pursuant to Section 9.0700 of the Community Development Code.~~
- ~~(6) The Erosion Prevention and Sediment Control Plan required by Section 9.0514 and the Stormwater Quality Control Plan required by Section 9.0521.~~

~~(B) Fifteen copies of any and all reports required by the Community Development Code such as an Overlay District specific report, a traffic analysis, tree preservation plan, special reports or studies as required by Section 9.1100. If any maps are included with the report(s) there shall be one additional set submitted which is a size that is conveniently reproducible, not to exceed 8.5 inches by 11 inches. Plans shall be drawn to scale and fully dimensioned.~~

Specific Site Design Review Criteria and Standards

7.0201 Dwelling Structures Containing Two or More Units, Single Family Attached Dwelling Units and for Elderly Housing

(A) Applicability

This section shall apply to attached dwellings containing two or more units, single family attached dwelling units and elderly housing in all residential, Downtown, Civic Neighborhood, Pleasant Valley, Springwater and corridor districts, except as provided in Section 7.0002 ~~Sec. 7.0001(B)~~. In addition, Section 7.0210(B) shall apply to attached dwellings containing two or more units, single family attached dwelling units and elderly housing in Station Center and Rockwood Town Center Districts.

7.0201 Dwelling Structures Containing Two or More Units, Single Family Attached Dwelling Units and for Elderly Housing

(E) Building Orientation

(3) Except for individual driveways which may include parking for single-family attached dwellings and ~~Two-unit attached dwellings~~ duplexes, on-site surface parking areas, garages, and vehicular circulation areas shall not be located between a building and an abutting street right-of-way.

(F) Storage

(3) Except for ~~Two-unit attached dwellings~~ duplexes and attached single-family dwellings, no exterior garbage collection and recycling area shall be located within 25 feet of property lines abutting LDR-5, LDR-7, TLDR or TR designated property.

(I) Pedestrian Circulation

(2) The on-site shared pedestrian circulation system for all developments, including single-family attached dwellings, shall be designed to meet the accessibility standards of ~~Chapter 11~~ of the International Building Code (IBC).

(J) Architectural Design

(3) Blank, windowless walls are prohibited when facing a public street unless required by the ~~International~~ Building Code. Blank walls are discouraged in all other situations. Where the construction of a blank wall exceeds 400 square feet, it shall be articulated or intensive landscaping shall be provided. If shrubs and trees are selected, they shall be of a variety that will grow to screen, at maturity, 25 percent or more of the wall area and reach a height of at least 50 percent of the wall height. Such shrubs and trees must screen at least 10% of the total wall area at the time of planting.

(M) Other standards for Single Family Attached Dwellings

(2) Driveways and Unit Access

- (f) In the case of a single loaded public alleyway or private street or alley utilized for access, provide a 6 foot high sight obscuring fence or wall and a 5 foot wide landscape ~~planting~~ planter strip along the side of the alleyway/private street that abuts adjoining properties. Plant materials shall include a combination of ground cover, shrubs and trees and follow the same planting size requirements as for Shared Open Space Areas.

- (i) If common rather than individual (per unit) parking areas are proposed, the General Design Standards for Surface Parking Lots (Section 9.0820-9.0826) shall apply to the common parking areas. Such common parking areas may be within easements or on commonly owned tracts held and maintained by a homeowners association. Provide a 6 foot high sight obscuring fence or wall and a 5 foot wide landscaped ~~planting~~ planter strip along any side(s) of the common parking area that abuts adjoining properties. Plant materials shall include a combination of ground cover, shrubs and trees and follow the same planting size requirements as for Shared Open Space Areas.

7.0202 Community Service, Commercial, Industrial, and Mixed Use Developments

The following site design review criteria and standards shall apply to Community Service (except elderly housing), Commercial, Industrial, and Mixed Use Developments (with exception that single family attached units in a mixed use development shall be reviewed per the standards of 7.0201):

(K) On-Site Pedestrian Circulation.

- (1) On-Site exterior pedestrian circulation path facilities and improvements must be provided, and meet accessibility standards of ~~the Building Code UBC Chapter 11.~~ Pedestrian circulation paths within the site, connections to the public sidewalk, and external connections off site shall provide convenient, accessible, and the most practical direct, barrier-free route design.

Other Site Design Review Criteria and Standards

7.0210 Transit Design Criteria and Standards

(A) Purpose and Applicability

- (4) Orientation/ Design of Building and Entrance for Non-Residential Buildings on Transit Streets, in the Station Center District and in the Rockwood Town Center District

- (h) Building entries must comply with the accessibility ~~s~~Standards as outlined in ~~Chapter 11 of the International Building Code.~~

(B) Additional Design Criteria and Standards for Station Center and Rockwood Town Center Districts

- (1) All development within the Station Centers and Rockwood Town Center Districts shall follow standards for Orientation/Design of Building and Entrance of Section 7.0210(A)(4) and parking lot location standards of Section 9.0821. However, single family attached dwellings and ~~Two-unit attached dwellings~~ duplexes which are not located on a transit street are exempt from the parking location standards of Section 9.0821(A) and (B). Development within the Station Centers and Rockwood Town Center Districts shall also meet the following additional criteria of subsections (B)(3) through (B)(10) below.

(10) Special Criteria for sites abutting or facing a light rail station or park and ride facility contiguous to a light rail station (e.g., Cleveland, or City Hall)

- (a) The development satisfies applicable site design review criteria and standards, especially those related to transit development (Sections 7.0210 (A) and (B)). Also see the applicable parking standards in Section 9.0800 and the applicable transit standards found in Section A5.504.

7.0212 Standards for New Solid Waste and Recycling and Service and Collection Areas for new Multi-Family, Commercial, and Industrial, and Community Service Development

(A) New Multi-family development of four or more units, commercial development, and industrial development, and community service development shall provide for recycling and solid waste and recycling service and collection areas (collection areas) according to the following standards:

- (1) Recycling and solid waste service areas shall be located in close proximity to each other and be There shall be unobstructed and safely accessible to for the local licensed hauler's equipment and personnel, including unobstructed overhead and vertical clearance for collection vehicles and shall comply with the Gresham Revised Code, 7.25, related to placement of containers for collection.
- (2) Collection areas shall be adequately sized for the necessary number and size of recycling and solid waste containers to serve the development at maximum occupancy, as outlined in the City of Gresham Solid Waste and Recycling Collection Service Planning Matrix guidelines.
- (3) An adequate number of recycling and solid waste service collection areas shall be provided in locations that are conveniently accessible by the development's users, tenants and/or residents.
- (4) When solid waste and recycling collection areas are not within the same enclosure, they shall be located in close proximity to each other, no more than 20 feet from each other.
- (5) No recycling and/or solid waste service collection area shall be located within any required buffer, screening or setback areas. In particular, no such service area shall be located adjacent to a property boundary bordering a low density single family residential (LDR) area.
- (4) Adequately sized storage areas for the maximum number of recycling and solid waste receptacles shall be provided to serve the development at maximum occupancy.
- (6) Collection areas shall comply with the Gresham Revised Code, 7.25, related to placement of containers for collection.
- (7) Exterior collection areas shall be entirely screened by the employment of a vegetative screening and/or minimum six-foot high sight-obscuring enclosure (fence) or wall. Alternatively, they may be screened by a 6-foot high brick or concrete block (or similar material) wall. This applies to single-family attached dwellings only if a shared common collection area is provided for the site.
 - a. Enclosures constructed of wood or chain link fencing material shall contain a bumper curb at ground level inside the enclosure or fencing, at least 8 inches thick and four inches high, and 12 inches from enclosure walls to prevent damage from container impacts.
 - b. Enclosures constructed of concrete, brick, masonry block, or similar type of materials shall contain a bumper curb to prevent damage from container impacts, or a bumper rail. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with service container.
- (8) Enclosure gates shall swing free of obstructions and have restrainers in the open and closed positions. The gate swing should open to a minimum of 120 degrees.
- (9) "No Parking" signs shall be placed in a prominent location on, or near, the enclosure or painted on the pavement in front of the collection area to provide unobstructed and safe access for servicing containers.
- (10) The location for of recycling and solid waste collection areas and method of storage shall conform to local fire and structural specialty code provisions and be accepted by the approval authority. be approved by the Fire Marshal.

~~(116) Solid waste collection areas shall be at. Within enclosures, containers shall be located on a level cement concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local licensed hauler's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to prevent standing water, ground level and accessible to the licensed solid waste and recycling hauler.~~

~~(12) Collection areas designed for containers smaller than three yards shall have a staging area in front of the enclosure with a minimum length and width to allow for a three foot perimeter around all sides of the container when being serviced outside of the enclosure.~~

~~(13) The vehicular approach area and staging area shall not have a percent of grade exceeding three (3) percent, sloped in any direction.~~

~~(14) Adequate room shall be provided within enclosures for length and width of the service containers and for maneuverability in depositing solid waste or recyclable materials.~~

~~(a) A minimum of two feet, including pad area, shall be provided around the sides and rear of each container.~~

~~(b) A minimum of three feet, including pad area, shall be provided in front of each container for maneuverability in depositing solid waste or recyclable materials.~~

~~(c) In cases where the containers face each other, a minimum of four feet shall be provided in between containers.~~

~~(7) Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.~~

~~(B) Design and installation of solid waste and recycling service area shall conform to the following standards:~~

~~(1) There shall be unobstructed and safe access, including unobstructed overhead and vertical clearance, for local licensed solid waste collection equipment and personnel. Adequate room shall be provided within enclosures for length and width of the service containers for maneuverability in depositing garbage or recyclable materials.~~

~~(15) Adequate area shall be provided around the outside of enclosures to allow for maintenance to prevent accumulation of waste.~~

~~(162) Containers 3 yards and larger must may not be placed facing the opening of each other inside the enclosure. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container. A minimum of three feet, including pad area, shall be provided in front of each container for maneuverability in depositing garbage or recyclable materials. In cases where the containers face each other, a minimum of four feet shall be provided.~~

~~(3) Enclosure gates shall swing free of obstructions and have restrainers in the open and closed positions. The gate swing should open to a minimum of 120 degrees.~~

~~(174) For containers of three yards and larger, including drop boxes and compactors, the minimum safe vehicular access to the front of a service container pad or enclosure shall be a length of 65 feet and width of 12 feet.~~

~~(5) Recycling and solid waste areas shall be entirely screened from view by a minimum six-foot high sight-obscuring enclosure (fence) in combination with plant materials capable of forming a complete evergreen hedge a minimum of six feet in height. Alternatively, they may be screened by a 6-foot high brick or concrete block (or similar material) wall.~~

~~a. Enclosures constructed of wood or chain link fencing material shall contain a bumper curb at ground level inside the enclosure or fencing to prevent damage from container impacts.~~

~~b. Enclosures constructed of concrete, brick, and masonry block or similar type of materials shall contain a bumper curb to prevent damage from container impacts, or a bumper rail. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with service receptacle.~~

~~(6) Recycling and solid waste service areas shall drain to an approved storm drainage system within five feet of the facility. Drainage system shall be constructed per Gresham Development Code~~

Appendix A5.200—Surface Water Management Systems and other City Codes. Particular attention shall be paid to water quality treatment per this standard.

~~(7) Adequate area shall be provided within and around the outside of enclosures to allow maintenance to prevent accumulation of waste. Within enclosures, receptacles shall be located on a level cement concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local licensed hauler's equipment at the time of construction. The pad should be designed to discharge surface water runoff to prevent standing water.~~

~~(8) Enclosures and trash receptacles located therein shall conform to local fire and structural specialty code provisions and be accepted by the approval authority.~~

~~(9) "No Parking" signs shall be placed in a prominent location on, or near, the enclosure or painted on the pavement in front of the collection area to provide unobstructed and safe access for servicing receptacles.~~

(B)(C) Design and construction of collection service areas that accommodate drop boxes and compactors shall ~~conform~~ comply with the standards listed in (A) above as well as to the following standards:

(1) The size of the pad for drop boxes and compactors shall be at least 14 feet wide and at least 5 feet longer than the length of the drop box or compactor.

(2) The pad shall be located a minimum of two feet from any perimeter wall or structure ~~and in a location that conforms to local fire and structural specialty code provisions and be accepted by the approval authority.~~

(3) Loading dock areas that accommodate drop boxes or compactors shall have a guide rail and bumper stop placed at ground level or at dock level, where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.

~~(4) Drop boxes and compactors shall be located on a level concrete pad, a minimum four (4) inches thick, at ground elevation or other location compatible with the local licensed hauler's equipment at the time of construction. The pad should be designed to discharge surface water runoff to prevent standing water.~~

~~(45)~~ Compactors shall be compatible with collection equipment and weight limits prescribed by State and local law. The local franchised collection firm shall be consulted for equipment compatibility.

~~(6) The minimum safe vehicular access to the front of a drop box or compactor pad shall be a length of 65 feet and width of 12 feet.~~

~~(7) "No Parking" signs shall be placed in a prominent location on, or near, the collection areas, or painted on the pavement in front of the collection area to provide unobstructed and safe access for servicing receptacles.~~

(D) The on-site storage of special wastes/recyclable materials shall conform to the following standards:

(1) Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed of in a manner acceptable to the Oregon Department of Environmental Quality.

(2) Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials should be stored in separate storage areas designed for this purpose.

(D) Exceptions. As part of a Type II development permit procedure, modification to these provisions may be permitted when the changes are consistent with the purpose of these provisions and the City receives written evidence from the local licensed solid waste and recycling firm that the proposed changes:

(1) Are compatible with firm's methods of operations.

(2) Will not result in an unreasonable increase in the cost of service.

7.0220 Optional Improvements With Site Design Review

To the extent necessary to meet the criteria for site design review contained in this ordinance, the

approval authority may impose the following additional requirements on a development subject to advising the applicant of the reason in writing.

7.0224 Site Lighting

On-site lighting for all developments subject to site design review shall be hooded or directional so as to reduce the lighting of adjacent properties. The Manager may require reduced lighting intensities or special fixtures to accomplish this provision. Lighting plans addressing this requirement are required to be submitted as part of the site design review application package.

Section 7. Volume 3, Development Code, Article VIII is amended as follows:

8.0110 Type I Community Services

(F) Cellular communication antennage co-located on an existing Community Service approved cell tower or location, provided the required equipment facilities can be contained within the confines of the existing approved site, and, reduced size cellular communication antennage and equipment proposed for location on existing utility poles, provided no on-ground equipment accompanies the antennage and said antennage does not extend out more than two (2) feet from the pole, or, does not extend beyond the easement or public right-of-way where the power pole is located, whichever distance is less. Such antennage and facilities that qualify for Type I review will not be subject to Site Design Review and provisions of Section 7.0102.

8.0111 Type II Community Services

The following community services may be approved under the Type II procedure:

(F) Public or private elementary or middle school, academically accredited by the state of Oregon, proposed for development in any district other than the Downtown Plan District or the Civic Neighborhood Plan District.

8.0112 Type III Community Services

The following community services may be approved under the Type III procedure:

- (A) Public or private high school or college that is academically accredited by the state of Oregon. Schools that are customarily commercial rather than academic in nature such as business, dance, karate, and other instruction schools shall not to be located in a residential or office/residential land use district nor approved as community service.
- (B) Public or private elementary or middle school, academically accredited by the State of Oregon, proposed for development within the Downtown Plan District or the Civic Neighborhood Plan District.

8.0114 Design Review and Approval Criteria for Community Services

(A) Most Community Services require submission of a Site Design Review application as provided by Article VII of the Community Development Code. Type I Community Services and the following uses are exempt from site design review and public facilities requirements:

(E) An applicant for a public walking/hiking trail or public multi-use path including associated trail access points and trailheads shall provide narrative and plans that demonstrate consistency with applicable provisions of the Gresham Trails Master Plan Chapters 7 and 10.

If the application includes a surface parking lot it shall be consistent with **Section 9.0823** except that the applicant may prepare an alternative landscaping plan and specifications which meets the intent of the requirement in **Section 9.0823(C)(1), (2) and (3)** and the general intent of the Gresham Trails Master Plan that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

The Buffering and Screening Requirements of **Section 9.0100** shall apply except in the following situations: where the proposed trail development is more than 30 feet from an abutting property line, or where the abutting property is an open space parcel, or where the proposed trail development abuts a street right-of-way. When buffering and screening is required an alternative buffering and screening plan may be submitted for approval. Such alternative plan shall be designed to afford the degree of desired buffering and the general intent of the Gresham Trails Master Plan which states that planting for buffer, screening and revegetation shall be of native plant species compatible with and blending with the natural surroundings.

~~The application is exempt from the following Site Design Data Requirements: 7.0102(A)(1)(b) is limited to the trail development area and trailheads; 7.0102(A)(1)(c) and (A)(2)(d) is limited to trailheads; and 7.0102(A)(2)(i).~~

8.0121 Standards

Community Services shall be located in conformance with the following standards:

- (C) Except as provided in subsection (D), below, the following community service uses are prohibited in the Heavy Industrial and General Industrial Districts:

-- Public or private elementary school ~~academically accredited by the State of Oregon~~

-- Public or private high school or college ~~that is academically accredited by the State of Oregon~~

8.0202 Site Design Review Standards

All site design review requests shall comply with all applicable standards in the Community Development Code.

8.0220 Changes to Nonconforming Uses and Developments

- (E) The enlargement, moving, or structural alteration of a nonconforming use or development shall not:
- (1) Place any structure associated with the nonconforming use or development in a different occupancy group as defined by the ~~Uniform~~ Building Code.
 - (2) Increase the risk to life or risk of fire hazard of the use or development, or of any structure associated with the use or development, as defined by the ~~Uniform~~ Building Code Occupancy Group Classification.
- (F) Full conformance with the following requirements and standards of the Community Development Code shall be required in connection with the enlargement or moving of any nonconforming use or development that does not require a site design review as per **Section 7.0000**:
- *****
- (J) An alteration to a nonconforming development that requires a site design review (as per **Section 7.0000**) shall be subject to all current standards with the exception that existing nonconforming structures are allowed to remain in a nonconforming condition. Enlargement of a nonconforming structure is subject to this section and **Section 8.0221**, and to applicable site design review

standards. New development and structures on a nonconforming development site are subject to all current standards.

8.0222 Enlargement and Moving of a Nonconforming Use

Except as provided in **Section 8.0260** and except as provided in **Subsections (F) and (G)**, a nonconforming use may be enlarged or moved as authorized by this section, following the Type II procedure.

(C) Except for nonconforming single-family dwellings and ~~duplexes two-unit attached dwellings~~ [see **Subsection (F)**], and except for nonconforming community services [see **Subsection (G)**], any portion of a nonconforming use proposed to be enlarged or moved shall be subject to height, setback, and lot coverage standards applying in the district in which the use is located.

(F) Under the Type I procedure, a single-family dwelling, or a ~~duplex two-unit attached dwelling~~ which is a nonconforming use, may be altered or enlarged any number of times in conformance with standards of Table 4.0130(D), (E), (H) and (I) of the Community Development Code. Accessory structures on the same site as nonconforming, single-family dwellings and nonconforming, ~~duplexes two-unit attached dwellings~~ may, under the Type I procedure, be constructed or enlarged in conformance with standards of Section 10.0200 of the Community Development Code.

8.0251 Nonconforming Procedures

(2) The owner of the damaged development or structure must obtain a permit to repair or reconstruct within one calendar year of the damage. If the permit is not obtained the development or structure shall conform fully to all provisions of the Community Development Code for the district in which the site is located.

(c) The Manager may attach conditions of approval to a development permit issued for this purpose in order to ensure that the degree of noncompliance with requirements of the Gresham Community Development Code will not be increased. Conformance with Site Design Review requirements may also be required in connection with the enlargement or moving of a nonconforming development, as provided in **Section 7.0000**.

Section 8. Volume 3, Development Code, Article IX is amended as follows:

9.0110 Buffering and Screening Requirements

- (C) For purposes of this section a vacant lot is a lot that is undeveloped or developed with a non-conforming use. Least to more intensive use is: LDR-5 and LDR-7 District dwellings, TR District dwellings, TLDR District dwellings, 2 to 4 attached dwellings or single family attached dwellings, 5 or more attached dwellings or single family attached dwellings, residential community service, primarily residential mixed use, office use, NC use, GC use, primarily commercial mixed use, non-residential community service use, outdoor commercial use, BP use, GI use, and HI use and ~~regional shopping center~~. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the conforming use that would conflict most with the proposed use.

(A) Buffer Matrix (Table 9.0111A and B) Notes:

- (3) Manufactured dwelling park buffer and screening standards are found in **Section ~~7.0130~~ 7.0211** of the Community Development Code.
- (4) For purposes of Section 9.0100 - Buffering and Screening Requirements, a single family dwelling shall be considered a detached dwelling, a manufactured home, or a single family attached dwelling of up to ~~four~~ two attached units located in any district that allows single family dwelling units.

Table on the next page demonstrates the removal of Regional Shopping Center from this table in the Code.

Table 9.0111A - Buffer Matrix

PROPOSED USE	ABUTTING USE													
	Single Family Dwellings*	Three or More Attached Dwellings	Office Use	Neighborhood Commercial Use	General Commercial Use	Outdoor Commercial Use	General Industrial Use	Heavy Industrial Use	Primarily Residential Mixed Use	Primarily Commercial Mixed Use	Residential Community Service	Non-Residential Community Service	Regional Shopping Center	Springwater Industrial Use
Single Family Dwellings*	-	A	A	A	A	A	A	A	A	A	A	A	A	A
Three or More Attached Dwellings	C	-	B	C	C	D	D	E	A	C	A	C	F	-
Office Use	B	B	-	-	-	-	-	-	B	-	B	-	-	-
Neighborhood Commercial Use	C	C	-	-	-	-	-	-	C	-	C	-	-	-
General Commercial Use	C	C	-	-	-	-	-	-	C	-	C	-	-	-
Outdoor Commercial Use	D	D	-	-	-	-	-	-	D	-	D	-	-	-
General Industrial Use	D	D	-	-	-	-	-	-	D	-	D	-	-	-
Heavy Industrial Use	E	E	-	-	-	-	-	-	E	-	E	-	-	-
Primarily Residential Mixed Use	C	A	B	C	C	D	D	E	-	C	A	C	F	-
Primarily Commercial Mixed Use	C	C	-	-	-	-	-	-	C	-	C	-	-	-
Residential Community Service	C	A	B	C	C	D	D	E	A	C	-	C	F	-
Non-Residential Community Service	C	C	-	-	-	-	-	-	C	-	C	-	-	-
Regional Shopping Center	F	F	-	-	-	-	-	-	F	-	F	-	-	-
Springwater Industrial Use	G	G	-	-	-	-	-	-	-	-	-	-	-	-

Table 9.0111B – Buffer Table

		Per 100 Lineal Feet			
		Width	Shade Trees	Shrubs	Fence or Wall
	A	10'	0	0	None
	B	10'	0	40	6-8' Fence
	C	20'	5	50	6-8' Fence
	D	30'	5	50	6-8' Fence
	E	40'	9	90	6-8' Wall
	F	50'	9	90	8' Wall
	G	40'	9	90	8-10' Berm

Table 9.0111B – Buffer Table








		Width	Per 100 Lineal Feet		Fence or Wall
			Shade Trees	Shrubs	
	A	10'	0	0	None
	B	10'	0	40	6-8' Fence
	C	20'	5	50	6-8' Fence
	D	30'	5	50	6-8' Fence
	E	40'	9	90	6-8' Wall
	F	50'	9	90	8' Wall
	G	40'	9	90	8-10' Berm

Figure 9.0202(C)

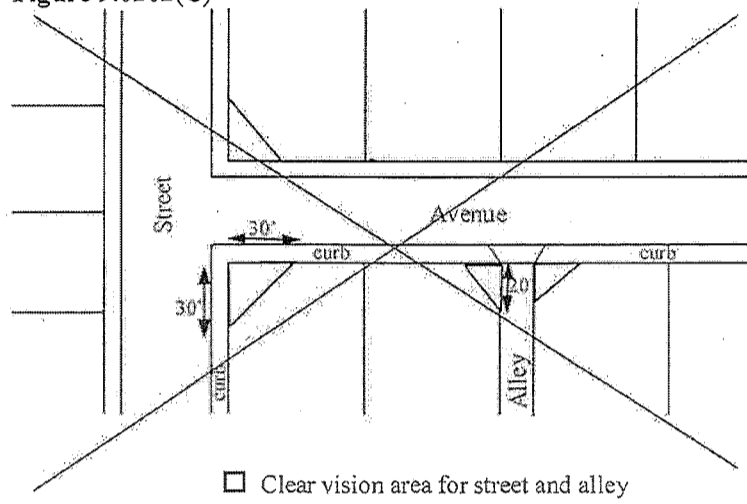


Figure 9.0202(D)

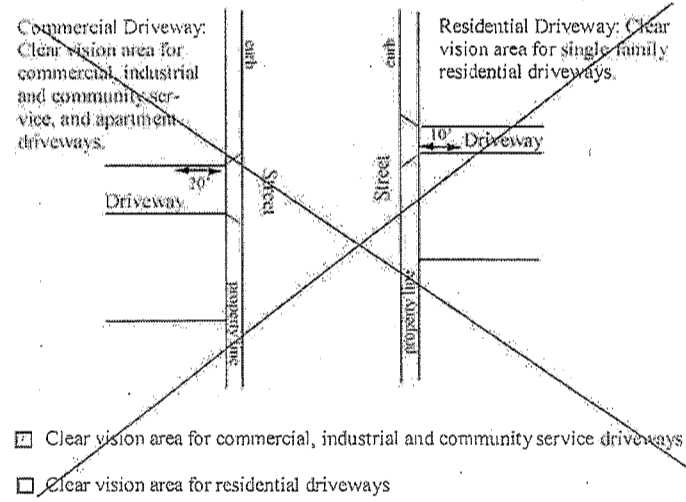
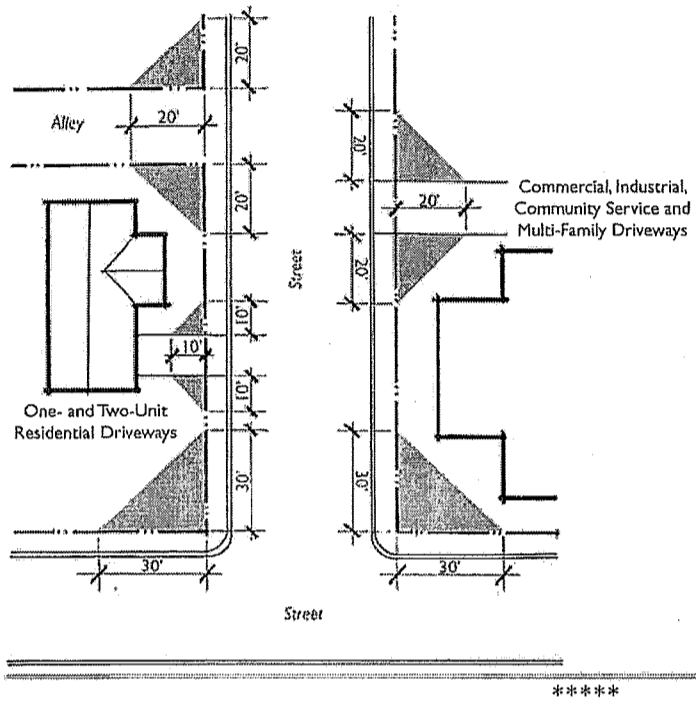


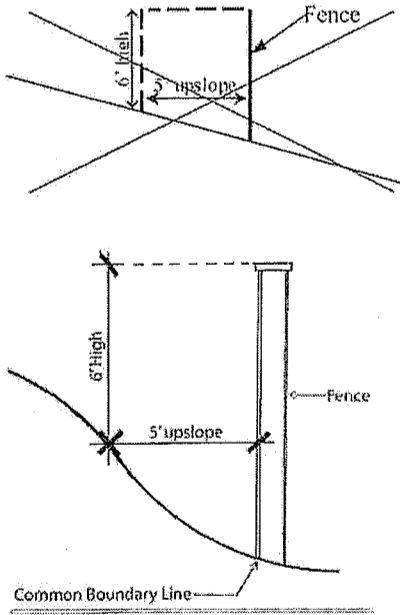
Figure 9.0202



9.0304 Open Space Easements

The approval authority may require a perpetual open space easement over areas of the Flood Plain Floodplain or Hillside Physical Constraint Overlay Districts, areas of unique natural condition, or Greenway System retained in private ownership.

Figure 9.0410



9.0411 Fencing of Swimming Pools or Other Man-Made Bodies of Water

- (A) ~~Any man-made swimming facility which has a depth of 18 inches or more shall be completely enclosed by fencing (a dwelling or accessory building may be used as part of the enclosure). The fencing shall be a minimum of 5 feet in height incapable of being crawled under, with no gaps therein larger than 2 inches in any dimension except for door and gates. All gates or door openings shall be equipped with an automatic closing and automatic latching device combined with a lock which must be locked when the facility is not in use. Doors of any dwelling forming part of the enclosure need not be provided with the automatic locking and latching devices. A pool or other recreational man-made body of water shall not be filled until the fencing has been constructed and construction of the pool or other man-made body of water requires a building permit.~~
- (B) ~~Hot Tub Exemption. Hot tubs or pools with water surface areas not exceeding 36 square feet are exempted from the fencing provisions as long as the following provisions are met:~~
- ~~(1) A locking cover constructed of suitable materials and of sufficient strength to prevent access, is maintained over the tub or pool when not in use, and;~~
 - ~~(2) There are no gaps larger than 2 inches between the cover and top of tub or pool.~~

9.0502 Grading and Drainage Plans and Specifications

- (A) ~~Unless otherwise specified in this document, Appendix Chapter 33 of the current edition of the Uniform Building Code shall apply for all grading and drainage construction on private property.~~

9.0503 Required Information for Grading and Drainage Plans and Specifications

~~When required under the Community Development Code for the issuance of a development permit, an application for a grading and drainage plan approval shall be accompanied by four sets of grading and drainage plans, specifications and supporting data.~~

- (D) ~~The plan shall also indicate, when applicable, all existing wetlands, bogs, and marshes; existing natural streams, intermittent and permanent; areas of erosion potential; areas of stability hazard; excessively steep slopes (15% to 35% and 35% and greater); flood prone areas and designated flood plains floodplains, showing elevations of the 100 year ~~flood plain~~ floodplain and poorly drained areas; and areas previously used as a land fill.~~

9.0512 Fills

~~Fills shall not exceed in steepness a 2:1 (horizontal to vertical) ratio. All fills, upon completion of the project shall be certified by a professional engineer to be adequately compacted for the intended use. If the intended use is open space, appropriate easements will be recorded with the title records of Multnomah County, with a duplicate copy being kept on file with the City of Gresham.~~

- (C) ~~Structural Fill Compaction - Structural fill will be compacted to a minimum of 90% of maximum density as determined by Uniform Building Code Standard No. 331.4 (Compaction). The soils engineer shall certify all structural fills as meeting minimum bearing capacity for the intended use.~~

- (G) ~~Maintenance, repair, replacement and liability from damages due to failure of private drainage systems shall be the responsibility of the customer. Maintenance responsibility shall include all elements of the system up to the point of connection with a drainage structure of the public stormwater system. Such connection shall be subject to City approval. Private drainage water quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance. In addition, the customer shall enter into a maintenance agreement with the City to ensure continued maintenance.~~

Figure 9.0610A

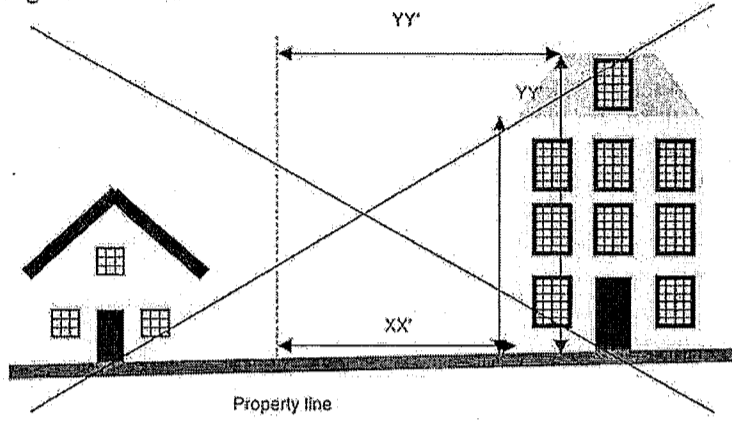


Figure 9.0610A

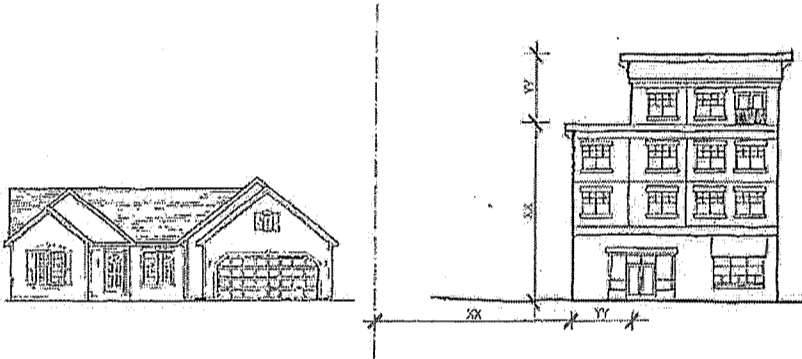


Figure 9.0610B

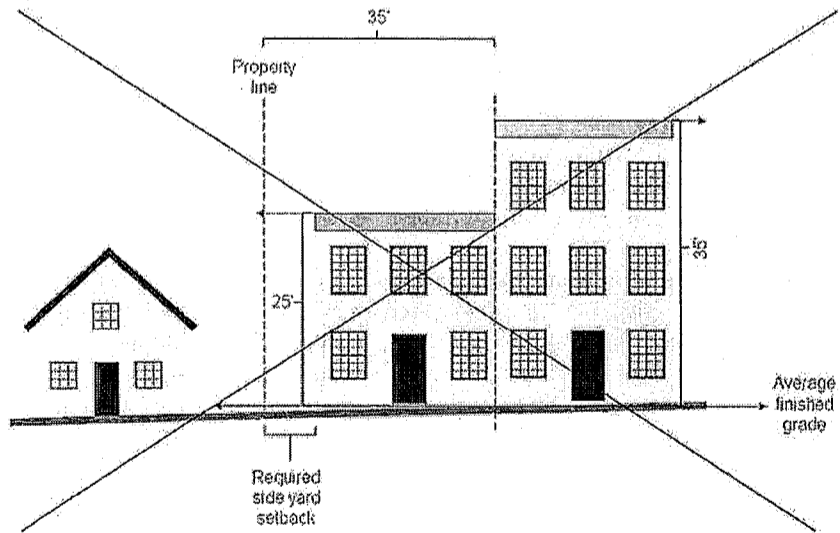
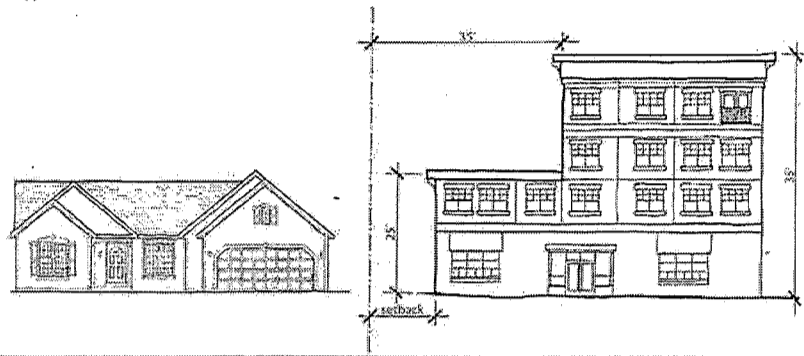


Figure 9.0610B



9.0702 Applicability

- (A) The requirements of this section shall apply as follows:
- (1) To all Type II and Type III tentative partition and subdivision plans.
 - (2) To all ~~Type II~~ site design reviews, level D, (except for dwellings containing 3 units or less).
 - (3) To design reviews, level C at the discretion of the Manager.
 - (4) To Type II and III community service uses, except for portable classrooms, and utility, sewage, drainageway, or water system structures.

9.0703 Submittal Requirements

- (A) ~~All developments, as provided in Section 9.0702(A), shall submit a neighborhood circulation plan and, except as provided in Section 9.0702(B), shall also submit a future street plan. When both the neighborhood circulation plan and the future street plan are required, they shall be combined on the same plan.~~
- (B) ~~The Circulation plan shall include sufficient dimensions and other data to verify conformance to the Neighborhood Circulation and Future Street Plan criteria. The Circulation plan shall incorporate the following details, both on-site and off-site:~~
- (1) ~~The Circulation Plan shall be no larger than 11 inches x 17 inches and may include several sheets.~~
 - (2) ~~The topography for slopes of 15% or greater with contour intervals not more than 10 feet.~~
 - (3) ~~The name, classification, location, right of way width, centerline radius, grade of all existing and proposed streets, bikeways, and pedestrian ways. The identification of a street by name shall be limited to existing streets and extensions thereof. Proposed new streets and alleys shall be identified as "proposed extension to existing [insert existing name]," "proposed new Street A," "proposed new Street B," "proposed public alley," etc. Any alias for an existing street name should be shown in parentheses, with the preferred City name dominant.~~
 - (4) ~~Property lines and dimensions.~~
 - (5) ~~Existing and proposed streets, transit routes and facilities, and other pedestrian/bicycle destinations, within 600 feet of the development.~~
 - (6) ~~Site access points for autos, pedestrians, bicycles, transit.~~
 - (7) ~~When a future street plan is required, the conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.~~
- (C) ~~If the City determines that access to tracts within 600 feet of the proposed development requires access by a street of community street or greater status, then the following additional information shall be submitted:~~
- (1) ~~Functional classification or proposed street system~~
 - (2) ~~Potential connection points to existing street system~~
 - (3) ~~General alignment where topography appears to be most appropriate~~

- (4) ~~Anticipated service levels~~
- (5) ~~Potential funding mechanisms appropriate to implement the required improvements.~~

9.0710 Review Approval Criteria

9.0803 Exceptions

By definition, parking lot design standards do not apply to detached dwellings, attached single-family dwellings, or ~~two-unit attached dwellings~~ duplexes on a unit by unit basis (see Sections 9.0870 - 9.0872 for applicable standards). However, shared separate parking areas (such as a visitor or overflow parking lot) intended to serve a residential complex, a manufactured dwelling park, or a group of dwelling units (regardless of the type of units), must comply with the applicable standards of Sections 9.0822 to 9.0825.

9.0821 Parking Lot Location on Transit Streets and in the Downtown and Civic Neighborhood Plan Districts

(G) Exemption. On sites of less than 10 acres with an average down-slope from the abutting transit street in excess of 7%, parking may be located between the transit street and a building or located adjacent to a transit street intersection, provided that:

- (1) On-site pedestrian connections are made from the parking lot to all adjacent transit streets in a direct as practical manner. Stairs may be required where curb ramps are impractical. Circuitous routes shall be avoided.

9.0822 Surface Parking Lot Design

(A) All parking areas shall meet the following minimum design standards. By definition, parking for detached, ~~two-unit attached duplex~~, or single family attached dwellings are exempt from these requirements.

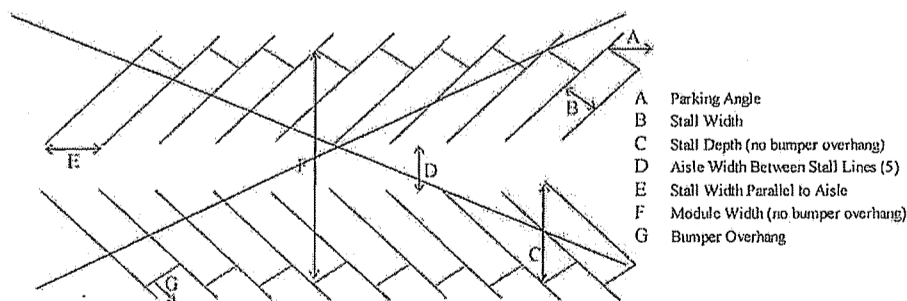
- (3) Driveways/Driveway Approach Width and Grade. Unless otherwise noted in Section A5.503, the maximum driveway approach width for commercial uses is 36 feet and for residential uses is 24 feet. See 9.0870(F) for standards applicable to shared driveways.

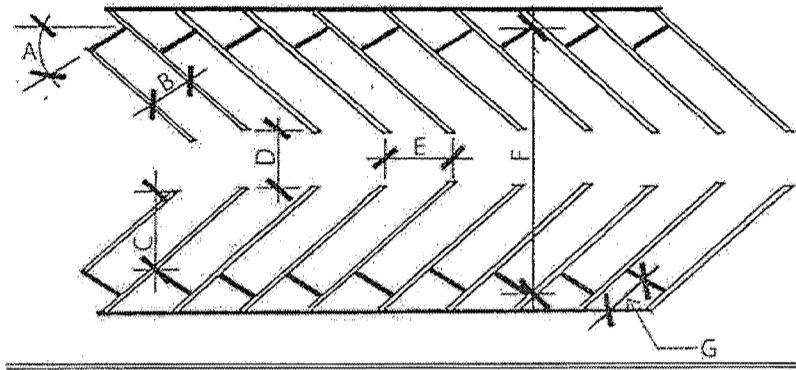
9.0824 Pedestrian Circulation/Walkways

(F) Accessible routes must comply with the International Building Code on Accessibility. The more restrictive walkway standards shall apply when there is a conflict.

Figure 9.0825A: Off Street Surface Parking Matrix

Stall width dimensions may be distributed as follows: 50% standard spaces, 50% compact spaces. All compact spaces shall be labeled as such.





9.0826 Accessible Parking

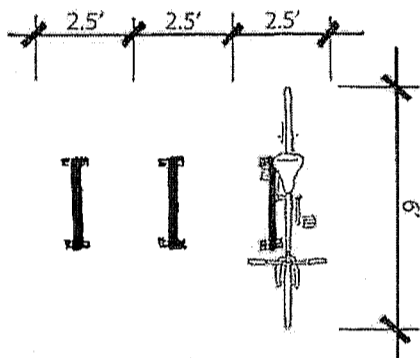
- (A) All required parking areas shall provide accessible parking spaces and accessible aisles as outlined in the Building Code, Chapter XI. These accessible spaces shall be located on the shortest practical accessible route to an accessible building entry. Whenever practical, the accessible route shall not cross lanes of vehicular traffic. Curb ramps or other sloped areas shall be located to prevent their obstruction by parked vehicles. Accessible parking spaces shall be minimum of 9 feet wide with a 6 foot wide access aisle between each two spaces.
- (1) Van Accessible Parking. One in eight parking spaces, but not less than one space, must provide a van-accessible parking space as outlined in the Building Code, Chapter XI. Van accessible parking spaces are 9 feet wide with an 8 foot wide aisle which can be shared with another 9 foot accessible space. If a single accessible parking space is provided, it shall be designated "van accessible" and shall have an additional sign mounted. Van accessible spaces shall be provided outside of a garage except in public or private parking structures but may have cover such as a carport and shall be available for use by any authorized vehicle. The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.
 - (2) Marking. The accessible parking symbol shall be painted on the parking space and an accessible parking sign shall be placed in front of each space according to the Oregon Transportation Commission's Disabled Parking Standards.
 - (3) Medical Care. Medical care occupancies specializing in the treatment of persons with mobility impairments shall provide 20% of required parking spaces as accessible as outlined in the Building Code, Chapter XI. Exception: For outpatient facilities, 10% of parking spaces need to be accessible as outlined in the Building Code, Chapter XI.
 - (4) Passenger Drop-off and Loading Zones. Where provided, passenger drop-off and loading zones shall be located on an accessible route, shall not be less than 12 feet wide by 25 feet long, and the slope not to exceed one vertical in 50 horizontal and a vertical clearance of 114 inches, and shall be designed and constructed according to the ~~International~~ Building Code.
- (B) The quantity and design of Accessible spaces and aisles shall comply with to the International Building Code, Chapter 11. Where there is a conflict, the more restrictive standard shall apply.

9.0830 Bicycle Parking Design Standards

(C) Bicycle Parking Location and Access

- (5) Pedestrian Conflicts. Bicycle parking and bicycle racks shall be located to avoid conflict with pedestrian movement and access walk required by the ~~International Building Code, Chapter 31~~. With approval of the Manager, bicycle parking may be located in the public sidewalk or right-of-way, where this does not conflict with pedestrian accessibility.

Figure 9.0830 Bicycle Parking



9.0840 Off-Street Loading Requirements

Table 9.0840(C)

Use Category or Subcategory	Aggregated Floor Area (Square Feet)	Minimum Number of Loading Spaces Required

Visitor Accommodations Motel, Hotel hotel, convention hall, or sport arena	25,000 – 150,000 150,000 – 400,000 Each additional 150,000 or fraction thereof	1 space 2 spaces 1 additional space

(E) Approval Criteria for Modification of Loading Facilities

- (1) The Type I Procedure, as described in Section 11.0300 ~~11-0202~~ – Administrative Decision - of this code, shall apply to any modifications made to loading facilities.

9.0850 Minimum and Maximum Required Off-Street Parking - General

(A) For the purpose of calculating parking ratios in all districts, the following type of parking spaces do not count against the maximum ratio but do count toward the minimum ratio:

- (1) Accessible parking as outlined in the Building Code, Chapter XI

Table 9.0851 - Minimum/Maximum Auto and Bicycle Parking Table

	Auto Parking		Bicycle Parking
	Minimum	Maximum	

(B) COMMERCIAL			
(1) Retail Services			

(f) Motel, Hotel, Bed & Breakfast	1 space per guest room or suite	1.3 spaces per guest room or suite	1 space per 10 guest rooms
(g) Meeting Room	0.2 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the International Building Code (IBC)	0.3 space for each occupant of meeting rooms based on maximum capacity as calculated under the provisions of the <u>IBC Building Code</u>	1 space per 40 seats in meeting rooms

9.0852 Plan District Minimums and Maximums

(A) Civic Neighborhood Plan District

(1) Minimum Off-Street Parking. Minimum off-street parking for automobiles shall be provided as specified in **Table 4.1230 (I)**. Off-street parking for automobiles is not required for new commercial development in the Civic Neighborhood PD. However, if required by the International Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. Bicycle parking shall be provided in connection with new development as provided in **Table 9.0851**.

(B) Downtown Plan District

(1) Minimum Off-Street Parking

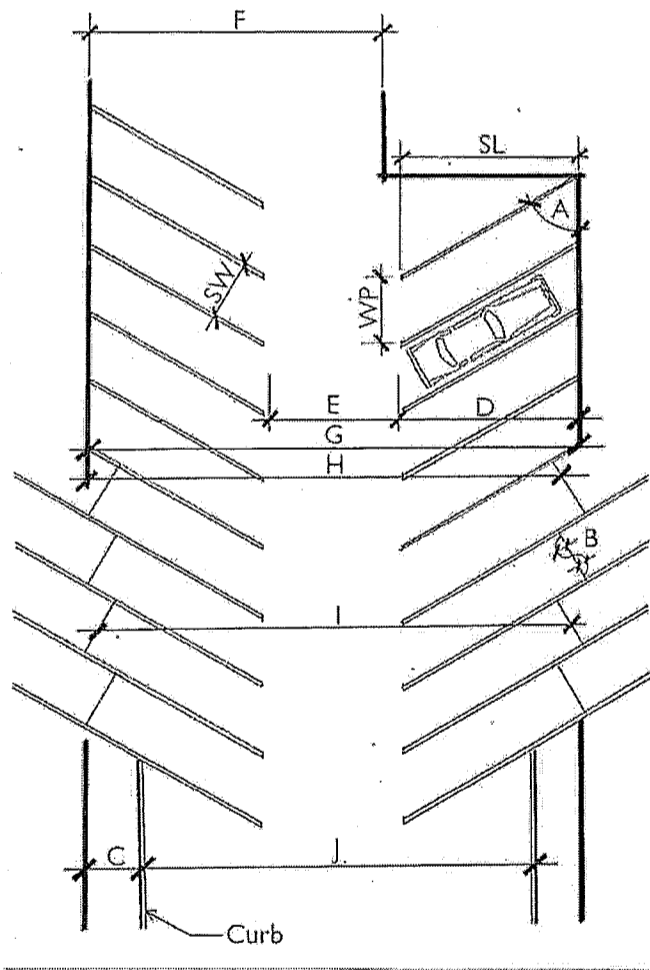
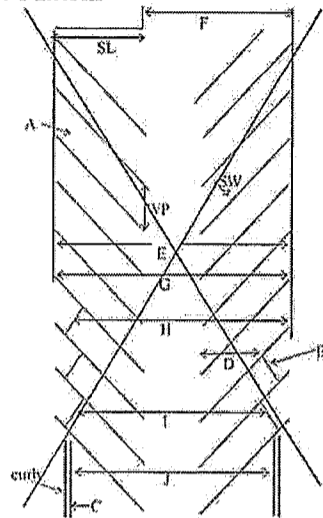
Off-street parking is not required for new commercial development in the CUC, DT, DR-30, and DR-12 sub-districts. In the DC-1, and DC-2 sub-districts, minimum required parking for new commercial uses is 80% of the minimum number of spaces required in **Table 9.0851**. If required by the International Building Code, accessible parking spaces shall be provided regardless of the provisions of this subsection. The minimum amount of off-street parking required in any sub-district of the Downtown PD may be reduced by up to 50%, as provided in **Section 9.0853(E)**.

9.0857 Required Carpool and Vanpool Parking

Industrial and commercial development with 50 or more employees on any single shift, shall designate at least 10%, but not fewer than two, of the long term (4 hours or more) employee or student parking spaces for carpool/vanpool parking. These designated spaces shall be located closer to the building entrances than other employee or student parking with the exception of ~~ADA disabled~~-accessible and short-term (less than 4 hours) visitor parking. These spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" and include hours of use, per the Manual of Uniform Traffic Control Devices.

Table 9.0861 – Parking Structure Matrix

- A Parking Angle
- B Interlock reduction
- C Overhang clearance
- D Projected vehicle length measured perpendicular to aisle
- E Aisle width
- F Parking module width (wall to wall), single-loaded aisle
- G Parking module width (wall to wall), double-loaded aisle
- H Parking module width (wall to interlock), double loaded aisle
- I Parking module width (interlock to interlock), double loaded aisle
- J Parking module width (curb to curb), double loaded aisle
- SL Stall length
- SW Stall width
- WP Stall width parallel to aisle



9.0861 Parking Structures

- (D) ~~Site~~ Design Review. All parking structures are subject to ~~Type II Site~~ Design Review.
- (E) Other Standards. Parking structures must comply with all standards of the ~~International~~ Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting, and fire/safety requirements and disabled accessibility.

9.0870 Off-street Parking and Driveways for Detached Dwellings, Manufactured Homes, Single Family Attached Dwellings and ~~Two-unit Attached Dwellings~~ Duplexes

- (D) Driveways and driveway approaches shall be paved. A compacted gravel surface driveway may be allowed only under the following circumstances:

- (1) The driveway is in all or part to be located within a Hillside Physical Constraint, ~~Flood Plain~~ Floodplain, or Habitat Conservation Area Overlay District, and

- (H) Within the steep slopes (15% or greater) of the Hillside Physical Constraint Overlay District, the use of shared private driveways by residential development is encouraged to lessen overall site grading. Shared Driveways are permitted as follows:

- (1) Shared driveways shall provide primary vehicle access to no more than four residences and shall not exceed 150 feet in length, unless approved by the Gresham Fire Department;
- (2) Shared driveways shall not exceed a slope of 12%. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatment and embedded heating systems;
- (3) Shared driveways shall not be less than 15 feet wide.
- (4) Deed restrictions shall be recorded for general maintenance of the condition of the shared portion of the driveways, and for keeping the shared portions of the driveways clear of parked vehicles or other obstructions.

9.0901 Projections Into Required Yards And Above The Maximum Building Height

- (A) Projections into Required Yards. The following objects and structures may project into the required yard:

- (1) Paved terraces, decks, and stairs may project into required front, side or rear yards provided that no structures thereon shall violate other requirements of this Ordinance or the Building Code.

- (3) Window sills, belt courses, bay windows, eaves and similar incidental architectural features may project no more than two feet into any required yard when not in violation of the ~~Uniform~~ Building Code;
- (4) Eaves may project 1 foot over a side yard utility easement if there is no violation of the ~~Uniform~~ Building Code.

- (8) Heating and air conditioning units. This may be to the side and rear yards only.

- (9) Customary yard accessories, ornaments and furniture such as flag poles and landscape ponds.

9.1010 Tree Removal/Replacement/Protection – General Provisions

- (E) Tree Removal in Overlay Districts: Except as provided below, no removal of regulated trees shall be permitted within a Hillside Physical Constraint, ~~Flood Plain~~ Floodplain, or Habitat Conservation Area Overlay District without a Type II Development Permit.

9.1012 Criteria for Removal of Regulated Trees

- (A) Except for tree removal on a fully developed single-family residential lot (i.e., the lot has a dwelling and is not capable of further division) and except as superseded by the provisions of Section 9.1010, removal of Regulated Trees is subject to the following criteria, conditions, and limitations:

- (2) Trees shall be retained along property lines to serve as buffers to adjacent property. When perimeter trees are in poor health and would become a hazard after development, they may be removed, subject to approval by the City of a mitigation plan. Lost perimeter trees shall generally be replaced with a minimum 1 ¼ -inch caliper trees that are a minimum of 10 feet high at the time of planting. Where buffering and screening is required under Section 9.0100 or where perimeter trees that meet the definition of “major tree” in Section 3.0010 are lost to development (including but not limited to clear cutting as defined in Article III Section 3.0010), replacement perimeter trees may be required beyond the basic 1-3/4 inch caliper standard, up to a maximum of 6-inch caliper trees, as determined by the Manager under the Type II procedure.

- (D) When the tree removal proposed is clear cutting, as defined in Article III Section 3.0010, of the Community Development Code, such clear cutting shall be allowed only with the following additional conditions:

- (1) Landscaping shall be required to mitigate the loss of existing vegetation; and
(2) Clear cutting shall not begin until after the applicant has obtained all development permits including any building permits, final plat approval, and/or any other applicable permits necessary to assure completion of the proposed development, and after the applicant has filed with the City a financial guarantee for landscape mitigation based on an approved plan. Erosion control measures as required under Section 9.0514 and the ~~Uniform~~ Building Code shall be implemented on the site prior to the commencement of any clear cutting.

9.1021 Spacing and Location Requirements for Street Trees

On streets where there is no ~~planter strip tree lawn~~ (~~planting strip~~) or where utility and/or driveway locations preclude placement of all required street trees within the right of way, street trees may be located within front and/or street side yard setback areas.

9.1022 Criteria for Master Street Tree Plans

- (A) A master street tree plan shall be submitted for approval with a tentative partition or subdivision plan, a PD plan, or site design review.

9.1030 Pruning of Street Trees and other Public Trees

(A) Street trees shall be pruned in accordance with the most recent ANSI (American National Standards Institute) A300-1995 standards or other more recent standard arboricultural practices approved by the City. Major pruning (as identified in Article III Section 3.0010) of any street tree of regulated size within the public right of way may be required by the Manager to be performed by a Certified Arborist.

(B) Tree Topping as defined in Article III Section 3.0010 is prohibited.

9.1040 Civil Penalties

(A) In addition to the remedies established in Article II, Section 11.0601, the court may order that any trees cut in violation of Section 9.1000 or Appendix 14 may be confiscated by the City. The court may also order the violator, the violator's agent, and the property owner at the time of discovery of the violation to pay all costs associated with the confiscation.

(B) In addition to the remedies established in Article II, Section 11.0601, any person who violates the requirements of Section 9.1000 shall be subject to a civil penalty based on up to three times the arboricultural value of the lost tree or trees, as determined by an independent consulting arborist, the cost of the arborist review and report shall be paid to the City by the violator, the violator's agent, and the property owner at the time of discovery of the violation, along with any other developer of the site as additional amount to this penalty. The owner shall also replace the trees with like trees that equal the replacement value of the lost trees. The tree or trees shall be of the same variety as those lost, or, if appropriate, may be of a solar friendly variety as defined in the City's list of solar friendly trees.

~~9.1100 Special Studies Or Reports~~

~~Special studies, investigations and reports may be required by the Manager to obtain information to ensure that the proposed development of a particular site does not adversely affect the surrounding area, nor create hazardous conditions for persons or improvements on the site, and meets the policies of the Community Development Code. These may include studies, investigation and reports on noise attenuation, air quality, traffic control, soil conditions, flooding of waters and excessive storm water run-off, tree preservation, hours of operation of business, comments from DCGAMI regarding geotechnical engineering reports for a development in the state defined "Further Review Areas" (see Section 5.0202(E)), and other environmental concerns.~~

Section 9. Volume 3, Development Code, Article X is amended as follows:

~~10.0110 Submittal Requirements~~

~~In addition to the submittal requirements of Section 11.0211 of the Community Development Code, an applicant for an accessory dwelling development permit shall submit:~~

~~(A) Ten copies of a proposed site plan, drawn to scale, showing all existing and proposed structure locations and sizes. Show distances to other structures and property lines. Show the location of all existing and proposed public facility connections, and existing easements.~~

~~(B) Ten copies of a narrative covering each of the approval criteria pursuant to Section 10.0120.~~

~~(C) Ten copies of the proposed accessory dwelling floor plan, drawn to scale. The floor plan shall show all proposed and existing rooms, room sizes and exterior egresses.~~

~~(D) Ten copies of building elevation drawings for any proposed exterior addition indicating architectural style and features, exterior building materials and colors, and roofing form and materials.~~

10.0201 Accessory Structures

A detached accessory structure may be constructed or installed when in conformance with the standards of this section. Rigid frame fabric membrane structures are accessory structures.

10.0202 Accessory Structure Setbacks

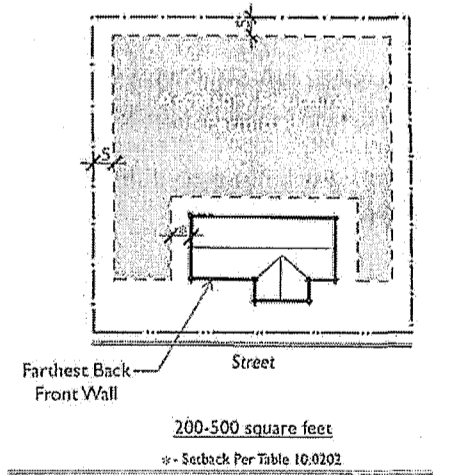
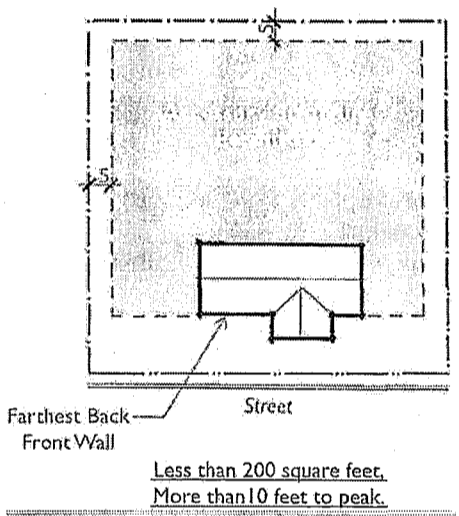
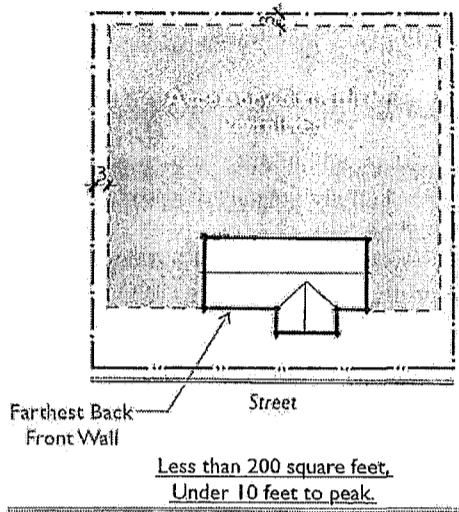
Table 10.0202 demonstrates the setbacks for accessory structures in different conditions. If not specified below, accessory structures shall be subject to standards as identified in the respective land use district where the structure is to be located, and, within Section 7.0200, as applicable.

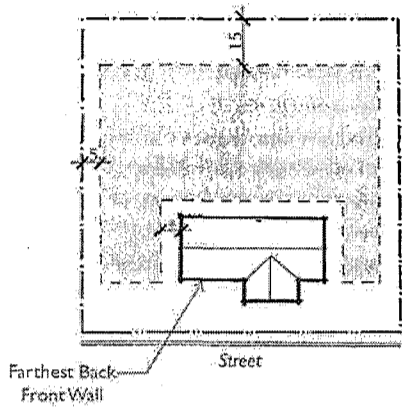
Table 10.0202 Accessory Structure Setbacks

<u>Accessory Structure Size</u>	<u>Condition</u>	<u>Setback from side lot line</u>	<u>Setback from rear lot line</u>	<u>Setback from other structures</u>
<u>Less than 200 sq. ft.</u>	<u>Height up to 10 ft. from finished floor to average roof surface</u>	<u>3 feet</u>	<u>3 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
	<u>Height more than 10 ft. from finished floor to average roof surface</u>	<u>5 feet</u>	<u>5 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
<u>Between 200 and 500 sq. ft.</u>		<u>5 feet</u>	<u>5 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
<u>Between 500 and 1,000 sq. ft.</u>	<u>LDR-5, LDR-7, duplexes</u>	<u>5 feet</u>	<u>15 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
	<u>TLDR, TR, detached residence</u>	<u>5 feet</u>	<u>15 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
	<u>TLDR, TR, attached residence</u>	<u>5 feet</u>	<u>10 feet</u>	<u>Setbacks between structures shall meet Building Code standards.</u>
<u>More than 1,000 sq. ft.</u>	<u>Only on lots greater than one acre</u>	<u>Shall conform to underlying district standard</u>		<u>Setbacks between structures shall meet Building Code standards.</u>

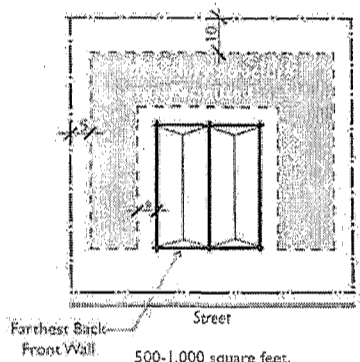
10.0203 General Standards

- A. Accessory structures shall conform to buffering and screening, and height transition standards where applicable.
- B. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
- C. On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
- D. On corner lots, an accessory structure shall not be placed between the principal building and the street-side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street-side lot line than the farthest back wall of the principal building facing that street-side lot line.
- E. For accessory structures located within 5 feet of a side or rear property line, the structure shall be moveable. For example, it may be built on skids or on a concrete slab with embedded pull loops.
- F. More than one accessory structure may be placed or built on a site, provided:
 - 1. The coverage standards in the underlying land use district are maintained; and
 - 2. For lots smaller than one acre, the cumulative total of accessory structures square footage does not exceed 1,000 square feet.
- G. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - 1. Both lots are under the exact same ownership; and
 - 2. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership.
 - 3. The accessory structure complies with setback requirements as applied to the lots under same ownership.
- H. In the LDR-5, LDR-7, TR or TLDR District an attached or detached covered patio or covered deck may be placed between 3 feet to 5 feet from any interior side or rear yard setback provided that:
 - 1. The height of the patio or deck cover in the setback area is not greater than 12 feet above grade.
 - 2. The roof of the structure is constructed so that water runoff from the structure does not flow onto an abutting parcel.
 - 3. It does not encroach into the 6-foot maintenance easement area associated with zero lot line conditions.
- I- Non-Conforming Accessory Structures:
 - 1. A new accessory structure must meet the requirements of Section 10.0200; it may not be placed in the same location of a non-conforming accessory structure that was removed.
 - 2. No additions are permitted to non-conforming accessory structures, even if the addition does not increase the non-conforming situation.

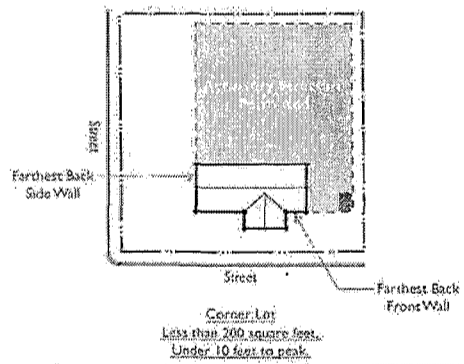




500-1,000 square feet,
LDR-5, LDR-7, TLD, TR
Detached Residence and Duplex
* - Setback Per Table 10.0202



500-1,000 square feet,
TLD, TR Attached Residence
* - Setback Per Table 10.0202



Corner Lot
Less than 200 square feet,
Under 10 feet to peak

10.0201 Residential Accessory Structures

A detached accessory structure may be constructed or installed when in conformance with standards as listed below. More than one accessory structure may be placed or built on a site, however an accessory structure will not be permitted where it would result in total building coverage in excess of the maximum coverage specified for the district in which the property is located. In addition, conformance with buffering and screening and height transition standards shall be required where applicable.

- (A) An accessory structure with a floor area of 120 square feet or less and a maximum height of 10 feet may be placed up to one foot from a side or rear property line, provided:
- (1) If located within 5 feet of a side or rear property line, the structure must be moveable, e.g., built on skids or on a concrete slab with embedded pull loops (a structure will not be considered moveable if it is built on footings); and
 - (2) The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel; and
 - (3) If located within 6 feet of any other structure on the same lot there shall be a minimum distance of 3 feet between the accessory structure and the property line; and
 - (4) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
 - (5) On corner lots, an accessory structure shall not be placed between the principal building and the street side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street side lot line than the farthest back wall of the principal building facing that street side lot line. (Figures 10.0201 A and 10.0201 A.1 follow.)

Figure 10.0201 A

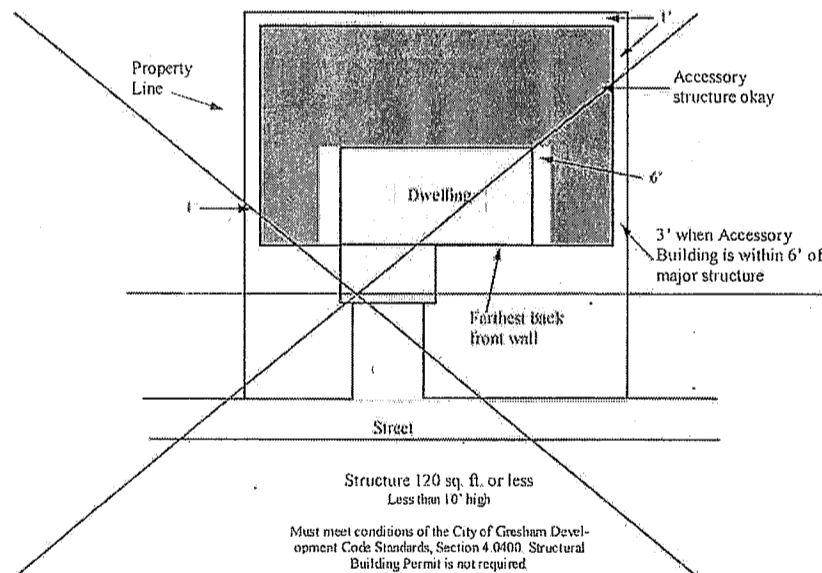
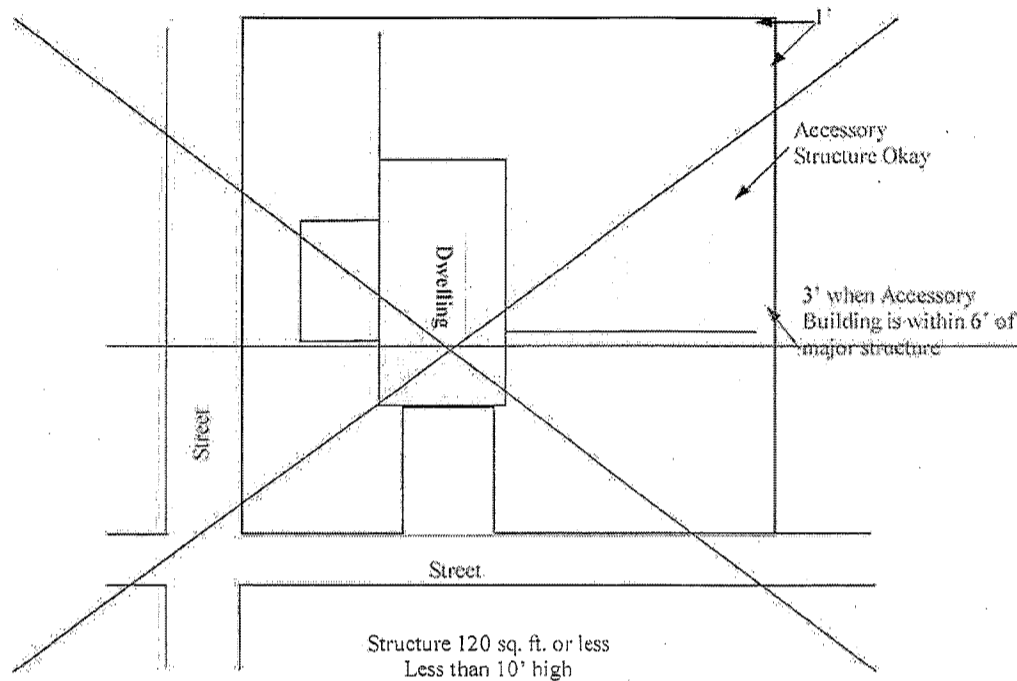
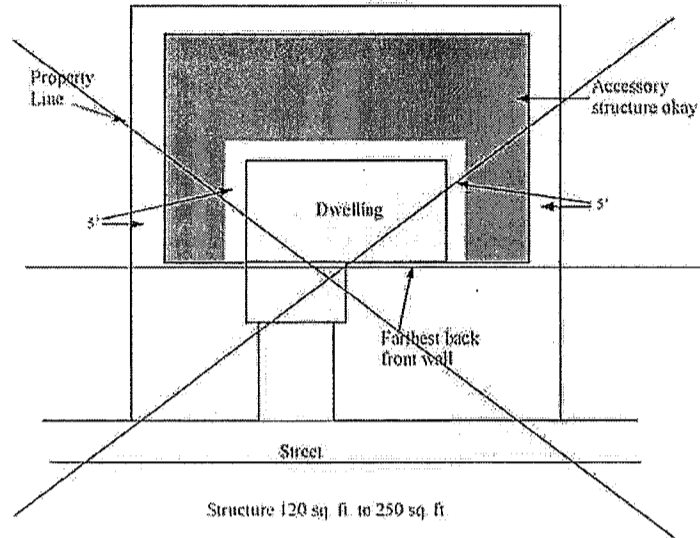


Figure 10.0201-A1



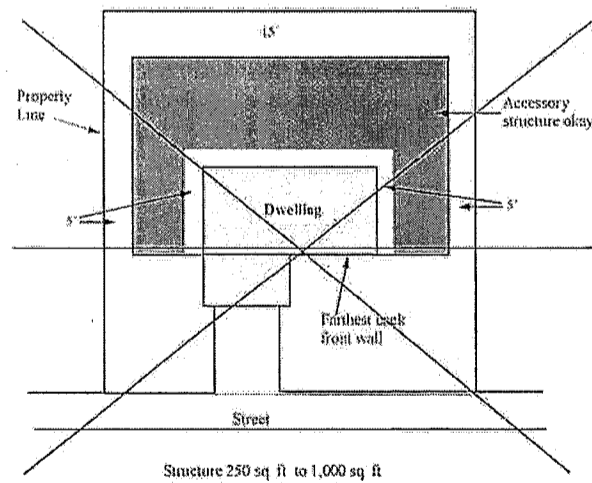
- (B) ~~An accessory structure with a floor area greater than 120 square feet but less than 250 square feet, or a height greater than 10 feet, may be built, provided:~~
- ~~(1) A minimum yard setback distance of at least 5 feet shall be maintained from side and rear property lines; and~~
 - ~~(2) The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel; and~~
 - ~~(3) The structure shall be separated from any other building on the same parcel by a distance of at least 5 feet; and~~
 - ~~(4) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.~~
 - ~~(5) On corner lots, an accessory structure shall not be placed between the principal building and the street side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street side lot line than the farthest back wall of the principal building facing that street side lot line.~~

Figure 10.0201-B



- (C) An accessory structure with a floor area of 250 square feet to 1,000 square feet may be built, provided:
- (1) The structure shall conform with applicable yard setback standards as specified for the district in which the site is located; and
 - (2) The structure shall be separated from any other building on the same parcel by a distance of at least 5 feet; and
 - (3) On all lots, the structure shall not be placed in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
 - (4) On corner lots, an accessory structure shall not be placed between the principal building and the street side lot line. If located to the side or rear of the principal building, the structure shall not be placed closer to any street side lot line than the farthest back wall of the principal building facing that street side lot line.

Figure 10.0201-C



- ~~(D) An accessory structure with a floor area greater than 1,000 square feet may be permitted, provided:~~
- ~~(1) The site on which the accessory structure is to be built is one acre or larger in size; and~~
 - ~~(2) The structure shall conform with applicable yard setback standards as specified for the district in which the site is located; and~~
 - ~~(3) The structure shall be separated from any other building on the same site by a distance of at least 5 feet.~~
- ~~(E) In the LDR-5, LDR-7, TLDR or TR District an attached or detached covered patio or covered deck may be placed between 3 feet to 5 feet from any interior side or rear yard setback provided that:~~
- ~~(1) The height of the patio or deck cover in the setback area is not greater than 12 feet above grade.~~
 - ~~(2) The roof of the structure is constructed so that water runoff from the structure does not flow onto an abutting parcel.~~
 - ~~(3) It does not encroach into the 6 foot maintenance easement area associated with zero lot line conditions.~~
- ~~(F) A building permit is required for accessory structures allowed in sub-sections (B) (E) above. Commercial, industrial, and other non-residentially related accessory structures shall be subject to standards as identified in the respective land use district where the structure is to be located, and, within Section 7.0200, as applicable~~

10.0301 Ancillary Dwellings

- B. Criteria for Ancillary Dwellings: A maximum of one ancillary dwelling per lot may be permitted when the Manager finds conformance, under the Type I Procedure, with the following criteria:

3. Placement of the ancillary dwelling conforms with setback standards for accessory dwellings structures, as contained in **Section 10.0100**, except that the ancillary dwelling need not maintain a 5-foot separation from other structures where it is proposed to be attached to the principal dwelling, e.g. by a breezeway.

10.0401 Conversion of Rental Units to Condominiums

- A. A request to convert buildings containing rental units ~~currently occupied as rental units~~, as provided under **Section 10.0401** of the Community Development Code, shall be reviewed under the Type II procedure.

10.0411 Conversion Criteria

- (B) Conversion under Section 10.0410 shall be subject to Article VII, Site Design Review, of the Community Development Code.

10.0502 Home Occupation General Requirements

- (B) An application for a home occupation shall be reviewed by the Manager under the Type II procedure of **Section 11.0400** ~~Section 11.0203~~, unless the home occupation meets the review exception standards of **Section 10.0504**, in which case the application process shall be under the Type I procedure of **Section 11.0300** ~~Section 11.0202~~. Application for the development permit shall be made by the person desiring to conduct the use, and, the owner or authorized representative of the property on forms provided by the City.

10.0505 Performance Standards for a Home Occupation

All the following standards are established for Type II reviewed home occupations:

- (C) ~~There shall be no change in the most current One and Two Family Dwelling (CABO) Code occupancy classification of the dwelling unit or any portion of the dwelling unit, including the garage. The home occupation shall not change the occupancy classification other than allowed in the residential Building Code.~~

10.0508 Home Occupation Enforcement and Revocation

The permit for a home occupation may be revoked by the Manager at any time for:

Enforcement shall follow the Abatement and Penalty provisions of Article II, Section 11.0600.

10.0702 Required Information for Review Purposes

A development permit for resource utilization shall be required for establishment or expansion of a mineral or aggregate resource extraction operation, as provided in Section 10.0711. In preparing an application for a permit, the following materials shall be submitted:

- (A) ~~Site~~ Design review data as specified in Article VII;

~~10.0901 Pot Bellied Pig Exception~~

~~Notwithstanding the restrictions on livestock provided by Section 4.0120, the keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus serofo vittatus*) are permitted, subject to the following:~~

- ~~(A) Pigs or swine shall be considered to fall within this exception if their maximum height is no greater than 18 inches at the shoulder and they weigh no more than 95 pounds.
(B) No more than one pig shall be kept at any one address.~~

10.1010 Amateur Radio and Citizen Band Antenna General Provisions

Amateur radio and citizen band antenna support structures and amateur radio and citizen band antennas, which themselves are deemed structures under the Uniform Building Code (UBC) of the State of Oregon, that are located in a residential district, shall require a development permit. All other amateur radio and citizen band antennas that are located in residential districts shall not require a development permit but shall conform to the applicable provisions of the Community Development Code.

10.1311 Application

In addition to the applicable submittal requirements of Section 11.0900 ~~Section 11.0200~~ of the Gresham Development Code, an applicant for a temporary health hardship dwelling development permit shall submit:

10.1520 Reduction in Minimum Street Frontage

Intent. The City's transportation policies assure public street connectivity in general, and specifically require public street frontage and access for residential parcels.

Adjustment. However, the Manager under a Type II procedure may reduce the minimum street frontage required if 1) such reduction is necessary to satisfy neighborhood circulation and/or future street plan provisions (Section 9.0700), and 2) Associated findings show either condition (A) or condition (B) exists, and condition (C) exists:

- (B) The land division is part of an infill process where the application of the minimum street frontage standard would prohibit the division of the parcel. Infill development within LDR-5, LDR-7, TLDR and TR shall also be subject to the standards of Section 4.01389; and

10.1521 Modification of Regulations

- (A) Under the Type II procedure, the Manager may modify standards in the Community Development Code regarding public facilities, parking requirements, building lot coverage, yard setbacks, building height, and landscaping if any one of the following criteria is satisfied:

- (4) The street system is designed in an east/west alignment to maximize solar orientation. Multi-family structures include solar space heating or water heating devices, or insulation beyond the minimum standards of the ~~Uniform~~ Building Code.

10.1531 Private Residential Access for New Dwellings under Unit Ownership

Private residential access to a public street for new dwellings under unit ownership may be authorized under the Type III procedure, if the proposal is consistent with the following criteria:

- (A) The proposed accessway shall not eliminate or make impractical the establishment of a planned public street or continuation of an existing public street. The public circulation needs of the area within one-quarter mile shall be accommodated without a public street through the site.
(B) Additional off-street parking shall be provided to dwellings served by an accessway in order to replace the lost on-street parking.

Section 10. Volume 3, Development Code, Article XI is amended as follows:

- 11.0100 Development Permit Requirements
- 11.0101 Development Permit Required
- 11.0102 Exclusions from Development Permit
- 11.0103 Issuance and Effective Date of Development Permit
- 11.0104 Conditions of Development Permit Approval
- 11.0105 Expiration of Development Permit
- 11.0106 Extension of Development Permit
- 11.0107 Request for Staff Interpretation
- 11.0200 Initiation and Classification of Applications
- 11.0201 Initiation of Application
- 11.0202 Withdrawal of Application
- 11.0203 Classification of Applications by Procedure
- 11.0204 Review Authorities
- 11.0300 Type I Ministerial Procedures
- 11.0301 General Description
- 11.0302 Type I Procedures
- 11.0400 Type II Administrative Procedures
- 11.0401 General Description
- 11.0402 Type II Procedures
- 11.0500 Type III Quasi-Judicial Procedures
- 11.0501 General Description
- 11.0502 Type III Procedures
- 11.0600 Type IV Legislative Procedures
- 11.0601 General Description
- 11.0602 Type IV Procedures
- 11.0700 Pre-Application Conference

11.0701 Purpose
11.0702 Applicability
11.0703 Pre-Application Conference Procedures
11.0800 Neighborhood Meeting
11.0801 Purpose
11.0802 Applicability
11.0803 Procedures and Evidence of Compliance
11.0900 Application Submittal and Completeness Review
11.0901 Application Forms and Checklists
11.0902 Application Submittal
11.0903 Completeness Review
11.0904 Resubmittal of Application following Denial
11.1000 Public Hearings
11.1001 Responsibility of Manager
11.1002 General Public Notice Requirements
11.1003 Rules of Procedure
11.1004 Challenges to Impartiality
11.1005 Disqualification
11.1006 Participation by Interested Officers or Employees
11.1007 Ex Parte Contacts
11.1008 Abstention or Disqualification
11.1009 Rights of Abstaining or Disqualified Member
11.1010 Burden and Nature of Proof
11.1011 Order of Proceedings
11.1012 Continuance of Hearing
11.1013 Decision
11.1014 Findings and Order
11.1015 Record of Proceedings
11.1100 Appeals
11.1101 General
11.1102 Notice of Appeal
11.1103 General Procedures Applicable to All Appeals
11.1104 Specific Provisions for Appeals of a Type I Decision
11.1105 Specific Provisions for Appeal of a Type II Decision
11.1106 Specific Provisions for Appeal of a Type III Decision
11.1107 Remand from the Land Use Board of Appeals

11.0100 Development Permit Requirements

11.0101 Development Permit Required

- A. Except as excluded by Section 11.0102, no person may engage in or cause a development to occur, as defined in Section 3.0010, without first obtaining a Development Permit through the procedures set forth in this code.
- B. A building permit shall constitute a Development Permit, and all use of the property and construction done under a valid building permit shall comply with all requirements of this code.
- C. The Manager shall not issue a Development Permit that does not meet the minimum requirements of this code. The Manager shall not issue a Development Permit if the subject land was divided or otherwise developed in violation of this code, regardless of whether the permit applicant or its predecessor created the violation, unless the violation can be rectified as part of the development.

11.0102 Exclusions from Development Permit

The following activities do not require a Development Permit except as noted.

- A. Landscaping not involving a structure. Landscaping does not include the paving of a parking lot. Landscaping in the Habitat Conservation Area Overlay District may require a development permit, as described in Section 5.0400.
- B. An internal change to a building or other structure that does not substantially affect the use of the building or structure or a sign that does not require design review approval;
- C. An emergency measure necessary for the immediate safety of persons or protection of property. An application for a Development Permit shall be filed promptly if the action otherwise would require a Development Permit but for the emergency;
- D. The following activities do not require a Development Permit, except in the Habitat Conservation Area Overlay District.
 - 1. Erection of a tent or similar portable structure for non-commercial use not exceeding 10 days.
 - 2. Expansion or continuation of an existing farming operation.
 - 3. An alteration that does not substantially affect the use or appearance of land or a structure.
 - 4. A helicopter landing facility when established for the support of an emergency in progress or when established for the occasional demonstration and/or training of emergency service operations.
 - 5. A modular unit or trailer used as a construction office on a job site during construction activities that is removed before final occupancy is approved for the project.
- E. The following activities do not require a Development Permit, except in the Habitat Conservation Area, Floodplain, and Hillside Physical Constraint Overlay District:
 - 1. The establishment, construction, maintenance, or termination of the following authorized public facilities: public streets, public sidewalks, sanitary sewers, storm sewers, water lines, electrical power and gas distribution lines, and telephone and television cable transmission lines.
 - 2. Construction, maintenance, or demolition of an accessory structure that does not require a building permit.
 - 3. Excavation or filling of land not exceeding 50 cubic yards within any 1 year period and the following activities:
 - a. Excavations below finish grade for basements and footings of a building, retaining walls
 - b. Cemetery graves
 - c. Excavations for wells, tunnels, or utilities
 - d. Exploratory excavations under the direction of a soils engineer or engineering geologist
 - e. An excavation which is less than 2 feet in depth or which does not create a cut slope greater than 5 feet in height and steeper than 2 horizontal to 1 vertical
 - f. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical; or less than 3 feet in depth, not to exceed 50 cubic yards on any one lot and does not obstruct a drainage course
 - g. Grading for a parcel that conforms to an approved grading plan

11.0103 Issuance and Effective Date of Development Permit

- A. A development permit becomes effective on the day after the appeal period expires or, if appealed, final and effective upon a decision by the final appeal body.

B. Every Development Permit shall be specific as to the approval granted or development authorized. It shall be subject to the standards and conditions set forth in this code, excepting only those variances or exceptions authorized by the decision authority, together with any conditions imposed by the decision authority.

11.0104 Conditions of Development Permit Approval

A. Imposition of Conditions

The decision authority may impose conditions on any development permit. Such conditions shall be designed to ensure the Development Code requirements are met, protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development.

In addition to conditions imposed above, a condition is valid and enforceable when the applicant:

1. Requested the condition;
2. Consented to the condition in writing or on the record; or
3. Allowed the decision to become final.

B. Assurance of Compliance with Conditions

A bond, cash deposit or other security acceptable to the decision authority may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval. Such security shall be posted prior to the issuance of the appropriate construction permit.

C. Modification of Conditions

Modification of conditions of approval may be sought on appeal or as a new development permit. The level of review for the modification shall be the same as the review level for the applicable component of the application unless noted otherwise in the Code. Modification of conditions of approval shall only be granted if the decision authority determines that:

1. The condition(s) could not be implemented for reasons beyond reasonable control of the permit holder and the modification will not require a significant modification of the original decision; or
2. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
3. The different condition(s) would better accomplish the purpose of the original condition.

11.0105 Expiration of Development Permit

A. Unless a different expiration date is specifically provided in the Development Code, a Development Permit shall expire automatically one (1) year from the effective date unless one of the following occurs first:

1. A structural or grading permit has been submitted to the City and is active or in review.
2. A final plat or map application has been submitted to the City.
3. An application for an extension is filed and granted pursuant to Section 11.0106.

B. Upon final approval by the city of a Development Permit, if the permit is appealed beyond the local level, the one-year permit period shall be tolled until a decision by a review authority with final jurisdiction is made that is not appealed.

11.0106 Extension of Development Permit

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to the expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type I action. An extension may be granted for one (1) year from the original date of expiration unless noted otherwise in the Development Code. Extensions shall be granted only upon findings that:

A. Commencement of development could not practically occur for reasons beyond control of the permit holder;

B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this code or the Development Permit;

- C. There has been no change in the Development Code since approval of the Development Permit that would require significant modification of the Development Permit or conditions of approval; and
- D. There has been no change of the plan map designation of the property since approval of the development permit that would prevent approval under the plan map designation in effect at the time of the extension request.

11.0107 Request for Staff Interpretation

A request for staff interpretation shall follow the Type I procedure per Section 11.0300, including the opportunity for an appeal. The request shall include a completed application form, narrative, and filing fee appropriate for interpretation requests. A staff interpretation is not binding upon the Hearings Officer, Design Commission, Planning Commission or City Council. The City Council has the only ultimate authority to interpret the Gresham Community Development Code.

11.0200 Initiation and Classification of Applications

11.0201 Initiation of an Application

- A. An application subject to a Type I, II, III or IV procedure may be initiated by:
 - 1. The owner of the subject property, or any person authorized in writing to act as agent of the owner; or
 - 2. The City Council.
- B. Only the City Council may initiate a Type IV legislative application to amend the text or map of the Gresham Community Development Plan or Code.

11.0202 Withdrawal of an Application

- A. An applicant may withdraw an application before it is deemed complete or may withdraw an application previously deemed complete at any time prior to adoption of a final city decision if the Manager determines that:
 - 1. The owner or authorized agent request in writing to withdraw the application; and
 - 2. No violation of this code has been identified on the subject property, or processing of the application would not correct the identified violation.
- B. The Manager may withdraw any city initiated application at any time.
- C. If an application is withdrawn after public notice of a hearing has been mailed, the Manager shall send written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing. This provision shall not apply to Type IV legislative applications that require city-wide mailed notice.

11.0203 Classification of Applications by Procedure

A. Procedure Types

An application shall be subject to the procedure type specified in the code. Table 11.0204 identifies the procedure type for the majority of the land use applications described in this code. If the code does not specify a procedure type for a given application and another procedure is not required by law, the Manager shall determine the appropriate procedure based on the following guidelines:

- 1. Type I procedures apply to ministerial permits and applications based on clear and objective approval criteria or criteria that require the exercise of professional judgment only about technical issues.
- 2. Type II procedures apply to administrative permits and applications based on approval criteria that are reasonably objective, requiring only limited discretion.
- 3. Type III procedures apply to quasi-judicial permits and applications based on approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest.

4. Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance. The Type IV procedure generally applies to a relatively large geographic area containing many property owners.

B. Determination of Proper Procedure Type and Concurrent Reviews

1. The Manager shall determine whether a permit or application is categorized as Type I, II, III or IV in accordance with the guidelines set forth above. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate.
2. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under the procedures identified by the code, with the reviews ordered from highest level of review to lowest level of review. The applicant may determine whether the application will be processed collectively or individually, with the exception of single family attached dwellings which require a combined (concurrent) review consisting of design review and land division.
3. In the event that the completed applications that are processed collectively involve applications where the decision making authority is a combination of the Manager, the Hearings Officer, Design Commission or Planning Commission, the decision making authority will be the highest decision authority assigned by Table 11.0204.
4. Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure type (except Type IV) which provides greater notice and opportunity to participate than would otherwise be required.

11.0204 Review Authorities

A. Purpose

Review authorities are established to make recommendations and decisions on land use applications and to recommend land use policy to the City Council. The review authorities provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review authorities that make quasi-judicial decisions do so under authority delegated by the City Council. The review authorities identified in Table 11.0204 are empowered to perform the powers and duties as assigned in Chapter 2 of the Gresham Revised Code.

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TABLE 11.0204
Land Use Applications and Review Authorities
 R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation		Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
						Urban Forestry Subcommittee	Subcommittee				
RESIDENTIAL											
10.0100	Accessory Dwelling Units	N	II	D	A						
10.0300	Ancillary Dwelling Units	N	I	D	A						
10.0410	Conversion of Elderly Housing	Y	III		D						A
10.0400	Conversion of Residential Units	N	II	D	A						
10.0502	Home Occupation	N	I	D	A						
10.0502	Home Occupation	N	II	D	A						
10.1300	Health Hardship Dwelling Unit	N	I	D	A						
4.0135	Single Family Residence/Duplex on a Tax Lot	N	I	D	A						
LOTS AND PARCELS (6.0000)											
6.0020	Condominium Creation	Y	II	D	A						
6.0200	Partition	Y	II	D	A						
6.0300	Planned Developments	Y	III		D					A	
6.0100	Property Line Adjustments and Lot Consolidations	N	I	D	A						
6.0200	Subdivision - Preliminary	Y	II	D	A						
6.0001	Land Division - Final Plat	N	I	D	A						
6.0410	Extension of land use decision	N	I	D	A						
OVERLAY DISTRICTS (5.0000 and A4.000)											
5.0000	Special Purpose District Boundary Revisions	Y	III		D					A	
5.0300	Historic Landmarks										
A4.004	Removal from List	Y	II	D	A			R			
5.0322	Demolition of Historic Landmark	Y	III		D			R	A		
5.0321	Alteration of Historic Landmark	N	III		D			R	A		

TABLE 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Urban Forestry Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
A4.002	Addition to list	N	IV				R			D
5.0400	Habitat Conservation Area									
5.0411,	Development in HCA	Y	II	D	A					
5.0412		Y	II	D	A					
5.0413		Y	III		D					A
5.0414		N	I	D	A					
5.0414	Applicant-initiated modification/correction of HCA map	Y	II	D	A					
5.0500	Open Space									
5.0500	Open Space Dedication, in Open Space or Natural Resource Site	N	I	D	A					
5.0500	Open Space Dedication in other areas	N	II	D	A					
5.0100	Flood Plain Floodplain Development Permit	Y	II	D	A					
5.0100	Flood Plain Floodplain Development Permit (if restoration)	N	I	D	A					
MODIFICATIONS AND VARIANCES										
10.1520	Adjustment to Regulations	N	II	D	A					
11.0217	Type H	N	II	D	A					
0107	Code Interpretation	N	I	D	A					
10.1530	Major Variance	Y	III		D					A
10.1510	Minor Variance	N	II	D	A					
11.0216	Modification of Conditions to Approval (review)	N	*							

TABLE 11.0204
Land Use Applications and Review Authorities
 R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Urban Forestry Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
11.0104	level-corresponds-to-original-approval-type)									
10.1521	Modification of Regulations	N	II	D	A					
9.0110	Alternative Buffers	N	II	D	A					
7.0212	Solid Waste Collection Standard Modification	N	II	D	A					
TREES (9.1000 & A14.000)										
9.1010	Tree removal (street tree, parking lot tree, etc.)	N	I	D	A					
9.1010	Regulated Tree Removal	N	II	D	A					
A14.000	Significant Tree Designation	N	III		D	R				A
9.1010	Removal of Significant Tree	N	III		D					A
A14.000	Significant Tree Designation Removal	N	III		D	R				A
SITE DESIGN REVIEW (7.0000)										
7.0003	Site Design Review, Exempt (DREX)	N	I	D	A					
7.0004	Site Design Review, Minor (DRMIN)	N	II	D	A					
7.0004	Site Design Review (DR)	Y	II	D				A		
7.0003	Design Review A	N	I	D	A					
7.0003	Design Review B	N	I	D	A					
7.0003	Design Review C	N	II	D	A					
7.0003	Design Review D, Manager decision	Y	II	D				A		
	Site Design Review, Design District	Y	II	D				A		
	Site Design Review, Design District	Y	III					D		A
7.0004	Extension of Land-use approval	N	I	D	A					
COMMUNITY SERVICE USES (8.0100)										
8.0110	Community Service Use I	N	I	D	A					
8.0111	Community Service Use II	Y	II	D	A					

TABLE 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Free Preservation Urban Forestry Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
8.0112	Community Service Use III	Y	III							
	Minor	Y	III		D				A	
	Major	Y	III						D	A
TEMPORARY USES (10.1400)										
10.1401	Temporary Use Permit	N	I	D	A					
NON-CONFORMING USES (8.0200)										
8.0250	Establishment	N	I	D	A					
8.0220	Replacement	N	I, II	D	A					
8.0200	Expansion	Y	II	D	A					
TRANSPORTATION										
9.0700	Future Street Plans									
9.0700	New or revised, in in conjunction with a land division and/or site design review	Y	II	D	A					
9.0700	New or revised future street plan, independent of other land use review	Y	III		D					A
9.0700	Revision of an approved future street plan, independent of other land use review	N	III		D					A
9.0700	Revision in conjunction with the Community Development Plan	N	IV						R	D
A13.000	Street Name Change	N	IV						R	D
OTHER										
11.0106	Extension of land use approval	N	I	D	A					
A1.0000	Annexation	Y	IV							D
12.0000	Code or Plan Map Amendment									

TABLE 11.0204
Land Use Applications and Review Authorities
R = Recommendation D = Decision Authority A = Appeal Authority

Code Citation	Application	Pre-app required?	Type	Manager	Hearings Officer	Tree Preservation Urban Forestry Subcommittee	Historic Resources Advisory Committee	Design Commission	Planning Commission	City Council
12.0000	One parcel or small group of parcels	Y	III						R	D
12.0000	Large area/multiple ownerships	N	IV						R	D
11.02065	Code or Plan Text Amendment	N	IV						R	D
4.1470- 4.1486, 4.1530- 4.1535	Master Plans	Y	III						D	A
A6.010	Sign Permit (Design Commission review if sign is part of a project requiring Commission review)	N	I	D	A			R		
A7.000	Vacations	Y	IV						R	D
4.1432, 4.1452, 4.1572 & 4.1592	ESRA Modification		II	D	A					
	Miscellaneous Type I	N	I	D	A					
	Miscellaneous Type II	N	II	D	A					
	Miscellaneous Type III	Y	III		D					A
*	Level of review for modification shall be the same level of review as for the component of the application for which the modification is sought pre-application to be held, depending on level of review for a modification, and on nature of application for a miscellaneous Type II permit									

11.0300 Type I Ministerial Procedures

11.0301 General Description

Type I applications involve permitted uses or development governed by clear and objective approval criteria or criteria that require the exercise of professional judgment only about technical issues. The Type I procedure provides for a ministerial review of an application by the Manager and does not include public notice.

The following are Type I applications:

- Those identified in this Code as Type I applications;
- Those identified in Table 11.0204 as Type I applications; or
- Those identified by the Manager as Type I applications, based on the guidelines for classification of applications by procedure in Section 11.0203.

11.0302 Type I Procedures

A. Pre-Application Conference

A pre-application conference is not required for Type I applications.

B. Neighborhood Meeting

A neighborhood meeting is not required for Type I applications.

C. Type I Application Requirements

1. Type I applications shall be made on forms provided by the Manager and shall include all of the information required by Section 11.0900.
2. Type I applications shall:
 - a. Include the information requested on the application form;
 - b. Include the information requested in a submittal checklist, if any;
 - c. Address the relevant criteria in sufficient detail for review and action; and
 - d. Be accompanied by the required fee.
3. Type I applications are subject to completeness review procedures set forth in Section 11.0903.

D. Type I Public Notice

A public notice is not required for Type I applications.

E. Type I Decision Authority

1. The decision authority for all Type I applications shall be the Manager.
2. The Manager shall approve, approve with conditions, or deny an application subject to a Type I procedure within approximately 45 days after the application was determined to be complete.

F. Type I Notice of Decision

Written notice of the decision for Type I applications shall be mailed to the applicant and property owner of record and shall include the following information:

1. A brief summary of proposal and the application which is the subject of the decision;
2. A description of the site reasonably sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and site zoning;
3. A statement of the facts upon which the Manager relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion;
4. The decision to approve or deny the application, and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria; and
5. A statement that the decision is final, unless a Notice of Appeal is filed within twelve (12) days of the notice of decision. The notice shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision.

G. Appeal of a Type I Decision

1. The applicant may appeal a Type I decision by filing a Notice of Appeal within 12 days of the date the Notice of Decision was mailed. Appeal authorities are identified in Table 11.0204.
2. Appeal requirements and procedures are outlined in Section 11.1100.
3. The written decision of the appeal authority with regard to any appeal of a Type I ministerial decision is the final local decision.

11.0400 Type II Administrative Procedures

11.0401 General Description

Type II applications involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this code. The Type II procedure provides for an administrative review of an application by the Manager or Design Commission and the process includes notice to nearby property owners to allow for public comments prior to the decision. The process does not include a public hearing unless the decision is appealed.

The following are Type II applications:

- Those identified in this code as Type II applications;
- Those identified in Table 11.0204 as Type II applications; or
- Those identified by the Manager as Type II applications, based on the guidelines for classification of applications by procedure in Section 11.0203.

11.0402 Type II Procedures

A. Pre-Application Conference

1. Table 11.0204 identifies all Type II applications that require a pre-application conference.
2. Pre-application conference procedures are included in Section 11.0700.

B. Neighborhood Meeting

1. A neighborhood meeting is required for those Type II applications which require a pre-application conference, as indicated in Table 11.0204.
2. Neighborhood meeting procedures are included in Section 11.0800.

C. Type II Application Requirements

1. Type II applications shall be made on forms provided by the Manager and shall include all of the information required by Section 11.0900.
2. Type II applications shall:
 - a. Include the information requested on the application form;
 - b. Include the information requested in a submittal checklist, if any;
 - c. Address the relevant criteria in sufficient detail for review and action; and
 - d. Be accompanied by the required fee.

D. Type II Public Notice

1. Within approximately ten (10) days after the application has been determined to be complete, written notice of the Type II application shall be mailed to:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property;
 - d. Owners of record within three hundred (300) feet of the perimeter of the subject property; and

- e. Affected city departments and any governmental agency which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice. Such departments and agencies may request up to a 15-day extension to their comment period if the application involves unusual circumstances. The department or agency is assumed to have no comments if no comments are received within the specified time period.
2. The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to submit written comments concerning the application prior to issuance of the Type II Administrative Decision. The goal of this notice is to invite relevant parties of interest to participate in the process.
3. The written notice of the pending Type II application shall:
 - a. Provide fourteen (14) days from the date of notice for submission of written comments prior to issuance of a decision on the Type II application;
 - b. State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the Manager to respond to the issue;
 - c. List, by commonly used code citation, the applicable criteria for the decision;
 - d. The case file number;
 - e. Set forth the street address or other easily understood geographical reference to the subject property;
 - f. State the place, date, and time that comments are due;
 - g. State that all evidence relied upon by the applicant is available for review, and that copies can be obtained at cost;
 - h. Include the name and phone number of the city representative to contact for additional information;
 - i. Briefly summarize the decision making process for the Type II application being considered; and
 - j. Include the following notice: "Notice to mortgagee, lienholder, vendor or seller: The Gresham Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Approximately 10 days after the application has been determined to be complete, notice of the application shall be posted on the site by the applicant. The Manager shall provide at least one (1) sign and the instructions for posting. The sign shall be posted in a conspicuous place visible from the street. For properties that abut more than one improved street, separate signs shall be posted facing each improved street. The sign shall include the case file number and the telephone number where city staff can be contacted for more information about the application. An affidavit of posting shall be submitted by the applicant and made part of the administrative record.

E. Type II Decision Authority

1. The decision authority for Type II applications shall be the Manager. In the case of Design Districts, the Design Commission may operate as the decision authority under the clear and objective standards once in place.
2. The decision authority shall review all written comments received prior to or on the comment closing date and the applicant's response to the comments, if any. The decision authority may also consider responses to questions by staff which clarify or amplify information but which do not change the original request. Written comments received after the comment period and prior to issuance of a decision shall not be considered by the decision authority.

3. The decision authority shall approve, approve with conditions, or deny an application subject to a Type II procedure after the close of the public comment period and within approximately 60 days after the application was determined to be complete.

F. Type II Notice of Decision

1. Upon signing the decision for a Type II application, a Notice of Decision shall be sent by mail to:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any group or individual who submitted written comments during the comment period;
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement with the City which includes provision for such notice or is otherwise entitled to such notice; and
 - e. Any group or individual who requested notice of the decision.
2. The written decision shall include:
 - a. The case file number;
 - b. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
 - c. A description of the site reasonably sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and site zoning;
 - d. A statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion;
 - e. The decision to approve or deny the application, and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria;
 - f. The date the decision shall become final, unless appealed within twelve (12) days of the notice of decision. The notice of decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision;
 - g. A statement that, unless the applicant is the appellant, the hearing on an appeal from the decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period; and
 - h. A statement that the complete casefile, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the casefile.

G. Appeal of a Type II Decision

1. The Type II administrative decision may be appealed by the applicant and any person providing written comments during the 14-day comment period by filing a notice of appeal within 12 days of the date the notice of decision was mailed. Appeal authorities are identified in **Table 11.0204**.
2. Appeal requirements and procedures are outlined in **Section 11.1100**.
3. The decision of the appeal authority with regard to any appeal of a Type II administrative decision is the final decision of the City. Any further appeal shall be to the Land Use Board of Appeals (LUBA).

11.0500 Type III Quasi-Judicial Procedures

11.0501 General Description

Type III applications are subject to criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate

impacts or ensure compliance with this code or the Community Development Plan. The Type III procedure provides for a quasi-judicial review of an application by the Hearings Officer, Planning Commission or the Design Commission. The application process includes notice to nearby property owners, and a public hearing before the appropriate decision authority. The following are Type III applications:

- Those identified in this code as Type III applications;
- Those identified in Table 11.0204 as Type III applications; or
- Those identified by the Manager as Type III applications, based on the guidelines for classification of applications by procedure in Section 11.0203.

11.0502 Type III Procedures

A. Pre-Application Conference

1. Table 11.0204 identifies all Type III applications that require a pre-application conference.
2. Pre-application conference procedures are included in Section 11.0700.

B. Neighborhood Meeting

1. A neighborhood meeting is required for those Type III applications which require a pre-application conference, as indicated in Table 11.0204.
2. Neighborhood meeting procedures are included in Section 11.0800.

C. Type III Application Requirements

1. Type III applications shall be made on forms provided by the Manager and shall include all of the information required by Section 11.0900.
2. Type III applications shall:
 - a. Include the information requested on the application form;
 - b. Include the information requested in a submittal checklist, if any;
 - c. Address the relevant criteria in sufficient detail for review and action; and
 - d. Be accompanied by the required fee.

D. Type III Public Hearing Schedule

Once the City determines that an application is complete, the City shall schedule a public hearing on a Type III application.

E. Type III Public Notice

1. The city shall mail notice of Type III plan map amendments to the Department of Land Conservation and Development at least 45 days prior to the first public hearing on the application.
2. At least 20 days prior to the hearing, the city shall mail written notice of the public hearing for all Type III applications to:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property;
 - d. Owners of property located within three hundred (300) feet of the perimeter of the subject property;
 - e. Any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice; and
 - f. Tenants of a manufactured home park when a request for a Type III plan map amendment would change the land use designation of the property which includes all or part of the manufactured home park.
3. The mailed notice of public hearing shall include all of the following:
 - a. The name and address of the applicant or the applicant's representative;
 - b. The case file number and nature of the proposed use or development;

- c. The designation of the decision authority and the date, time, and place of the hearing;
 - d. A description of the subject property reasonably sufficient to inform the public of the location;
 - e. The applicable criteria for the decision, listed by commonly used citation;
 - f. A statement that all interested persons may appear and provide testimony and that only those participating at the hearing, or in writing, shall be entitled to appeal;
 - g. A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to enable the decision authority to respond to the issue, precludes an appeal based on that issue;
 - h. The name and telephone number of a city representative to contact for additional information on the application;
 - i. A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and copies can be obtained at cost;
 - j. 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 copies will be provided at reasonable cost; and
 - k. A general explanation of the requirements for submission of testimony and the procedure for conduct of public hearings.
4. The Manager shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties.
 5. Notice of the public hearing for a Type III application shall be published in a newspaper of general circulation in the city at least 20 days prior to the scheduled hearing date. An affidavit of publication concerning such notice shall be made part of the administrative record.
 6. At least 20 days prior to the hearing, notice of the hearing shall be posted on the site by the applicant. The Manager shall provide at least one (1) sign and the instructions for posting. The sign shall be posted in a conspicuous place visible from the street. For properties that abut more than one improved street, separate signs shall be posted facing each improved street. The sign shall include the case file number and the telephone number where city staff can be contacted for more information about the application. An affidavit of posting shall be submitted by the applicant and made part of the administrative record.

F. Type III Decision Authority

Table 11.0204 identifies the decision authority for each Type III land use application.

G. Type III Notice of Decision

1. A written decision in the form of a land use order shall be prepared regarding the Type III application within approximately 60 days from the date the application is deemed complete. The land use order shall include:
 - a. A listing of the applicable approval criteria by code section number;
 - b. A statement or summary of the facts upon which the decision authority relied to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The decision authority may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the land use order to satisfy this requirement;
 - c. A statement of conclusions based on the facts and findings; and
 - d. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.

2. Within approximately seven (7) days from the date that the decision authority adopts a land use order, a notice of decision shall be sent by mail to:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice; and
 - d. Any group or participant who submitted oral or written public testimony for the hearing or requested notice of the decision.
3. The notice shall contain:
 - a. A brief summary of the decision, and conditions of approval, if any, and the case file number;
 - b. A description of the subject property reasonably sufficient to inform the public or its location; and
 - c. A statement that the decision is final, unless appealed within twelve (12) calendar days of the notice of decision. The notice shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision.

H. Appeal of a Type III Decision

1. The decision of the Hearings Officer, Planning Commission, or Design Commission in a Type III action may be appealed to the appeal authority identified in Table 11.0204. Only the applicant or persons who submitted comments or made an appearance of record at the public hearing before the Hearings Officer, Planning Commission, or Design Commission have standing to appeal a Type III decision.
2. Appeal requirements and procedures are outlined in Section 11.1100.
3. The appeal authority decision shall be the final local decision on all appeals of Type III quasi-judicial decisions from the Planning Commission, Hearings Officer or Design Commission. Any further appeal shall be to the Land Use Board of Appeals (LUBA).

11.0600 Type IV Legislative Procedures

11.0601 General Description

Type IV applications are legislative and typically involve the adoption, implementation or amendment of policy by ordinance. These include amendments to the text of the Gresham Community Development Plan. Large scale changes in planning and development maps also may be characterized as legislative where a larger number of property owners are directly affected. The Type IV process includes public notice and a public hearing before a recommendation authority like the Planning Commission or Design Commission, which forwards a recommendation to the City Council. The City Council holds a public hearing before making a final decision. The following are Type IV applications:

- Those identified in this Code as Type IV applications;
- Those identified in Table 11.0204 as Type IV applications; or
- Those identified by the Manager as Type IV applications, based on the guidelines for classification of applications by procedure in Section 11.0203.

11.0602 Type IV Procedures

A. Pre-Application Conference

A pre-application conference is not required for Type IV legislative applications.

B. Neighborhood Meeting

A neighborhood meeting is not required for Type IV legislative applications. However, the city may schedule general neighborhood or public meetings to provide information on the Type IV legislative application in advance of the formal notice and public hearing process.

C. Application Initiation

1. The City Council may initiate a Type IV legislative application to amend the text of the Gresham Community Development Plan or Code by motion.
2. A property owner or their authorized representative may initiate a Type IV legislative application that does not involve a text amendment.

D. Type IV Public Notice

1. For Comprehensive Plan Amendments, the public notice is as follows:
 - a. A Type IV proposal to amend the Community Development Plan or Code or to adopt a new land use regulation shall be submitted to the Manager of the Department of Land Conservation and Development (DLCD) along with appropriate forms at least 45 days prior to the initial evidentiary hearing on adoption. Notice to DLCD is not required when the city determines that the goals do not apply to a particular proposed amendment or new regulation.
 - b. Not more than forty (40) nor less than twenty (20) days before the initial evidentiary hearing on the Type IV proposal, the Manager shall mail notice to owners of property within the city for which the proposed ordinance, if adopted, may in the Manager's opinion affect the permissible uses of land. The notice of the initial evidentiary hearing for a Type IV procedure shall include at least the following information:
 1. If required by ORS 227.186, a statement in bold type across the top of the first page of the notice that reads as follows: "This is to notify you that the City shall consider a proposed land use regulation that may affect the permissible uses of your land";
 2. The date, time, and location of the hearing;
 3. The nature and purpose of the hearing;
 4. The casefile number or title of the proposed ordinance to be considered at the hearing;
 5. A listing of the applicable approval criteria by Community Development Plan and/or Code section numbers;
 6. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days before the hearing, and a copy will be provided at reasonable cost, and the name and telephone number of a city representative to contact about the ordinance;
 7. 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 making authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
 8. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
 9. If applicable, a statement that the ordinance is a result of an order of the Land Conservation and Development Commission or Metro.
 - c. At least ten (10) days before the initial hearing in a Type IV procedure, the Manager shall:
 1. Publish in a newspaper of general circulation in the City of Gresham a summary of the hearing notice, including the date, time, and location of the hearing and the number and nature of the ordinance to be considered; and
 2. Make copies of the hearing notice available in City Hall.

2. For all other Type IV applications, such as vacations and historic resource designations, the public notice is as follows:
- a. At least 20 days prior to the hearing, the city shall mail written notice of the public hearing to:
 - i. The applicant and/or authorized representative;
 - ii. The owner(s) of record of the subject property;
 - iii. Any City-recognized neighborhood association whose boundaries include or are within 300 feet of the subject property;
 - iv. Owners of property located within three hundred (300) feet of the perimeter of the subject property;
 - v. Any governmental agency which is entitled to notice under an intergovernmental agreement with the city which includes provision for such notice or is otherwise entitled to such notice; and
 - b. The mailed notice of public hearing shall include all of the following:
 - i. The name and address of the applicant or the applicant's representative;
 - ii. The case file number and nature of the proposed use or development;
 - iii. The designation of the review authority and the date, time, and place of the hearing;
 - iv. A description of the subject property reasonably sufficient to inform the public of the location;
 - v. The applicable criteria for the decision, listed by commonly used citation;
 - vi. A statement that all interested persons may appear and provide testimony and that only those participating at the hearing, or in writing, shall be entitled to appeal;
 - vii. A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to enable the review authority to respond to the issue, precludes an appeal based on that issue;
 - viii. The name and telephone number of a city representative to contact for additional information;
 - ix. A statement that copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and copies can be obtained at cost;
 - x. 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 copies will be provided at reasonable cost; and
 - xi. A general explanation of the requirements for submission of testimony and the procedure for conduct of public hearings.
 - c. The Manager shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties.
 - d. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least 20 days prior to the scheduled hearing date. An affidavit of publication concerning such notice shall be made part of the administrative record.
 - e. At least 20 days prior to the hearing, notice of the hearing shall be posted on the site by the applicant. The Manager shall provide at least one (1) sign and the instructions for posting. The sign shall be posted in a conspicuous place visible from the street. For properties that abut more than one improved street, separate signs shall be posted facing each improved street. The sign shall include the case file number and the telephone number of the city representative to contact about the application. An affidavit of posting shall be submitted by the applicant and made part of the administrative record.

E. Type IV Decision Authority

1. The recommendation authority shall conduct the initial evidentiary hearing and provide a recommendation to the City Council for all Type IV proposals. The recommendation authority may recommend that the City Council reject or adopt the ordinance with or without certain changes, conditions or both, together with a written justification for the recommendation.
2. At least ten (10) days before the City Council consideration of the Type IV proposal, the Manager shall publish in a newspaper of general circulation in the City of Gresham a summary of the hearing notice, including the date, time, and location of the hearing and the number and nature of the ordinance to be considered.
3. At the conclusion of the City Council consideration of the Type IV proposal, the Council shall take one of the following actions:
 - a. Continue the matter to a date, time, and location certain;
 - b. Remand the matter back to the recommendation authority for additional deliberation;
 - c. Approve the proposal, with or without certain changes. The City Attorney shall prepare the ordinance with written findings which demonstrate that adoption will comply with applicable approval criteria; or
 - d. Reject the proposed ordinance.
4. The City Council shall adopt or approve written findings which demonstrate that adoption of the proposed ordinance will or will not comply with applicable approval criteria.

F. Type IV Notice of Decision

1. Not more than five (5) days after the date of the adoption or rejection of an ordinance subject to Type IV procedures, the Manager shall mail or otherwise submit notice to the Department of Land Conservation and Development (DLCD) on forms provided for such notice.
2. Not more than seven (7) days after the date of the adoption or rejection of an ordinance, the Manager shall mail or otherwise submit notice to persons who testified orally or in writing to the recommendation authority or City Council while the public record was open regarding the proposed ordinance. The notice shall include at least the following information:
 - a. A brief summary of the ordinance;
 - b. The date of the decision on the ordinance;
 - c. The place where and the time when the ordinance and related findings may be reviewed; and
 - d. A summary of the requirements for appealing the City Council decision to LUBA.

G. Appeal of a Type IV Decision

The final decision of the City Council on a Type IV ordinance may be appealed to the Land Use Board of Appeals (LUBA).

11.0700 Pre-Application Conference

11.0701 Purpose

The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this code, including relevant approval criteria, standards and procedures. It is designed to assist the applicant. The pre-application conference is not an exhaustive review of all potential issues, and the conference does not bind or preclude the city from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.

11.0702 Applicability

Table 11.0204 identifies all applications that require a pre-application conference.

11.0703 Pre-Application Conference Procedures

A. Initiation and Scheduling of Pre-Application Conference

1. The applicant shall submit a completed form provided by the Manager for that purpose, the relevant fee, and copies of information required on the form.
2. The City will schedule and conduct the pre-application conference within approximately twenty (20) calendar days of receipt of a request for a pre-application conference
3. The Manager shall coordinate the involvement of city staff responsible for planning, development review, roads, drainage, and other subjects, as appropriate, in the pre-application conference. The pre-application conference is not open to the general public.

B. Pre-Application Conference Summary

1. Within approximately fourteen (14) calendar days after a pre-application conference, the Manager may provide to the applicant, or the applicant's agent, a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of a proposal and is not to be construed as a final recommendation by the city or by any other outside agency or service provider on the merits of the proposal.
2. The written pre-application conference summary should:
 - a. Summarize the proposed use and relevant characteristics of the proposal;
 - b. Identify necessary application submittal requirements;
 - c. Identify the relevant approval criteria and development standards, with a disclaimer that the approval criteria and development standards in effect at the time an application is received will control;
 - d. Identify specific additional information that is needed to respond to the relevant criteria and development standards or is recommended to respond to other issues; and
 - e. Identify applicable application fees, with a disclaimer that fees are subject to change and that the fees in effect at the time a complete application is received will control.

C. Pre-Application Conference Validity Period & Follow-Up Conferences

1. If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within eighteen months of the conference, the applicant shall schedule a follow-up pre-application conference.
2. An applicant may request a follow-up pre-application conference, if desired.
3. A new or follow-up pre-application conference is required in the following instances:
 - a. The number of residential units increases by twenty (20) percent or more;
 - b. The proposed use changes between residential, mixed-use, commercial, or industrial;
 - c. There is a significant change in circulation;
 - d. The type of community service use is changed; or
 - e. Additional application reviews that require a pre-application conference as per Table 11.0204 are needed to accommodate the proposal.

A new or follow-up pre-application conference is not needed if these instances were discussed in the pre-application conference and incorporated in the City's meeting notes.

11.0800 Neighborhood Meeting

11.0801 Purpose

The purpose of the neighborhood meeting is to provide an opportunity for the applicant, surrounding neighbors, interested parties, and representatives from a recognized neighborhood association to meet and to review a development proposal and identify any associated issues. The neighborhood meeting is intended to assist the applicant with preparing an application that considers neighborhood interests and is consistent with the requirements of the Development Code to reduce the likelihood of delays and appeals. The city expects the neighbors and neighborhood association will work with the applicant to provide reasonable concerns and recommendations. The city expects that the applicant will attempt to accommodate the reasonable concerns of the neighbors and recognized neighborhood association.

11.0802 Applicability

A neighborhood meeting is required for all applications that require a pre-application conference as indicated in ~~Table 11.0201~~ 11.0204.

11.0803 Procedures and Evidence of Compliance

The applicant shall comply with the following neighborhood meeting procedures.

A. Scheduling of Meeting

1. The neighborhood meeting shall be held after the pre-application conference and before a land use application is submitted to the City.
2. The applicant is required to hold one neighborhood meeting prior to submitting an application for a specific site. Additional meetings may be held at the applicant's discretion.
3. Applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.
4. If the development proposal is modified to an extent that it requires a new or follow-up pre-application conference with City staff, a second neighborhood meeting is required.
5. The date, time and location of the neighborhood meeting shall be coordinated with the recognized neighborhood association in which the proposal is located.
 - a. The applicant shall contact the President and Land Use Chair of the neighborhood association via email to coordinate the early neighborhood meeting. The contact information for the neighborhood association shall be obtained from the City.
 - b. The neighborhood association designees must respond within 5 business days of the request.
 - c. If the neighborhood association designees fail to respond in the time allotted, the applicant may select the date, time and location of the meeting.
 - d. The neighborhood association designees and the applicant must agree upon a date, time and location within 10 business days. If no agreement can be reached, the Manager shall decide on the date, time and location within three business days after discussions with the applicant and neighborhood association President and Land Use Chair.

B. Meeting Location and Time

Neighborhood meetings shall be held at a location in reasonable proximity to the subject site. The meeting shall be held at a location open to the public or at a public facility that is ADA accessible. The neighborhood meeting may be combined with a regularly scheduled meeting of the recognized neighborhood association in which the project is located, if feasible. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce

the meeting, state that the meeting is open to the public and that interested persons are invited to attend. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 pm and 8 pm or Saturdays between the hours of 10 am and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes of the scheduled starting time for the neighborhood meeting, the applicant may leave.

C. Mailed Notice

The applicant shall mail notice of the neighborhood meeting to owners of properties within 300 feet of the perimeter of the subject property, the President and Land Use Chair of any recognized neighborhood associations whose boundaries are within 300 feet of the subject property and the Manager. The notice mailed to the President and Land Use Chair of the recognized neighborhood associations within 300 feet of the subject property shall be by certified mail.

1. Notice shall be mailed at least 14 and not more than 20 calendar days prior to the scheduled neighborhood meeting.
2. An official list for the mailed notice may be obtained from the City of Gresham for the applicable fee and within 10 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Multnomah County Department of Taxation and Assessment. A mailing list is valid for use up to 45 days from the date the mailing list was generated.
3. The mailed notice shall:
 - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
 - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed development action). The description shall take into consideration information provided by city staff at the pre-application conference.
 - c. Include the website for viewing pre-application meeting notes, and the pre-application conference number.
 - d. Include the name of the neighborhood association in which the subject property is located.
 - e. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development and a conceptual site plan. The conceptual site plan shall take into consideration information provided by city staff at the pre-application conference.
4. A signed and notarized affidavit of the mailed notice is required to demonstrate compliance with this section.
5. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

D. Posted Notice

The applicant shall also provide notice of the meeting by posting a waterproof sign on the frontage of the subject property at least 14 and not more than 20 calendar days prior to the meeting. The sign and posting requirements will be provided by the City at the pre-application conference but it is the applicant's responsibility to post the sign within 30 feet of the adjacent right-of-way, viewable from the right-of-way, make sure the sign remains posted until the meeting and remove it following the meeting. A signed and notarized affidavit of the posting is required to demonstrate compliance with this section. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

E. Agenda for Meeting

At the neighborhood meeting, the applicant shall provide a conceptual site plan and describe the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities; proposed building

size and height; proposed access and parking; and proposed landscaping, buffering and/or protection of natural resources. Attendees will have an opportunity to speak at the meeting and may identify any issues that they believe should be addressed.

F. Meeting Notes

The applicant shall take notes of the discussion at the neighborhood meeting, including a summary of issues raised. Notes will indicate how many people attended the meeting. Within seven (7) calendar days of the neighborhood meeting and before submitting an application to the City, the applicant shall send a copy of the meeting notes by certified mail to the President and Land Use Chair of the recognized neighborhood association in which the project is to be located. The neighborhood association may also prepare and submit notes of the neighborhood meeting. The purpose of the notes is to demonstrate that the meeting occurred.

G. Evidence of Compliance

To comply with the neighborhood meeting requirements, the following evidence shall be submitted with the application:

1. A copy of the information mailed to surrounding property owners and the recognized neighborhood association(s);
2. A copy of the mailing list used to send out meeting notices;
3. A certified mail receipt indicating mailing of the meeting notice to the President and Land Use Chair of the recognized neighborhood association(s) within 300 feet of the subject property;
4. Affidavits for the mailed and posted notices;
5. One copy of the written materials and 8 ½ x 11" plans presented by the applicant at the neighborhood meeting;
6. Notes of the meeting, including the meeting date, time and location, the names and addresses of those attending, and a summary of oral and written comments received; and
7. A certified mail receipt indicating mailing of the meeting notes to the President and Land Use Chair of the neighborhood association(s).

An application will not be accepted as complete for processing unless all of the evidence of compliance listed in (G) (1)-(7) has been submitted with the application. ~~If no one arrived within 30 minutes of the scheduled starting time for the neighborhood meeting, the items listed in (G) (1) - (4) will provide evidence of compliance with the neighborhood meeting requirements.~~

11.0900 Application Submittal and Completeness Review

11.0901 Application Forms and Checklists

- A. The Manager shall supply land use application forms pursuant to the standards contained in the applicable state law, comprehensive plan, and implementing ordinance provisions.
- B. The Manager shall supply checklists or information sheets for applications, which shall detail the specific information which must be contained in the application, including format and number of copies.

11.0902 Application Submittal

- A. Applications for development permits shall be submitted upon forms established by the Manager. Applications will not be accepted in partial submittals. All of the following items must be submitted to initiate the completeness review:
 1. Application form, including required notarized signature(s) that demonstrate consent of all owners of the affected property;
 2. Deed, title report or other proof of ownership;
 3. Completed checklist provided in 11.0901, including all required materials;
 4. Evidence of compliance with neighborhood meeting procedures, if required by Section 11.0800 for the particular type of application;

5. Plans required for the particular type of application as noted by staff on the completed application checklist;
6. Special reports or plans required to demonstrate that the specific proposal and its site constraints comply with applicable codes. These are noted on the application checklist;
7. Application narrative to address applicable code approval criteria and standards as noted by staff on the completed application checklist; and
8. Payment for the appropriate land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal.

11.0903 Completeness Review

- A. The Manager shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within thirty (30) calendar days after the city receives the application submittal.
- B. Incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required information listed in the checklist and shall not be based on differences of opinion as to quality or accuracy. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Development Code standards.
- C. If the application was complete when first submitted or the applicant submits the 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 in effect at the time the application was first submitted.
- D. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Manager by the applicant, indicating whether or not the applicant intends to amend or supplement the application.
- E. The application will be deemed complete for purposes of this section upon receipt by the city of:
 1. All of the missing information;
 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
 3. Written notice from the applicant that none of the missing information will be provided.
- F. The application will be deemed void if the application has been on file with the city for more than 180 calendar days and the applicant has not met the obligations of subsection E above.
- G. Pursuant to ORS 227.178, the city will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection H below or unless State law provides otherwise.
- H. The 120 calendar day time line may be extended at the written request of the applicant. The total of all extensions may not exceed 245 calendar days.

11.0904 Resubmittal of Application Following Denial

An application which has been denied or an application which was denied and which on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, will be rejected for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least 12 months from the date the final city action is made denying the application unless there is substantial change in the facts, a change in the Development Code, or a change in city policy which would change the outcome.

11.1000 Public Hearings

11.1001 Responsibility of Manager for Public Hearings

The Manager shall:

- A. Schedule land use applications for review and public hearing before the appropriate review authority as required for the particular application procedure by Table 11.0204.
- B. Provide public notice of the public hearing or appeal hearing.
- C. Prepare minutes to include the decision on the matter heard at the public hearing, and the reasons for the decision.
- D. Mail a copy of the decision to those required to receive such information as specified for the particular application procedure.

11.1002 General Public Notice Requirements

- A. Notice of public hearings, either issued by mail, by site posting, and/or publication in a newspaper of general circulation in the city, shall be provided for Type I – IV applications as described in the following code sections:
 1. Section 11.1100 for notice requirements for a public hearing on an appeal of a Type I decision.
 2. Section 11.1100 for notice requirements for a public hearing on an appeal of a Type II decision.
 3. Section 11.0500 for notice requirements for a public hearing on a Type III application and Section 11.1100 for notice requirements for a public hearing on an appeal of a Type III decision.
 4. Section 11.0600 for notice requirements for a public hearing on a Type IV application.
- B. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- C. Cost of the initial public notice shall be included in the development permit application fee.

11.1003 Rules of Procedure

Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. Provisions regarding challenges to impartiality, disqualification, abstention, participation by interested officers or employees, ex parte contacts, burden of proof, and the order of proceedings, as referenced in the Gresham Revised Code and below are applicable to all public hearings.

11.1004 Challenges to Impartiality

- A. Except for Type IV hearings, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Manager not less than 48 hours preceding the time set for the public hearing.
- B. The Manager shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenged person shall have an opportunity to respond orally and in writing to the challenge. The challenge shall be incorporated into the record of the hearing.

11.1005 Disqualification

Except for Type IV hearings, no member of a hearing body may participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

- A. Any of the following have a direct or substantial financial interest in the proposal: the member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- B. The member owns property within the area entitled to receive notice of the public hearing.
- C. The member has a direct private interest in the proposal.
- D. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

11.1006 Participation by Interested Officers or Employees

No officer or employee of the City who has a financial or other private interest in a proposal may participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

11.1007 Ex Parte Contacts

Except for Type IV hearings, the general public has a right to have the hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication, on the subject to which the communication relates, with the member at the commencement of the public hearing on the matter.

11.1008 Abstention or Disqualification

Except for Type IV hearings, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

11.1009 Rights of Abstaining or Disqualified Member of the Hearing Body

- A. An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, making full disclosure to the hearing body.
- B. If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall be requalified and shall proceed to resolve the issues.
- C. Except for Type IV hearings, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

11.1010 Burden and Nature of Proof

Except for Type IV determinations, the applicant shall bear the burden of proof and persuasion that the proposal is in compliance with applicable provisions of the Gresham Community Development Plan and this Code.

11.1011 Order of Proceedings

The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by rules of procedure of the hearing body as appropriate.

- A. Before receiving information on the issue, the following shall be determined:
 - 1. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the hearing body has the discretion to proceed or terminate; and
 - 2. Any abstentions or disqualifications shall be determined.
- B. The presiding officer may take official notice of known information related to the issue, such as:
 - 1. A provision of the charter, state law, ordinance, resolution, rule, or officially promulgated policy of the City.
 - 2. Other public records and facts judicially noticeable by law.
- C. Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection B of this section if stated for the record. Any matter given official notice may be rebutted.
- D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view in the record.
- E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
- F. When the hearing has closed, the review authority shall openly deliberate and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

11.1012 Continuation of Hearing

- A. All documents or evidence relied upon by the applicant shall be submitted to the City and be made available to the public. If additional documents or evidence are provided by any party at the hearing, the hearing body may allow a continuance or leave the record open for at least seven (7) days to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 227.
- B. Prior to closing the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to subsection C below.
- C. If the hearing body grants a continuance, 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 and 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 or testimony for the purpose of responding to the new written evidence.
- D. If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the hearing body for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearing body shall reopen the record and any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making.
- E. A continuance or extension granted pursuant to Section 11.1012 shall be subject to the limitations of ORS 227 unless the continuance or extension is requested or agreed to by the applicant.

F. Unless waived by the applicant, the hearing body shall allow the applicant 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. For purposes of this section, "argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

11.1013 Decision

- A. Following the order of proceedings described in Section 11.1011, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or remand the decision that is on appeal.
- B. A final local decision on an application for a development permit shall be made within 120 days from the date the application was deemed to be complete, except that, with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed 6 months from the date of the first hearing on the matter.

11.1014 Findings and Order

The hearing body shall prepare findings of fact and an order, which shall include:

- A. A statement of the applicable criteria against which the proposal was tested.
- B. A statement of the facts that the hearing body found establishing compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards.
- C. The reasons for, and decision to, approve, conditionally approve, or deny a proposal.

11.1015 Record of Proceedings

The secretary to the hearing body shall be present at each hearing, and shall cause the proceedings to be recorded stenographically or electronically.

- A. Testimony shall be transcribed if required for judicial review.
- B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented, and shall have the items marked to show the identity of the person offering the item and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified on the exhibit, or otherwise disposed of.
- C. Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.
- D. A person shall have access to the record of the proceedings at reasonable times, places, and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

11.1100 Appeals

11.1101 General

A decision on the issuance of a Type I, II or III development permit may be appealed by an affected party by filing a Notice of Appeal with the Manager within 12 calendar days of the date on the written Notice of Decision. Table 11.0204 identifies the decision authority and appeal authority for each application type.

11.1102 Notice of Appeal

A. A notice of appeal shall contain:

1. Identification of the decision sought to be reviewed, including the date of the decision.
2. Statement of the appellant documenting that they were a party to the initial proceedings.
3. Detailed statement of the decision that is being appealed and a statement regarding the basis of the appeal, including what approval criteria were improperly evaluated or applied to the decision.

B. The notice of appeal shall be filed with the Manager, together with the filing fee.

C. Timely filing of the notice of appeal and filing fee are jurisdictional acts. If these items are not filed within the time period as provided for in Section 11.1101, or if the notice of appeal does not contain the required content items specified in Section 11.1102(A), the notice of appeal shall not be accepted by the Manager. A decision by the Manager to not accept an appeal within the specified appeal period shall be considered final.

11.1103 General Procedures Applicable to All Appeals

A. Public Hearing

Appeal hearings before the appropriate appeal authority as specified in Table 11.0204 shall be conducted in accordance with the public hearing provisions in Section 11.000 of this code.

B. Staff Report

Not less than 7 days before the date of the appeal hearing, the Manager shall prepare and make available to the public a copy of the staff report regarding the appeal. A copy of the staff report and recommendation shall be provided to the appeal authority, the applicant and to the appellant. The Manager shall provide a copy of the staff report to the public at reasonable cost upon request.

C. Action of Appeal Authority

At the conclusion of the hearing on the appeal, the appeal authority shall take one of the following actions:

1. Continue the hearing to a date, time, and location certain, which shall be announced by the presiding officer. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
2. Reverse or affirm the decision under appeal, with or without conditions or changes.
3. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 shall apply under this Code in a manner consistent with state law.

D. Written Decision of Appeal Authority

After the public record on the appeal closes, a written decision regarding the application shall be prepared and contain the following:

1. A statement of the facts that the appeal authority has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
2. A statement of conclusions based on the findings.
3. If the appeal authority changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the written decision shall include findings explaining the basis for such change.
4. Within approximately 14 days from the date that the appeal authority adopts a decision on the appeal, the Manager shall cause the decision to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the public record closed.

11.1104 Specific Provisions for Appeal of a Type I Decision

- A. A Type I decision may only be appealed by the applicant, who is the property owner or the property owner's representative.
- B. The Manager shall mail written notice of the appeal hearing to the applicant/appellant not less than 20 days prior to the appeal hearing. The appeal shall be posted on the subject property.
- C. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both.
- D. The scope of the appeal hearing shall be focused on the specific approval criteria, condition, or both being appealed, and reasons why a finding, condition, or both is or is not in error as a matter of fact, law or both.
- E. The decision of the designated appeal authority for appeals of Type I decisions shall be the final local decision.

11.1105 Specific Provisions for Appeal of a Type II Decision

- A. A Type II decision may be appealed by the applicant or by any other person who submitted written comments prior to the decision of the Manager.
- B. The Manager shall mail written notice of the appeal hearing to the parties listed in Section 11.1105(A) not less than 20 days prior to the appeal hearing. The appeal shall be posted on the subject property.
- C. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both.
- D. The scope of the appeal hearing of a Type II decision must be based on the written comments provided under Section 11.0402(D)(2) or, based on applicant's statements within the notice of appeal.
- E. The decision of the designated appeal body for appeals of Type II decisions shall be the final local decision.

11.1106 Specific Provisions for Appeal of a Type III Decision

- A. A Type III decision may be appealed only by the applicant or any other person who participated by providing either oral or written evidence on the record leading to the decision by the decision authority.
- B. The Manager shall mail written notice of the appeal hearing to the parties listed in Section 11.1106(A) not less than 20 days prior to the appeal hearing. The appeal shall be posted on the subject property.
- C. The scope of review for an appeal of a Type III decision shall be a review of the record with the right of argument.
- D. The record shall include:
 - 1. A factual report prepared by the Manager.
 - 2. All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
 - 3. The transcript of the hearing and a detailed summary of the evidence.
- E. The decision of the designated appeal authority for the appeal of a Type III decision shall be the final local decision.

11.1107 Remand from the Land Use Board of Appeals

City of Gresham decisions remanded by the Land Use Board of Appeals (LUBA) shall be heard and decided within 90 calendar days from the date of the remand following the procedures of Section 11.1100.

Section 11. Volume 3, Development Code, Article XIII, Appendix 1 is amended as follows:

A1.002 General Procedures

General procedures apply to all annexation proposals except as modified by A1.004 – Expedited Annexation Procedures.

- (A) Annexation proposals shall be considered by the City Council pursuant to Section 11.0600 ~~Section 11.0205~~, the Type IV legislative process except there shall be no Planning Commission hearing or recommendation. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.
- (B) Notice of the Council hearing to consider the boundary change proposal shall follow the notification procedures of ~~Table 11.0314~~ as required for a Type IV Vacations and/or Historic Designations, as well as the uniform notice requirements provided in Metro Code Section 3.09.030.

A1.003 Initiation Procedures

Initiation Procedures apply to annexation proposals except as modified by A1.004 – Expedited Annexation Procedures.

- (A) An annexation proposal may be initiated by petition of property owner(s) of the area to be annexed as set forth in this section.

- (3) A pre-application conference pursuant to Section 11.0700 ~~Section 11.0210~~ is required prior to the submittal of an annexation petition. Early neighborhood involvement as provided in Section 11.0800 is not required. Requirements of annexation will be explained and the appropriate forms as specified in Section A1.005 will be provided.

A1.004 Expedited Annexation Procedures

- (D) Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures of ~~Table 11.0314~~ as required for Type IV Comprehensive Plan amendments, as well as follow the expedited notice requirements provided in Metro Code Section 3.09.045(b).

Section 12. Volume 3, Development Code, Article XIII, Appendix 2.000 is amended as follows:

~~AN EXPANDED LIST OF PERMITTED LAND USES IN EACH LAND USE DISTRICT TO BE DEVELOPED IN A FUTURE PHASE OF THE CODE SIMPLIFICATION PROCESS.~~

Section 13. Volume 3, Development Code, Article XIII, Appendix 5.000 is amended as follows:

A5.005 Utility Easements Owned by the Public

- (B) For utilities owned by the public serving subdivision lots within a subdivision, the location, purpose, grantee and width of the easement shall be shown on the plat map. Descriptions or conditions of the easement shall be shown.

A5.006 Subdivisions

- (E) Building permits for model homes may be approved prior to the 50 percent of permit release, subject to the following conditions:
- (1) One model home is permitted for a subdivision with a total of 20 or fewer subdivision lots in all phases. For a subdivision with a total of more than 20 subdivision lots in all phases, the maximum number of model homes permitted for each phase shall be 10 percent of the total number of lots in that phase, rounded down to the nearest whole number.

A5.007 Commercial, Mixed Use, Industrial, Moderate and High Density Residential and Community Service Building Permits Development

- (C) Public improvements required for site design and land partition permits in the above districts may be staged to coincide with the staging of private improvements to the property when the following conditions exist:
- (5) The public facilities provided will be adequate to serve each building permit as it is issued. Staging of public improvements may be allowed for the following permit applications:
- (a) Partition and site design review where less than all lots created are included in the application for site design review;
 - (b) Site dDesign review which is staged under Article VII of the Development Code;
 - (c) Site dDesign review which does not include the total parcel;
 - (d) A partition without site design review.

A5.503 Driveways

~~A private driveway shall not exceed a slope of 15 percent. The Manager may approve greater slopes with consideration of special designs, such as length, adjacent level areas, special surface treatments, and embedded heating systems.~~

A5.505 Transitway Standards for Light Rail

- (D) The location of curb ramps, elevators and other parts of the circulation path in new light rail stations shall be placed to minimize the distance wheelchair users have to travel.

A5.506 Sidewalks

- (D) All utilities with facilities in the sidewalk area shall locate their facilities to be in conformance with the 36 inch minimum horizontal clearance. A 7 foot vertical clearance above the sidewalk shall be maintained. Federal Americans with Disabilities Act (ADA) requirements shall supersede ~~when~~ re in conflict with City standards.

A5.510 Underground Utilities

- (B) Standards:
- (1) All developments required to obtain a development permit pursuant to Section 11.0101 shall, at the development's own cost, install new utility facilities needed for the development underground and relocate underground all existing utility facilities along all of the

development's public street frontages or otherwise in or abutting the development. Utility facilities to be undergrounded include, but are not limited to, electrical, cable and telecommunication facilities and lines connecting traffic signals. The undergrounding requirement shall not apply to development permits obtained by utilities to establish, construct, maintain or terminate electrical power distribution lines and telephone and television cable transmission lines in the Flood Plain Physical Constraint Overlay District, Hillside Physical Constraint Overlay District, in a natural resource district or where the utility would be exempt from obtaining a development permit pursuant to Section 11.0102 Section 11.0101(7).

A5.512 Additional Public Facilities Requirements

Additional public facilities requirements exceeding those in Appendix 5.000 are required by some land use districts for implementation as part of site design review. Refer to individual districts for such requirements as are applicable.

Section 14. Volume 3, Development Code, Article XIII, Appendix 6.000 is amended as follows:

A6.013 Construction

- A. The construction of all signs or sign structures shall conform to applicable provisions of the ~~Uniform~~ Building Code.

A6.024 Marquees and Awnings

- B. Marquees and awnings containing signs may extend into the right-of-way the same distance as allowed for those that do not contain signs, in accordance with the ~~Uniform~~ Building Code.

A6.025 Illuminated Awning Sign

- A. Illuminated awning signs may extend into the right-of-way the same distance as is allowed for awnings. In accordance with the ~~Uniform~~ Building Code.

~~A6.160 Definitions~~

~~Sign~~—Materials placed or constructed primarily to convey a message or other display to identify sites and activities and which can be viewed from a right-of-way, private roadway or another property.

~~A-Board Sign~~—A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure in the ground. Is normally associated with business activity and is placed out of doors during business hours for display and returned indoors when the business is closed.

~~Abandoned Sign~~—A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

~~Animated Sign~~—A sign portraying moving images, either in the form of moving lights, animation, or television like real images.

~~Awning Sign~~—A sign incorporated into or attached to an awning.

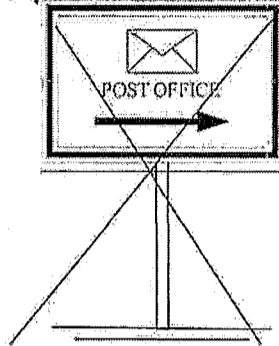
~~Illuminated Awning Sign~~—A sign made of a translucent flexible covering designed in awning form. Such signs are internally illuminated.

~~Balloon Sign~~—Any three-dimensional ambient air-filled object depicting a container, figure or product, or to which a temporary sign has been attached, or to which a sign has been incorporated.

~~Banner Sign~~—A temporary sign made of fabric or other non-rigid material with or without an enclosing framework.

~~Bench Sign~~—A sign that is displayed on a structure designed for sitting and displayed out of doors in view of the general public.

Directional Sign. A permanent sign which is designed and installed solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.



Electronic Message Center Sign. Signs whose message or display is presented with patterns of lights that may be changed at intermittent interval by an electronic process.

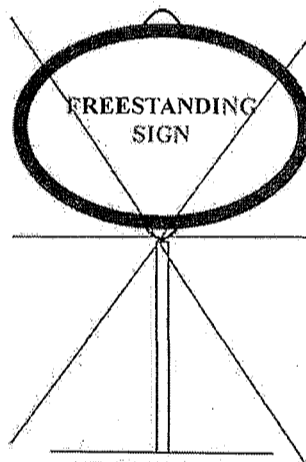
Fascia Sign. A single faced sign attached flush to a building.

Face Sign. The display portion of a sign.

Fin Sign. A sign which is supported by a pole or poles and partly by a building.

Flap Sign. A rectangular piece of fabric or other material, of distinctive design, used as a symbol.

Free Standing Sign. A sign on a frame, pole or other support structure which is not attached to any building.



Direct Illumination Sign. Exposed lighting or neon tube on the sign face.

Flashing Illumination Sign. Lights which blink on and off randomly or in sequence.

Indirect Illumination Sign. The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

Internal Illumination Sign. The light source is concealed within the sign.

Installation Sign. Installation shall include erecting, constructing, re-constructing, placing, altering, changing the sign face, relocating, suspending, attaching and the installation of electrical parts, wiring or illumination of any sign. However, installation shall not include changes in copy of a readerboard or outdoor advertising sign or of the removable panels of a free-standing multibusiness complex sign.

Maintenance Sign. Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

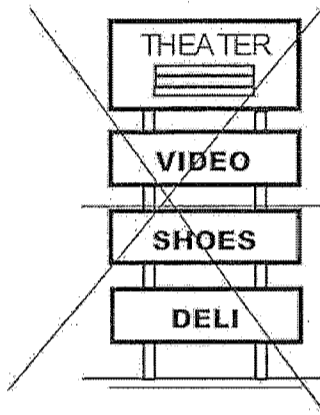
Mansard Wall Sign. Any sign placed on a building with an actual or false roof which does not vary more than 30 degrees from the vertical. Such mansard wall shall extend along the full width of the building.

Marquee Sign. A sign incorporated into or attached to a marquee or permanent canopy.

Mobile Drive-up Unit Sign. For purposes of the sign regulations, a mobile drive-up unit is a vehicle such as a trailer, van or truck, used for drive-up retail trade or retail services. The unit does not have any internal floor space available for customers.

Moving Parts Sign. Features or parts of a sign structure which through mechanical means are intended to move, swing or have some action.

Multi-Business Complex Sign. Premises planned and developed as a unit with an undivided or nonsegregated parking area that functions and advertises as a center and which has multiple occupancy by business or service firms. A business is considered as part of a multi-business complex regardless of whether said business occupies a separate structure or is under separate ownership or is on a separate parcel.



Noneonforming Sign. A sign or sign structure lawfully installed and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

On-Site Directory Sign. A sign listing the names, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

Outdoor Advertising Sign. A sign supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

Painted Wall Decoration Sign. Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature. Painted wall decorations may not contain copy, logos or trademarks which are greater than 20 square feet, or 10% of the building wall, whichever is less.

Painted Highlights Sign. Painted wall highlights are painted areas which highlight a building's architectural or structural features.

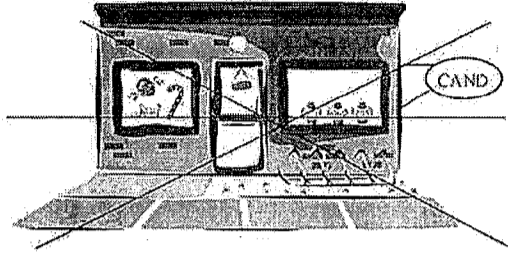
Painted Wall Sign. A sign applied to a building wall with paint and which has no sign structure.

Pennant Sign. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles.

Permanent Sign. A sign attached to a building, structure or the ground in some manner requiring a permit and made of materials intended for more than short term use.

Portable Sign. A sign designed to be transported which can be free standing and unattached, or temporarily or permanently attached to the ground, structures or other signs.

Projecting Sign. A sign attached and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right of way, partially in the right of way and fully on private property.



Repair Sign. Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

Readerboard Sign. A sign on which message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

Roof Sign. A sign installed upon, against or directly above a roof, or roof eave, or on top or above the parapet, or on a nonfunctional architectural appendage above the roof or roof eave.

Roof Line Sign. The lower edge of the roof or top of the parapet, whichever forms the top lines of the building wall.

Rotating Sign. Sign faces or portions of a sign face which revolve around a central axis.

Special Event Banner Sign. A sign that is temporarily displayed over a right-of-way for a limited period of time for a public event. A special event occurs on a specific date or dates, is open to the community, and has been declared a special event by the City Council.

Structure Sign. A structure specifically intended for supporting or containing a sign.

Structural Alteration Sign. Modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

Temporary Sign. Any sign, regardless of construction material, that is not permanently attached to a building, structure or the ground and/or is intended to be displayed for a limited period of time.

Temporary Lawn Sign. A temporary rigid sign no more than 6 square feet in area.

Temporary Rigid Sign. A temporary sign made of rigid materials such as wood, plywood and plastic.

Under Marquee Sign. A sign which is installed or maintained under and supported or partially supported by a marquee.

Unsafe Sign. Any sign determined to be a hazard to the public by the Building Official or authorized representative.

Wind Sign. Any attention getting device or series of devices such as streamers, banners and pennants designed and fastened in such a manner as to move upon being subject to pressure by the atmosphere.

Window Sign, Inside. A sign mounted or hung on the inside of a window that is visible from outside of the premises. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

Window Sign, Outside. A sign mounted or hung on the outside of a window. Window signs (including the sum area of both inside and outside window signs) shall not cover more than 50% of the window face.

Section 15. Volume 3, Development Code, Article XIII, Appendix 7.000 is amended as follows:

A7.001 Vacation Procedures

- (A) A proposal to vacate all or part of any street, alley, plat, greenway, or public place shall be conducted under the Type IV procedure.
- (B) Notice of the hearing shall be mailed to owners of all property situated within 300 feet of the boundaries of the property to be vacated. Notice shall be posted pursuant to Section 11.0602 Table 11.0313.

Section 16. Volume 3, Development Code, Article XIII, Appendix 10.000 is amended as follows:

General

~~A10.001 Purpose~~

~~Regional Shopping Center Site Development Review Procedures and Standards~~

~~A10.010 Regional Shopping Center Site Development Review Procedures~~

~~A10.011 Regional Shopping Center Site Design Standards~~

General

~~A10.001 Purpose~~

~~This appendix section of the Community Development Code establishes the land use procedures and standards for a Regional Shopping Center. These provisions were adopted in conjunction with identification of three specific sites in the city which were appropriate for a potential Regional Shopping Center. Each of these three sites, identified in the Commercial Land Use Policies of Volume II of the Gresham Community Development Plan, has been committed to other uses. Changing economic and social norms will determine the need for a Regional Mall in this community. This Appendix recognizes that a development of this magnitude is necessarily subject to very unique and specific requirements depending upon the site of such a development. It is the purpose of this section is to identify standards which would apply to any potential site, but that would need to be modified for a specific site in this community. A site would need to be identified in the Volume II Policies and have the appropriate underlying land use designation for these standards to apply.~~

Regional Shopping Center

Site Development Review Procedures and Standards

~~A10.010 Regional Shopping Center Site Development Review Procedures~~

~~(A) Policy and Plan Map Designations—Applicable Procedures and Standards.~~

- ~~(1) Development of a regional shopping center, as defined in Section 3.0010 of the Community Development Code, and its site is subject to Type II review under the procedures of this section and special development standards (Section A10.011) for a regional shopping center site. These procedures and standards shall apply only to a regional shopping center site that is identified by Commercial Land Use Policies of Section 10.312, Volume 2—Community Development Plan, and is also given an appropriate commercial or mixed use plan map designation.~~
- ~~(2) The sites identified in the Commercial Land Use Policy, to which these procedures and standards may apply, are described in the figures incorporated in this section: Maps of Potential Regional Shopping Center Sites. When any of these sites in its entirety is given a commercial or mixed use plan map designation that would allow development of a regional shopping center, that site shall be considered committed for a future regional shopping center development, as the site's primary use, under these procedures and standards.~~
- ~~(3) The first phase of site development, and Site Design Review, for a regional shopping center site shall include the site's primary use, a regional shopping center.~~

- (4) If any conflict in applicable procedures or standards appears between the specific procedures and standards for regional shopping center sites and other applicable sections of the Community Development Plan, the specific procedures and standards for regional shopping center sites shall apply.
- (5) On a site committed by Policy and map designation for a regional shopping center, a development for a primary use other than a regional shopping center will require a Type IV policy amendment to remove the site from identification in the commercial land-use policy, or a Type IV map amendment, prior to an application for a development permit. The applicant would have to show why the site was no longer suitable for a regional shopping center and the commercial policy designation, based on applicable plan policies.
- (B) ~~Type II Master Plan Review and Site Design Review.~~ A master plan shall guide the development of all uses on an entire regional shopping center site under Type II procedures. Site design review for a regional shopping center site shall be subject to Type II procedure and master plan review. Each site has its own unique character and community setting which will be addressed in the master plan review and site design review. The approval authority may impose conditions corresponding to the unique character or community setting of each site consistent with applicable policies, procedures, and standards. Master plan review and site design review will use the following procedures:
- (1) Master plan review shall precede or be concurrent with site design review for any phase of site development.
- (2) Site development for each phase of development shall be consistent with an approved master plan for the site.
- (3) If a subsequent phase of site development proposes to vary from an approved master plan, then a revised master plan must be reviewed and approved under Type II procedures and master plan standards, prior to or concurrent with site design review for that phase of development.
- (4) A master plan and site design review shall satisfy the criteria and standards of Section A10.011 of the Community Development Code, and other applicable sections of the Community Development Plan.

A10.011 Regional Shopping Center Site Design Standards

The following master plan and site design criteria shall apply to regional shopping centers located in the City of Gresham:

(A) Master Plan Objectives and Elements

- (1) Master Plan Objectives. A Master Plan shall apply to all uses within a regional shopping center site and address the following development objectives:
- (a) Establish orderly, harmonious connections and transitions between the site and surrounding areas of the community by means of building design, placement, and orientation; desirable linkages of on-site/off-site uses and circulation systems (pedestrian, transit, vehicular); coordination of on-site building scale, intensity and hours of uses/activities, and site layout; complementary marketing strategies with established activity centers and commercial districts; appropriate transitional uses and buffers along site borders and public streets adjacent to residential districts; on-site and off-site traffic management.
- (b) Establish a major community focal point which will provide a wide range of regional retail shopping opportunities for area residents, will create a unique, unified commercial identity within the Gresham market area, will attract and serve visitors to the area, and will serve to enhance cultural and business activities within the Gresham area.
- (c) Establish safe and efficient circulation systems, on-site and off-site, for pedestrians, transit use, bicycles, and vehicles, which contribute to mitigation of traffic impacts on affected surrounding areas and public streets and which encourage pedestrian activity and transit use.
- (d) Establish a long-term conceptual site plan and site use framework to assure direction and certainty in the site development process for the public, the City, and the developer.

- (e) Establish a long term plan creating a well defined, attractive, safe activity center, which, by its elements:
 - Respects the established character, stability, and livability of surrounding residential districts;
 - Locates and orients more intensive site uses and activity areas, such as uses with high evening patronage, away from surrounding residential districts;
 - Enhances the appropriate, orderly development of all surrounding areas consistent with the Comprehensive Plan;
 - Avoids potential disturbing effects (e.g. traffic, noise, piecemeal commercial land conversion) in those areas;
 - Minimizes potential adverse traffic and visual impacts upon surrounding areas.
- (2) Master Plan Elements
- A Master Plan shall describe in a narrative and graphic form the following elements:
- (a) Market information that substantiates: the economic need for the facility; the market area of the proposed center; proposed types of anchor tenants, specialty retailers, unique marketing themes which the center will employ; how the center complements and relates to existing retail shopping opportunities and commercial districts in Gresham; and how it will serve the needs of the Gresham community.
 - (b) A conceptual site development plan showing approximate location of:
 - all proposed on-site buildings, proposed uses (generalized).
 - approximate floor areas and heights of buildings.
 - parking areas (with approximate number of spaces).
 - landscaped areas, natural areas, visual buffers, greenway areas.
 - public spaces and amenities (outside and inside buildings).
 - transit circulation/service and transfer points/stops.
 - pedestrian and vehicular circulation systems.
 - service delivery areas and circulation.
 - sources of noise, vibration, glare, dust, odor, fumes, smoke, air pollutants, radiation, surface runoff.
 - (c) A surrounding area conceptual development plan, within a 20-year timeframe, for properties:
 - within adjacent neighborhood areas (regardless of use), typically bounded by the next arterial or collector street beyond site perimeter streets and;
 - within 2000 feet linear distance from the site along the adjacent arterial street system.
 The conceptual development plan will show:
 - all existing and proposed (in approved development plans) buildings, uses, public streets, driveways and pedestrian circulation.
 - how the center is proposed to inter-relate with this area.
 - (d) Key public viewpoints for visual analysis will be established as part of the Master Plan Review process. Perspective views (to scale) of the site and major buildings will consider the site topography, existing vegetation, and major proposed landscaping, from key public viewpoints on adjacent public streets and rail transit lines, and within adjacent residential and commercial districts. Key public viewpoints will include views of the site and major buildings within the context of a site's surrounding area. Further visual analysis will be required if there are subsequent changes in a Master Plan.
 - (e) A regional shopping center is the site's primary use. Other commercial uses (e.g. office, lodging, free-standing commercial buildings) or residential uses (if permitted in the plan map district) shall be secondary and complementary in function to the primary use. All uses on a site shall be accessed internally from the site's vehicular access and driveway circulation system. This element shall not restrict the ability of the site to provide primary and secondary access drives of sufficient length from arterials to serve different site uses, as long as all access drives are consistent with the applicable Design Review Standards for access drives contained in this section and the City's Access Control Standards (6.1000).

~~(f) A site analysis diagram, as specified in Section A10.010(A)(1).~~

~~(B) Site Design Criteria and Standards~~

~~In addition to other applicable criteria and standards of this Code, the following apply to Site Design Review of all development and uses on a regional shopping center site.~~

~~(1) Building Design and Scale~~

~~(a) Theme and Image. Design, materials, scale, and orientation for all structures shall create a unified architectural theme and a distinctive, coordinated image within a site to support the Master Plan objectives of enhanced development quality as a community focal point, and of creating a unique, unified commercial identity within the Gresham market area. The architectural theme and image (including design, materials, scale, and orientation) shall be responsive to the site's unique character, reflecting its regional setting, its Gresham area setting, and the specific site location, with a consideration of significant natural or man-made landscape features within a site, within a surrounding area, or visible from a site. A variety of complementary building materials shall be used in site structures: To create visually interesting building facades and harmonious contrasts of building textures and colors, and to avoid large monotonous building surfaces, as seen from key public view points (defined in the Master Plan) and from major on-site pedestrian routes (described in the traffic management standards for pedestrian circulation).~~

~~(b) Transition to Surrounding Area~~

~~The arrangement, theme, and image of site buildings shall create harmonious transitions and connections with the established architectural character and scale (current and anticipated) of surrounding activity centers, commercial, and residential areas. Site development should enhance and reinforce desirable design qualities and architectural character of surrounding conforming development, as evaluated under the City's Community Design policies and standards.~~

~~(c) Landmark Features~~

~~Architectural landmark features which define the character of the development are encouraged at central locations or site gateways as long as these features are located and designed in keeping with other site design standards and criteria. The approval authority may allow a landmark tower or spire which is above the maximum building height for a district, as long as this landmark feature is found to be consistent with other applicable requirements of these standards for a regional shopping center site and applicable sections of the Community Development Plan. A landmark tower structure (above the maximum building height) on a site shall normally include a visitor viewing area or other publicly accessible space.~~

~~(d) Interior Mall Spaces~~

~~Interior pedestrian malls, as defined in the Uniform Building Code, shall provide a pleasant environment for pedestrians, by means of elements such as street furniture, conveniently located restrooms, pedestrian rest areas, natural lighting, and landscaping.~~

~~(2) Buffering and Setbacks~~

~~Beyond the buffering and setbacks, including height transition areas, as required by this Code, a regional shopping center shall employ a variety of design strategies to soften the visual impacts and scale of development on adjacent residential or commercial districts. The following strategies shall be employed regardless of arterial street separation from an adjacent district:~~

~~(a) Buffering Strategies~~

~~(i) Utilize the natural vegetative and topographic character (e.g. major stands of trees, streams and ponds, slopes, etc.) of a site to buffer, screen, frame, and enhance the visual quality of on-site buildings, parking lots, and activity areas as viewed from public locations in surrounding residential and commercial districts and from public streets. Natural vegetative areas preserved within parking lots may be credited to satisfying parking lot landscaping requirements (Section 9.0823).~~

- (ii) Utilize buffer areas and other natural features on site as active or passive greenways (privately maintained). Consider appropriate public recreation activities within these areas. (e.g. jogging, fitness, or pedestrian trails, nature walk, etc.)
 - (iii) Utilize new landscape materials and groupings, as practical, which complement and reinforce the site's natural or human-created landscape character (e.g. species, screening, canopy, seasonal variation) and the area's native plants. This criterion does not apply to second-growth or invasive plant species.
 - (iv) Utilize buffer area landscaping, berms, street tree plantings (including street median plantings), and similar elements along residential district borders to a site (whether abutting uses or across public streets), in consideration of year-round landscape character. Plans for border areas should establish a well-defined, visually attractive site edge, enhance or complement the landscape character of surrounding residential areas, and attenuate site-generated noise and light.
 - (v) At the time of Design Review, interim landscaping must be proposed for all areas to be developed in future phases. Interim landscaping shall be installed and maintained until the future phase is developed.
- (b) ~~Maximum Building Height – Height Transition Area~~
 Wherever a regional shopping center abuts or faces (across a public street) a residential district, the maximum building height along these site borders shall be determined by the height transition area standard of the underlying land use district. The height shall be measured as defined in the Uniform Building Code. The height transition area for a regional shopping center site shall be measured from the site's external property line(s), even when a public street separates the site from a residential district.
- (3) ~~Parking and Loading Areas~~
- (a) ~~Parking Areas~~
 In addition to the applicable development standards for parking and loading areas (~~Section 9.0800~~):
- (i) ~~Parking and loading areas shall be designed, located, and managed to assure the convenience and safety of shoppers, clients, visitors, tenants, employees, delivery and service users. Shared parking, structured parking, and below structure parking are encouraged.~~
 - (ii) ~~Parking areas should be efficiently designed and located to provide a compact layout, ease of customer access to buildings, ease of vehicular circulation, to minimize the total site surface area devoted to vehicle storage and to avoid spillover of site parking to surrounding areas and public streets.~~
 - (iii) ~~Parking area design should minimize vehicular/pedestrian conflicts:~~
 - ~~by placing most building parking between a major driveway (ring road) and a building.~~
 - ~~by making building service drives (next to buildings) discontinuous to minimize traffic speeds and volume on any one service drive segment.~~
 - ~~by including walkways to building entries at convenient intervals and locations, with a minimal number of driveway crossings.~~
 - ~~by avoiding parked cars overhanging walkways and avoiding head-in parking adjacent to buildings, except for handicapped spaces.~~
 - (iv) ~~The design and location of each parking lot and loading area shall be evaluated for its hours of activity to avoid conflicts (such as noise, lighting, and evening activity) with surrounding residential areas.~~
 - (v) ~~Surface parking areas shall be screened, as required by Section 9.0823, by landscaping and/or site structures from views from adjacent public streets and public locations in surrounding residential districts. Parking structures with open decks shall include landscaped areas as required per Section 9.0861.~~

(vi) In addition to the minimum parking spaces required, each phase of development shall document the adequacy of parking spaces, in a parking study prepared by a traffic consultant. Each phase shall establish a set of parking management practices which address Subsection (4) below.

(b) Loading Areas

(i) Loading and service areas and structures shall be screened as completely as possible from views from adjacent public streets and public locations in surrounding residential districts. Loading and service areas should, preferably, be located within structures.

(ii) On-site service vehicle routes shall be designated and signed.

(iii) Loading and delivery lanes and areas should be separated adequately from the driveway system and parking lots, and of adequate size to avoid conflicts of site traffic with loading and delivery functions.

(4) Traffic Management, Circulation, Access

A traffic management plan, supplemental to the standard traffic impact study, shall govern the development of a regional shopping center at each phase of development. The traffic management plan shall be reviewed by the approval authority concurrent with Design Review for any phase of development. At each phase of Design Review, the center shall provide a progress report on all elements of the traffic management plan and measures employed to meet plan objectives or correct unforeseen problems. The approval authority may recommend changes in the traffic management plan. The plan shall address the following objectives and elements:

(a) Traffic Management Plan Objectives

(i) Easy and safe traffic flow on the surrounding arterial street system.

(ii) Effective and safe transfer of arterial traffic onto the site.

(iii) Efficient distribution of traffic within the site.

(iv) Convenient and efficient on-site arrangement of parking areas, pedestrian circulation, and transit service.

(v) Separation, guidance, and safe on-site and off-site movement of pedestrians, vehicles, transit, service and delivery vehicles, and bicycles.

(vi) Effective mitigation of site-generated off-site traffic impacts on affected arterials, intersections, and affected collector or local streets in the surrounding area.

(vii) Optimal levels of non-vehicular trips attracted to and within a site (with an emphasis on transit use and pedestrian movement).

(b) Traffic Management Plan Elements

(i) Off-Site Traffic Mitigation

A traffic impact study shall analyze and recommend:

Traffic impact mitigation measures on affected arterial streets, including access management and signal coordination plans for all affected streets, intersections, and signals. These measures may include channelization of lanes or turns, striping, medians, frontage roads, turn restrictions, access consolidation, lanes for left or right turns, and other transportation system management (TSM) actions.

Traffic impact mitigation measures for potentially affected neighborhood collector/local streets in the surrounding area, with the objective of stabilizing and minimizing non-local and site-generated traffic growth on those streets. It is recognized that some surrounding area mitigation measures may be a shared responsibility of a developer and the local street jurisdiction.

(ii) On-Site Traffic Circulation and Design

Provide a major driveway system which collects and distributes traffic in a continuous ring road or loop form, efficiently connecting and providing internal access to all portions of the site and to the major site access points.

Emphasize the function and visual quality of major driveway system by means of consistent street tree and border plantings, lighting, and on-site directional signage.

- ~~Provide exclusive, uninterrupted site access driveways (between a ring road/loop and external public streets) of sufficient length, width, and number of lanes, to accommodate expected weekday PM peak and shopping peak hour vehicle flows and storage, exiting and entering movements. Medians and channelization shall be used on access drives. The design, capacity, operation, and location of site access driveways should not hamper easy traffic flow onto the site or through movement on adjacent public streets, and should minimize conflict with driveway movements along adjacent public streets.~~
- ~~Design the driveway system in a functional hierarchy (major to minor, parking aisles, etc.) with essentially the same design (e.g. intersections, lanes, widths, alignment, etc.) as public streets with comparable functions. Utilize three-way intersections wherever possible to minimize flow conflicts and simplify turn movements.~~
- ~~Provide driveway traffic controls and signage consistent with the Manual of Uniform Traffic Control Devices.~~
- (iii) ~~Pedestrian Circulation and Design~~
 - ~~Site design shall consider pedestrian scale and encourage safe and convenient pedestrian movement in all aspects of design.~~
 - ~~An analysis of pedestrian movement patterns and trip generation within and to the site shall be provided.~~
 - ~~Major pedestrian routes (10-30 feet width) shall be provided within the site between major uses. The purpose of these routes is to link primary building entries, major on-site activity areas, public spaces, transit stops, etc. and to connect the site with adjacent uses that generate higher levels of pedestrian traffic (e.g. major activity centers, commercial districts or residential nodes). Major pedestrian routes should support convenient and safe pedestrian circulation and access on-site and from surrounding areas, with special attention to safe arterial street crossings.~~
 - ~~Major pedestrian routes should be designed in consideration of weather protection and microclimate (covered routes and wind screening are encouraged), with street furniture and pedestrian rest areas.~~
 - ~~Driveway crossings for pedestrian routes should be carefully designed and located for safety, well lighted and signed, and should utilize contrasting pavement materials.~~
 - ~~Wherever pedestrian circulation is needed across undeveloped phases to an adjacent use with significant pedestrian traffic, temporary walks shall be provided.~~
 - ~~Public sidewalks along arterial street frontages shall be separated from traffic by wide planter strips (10-15 feet width). Public sidewalks may be located on easements (in a setback, buffer, or height transition area) — within the public right of way.~~
- (iv) ~~On-site Transit Service and Facilities Design~~
 - ~~In cooperation with transit service and facilities providers:~~
 - ~~Transit service and facilities design should maximize the relationship of the development to on-site transit service; and maximize the convenient use of transit for site-generated trips from the Gresham market area, with a special emphasis on transit service (feeder bus, light rail, paratransit) connections between the site and existing Gresham activity centers, commercial districts, and residential areas. A shop and ride type program is encouraged to support transit usage between the site and other commercial districts, especially within the Gresham Central Area.~~
 - ~~Transit stops/transfer points on-site should be located to optimize transit usage on the entire site, with primary service focused on those site uses expected or shown to attract the highest levels of transit ridership. Transit stops/transfer points should be weather-sheltered (for rain and wind) by means such as arcades, awnings, building marquees, or transit shelters. Locations should minimize walking distances for inter-modal transfers (e.g. light rail to bus, kiss and ride). Ticket sales and transit information should be available in locations convenient to transit stops/transfer points.~~

- Provide opportunities for the use of transit (or paratransit, such as shuttle service) for trips within the site between major buildings or uses.
- If a regional shopping center site is served directly by a light rail transit station, the City will work with transit providers, as stated in the Public Transit Services Policy 10.322, to improve the efficiency and attraction of light rail services in Gresham and to create a major destination for transit riders, by strategies including:
 - Peak hour express trains between the Rockwood-Central Area stations and Gateway-Downtown Portland;
 - Off peak discount tickets to encourage off peak rider use and off peak direction use;
 - Provision of additional programmed park and ride facilities as needed at appropriate stations;
 - And consideration of a logical future Gresham Lightloop or line extension.
- (v) Bicycle Circulation
 - Provide for safe bicycle circulation within the site and for access to the site, with an emphasis on safe connections to adjacent street bicycle routes.
- (vi) Vehicle Trip Reduction Strategies
 - A vehicle trip demand management program shall be established and maintained by the development for site employees, shoppers, visitors, and other site users, with strategies to encourage ridesharing and transit usage at the weekday PM peak hour and off peak hours, and shopping center peak hour.
 - Ridesharing, transit use, and vehicle trip reduction objectives for each phase of development shall be established by agreement at the time of Design Review.
- (5) Public Spaces and Amenities
 - (a) Provision of Public Spaces and Amenities

A regional shopping center site shall provide attractive, usable, and lively public spaces and amenities throughout the site, which shall include the following types of spaces (both inside and outside of site buildings):

Spaces for public meetings, pedestrian rest areas, spaces for cultural activities and performance events, public art, spaces for special populations (children, handicapped, senior citizens), special community enterprises (e.g. public market, jazz festival), social/recreational areas.
 - (b) Examples of Public Spaces and Amenities

The site development plan encourages public spaces and amenities such as assembly areas, plazas, transit stations or centers, squares, stages, amphitheaters, exhibit or convention spaces, public markets, day care services for employees and shoppers, senior centers, arboretums, view towers, galleries, open or covered courtyards, ice rinks, arcades, esplanades, water features, conservatories, and similar features.
 - (c) Public Spaces/Amenities and the Pedestrian Circulation System

The site's public spaces and amenities should be connected by the pedestrian circulation system (outside and inside buildings). Continuity of spaces should be established by providing convenient and attractive street furniture within public spaces and along the pedestrian system.
 - (d) Pedestrian Rest Areas

As part of the public spaces, convenient pedestrian rest areas should be created at convenient intervals throughout the site (outside and inside buildings), separated from vehicular traffic flows and adjacent to major pedestrian traffic flows and routes.
 - (e) Microclimate

The design of public spaces should be responsive to microclimate conditions to assure maximum seasonal use.
 - (f) Use of Public Spaces

A recorded agreement between a regional shopping center site developer and the City shall memorialize and assure continued public use of these spaces and amenities. A proposal to

eliminate any public spaces or amenities established at any phase of development shall be subject to Type 11 Master Plan Review and Design Review.

~~(g) Relation to Adjacent Area~~

~~Public spaces and amenities are encouraged to be responsive to or interconnected with adjacent uses, activity centers, and pedestrian routes from those areas.~~

~~(6) Linkage to Existing Commercial Districts, Activity Centers~~

~~(a) Desirable Linkages~~

~~A regional shopping center site shall accommodate and establish desirable linkages with existing Gresham commercial districts and activity centers, especially those within a half-mile radius of the site, (as measured from the site's perimeter by means of urban design (architectural, landscape), circulation system (pedestrian, transit, vehicular), and marketing.~~

~~(b) Related Economic Activities and Uses~~

~~Each phase of the site development shall demonstrate how economic activities and uses on the site will be linked and inter-related to those within existing Gresham commercial districts.~~

~~(c) Marketing Outreach~~

~~The center shall participate in a marketing outreach program in cooperation with existing Gresham business associations (e.g. Chamber of Commerce, Downtown Boosters, Rockwood Merchants Assn.) to assure that the linkage objective is being achieved. At the time of Design Review, the developer shall describe the cooperative steps that will occur to establish this program, by the time of Phase 1 center occupancy.~~

~~(7) Public Safety~~

~~A regional shopping center site shall assure and promote public safety in all aspects of site development and operations. Each phase of site development shall address public safety issues, to the satisfaction of local public safety agencies, with the following plan elements:~~

~~(a) Site Security Program~~

~~Site security program for tenants, employees, shoppers, visitors, delivery services.~~

~~(b) Management of Site Activities and Uses~~

~~Management strategies for all on-site activities and uses, considered in relation to public safety within surrounding areas.~~

~~(c) Crime Prevention Design~~

~~Application of Crime Prevention Through Environmental Design (CPTED) planning principles and guidelines to the site, landscape, and building plans.~~

~~(d) Emergency Response Coordination~~

~~Proposed emergency response coordination mechanisms with local public safety agencies.~~

~~(e) Site Lighting~~

~~A site lighting plan that emphasizes safe evening usage of all driveways, walkways, inside and outside activity areas, while minimizing spillover of light and glare from the site to surrounding public streets and residential areas.~~

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Section 17, Volume 3, Development Code, Article XIII, Appendix 11.000 is amended as follows:

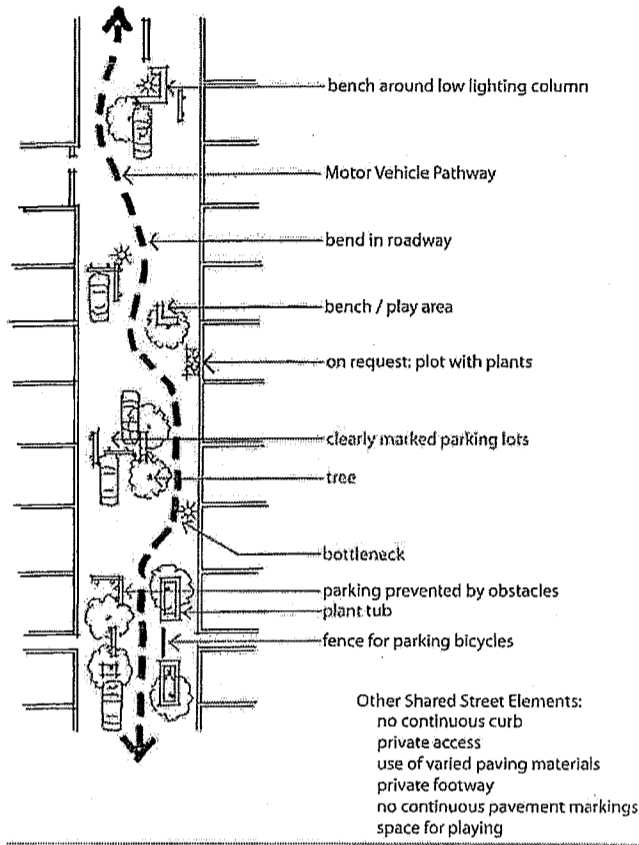
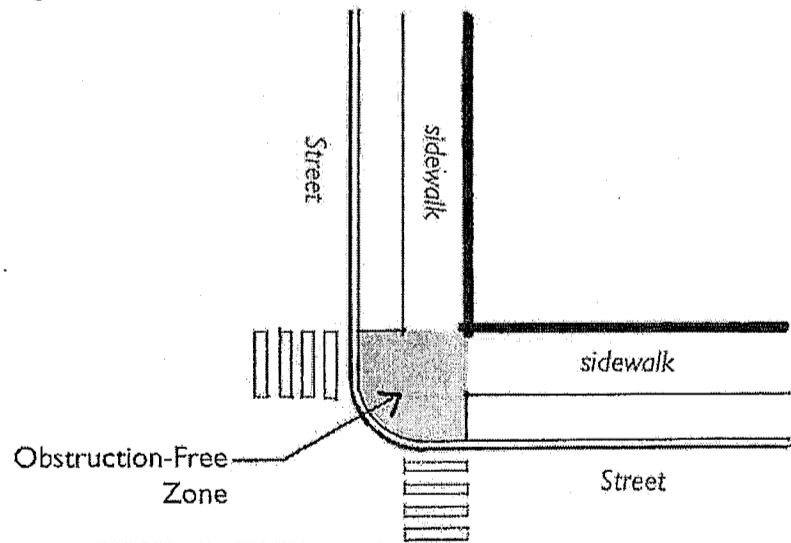


Figure A11.004



Section 18. Volume 3, Development Code, Article XIII, Appendix 12.000 is amended as follows:

Figure A12.002 – Residential Floor Area Ratio

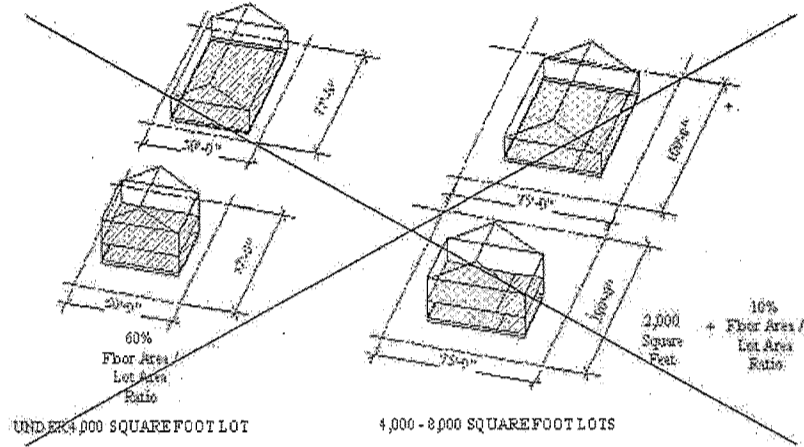


Figure A12.002 – Residential Floor Area Ratio

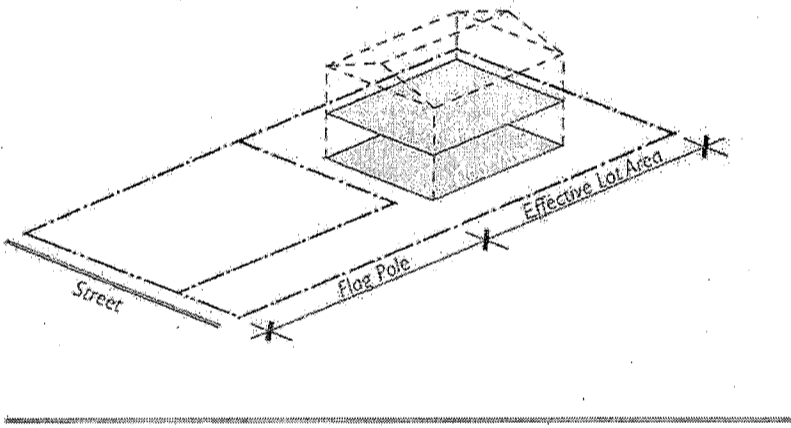


Figure A12.003 – Effective Lot Area

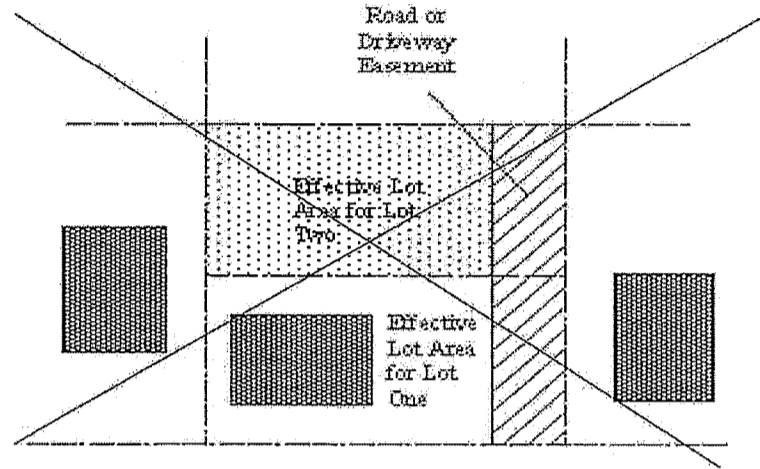


Figure A12.003A – Effective Lot Area – Flag Lot

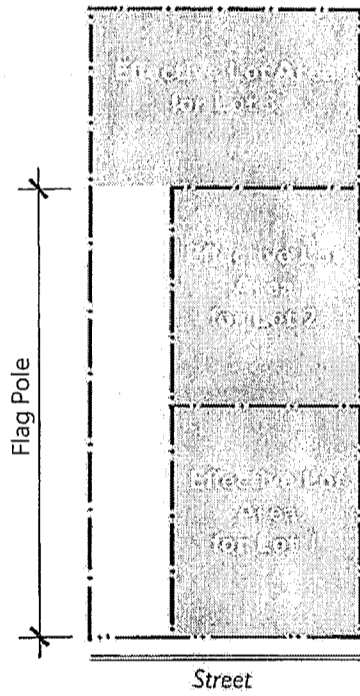
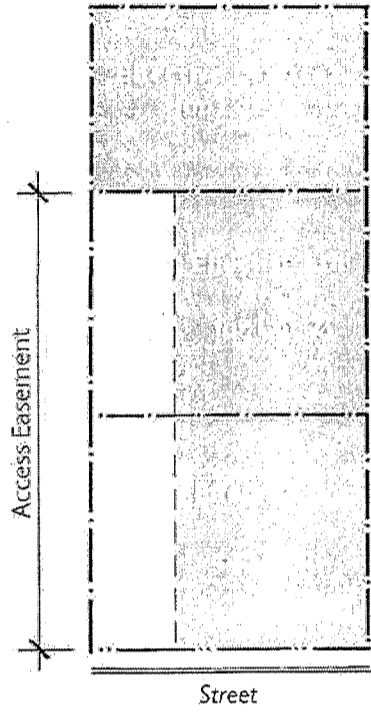
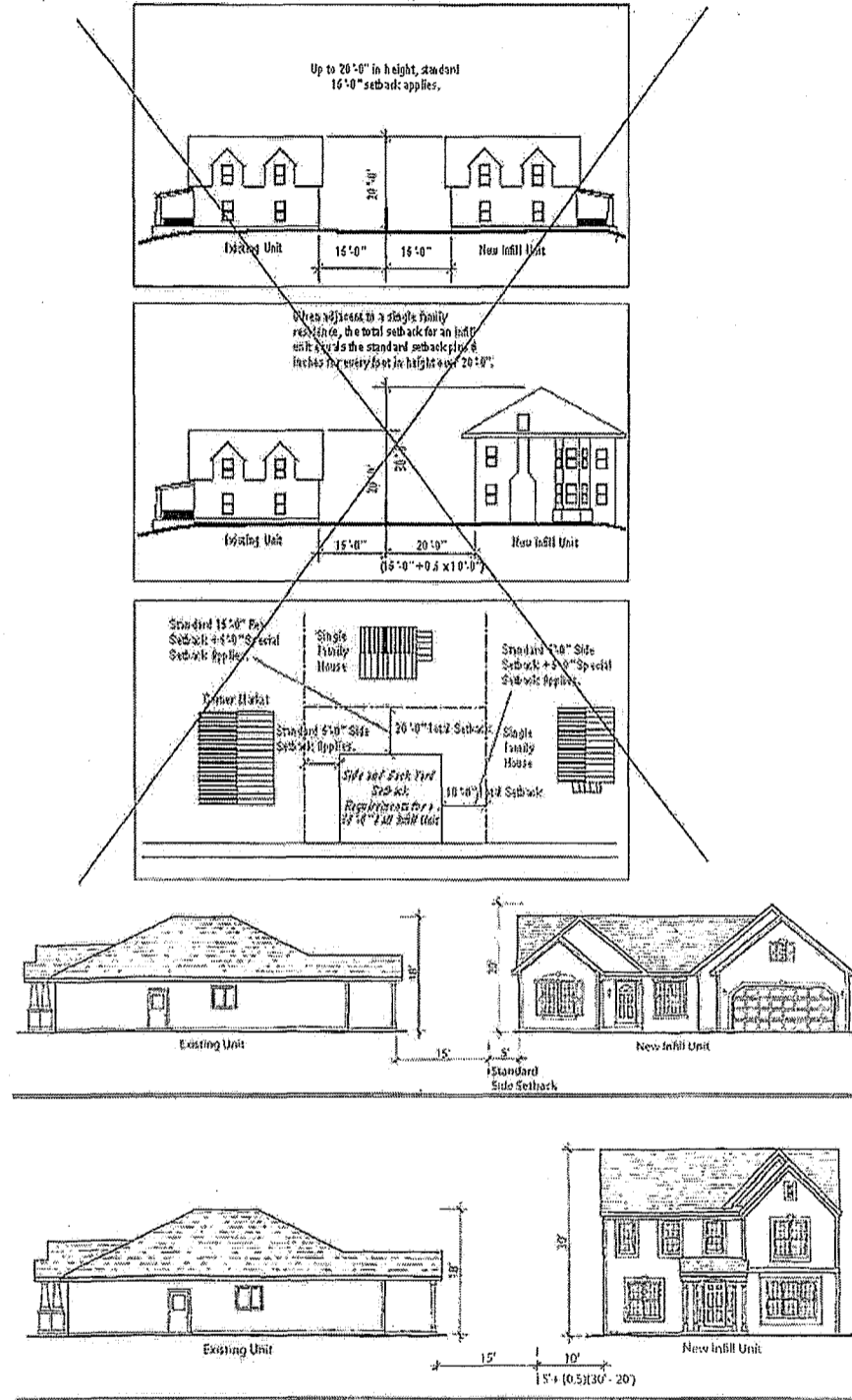


Figure A12.003B – Effective Lot Area – Easement



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Figure A12.005 – Building Height Transition



First reading: March 3, 2009


Second reading and passed: April 7, 2009

Yes: Bemis, Strathern, Bennett, Warr-King, Craddick, Nielsen-Hood

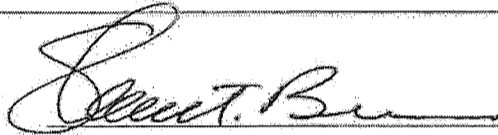
No: None

Absent: Widmark

Abstain: None



City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE CITY COUNCIL OF THE

CITY OF GRESHAM

IN THE MATTER OF AMENDMENTS TO) Order No. 611
VOLUME 3, DEVELOPMENT CODE, OF THE)
GRESHAM COMMUNITY DEVELOPMENT PLAN,) CPA 08-291
REGARDING THE DEVELOPMENT CODE)
IMPROVEMENT PROJECT)

On March 3, 2009, the City Council held a public hearing to take testimony on amendments to Volume 3, Development Code, of the Gresham Community Development Plan relating to the Development Code Improvement Project.

The hearing was conducted under Type IV procedures. Council President Richard Strathern presided at the hearing.

The Council closed the public hearing and approved the proposed amendments at the March 3, 2009 meeting, and a decision was made at the April 7, 2009 meeting.

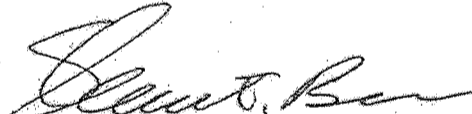
A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of the Order.

The Council orders that these amendments are approved, and adopts the findings, conclusions, and recommendations as stated in the attached Planning Commission Recommendation Order and staff reports.

Date: April 7, 2009



City Manager



Mayor

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF GRESHAM**

TYPE IV RECOMMENDATION ORDER

CPA 08-291

A public hearing was held on January 12, 2009, upon an application to consider proposed amendments to Volumes 3, Development Code, of the Gresham Community Development Plan relating to the **Development Code Improvement** project.

The Commission closed the public hearing at the January 12, 2009 meeting, and a final recommendation to Council was made at the January 12, 2009 meeting.

Richard Anderson, Chairperson, presided at the hearing.

A permanent record of this proceeding is to be kept on file in the Gresham City Hall, along with the original of this Type IV Recommendation Order.

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council, and adopts the findings, conclusions and recommendations contained in the attached December 31, 2008 staff report with the following exceptions, additions and/or changes:

As shown on Page 2 of this Recommendation Order


Chairperson

JAN 12, 2009
Date

The Planning Commission recommends **ADOPTION** of the proposed Gresham Community Development Code amendments to the City Council with the following changes:

1. **Change grammatical and other typos in various sections**

2. **Changes to Section 7.0003 as recommended by staff:**

Change to 7.0003(A)(3)(a) – “Floor area additions of up to five percent of the existing floor area of the entire site. New floor area shall not create a separate structure; or”

Add to the end of 7.0003(B) – “ provided it is greater than the thresholds in Section 7.0003(A):”

Change to 7.0003(B)(1) – “Additions to an industrial land use up to 25,000 square feet, not to exceed twenty-five (25) percent of the existing floor area of the site.”

Change to 7.0003(B)(2) – “Additions to non-industrial land uses with the total addition area up to 10,000 square feet.”

Change to 7.0003(B)(2)(a) – “Floor area additions not to exceed twenty-five (25) percent of the existing floor area of the entire site. New floor area shall not create a separate structure; or”

Add to the end of (D) – “The following uses are Design Review D, provided they are greater than the thresholds outlined in 7.0003(A)-(C) above.”

Update Table 7.0003 to reflect these changes.

3. **Change Section 10.0202 as recommended by staff:**

“Table 10.0202 demonstrates the setbacks for accessory structures in different conditions. If not specified below, accessory structures shall be subject to standards as identified in the respective land use district where the structure is to be located, and, within Section 7.0200, as applicable.”

4. **Change Section 11.0106(D) as recommended by staff:**

“If the land use district of the property has changed since the initial review of the approval, the approved development will be permitted under the new land use designation.”



MEMORANDUM

URBAN DESIGN & PLANNING

STAFF REPORT

TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
DEVELOPMENT CODE IMPROVEMENT PROJECT, ROUND 2

To: Gresham Planning Commission

From: Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, AICP, Comprehensive Planning Manager
Stacy Humphrey, Associate Planner

Hearing Date: January 12, 2009

Report Date: December 31, 2008

File: CPA 08-291

Proposal: To adopt comprehensive plan amendments to Volume 3 of the Community Development Plan relating to the Development Code Improvement Project including: definitions, procedures, design review procedures, submittal requirements, on-site solid waste and recycling enclosure design, consistency between the Development Code and Building Code, and formatting.

Exhibits: 'A' – Draft Amendments to Volume 3, Gresham Community Development Code

Recommendation: Staff recommends adoption of the proposed comprehensive plan amendments.

SECTION I

EXECUTIVE SUMMARY

Background

The Development Code Improvement Project began as an initiative in the 2007 Council Work Plan. The project is a comprehensive review of Gresham's Development Code, which has grown increasingly complex over the past decade. In the spring of 2007, staff sought the input from stakeholders such as decision makers, internal staff, neighborhood representatives and developers to identify issues with the Code. Stakeholders were asked questions about the Code and its implementation to identify key problems in working with the existing Code and to help prioritize desired improvements to the Code. The information from this outreach was summarized in June 2007 as *The Development Code Improvement Project Scoping Report*.

Based on this report, the Development Code Improvement Project (DCIP) was included in the 2008 Council Work Plan. The purpose of the DCIP is to assess and propose revisions to the Development Code as a means to improve its effectiveness, reduce uncertainty in reading the Code, and increase consistent interpretations and applications of the Code. The initial round of DCIP comprehensive plan amendments was approved by the City Council and effective November 6, 2008. The second round of DCIP comprehensive plan amendments was initiated by the City Council on August 19, 2008.

This staff report and council bill covers the following issues from the DCIP work plan:

- Definitions
- Procedures
- Design review procedures
- Clarifying submittal requirements and approval criteria
- Formatting
- Other modifications including:
 - Ensuring better agreement between the Development Code and Building Code; and
 - On-site solid waste and recycling enclosure design.

Public outreach included meetings with the Neighborhood Coalition, the Development Group and work sessions with the Planning Commission and City Council.

Proposed Comprehensive Plan Amendment Overview

Text changes to the Development Code are proposed. The format of the attached Exhibit 'A' is a ~~strikeout~~ /underline version with comments inserted into the document to help explain the rationale for each proposed change. The overview provided below summarizes changes by issue area.

Definitions

"Definitions" refers to the definitions listed in the Development Code and how they are organized. Definitions are used to provide a specific meaning for terms used in the Development Code. Currently, definitions are in various locations in the Development Code and are listed in a strict alphabetical manner.

The amendments reorganize the definitions so that all the definitions used in the Development Code are located in the same article and are organized into meaningful categories. By doing this, it will be easier for Development Code users to locate a definition and to identify other terms that may be relevant to a development issue.

The amendments remove definitions for terms not used in the Development Code. These definitions do not add to the overall utility of the Development Code. Additionally, definitions that duplicate terms from a different regulating guide are removed to avoid redundancies.

The amendments clarify definitions for meaning and so that they do not contain standards. Clarification include actions such as removing synonyms – such as rowhouse and townhouse – and using only one of the terms to define the object. Standards – such as allowing items less than 30 inches in a yard setback area - are proposed for removal from definitions and added to relevant sections of the Development Code. This allows the definitions to solely define terms rather than discuss their application.

Affected Development Code sections include Article III and Appendix VI. Many code sections are amended when a pair of terms is simplified to refer to a single term.

Formatting

"Formatting" refers to how the Development Code appears on the page and the ease of use of its diagrams. No text is changing as part of the reformatting. Header and text size and font are changing to present a consistent style. Outlining and indentations will be made consistent. White space will be uniformly distributed to ease the reading of the Development Code. The amendments modify the Code's diagrams so that they are uniform in style.

The entire Development Code will be reformatted with diagram modifications concentrated in Articles III, IX, X and Appendix VI.

Clarifying Submittal Requirements and Approval Criteria

Submittal requirements include details such as: the number of plans needed for submittal; the size, scale, and content of maps submitted with an application; and deeds. Submittal requirements are not approval criteria, but are details on what Development Planning needs to review an application. Submittal requirements are contained throughout the Development Code, making it difficult for applicants to know what they need to submit and for staff to be certain all required information has been submitted.

Staff has developed submittal checklists to centralize these requirements in one location. Checklists have been used in pre-application conferences, application intake, and determination of completeness.

The amendments include a reference to checklists in the Development Code and remove specific submittal requirements from the Code. This type of approach is used by many cities including Portland, Beaverton, and Tigard. In addition to centralizing requirements, this approach provides for an expedited process to introduce or modify submittal requirements as circumstances change. This improves the effectiveness and ease of use of the Development Code.

Submittal requirements will be removed from Articles VI, VII, and X. A reference to checklists will be introduced in Article XI, Procedures.

Procedures

The current organization of the Procedures article groups procedures by action – such as submittal, hearing, and appeal. This makes it difficult for an applicant to understand all the steps an application may go through since the information for a particular level of review is found throughout the Procedures article. The amendments organize the article by level of review - Type I, Type II, Type III, and Type IV, thus allowing an applicant to go to one location in the Code to understand the process through which a proposal will be reviewed. This makes the Procedures article more accessible and effective.

Other changes to the Procedures article include:

- A time frame for pre-application conference validity.
- Removal of the distinction between limited and non-limited land use processes in Type II reviews and appeals.
- Clarification on what types of farming activities are exempt from development permits.

DCIP Round 1 included other changes to the Procedures article including a new Early Neighborhood Notification process and a table that illustrates the levels of review for different types of applications. Both are proposed to have minor modifications as part of Round 2.

Other changes that are part of CPA 08-291 include clarifying the role of conditions; who may initiate an application; language on hearing continuances; and an expanded discussion on how Type IV applications are processed.

The proposed changes are in Article XI. Additionally, Section 9.1100 is proposed for removal given the reference to special reports in the proposed Procedures article.

Design Review Procedures

Development Code section 7.0000, Design Review Procedures, do not clearly describe what types of design review proposals are subject to different levels of review. This ambiguity has caused confusion as well as inconsistent interpretation and application of the Code. The amendments provide clearer descriptions of what types of actions would prompt a particular level of review. These proposed changes are in Section 7.0000.

Development Code / Building Code Agreements

There are a number of topics that are addressed in both the Development Code and the Building Code address. However, the two documents present different information and standards for some topics. To make the two documents work better together and reduce confusion, the amendments modify the Development Code to be consistent with the Building Code, including:

- Section 10.0200, Accessory Structures. Historically, accessory structures under 120 sq. ft. did not need a building permit by Building Code. The Building Code now exempts accessory structures less than 200 sq. ft. from obtaining a building permit. However, the 120 sq. ft. standard is still in the Development Code. This has caused confusion for the public as they may be told that they do not need a building permit, but are still subject to planning review. The amendments increase the size thresholds in the Development Code to match those in the Building Code, from 120 sq. ft. to 200 sq. ft. Given the increase in impact from the greater size, staff also recommends increasing the setback requirements for those structures under 200 sq. ft.
- Section 9.0900, Projections. Heating, venting and air conditioning (HVAC) units are typically located in side or rear yards. However, the current definition for yard (which is proposed to be edited) prevents objects taller than 30" from locating in the required yard setback. HVAC equipment may be taller than 30". Consequently, it is proposed to revise the Projections section to allow heating and air conditioning units to locate in required side or rear yard setbacks. This section will also be revised to ensure that other items less than 30" may locate in yards.
- Section 9.0411, Fencing. The amendments remove language from the Development Code that discusses fencing requirements around pools because the Building Code standards are stricter.

Solid Waste and Recycling Enclosure Design

The amendments modify Section 7.0212 on solid waste and recycling enclosure design to better meet the needs of haulers, developers and end users of these areas in the City of Gresham. Enclosures are typically located in multi-family complexes and commercial uses. The proposed approach responds to haulers' concerns regarding collection area capacity, hauler access, and user access. It will also guide applicants toward a design that minimizes the number of service stops per week, thus providing end users with the least expensive option for collection while reducing the environmental impacts of frequent service, e.g. greenhouse gas emissions, noise and truck traffic, etc. Specific changes include: vehicle approach; internal bumper design; and clearer guidelines to developers by referencing the City of Gresham Solid Waste and Recycling Collection Service Planning Matrix.

Staff Report Organization

- Sections II and III identify those current Community Development Plan procedures and policies that apply to the proposal.
- Section IV identifies the applicable Metro Urban Growth Functional Plan (UGMFP) titles that apply to the proposal.
- Section V contains specific findings of fact that detail how the proposal is consistent with Sections II through IV:
 - Subsection A is findings of fact for the Community Development Plan procedures.
 - Subsection B is findings of fact for the Community Development Plan policies.
 - Subsection C is findings of fact for the UGMFP Titles.
- Sections VI and VII summarize staff conclusions and recommendations.
- Exhibit 'A' includes proposed amendments to Volume 3, Development Code as well as commentary. The commentary provides additional findings for this proposal.

SECTION II

APPLICABLE COMMUNITY DEVELOPMENT CODE PROCEDURES

Section 11.0400	Legislative Actions
Section 11.0205	Type IV Procedure – Legislative
Section 11.0300	Public Deliberations and Hearings

SECTION III

APPLICABLE COMMUNITY DEVELOPMENT PLAN GOALS & POLICIES

Section 10.014	Land Use Policies and Regulations
Section 10.100	Citizen Involvement
Section 10.334	Solid Waste Management

SECTION IV

APPLICABLE METRO URBAN GROWTH FUNCTIONAL PLAN TITLES

Title 8	Compliance Procedures
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SECTION V

FINDINGS OF FACT

The proposed Community Development Plan amendments attached as Exhibit 'A' are consistent with all applicable procedures, goals and policies of the Community Development Plan and applicable titles of the Metro Urban Growth Management Functional Plan as indicated in the following findings.

A. Community Development Code Procedures

1. **Section 11.0400 - Legislative Actions.** This section requires that an amendment to the Community Development Code and the Community Development Plan be a legislative action under the Type IV Procedure pursuant to this section. This section applies to this proposal, as it is an amendment to the Community Development Code and the Community Development Plan.

2. **Section 11.0205 - Type IV Procedure - Legislative.** This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission and Council will make findings for each of the applicable criteria. The section also provides for a hearing process consistent with Section 11.0300. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal. Findings are made for the applicable criteria in this report or as revised in the record.

3. **Section 11.0300 – Public Deliberations and Hearings.** For a Type IV Comprehensive Plan Amendment this section requires that hearings be scheduled, a notice published in a newspaper of

general circulation in the City and a copy of the decision be mailed to those required to receive such notice. Required notice of public hearing for these proposed text amendments has been published in the Gresham Outlook, as required by this section. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings of fact contained in this report and in the hearings record and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

B. Community Development Plan Goals and Policies (Volume II)

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions. The applicable policies are grouped by general categories.

1. General Goals & Policies

Section 10.014 Land Use Policies and Regulations

Section 1. Land Use Policies and Regulations.

Goal: Maintain an up-to-date Comprehensive Plan and implementing regulations as the legislative foundation of Gresham's land use program.

Policy 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.

Policy 8: The City shall require all development to conform to its land use regulations and standards.

Policy 10: Gresham shall require all development to conform to site design/development standards including those necessary to accomplish the objectives of specific sub-area plans.

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction; and conform to applicable state law, administrative rules and regional requirements.

Policy 21: Council may, upon finding it is in the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Findings

The City of Gresham began the process of identifying projects for Development Code improvement during the spring of 2007. At that time, staff worked with a consultant and various stakeholders including decision makers, staff, neighborhood advocates and developers to identify components of the Development Code that needed to be updated.

The amendments include procedural changes that address how applications are processed, provisions for design review, design standards for solid waste and recycling facilities, and standards for accessory structures. The proposal addresses land use regulations by improving the effectiveness of the definitions, clarifying processes and procedures, and reducing redundancies. The formatting changes enhance the accessibility of the Code by its users.

Issues related to Development Code improvement have been discussed with the City Council on November 6, 2007, February 19, 2008, April 15, 2008, June 17, 2008, September 2, 2008 and December 16, 2008. The Council found that it would be in the overall best public interests to initiate the Code Amendment. The Council initiation took place on August 19, 2008.

Conclusion

Policy 2 is addressed by the proposed amendments that ensure that the Development Code regulations implement the Comprehensive Plan.

Policy 8 is addressed providing clear processes through which proposals are reviewed to ensure they conform to the City's land use regulations and standards.

Policy 10 is addressed by having clearer parameters for what types of proposals are required to go through what level of design review.

Policy 20 is met by addressing Development Code improvements and engaging stakeholders in a conversation about how the Code meets community needs.

Policy 21 was addressed by the Council initiation on August 19, 2008 of the legislative process.

Goal 10.014 is addressed by these proposed amendments that clarify and revise regulations so the Development Code may be consistent with the Comprehensive Plan.

The proposal is consistent with the applicable general goals and policies listed in this section.

2. Citizen Involvement Goals & Policies

Section 10.100 - Citizen Involvement

Goal: The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

Policy 1: The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.

Policy 5: The City shall keep citizens informed of issues confronting the City.

Policy 6: The City shall ensure that technical information necessary to make policy decisions is readily available.

Policy 8: The City shall ensure that citizen concerns are considered in land use decisions and shall provide feedback to the public regarding how these concerns have impacted decisions.

Findings

The public involvement goals and policies establish the City's intent that its citizens have opportunities throughout a planning project to be informed and to affect proposals.

The issues that have led to the proposed code amendments were identified during City-initiated scoping work begun in the spring of 2007. Since that time, City staff has led a robust public outreach campaign to share information with stakeholders and other interested parties:

- City staff met with the Neighborhood Coalition in March, June, and November 2008.
- City staff met with the Development Group in March, June, July, August, and December 2008.
- Project information has been available on the website and the Urban Design & Planning office.
- The Ask Gresham tool has been used extensively to alert interested parties when new materials are available on the website and when upcoming meetings will occur.

Planning Commission work sessions have been held throughout this process. The Commission discussed the project on January 28, March 10, May 12, June 9, October 27, and December 8, 2008.

Specific to changes related to solid waste and recycling enclosures, the city's public involvement process for the proposed code changes included meeting with developers, discussions with franchised haulers at monthly meetings in August, September and October, as well as updates via e-mail to ensure proposed changes address concerns.

Conclusion

Policy 1 is addressed through the on-going effort to gain input from stakeholders and the public on Development Code improvement. This includes workshops, mailings, emails, presentations at the Planning Commission and City Council, and other outreach efforts.

The *Citizen Involvement Goal (10.100)* is met by the combination of workshops, mailings and meetings as well as providing information regarding the proposal on the City website.

The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

3. Solid Waste Management

Implementation Strategy (1): The City will promote the recycling of solid waste. Such measures include giving financial incentives to solid waste collectors who recycle, and the establishment of an internal paper recycling program at City Hall and City Maintenance facilities.

The proposed amendments to the City's Development Code specifically address the underlined portion of the above approval criterion.

Findings

The proposed Standards for Solid Waste and Recycling Collection Areas would serve to promote the recycling of solid waste. This is done by requiring that these areas be designed to accommodate the necessary number and size of solid waste and recycling containers to conveniently serve the development's end users and provide safe access for servicing containers to the City's franchised haulers. The amendments ensure that the collection area enclosures are both attractive and functional.

Furthermore, the new standards would encourage enclosure designs that minimize the number of service stops per week, thus saving the property owner money and reducing the environmental impacts collection trucks.

Conclusion

The Solid Waste Management Implementation Strategy is addressed by making sure collection area enclosures are both functional and attractive. For the reasons stated above, the proposed amendment complies with and implements this criterion.

C. Metro Urban Growth Management Functional Plan

Title 8 Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 45 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submits the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of the compliance of the amendment with the Functional Plan.

The City submitted the proposed amendments to Metro on November 26, 2008 which was at least 45 days prior to the first evidentiary hearing of January 12, 2009. Metro has submitted no comments or request for an analysis.

City staff did not find that any other titles of the Functional Plan were affected by the proposed amendments.

Conclusion

The City has submitted the proposed amendments to Metro at least 45 days prior to the first evidentiary hearing and Metro has made no comments or request on the proposal.

The proposal is consistent with Title 8.

**SECTION VI
CONCLUSION**

The proposed comprehensive plan amendments attached as Exhibit 'A' are consistent with applicable criteria and policies of the Community Development Plan, the applicable Development Code of the Community Development Plan, and Applicable Metro Urban Growth Management Functional Plan code as indicated by findings contained or referenced in Section VI of this report.

**SECTION VII
RECOMMENDATION**

Staff recommends adoption of the proposed comprehensive plan amendments as contained in the attached Exhibit 'A'.

End of Staff Report



MEMORANDUM

URBAN DESIGN & PLANNING
Comprehensive Planning

ADDENDUM STAFF REPORT
TYPE IV HEARING—COMPREHENSIVE PLAN AMENDMENT
DEVELOPMENT CODE IMPROVEMENT PROJECT, ROUND 2

To: Mayor Bemis and Members of the Council

From: Mike Abbaté, Urban Design & Planning Director
Jonathan Harker, AICP, Comprehensive Planning Supervisor
Stacy Humphrey, Associate Comprehensive Planner

Hearing Date: March 3, 2009

Report Date: February 13, 2009

File: CPA 08-291

Since the Planning Commission hearing on January 12, 2009, one letter of testimony has been received via e-mail on February 12, 2009. The letter is part of the record as Attachment E of the Council Staff Report.

This addendum report will address the issues in the letter and make recommendations. The following addendum report format is as follows: **Issue** – a statement of the issue; **Findings** – a staff finding; and **Recommendation** – staff recommendation regarding the issue.

Issue: Language in Section 11.0106(D)

The letter requests that the language in proposed subsection 11.0106(D) be revised since it could be misunderstood when read out of context.

Findings:

Section 11.0106 discusses the circumstances in which an extension may be granted for a development permit. Subsection D states that an extension may be granted even though the plan map designation has changed if the use is allowed under the new district. Subsection D is a component of Section 11.0106 and is read within the context of the broader section, not in isolation. The letter in Attachment E indicates that this language is okay when read in context but may be misconstrued when read out of context. Staff concurs. The first suggestion in the letter in Attachment E offers a clear structuring for this subsection.

Recommendation:

Staff recommends using the first alternative for rewording subsection 11.0106(D), with a modification that discusses plan map designations, not land use districts. The proposed language for subsection 11.0106(D) is: "There has been no change of the plan map designation of the property since approval of the development permit that would prevent approval under the plan map designation in effect at the time of the extension request." This change has been incorporated in to Council Bill 03-09.

Issue: Typo in Section 11.0106

The letter states that the 'and' should be at the end of subsection C, not subsection B.

Findings:

This conjunction is in the incorrect location.

Recommendation:

Staff recommends moving the 'and' from the end of subsection B to the end of subsection C, and has incorporated this change into Council Bill 03-09.

Issue: Definition of Gresham Community Development Plan, or Community Development Plan

The letter requests that a reference to the Plan Map be included in the definition for the Gresham Community Development Plan.

Findings:

The definition for Gresham Community Development Plan lists the titles of the five volumes that comprise the Gresham Community Development Plan. Specific contents of the volumes are not described as part of the definition for any of the volumes.

Recommendation:

Staff recommends not referencing the Plan Map in this definition.

Issue: Definition for Community Development Plan Map or Plan Map

The letter requests that a definition be introduced into Article III to clarify what the Plan Map is.

Findings:

A description of the Community Development Plan Map is contained in the Gresham Community Development Plan, Volume II, Appendix C. It states that "...the Plan Map identifies the land use designations (or zoning) assigned to all property within the City of Gresham." There is no such description in Volume III of the Gresham Community Development Plan.

Recommendation:

Staff recommends including a definition in Article III that reads: "Gresham Community Development Plan, or Plan Map. The Plan Map identifies the land use designations assigned to all property within the City of Gresham. The Plan Map is included as Appendix C of Volume II of the Gresham Community Development Plan." This change has been incorporated in to Council Bill 03-09.

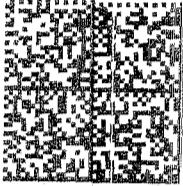
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CITY OF GRESHAM

Urban Design & Planning
1333 NW Eastman Parkway
Gresham, Oregon 97030-3813
www.greshamoregon.gov

DLCD
Plan Amendment Specialist
635 Capitol Street, NE #150
Salem, OR 97301-2540

